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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1., Amdt. 3, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

ELIGIBLE BARLEY

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5195, 5565, 7007, and 7572, and containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.178(c) (1) is amended to make Western Barley having a test weight of not less than 36 pounds per bushel eligible for price support.

§ 421.178 Eligible barley.

* * * * *

(c) * * *

(1) The barley must be of any class grading No. 5 or better (or No. 5 "Garlicky" or better), except that Western Barley shall have a test weight of not less than 36 pounds per bushel. In addition, in the State of Alaska only, Western Barley having a test weight of not less than 36 pounds per bushel which grades "Stained" and barley which grades "Tough" or "Sample" because of moisture content only (provided the moisture content is not in excess of 16 percent) shall be eligible. The provisions of subparagraph (2) of this paragraph pertaining to Western Barley grading "Stained" and barley grading "Tough" are not applicable to barley produced in Alaska.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., August 24, 1961.

R. P. BEACH,
*Acting Executive Vice President,
Commodity Credit Corporation.*

[F.R. Doc. 61-8308; Filed, Aug. 29, 1961; 8:53 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Soybean Loan and Purchase Agreement Program

ELIGIBLE SOYBEANS; CORRECTION

In F.R. Doc. 61-7745, appearing at page 7317 of the issue for Saturday, August 12, 1961, the following corrections are made:

(1) Section 421.528(a) (2) (ii), lines 9, 10, and 11 should read as follows: "occurring in 1959-60, and in counties designated by the State committee, as adjusted by the county committee for".

(2) Section 421.528(b) (2), line 8 should read as follows: "must have always been in them and".

Signed at Washington D.C., on August 24, 1961.

R. P. BEACH,
*Acting Executive Vice President,
Commodity Credit Corporation.*

[F.R. Doc. 61-8307; Filed, Aug. 29, 1961; 8:53 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1.]

PART 727—MARYLAND TOBACCO

Marketing Quota Regulations, 1961-62 Marketing Year; Average Market Price; Rate of Penalty Per Pound

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311-1315), and is made for the purpose of amending § 727.1247 of the Maryland Tobacco Marketing Quota Regulations, 1961-62 Marketing Year (26 F.R. 5208), to include the rate of penalty per pound upon marketings of excess tobacco subject to marketing quotas. The official average price for Maryland tobacco for the 1960-61 marketing year has recently been determined. The Act provides that the penalty rate on marketings of excess tobacco shall be seventy-five (75) percent of the average market price (calculated to the nearest whole cent) for the preceding marketing year.

As the 1961 crop of Maryland tobacco is now being harvested it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the rate of penalty

may be made known to producers who desire to market tobacco, and to buyers who are responsible for the payment of the penalty on marketings of excess tobacco. Accordingly, and as the amendment with respect to the rate of penalty is the result of a mathematical calculation provided for by the Act, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon publication of this document in the FEDERAL REGISTER.

Section 727.1247 of the Maryland Tobacco Marketing Quota Regulations, 1961-62 Marketing Year is hereby amended by changing paragraphs (a) and (b) to read:

(a) *Average market price.* The average market price for Maryland tobacco as determined by the Crop Reporting Board, Statistical Reporting Service (formerly Agricultural Marketing Service), United States Department of Agriculture, for the 1960-61 marketing year was 63.8 cents per pound.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1961-62 marketing year shall be forty-eight (48) cents per pound.

(Secs. 314, 375, 52 Stat. 48, as amended, 66, as amended; 7 U.S.C. 1314, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., August 24, 1961.

R. P. BEACH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8288; Filed, Aug. 29, 1961; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of

Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Covington, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lee, Madison, Marshall, Morgan, Randolph, and Russell Counties;

Arizona. The entire State;

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Dallas, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Mississippi, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, and Yell Counties;

California. Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Madison, Mason, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Shelby, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne,

Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, St. Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

Iowa. Audubon, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Sac, Scott, Wapello, and Warren Counties;

Kansas. Cheyenne, Clark, Decatur, Franklin, Geary, Gray, Greeley, Harper, Haskell, Jefferson, Johnson, Kearny, Leavenworth, Marshall, Morris, Nemaha, Osborne, Rawlins, Reno, Sheridan, Sherman, Smith, Thomas, Wallace, and Wyandotte Counties;

Kentucky. Allen, Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Crittenden, Edmonson, Elliott, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Green, Greenup, Harrison, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Larue, Lawrence, Lincoln, Livingston, Logan, McCracken, McLean, Magoffin, Marshall, Martin, Meade, Mercer, Metcalf, Morgan, Muhlenberg, Oldham, Owen, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Warren, Webster, Whitley, and Wolfe Counties;

Louisiana. Assumption, Claiborne, St. Helena, St. John the Baptist, St. Landry, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Choctaw, Clay, De Soto, Forrester, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. Adair, Andrew, Barry, Bates, Bollinger, Boone, Buchanan, Butler, Caldwell, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Dade, Dallas, Daviess, Dent, Douglas, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Howard, Iron, Jackson, Jasper, Jefferson, Johnson, Lafayette, Lincoln, Linn, Livingston, McDonald, Macon, Maries, Marion, Mercer, Moniteau, Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Perry, Pettis, Phelps, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scotland, Scott, Shelby, Stoddard, Stone, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, and Wright Counties;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith

Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Banner, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hitchcock, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountain, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Jackson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Washington, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Choctaw, Cimarron, Delaware, and Mayes Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Georgetown, Greenwood, Hampton, Horry, Jasper, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, and York Counties;

South Dakota. Brookings, Buffalo, Butte, Campbell, Clay, Codrington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Harding, Lawrence, Lincoln, McPherson, Miner, Minnehaha, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

Tennessee. The entire State;

Texas. Andrews, Bandera, Baylor, Blanco, Borden, Brewster, Brown, Burnet, Coke, Coleman, Concho, Cottle, Crane, Crockett, Culberson, Dallam, Ector, Edwards, El Paso, Fisher, Gillespie, Glascock, Hartley, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mitchell, Motley, Nolan, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Upton, Ward, Winkler, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. Accomack, Alleghany, Amelia, Appomattox, Arlington, Augusta, Bath, Bed-

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 862; Amdt. 50]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES AND APPLIANCES

TSO—C11d Fire Detectors

Minimum performance standards for fire detectors (thermal sensing and ionization sensing types) used on civil aircraft of the United States, were established in § 514.21 (25 F.R. 12433). The applicable FAA Standard made mandatory by 25 F.R. 12433 was revised August 1, 1961, to permit a maximum response time of ten seconds for the low temperature test in complying with the qualification performance requirements of this section. This amended Technical Standard Order incorporates by reference the provisions of the new standard, in which the only change made was the relaxation of the low temperature test requirements.

During development of the FAA Standard it was believed that fire detection system improvements were such that the response time requirement of paragraphs 7.1 and 7.1.1 could be met for all test methods and conditions stipulated in the standard. No industry objections were made on the five second response time for the low temperature test. However, the FAA now finds that anticipated product improvements for low temperature operation have not materialized and that undue hardship is imposed on the industry in development of new models of fire detectors in accordance with the present standard. Removal of the more restrictive requirement will not lower the airworthiness level of fire detection equipment, while its continuation may produce undesirable increased sensitivity which could cause a greater tendency toward false alarms. Therefore, the necessary changes have been made to the standard, which has been reissued as "Federal Aviation Agency Standard for Fire Detectors—Thermal Sensing and Ionization Sensing Types," dated August 1, 1961, and will be included as a part of the reissued TSO-C11d.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective with less than thirty days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the Regulations of the Administrator (14 CFR Part 514) is hereby amended by revising § 514.21 to read as follows:

§ 514.21 Fire detectors (thermal sensing and ionization sensing types)—TSO C11d.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum per-

formance standards are hereby established for fire detectors of the subject types which are required to be approved for use on piston and/or turbine engine-powered civil aircraft of the United States. New models of these types of fire detectors manufactured for use on civil aircraft of the United States on or after the effective date of this section, shall meet the standards specified in Federal Aviation Agency Standards "Fire Detectors (Thermal Sensing and Ionization Sensing Types)," dated August 1, 1961. Fire detectors approved prior to the effective date of this section, may continue to be manufactured under the provisions of their original approval.

(b) *Marking*. In lieu of information required in § 514.3(c), the alarm temperature shall be shown. Compliance of the detector with the piston or turbine engine requirements, or both, shall be designated by -P, -T, or -PT, respectively, as a suffix following the TSO designation, as TSO-C11d-P.

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

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

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance certifying that the instrument conforms to this section.

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

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to the installation. This data shall include the following:

(a) Starting ambient temperature used in determining the response time (see § 7.1.1);

(b) Maximum allowable normal ambient temperature at the point of sensor location;

(c) Maximum allowable rate of temperature rise at point of sensor location as a result of normal operation;

(d) Operating voltage;

(e) Mounting or support method; and

(f) Maximum or minimum number of units or detector length which can be used in one circuit or one fire zone without adversely affecting sensitivity or causing false indications due to temperature associated with normal operation.

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

(d) *Quality control*. Fire detectors shall be produced under a quality control system, established by the manufacturer, which will assure that each detector is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufac-

ford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fluvanna, Franklin, Frederick, Giles, Gloucester, Greene, Greensville, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, Wise, Wythe, and York Counties; City of Hampton, and City of Newport News;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell,

Crook, Fremont, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Uinta, Washakie, and Weston Counties; and Lower Arapahoe Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

Puerto Rico. The entire area;

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16, as amended)

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

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Russell County in Alabama; San Diego County in California; Douglas, Morgan, and Saline Counties in Illinois; Morris County in Kansas; Allen, Crittenden, Green, and Livingston Counties in Kentucky; Crawford, Fayette, Hocking, Medina, and Union Counties in Ohio; Spartanburg County in South Carolina; Minnehaha County in South Dakota; and Edwards, Kinney, and Stephens Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of August 1961.

R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61-8287; Filed, Aug. 29, 1961; 8:50 a.m.]

turer's facility as may be necessary to determine compliance with the requirements of this section.

Effective date. August 30, 1961.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on August 23, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-8267; Filed, Aug. 29, 1961; 8:47 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-151]

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

Camp Douglas, Wisconsin, Control Zone; Correction

The purpose of this amendment to § 601.2408 of the regulations of the Administrator is to correct the description of the Camp Douglas, Wis., control zone. In the amendment to the Camp Douglas control zone published in the FEDERAL REGISTER on December 24, 1960, effective February 9, 1961 (Airspace Docket No. 60-KC-56, 25 F.R. 13686), the time of designation, in part, was stated to be "from May to September, annually". In accordance with the time of designation proposed for this control zone in the notice of proposed rule making which preceded the publication of Airspace Docket No. 60-KC-56 as a final rule (25 F.R. 9733), the dates in § 601.2408 should have read "from May through September" instead of "from May to September". Therefore, action is taken herein to correct this control zone description.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken: In the text of § 601.2408 (14 CFR 601.2408) "from May to September" is deleted and "from May through September" is substituted therefor.

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

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

Issued in Washington, D.C., on August 24, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8268; Filed, Aug. 29, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS PART 121—FOOD ADDITIVES

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

DEFOAMING AGENTS USED IN MANUFACTURE OF PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Hazelton Laboratories, Inc., Post Office Box 30, Falls Church, Virginia; Harry Miller Corporation, Fourth and Bristol Streets, Philadelphia 40, Pennsylvania; and Arnold, Hoffman and Company, Inc., 55 Canal Street, Providence 1, Rhode Island, and other relevant material has concluded that the following regulation should issue with respect to the food additive resulting from the use of defoaming agents in the manufacture of paper and paperboard in food packaging. Under the prescribed conditions of safe usage, substances approved for use in defoaming agents are not expected to become components of food in any significant amount. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic 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), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2519 Defoaming agents used in the manufacture of paper and paperboard.

Defoaming agents may be safely used in the manufacture of paper and paperboard intended for use in packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) The defoaming agents are prepared from one or more of the substances named in paragraph (d) of this section, subject to any prescribed limitations.

(b) The defoaming agents are used to prevent or control the formation of foam during the manufacture of paper and paperboard.

(c) The quantity of defoaming agent or agents added during the manufacturing process shall not exceed the amount necessary to accomplish the intended technical effect.

(d) Substances permitted to be used in the formulation of defoaming agents include substances subject to prior sanctions or approval for such use and employed subject to the conditions of such sanctions or approvals, substances generally recognized as safe for use in food, substances generally recognized as safe

for use in paper and paperboard, and substances listed in this paragraph, subject to the limitations, if any, prescribed.

(1) Fatty triglycerides, and the fatty acids, alcohols, and dimers derived therefrom:

Beef tallow.	Mustardseed oil.
Castor oil.	Palm oil.
Coconut oil.	Peanut oil.
Corn oil.	Rapeseed oil.
Cottonseed oil.	Ricebran oil.
Fish oil.	Soybean oil.
Lard oil.	Sperm oil.
Linseed oil.	Tall oil.

(2) Fatty triglycerides, rosin oils, and marine oils, and the fatty acids and alcohols derived therefrom (subparagraph (1) of this paragraph) reacted with one or more of the following, with or without dehydration, to form chemicals of the category indicated in parenthesis:

Aluminum hydroxide (soaps).
Ammonia (amides).
Butanol (esters).
Butoxy-polyoxypropylene, molecular weight 1,000-2,500 (esters).
Butylene glycol (esters).
Calcium hydroxide (soaps).
Diethanolamine (amides).
Diethylene glycol (esters).
Ethylene glycol (esters).
Ethylene oxide (esters and ethers).
Glycerin (mono- and diglycerides).
Hydrogen (hydrogenated compounds).
Hydrogen (amines).
Isobutanol (esters).
Isopropanol (esters).
Magnesium hydroxide (soaps).
Methanol (esters).
Morpholine (soaps).
Oxygen (air-blown oils).
Pentaerythritol (esters).
Polyoxyethylene, molecular weights 200, 300, 400, 600, 700, 1,000, 1,540, 1,580, 1,760, 4,000 (esters).
Polyoxypropylene, molecular weight 200-2,000 (esters).
Potassium hydroxide (soaps).
Propanol (esters).
Propylene glycol (esters).
Propylene oxide (esters).
Sodium hydroxide (soaps).
Sorbitol (esters).
Sulfuric acid (sulfated and sulfonated compounds).
Triethanolamine (amides and soaps).
Triisopropanolamine (amides and soaps).
Trimethylolthane (esters).
Zinc hydroxide (soaps).

(3) Miscellaneous:

Alcohols and ketone alcohols mixture (still-bottom product from C₁₂-C₁₈ alcohol manufacturing process).

Amyl alcohol.

Butoxy-polyoxypropylene molecular weight 1,000-2,500.

Butylated hydroxyanisole.

Butylated hydroxytoluene.

Calcium lignin sulfonate.

Capryl alcohol.

p-Chlorometacresol.

Cyclohexanol.

Diacyltartaric acid ester of tallow mono-glyceride.

Diethanolamine.

Diethylene triamine.

Di-(2-ethylhexyl) phthalate.

2,6-Dimethyl heptanol-4 (nonyl alcohol).

Dimethylpolysiloxane.

Di-tert-butyl hydroquinone.

Dodecylbenzene sulfonic acids.

Ethanol.

2-Ethylhexanol.

- Ethylenediamine tetraacetic acid tetrasodium salt.
- Formaldehyde.
- Heavy oxo-fraction (a still-bottom product of iso-octyl alcohol manufacture, of approximate composition: Octyl alcohol 5 percent, nonyl alcohol 10 percent, decyl and higher alcohols 35 percent, esters 45 percent, and soaps 5 percent).
- 2-Heptadecenyl-4-methyl-4-hydroxymethyl-2-oxazoline.
- Hexylene glycol (2-methyl-2,4-pentanediol).
- 12-Hydroxystearic acid.
- Isobutanol.
- Isopropanol.
- Kerosene.
- Lanolin.
- Methanol.
- Methyl 12-hydroxystearate.
- Methyl taurine-oleic acid condensate, molecular weight 486.
- Mineral oil.
- Monoethanolamine.
- Morpholine.
- Myristyl alcohol.
- Naphtha.
- β -Naphthol.
- Monylphenol.
- Oleyl alcohol.
- Petrolatum.
- o-Phenylphenol.
- Pine oil.
- Polyethylene.
- Polyethylene, oxidized (air-blown).
- Polyoxyethylene (1.5-15 mols) alkyl (C₆, C₈, or C₁₂) phenol.
- Polyoxyethylene (4 mols) di(2-ethyl hexanoate).
- Polyoxyethylene (15 mols) ester of rosin.
- Polyoxyethylene (5-15 n.ols) tridecyl alcohol.
- Polyoxypropylene, molecular weight 200-2,000.
- Polyoxypropylene-ethylene oxide condensate, molecular weight 950-2,250.
- Polyoxypropylene-ethylene oxide condensate of ethylene diamine, molecular weight 1,700-3,800.
- Polyvinyl pyrrolidone, molecular weight 40,000.
- Potassium pentachlorophenate.
- Potassium trichlorophenate.
- Silica.
- Sodium alkyl (C₆-C₁₂) benzene-sulfonate.
- Sodium dioctylsulfosuccinate.
- Sodium lauryl sulfate.
- Sodium lignin sulfonate.
- Sodium 2-mercaptobenzothiazole.
- Sodium naphthalenesulfonic acid (3 mols) condensed with formaldehyde (2 mols).
- Sodium orthophenylphenate.
- Sodium pentachlorophenate.
- Sodium petroleum sulfonate, molecular weight 440-450.
- Sodium trichlorophenate.
- Stearyl alcohol.
- Tributyl phosphate.
- Tridecyl alcohol.
- Triethanolamine.
- Triethylene glycol di(2-ethyl hexanoate).
- Tri-(2-ethylhexyl) phosphate.
- Wax, petroleum, Type I and Type II.
- Wax, petroleum (oxidized).
- Wax (montan).

ing 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. 49(c) (1), 72 Stat. 1786; 21 U.S.C. 348 (c) (1))

Dated: August 24, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-8302; Filed, Aug. 29, 1961; 8:53 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 697—INDUSTRIES IN AMERICAN SAMOA

Minimum Wage Order

Pursuant to section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(a) (3), Public Law 87-30), the Secretary of Labor by Administrative Order No. 550 (26 F.R. 5525) appointed, convened, and gave notice of the hearing of Special Industry Committee No. 4 for American Samoa to recommend the minimum wage rate or rates to be paid under section 6(a) (3) of the Act by employers engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

After investigation and a hearing pursuant to the notice, the industry committee filed with the Administrator of the Wage and Hour and Public Contracts Divisions a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of Industry Committee No. 4 are published in this order revising 29 CFR Part 697 effective September 14, 1961, to read as follows:

- Sec.
- 697.1 Definitions.
- 697.2 Wage rates.
- 697.3 Notices.

AUTHORITY: §§ 697.1 to 697.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6(a) (3), 52 Stat. 1062, 70 Stat. 1118, 75 Stat. 69; 29 U.S.C. 205, 206(a) (3).

§ 697.1 Definitions.

(a) *Fish canning and processing industry.* This industry shall include the canning, freezing, preserving or other processing of any kind of fish, shellfish, or other aquatic forms of animal life and the manufacture of any by-product thereof.

(b) *Shipping and transportation industry.* This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operation of air terminals, piers, wharves and docks, including stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and travel and ticket agencies: *Provided, however,* That this definition shall not include bunkering of petroleum products.

(c) *Petroleum marketing industry.* This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, including bunkering operations in connection therewith, and repair and maintenance of petroleum storage facilities.

(d) *Miscellaneous industries.* Miscellaneous industries shall include all operations and activities not included in the shipping and transportation industry, the petroleum marketing industry, or the fish canning and processing industry, as defined in paragraphs (a), (b), and (c) of this section, and shall include all operations and activities in which employees are engaged in commerce or in the production of goods for commerce, within the meaning of the Fair Labor Standards Act of 1938, including those activities not otherwise provided for which, because of the Fair Labor Standards Amendments of 1961 (Public Law 87-30), are no longer outside the coverage of the act or exempted thereunder.

§ 697.2 Wage rates.

(a) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fish canning and processing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

(b) (1) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shipping and transportation industry in American Samoa, who is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce and who is engaged in classification A, the seafaring classification of the industry, which is defined as follows: all activities engaged in by seamen on American vessels which are defined as those vessels documented or numbered under the laws of the United States.

(2) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shipping and transportation industry in American Samoa, who is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of commerce and who is engaged in classification B of the in-

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 hear-

dustry, which is defined as follows: all activities within the shipping and transportation industry other than those defined in subparagraph (1) of this paragraph as within classification A, the seafaring classification.

(c) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the petroleum marketing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous industries in American Samoa, who is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

§ 697.3 Notices.

Every employer subject to the provisions of § 697.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 697.2 are working such notices of this part as shall be

prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 24th day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-8309; Filed, Aug. 29, 1961; 8:54 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board,
Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Orders 83 (Rev.), 92, 93]

PART 235—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

Postponement of Effective Date

The Federal Maritime Commission, at a session held at its office in Washing-

ton, D.C., on the 16th day of August 1961, entered the following order:

On July 18, 1961, the Federal Maritime Board published in the FEDERAL REGISTER (26 F.R. 6431) General Orders 83 Revised, 92 and 93. The Orders amended Code of Federal Regulations Title 46—Shipping, Chapter II—Federal Maritime Board/Administration, Department of Commerce, Subchapter B—Regulations Affecting Maritime Carriers and Related Activities, Part 235—Schedules of Common Carriers by Water In Foreign Commerce. The new and revised rules and regulations were to become effective thirty days following publication in the FEDERAL REGISTER.

It is ordered, That the effective date of the rules and regulations set forth in Title 46, Chapter II, Subchapter B, Part 235, is hereby postponed until October 2, 1961 and that said rules and regulations shall become effective on said date.

Dated: August 16, 1961.

By the Federal Maritime Commission.

GEO. A. VIEHMANN,
Acting Secretary.

[F.R. Doc. 61-8264; Filed, Aug. 29, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 80]

FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

Restoration of Wild Birds, Mammals, and Fish

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 919; 16 U.S.C. 669i) and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 434; 16 U.S.C. 777i), it is proposed to revise Part 80, Title 50, Code of Federal Regulations, to read as set forth below:

The proposed changes will facilitate administrative procedures, improve editorial construction and adjust the organizational arrangement of the sections. Following are the principal changes proposed:

Section 80.18 *Credit for receipts*: A new section has been added which requires that the Federal Aid program in a State be credited with the amount of any receipts arising from the sale of products or the production of income resulting from the operation of a Federal Aid project or from the sale of lands acquired under a Federal Aid project.

Section 80.19 *Safety and accident prevention*. This new section requires conformance with all applicable Federal, State and local laws governing safety and accident prevention.

The requirement that Federal Aid agreements contain a nondiscrimination in employment clause and that there shall be no discrimination in the use of facilities constructed or acquired under the Acts were published as proposed rule making in 25 F.R. 13001. These provisions are included herein in §§ 80.21 and 80.11, respectively.

Although the proposed revision of the regulations is exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003), it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the publication of this notice in the FEDERAL REGISTER.

JAMES K. CARR,

Under Secretary of the Interior.

AUGUST 24, 1961.

Sec.

- 80.1 Definitions.
- 80.2 Apportionment and certification.
- 80.3 Notice of desire to participate.

No. 167—2

Sec.

- 80.4 Diversion of funds.
- 80.5 Participation by State subdivisions.
- 80.6 General information for the Secretary.
- 80.7 Hunting and fishing license information.
- 80.8 Preliminary project statement.
- 80.9 Plans, specifications and estimates.
- 80.10 Project agreement.
- 80.11 Project standards.
- 80.12 Federal Aid payments.
- 80.13 Prosecution of work.
- 80.14 Economy and efficiency.
- 80.15 Contracts.
- 80.16 Maintenance of completed projects.
- 80.17 Form of vouchers.
- 80.18 Credit for receipts.
- 80.19 Safety and accident prevention.
- 80.20 Personnel.
- 80.21 Nondiscrimination.
- 80.22 Statements and payrolls.
- 80.23 Officials not to benefit.
- 80.24 Inspection.
- 80.25 Samples of materials to be submitted.
- 80.26 Submission.
- 80.27 Records and reporting.
- 80.28 Records retention period.

AUTHORITY: §§ 80.1 to 80.28 issued under sec. 10, 50 Stat. 919, as amended; sec. 10, 64 Stat. 430, as amended, 16 U.S.C. 669i, 777i.

§ 80.1 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) *Federal Aid Act(s)*. (1) The Act of Congress, approved September 2, 1937, entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes," (50 Stat. 917, as amended; 16 U.S.C. sec. 669-669i), commonly referred to as the Pittman-Robertson Act; and (2) the Act of Congress, approved August 9, 1950, entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," (64 Stat. 430, as amended; 16 U.S.C. sec. 777-777k), commonly referred to as the Dingell-Johnson Act.

(b) *State*. Any State of the United States, the territorial areas of Guam and the Virgin Islands, and the Commonwealth of Puerto Rico.

(c) *State Fish and Game Department*. Any department or division, or commission, or official, of a State empowered under its laws to exercise the functions ordinarily exercised by a State Fish and Game Department, the Commissioner of Agriculture and Commerce of Puerto Rico, or the Governor of Guam or the Virgin Islands.

(d) *Project*. An undertaking involving acquisition of areas of land or water or interests therein, for feeding, resting, or breeding places for fish or wildlife; restoration, rehabilitation, or improvement, by construction of necessary works or otherwise, of land and water areas for the benefit of fish or wildlife or both; maintenance of completed projects; management (exclusive of law enforcement and public relations) of fish or wildlife areas and resources; conduct of research into problems of fish or wildlife

management, and the coordination of projects necessary to efficient administration affecting fish and wildlife resources.

(e) *Project segment*. Considering the nature, objectives and fiscal aspects of a project, when viewed as a completed project, a segment is an essential part, section, division or logical work unit.

(f) *Completed project*. A project will be considered completed when the area has been acquired or the work or capital improvements have been finished, inspected, and approved.

(g) *Fish and wildlife*. (1) The term "fish" is limited to aquatic, gill breathing, vertebrate animals bearing paired fins; and (2) the term "wildlife" is limited to wild birds and wild mammals.

§ 80.2 Apportionment and certification.

The Secretary shall apportion funds in the manner prescribed in the Acts, as soon as possible after receiving notification of the amounts which have become available for the purposes of the Acts. He shall promptly certify to the Secretary of the Treasury and to each State Fish and Game Department the respective sums which he has deducted for administering and executing the Acts and the respective sums which he has apportioned to each State for the ensuing fiscal year.

§ 80.3 Notice of desire to participate.

Any State Fish and Game Department desiring to avail itself of the benefits of the Acts shall notify the Secretary within sixty days after it has received from him a certificate of apportionment of funds available to the State.

§ 80.4 Diversion of funds.

A diversion of funds occurs when a State Fish and Game Department, through legislative action or otherwise, loses control over the expenditure of any portion of its hunting license or sport fishing license revenues or expends such revenues for any purpose other than the administration of the State Fish and Game Department. When a diversion of funds occurs a State thereby becomes ineligible to receive Federal Aid funds under the pertinent Act(s) from the date the diversion occurs until:

(a) Action is taken to return the administration of hunting and sport fishing license fees to the State Fish and Game Department; and

(b) Hunting and sport fishing license fees used for purposes other than the administration of the State Fish and Game Department are replaced: *Provided, however*, That, where any projects were approved in compliance with the terms of the pertinent Act(s) prior to diversion, and Federal Aid funds were obligated to carry out such projects, such funds shall remain available therefor until expended, without regard for the intervening period of the State's ineligibility under the Act(s).

§ 80.5 Participation by State subdivisions.

When any part of the cost of a project is to be furnished by a county or any other subdivision of a State, the plans, specifications and estimates shall be accompanied by a certified copy of each resolution or order, if any, of the appropriate local officials, or by such other showing as the Secretary may require. The plans, specifications and estimates shall show the funds that are made available, indicate the control of the money provided for paying such cost, and state whether the State, county, or other subdivision will own the lands and improvements; and state which agency shall have immediate responsibility for administration and maintenance after completion of the project.

§ 80.6 General information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, information regarding the laws affecting fish or wildlife conservation and the authority of the State and of local officials with respect to the establishment and maintenance of projects; and the existing provisions of the State constitution or laws relating to revenues for the protection, restoration and management of fish or wildlife.

(a) *Document signature.* The Secretary of State of each State or an authorized official of the State shall certify as to the duly appointed official(s) authorized in accordance with State law to commit the State to participation under the provisions of the Acts and to sign Federal Aid project documents. The Secretary shall be advised promptly of any change made in such authorizations to sign Federal Aid documents.

(b) *Program information.* The Secretary may, from time to time, request and the State Fish and Game Department shall furnish information relating to the administration and maintenance of any project established under the Acts.

§ 80.7 Hunting and fishing license information.

Certified information concerning the number of holders of paid hunting licenses and holders of paid fishing licenses of the State in the preceding fiscal year shall be furnished the Secretary by the Fish and Game Department of each State on or before December 15 of each year.

§ 80.8 Preliminary project statement.

A preliminary project statement shall be submitted for each proposed project which shall contain such fundamental information as the Secretary may require, in order that he may determine if a project is substantial in character and design.

§ 80.9 Plans, specifications and estimates.

Plans, specifications and estimates shall be submitted for each project segment showing in prescribed form and detail the work to be performed and its estimated cost.

§ 80.10 Project agreement.

After the Secretary shall have approved a preliminary project statement and the plans, specifications and estimates of costs, the mutual obligations to be undertaken by the cooperating agencies shall be evidenced by a project agreement to be executed between the State Fish and Game Department and the Secretary for each such project or project segment.

§ 80.11 Project standards.

Standards for Federal Aid projects are:

(a) Sufficient funds must be available for expenditure by the State Fish and Game Department for the purpose of originally financing the cost of the projects.

(b) Projects must be substantial in character and design.

(c) Federal Aid participation in the cost of acquisition of lands under a project shall not exceed the amounts determined by the Secretary to be the fair and reasonable value of said lands.

(d) Projects for development, maintenance or management shall have as their objectives the improvement of conditions suitable for fish or wildlife, the upkeep and repair of structures that have been acquired or constructed under either of the Acts or the management of fish and wildlife.

(e) Projects dealing with fish or wildlife research shall be concerned with basic studies and with problems having direct management application.

(f) With respect to projects which are designed to include uses other than for fish or wildlife, reimbursement of costs from funds under the Acts shall be limited to the extent of the benefits to fish or wildlife resulting from such projects.

(g) Each project agreement shall contain a provision as follows:

1. The State Fish and Game Department, its employees, operators, lessees, and sub-lessees in the operation of any structure or other facility acquired or constructed under the Acts, shall not:

(a) Publicize the facilities, accommodations, or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person because of race, creed, color, ancestry, or national origin;

(b) Discriminate, by segregation or other means, against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person the use of any accommodations, facilities, services, or privileges available to the general public.

2. The State Fish and Game Department shall post the following notice in such a manner where any facility is available as to insure that its contents will be conspicuous to any person seeking the use of any facility:

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility.

3. The State Fish and Game Department shall in all of its contracts or other forms of agreement require inclusion and compliance with provisions identical with those stated in 1 and 2 herein.

§ 80.12 Federal Aid payments.

Federal Aid payments under the Acts, including such preliminary costs and expenses as may be incurred in and about such projects, shall not be made on any project unless the preliminary project statement, the plans, specifications and estimates, and all other documents that may be necessary or required in the administration of these Acts, shall have first been submitted to and approved by the Secretary.

(a) Federal Aid payments shall not exceed 75 percent of the cost of a project or the amount specified in the project agreement, whichever is less.

(b) Federal Aid payments on projects terminated prior to completion shall be limited to the cost of benefits produced, provided the work accomplished is substantial in character and design.

(c) A minimum of 10 percent Federal Aid payment of the cost of each project is required to qualify land acquisition and development projects for maintenance of capital improvements with Federal Aid funds.

§ 80.13 Prosecution of work.

(a) The State Fish and Game Department shall carry all approved projects through to satisfactory completion with reasonable promptness. Should the funds provided the State for prosecution of a given project segment be insufficient to finish all work proposed in the preliminary project statement and in the plans, specifications, and estimates submitted and approved in connection therewith, additional project segments will be submitted and will be considered by the Secretary as additional funds become available, unless the State elects to complete the project with other than Federal Aid funds. Federal participation in the cost of acquisition of lands under a project segment shall not exceed 75 percent of the amounts determined by the Secretary to be the fair and reasonable value of said lands.

(b) All construction work will be performed by contract when practicable.

(c) Research work shall be continuously coordinated with other studies conducted by the State and other agencies in order to avoid unnecessary duplication.

(d) All work shall be performed in accordance with applicable State laws.

§ 80.14 Economy and efficiency.

No project shall be approved until the State has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to insure economy and efficiency in the completion of the project.

§ 80.15 Contracts.

Supply, service, equipment and construction contracts involving an expenditure of \$2,500.00 or more entered into by a State for the execution of approved project activities shall be based upon free and open competitive bids. If a contract is awarded to other than the lowest responsible bidder, the Federal Aid payment shall be based on the lowest responsible bid, unless it is satisfactorily shown that it was advantageous to the

the project to accept a higher bid. Upon request, the State Fish and Game Department shall certify and promptly furnish to the Secretary a copy of each contract as executed.

§ 80.16 Maintenance of completed projects.

The State Fish and Game Department shall exercise all reasonable means to insure permanent and proper management and maintenance of each completed project involving the acquisition, lease or development of lands or waters.

§ 80.17 Form of vouchers.

Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended on each project segment and the Federal Aid claimed to be due on account thereof, shall be submitted to the Secretary by the State Fish and Game Department, either after completion of each project segment or as the work progresses.

§ 80.18 Credit for receipts.

The Federal Aid program in the State shall be credited with the amount of any net income derived by the State from operation of a project or project segment to the extent of and in the same ratio that Federal Aid funds are used in the production of income. The Federal Aid program in the State shall be credited by reduction of Federal Aid payments with the amount of any net proceeds resulting from the disposal of real or personal property, including supplies and equipment to the extent of and in the same ratio that Federal Aid funds were utilized in the project or segment thereof for which the property was acquired. In no case, however, shall the amount of such credit exceed the amount of Federal Aid funds which were approved for use in the operation of the project or in the acquisition of the unit of property involved. A unit of property for the purposes of the preceding sentence is defined in the case of real property as a contiguous tract purchased by the State from one ownership. When property acquired with Federal Aid funds is used for non-Federal Aid program purposes compensation shall be made in like manner as disposal of such property except that, in the case of temporary non-program use of equipment the Federal Aid program shall be credited on the basis of the established Federal Aid rental rates for the type of equipment concerned during the period of non-program use. All credits shall be applied to current year funds.

§ 80.19 Safety and accident prevention.

In the performance of each project, the State shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The State shall be responsible that all safeguards, safety devices and protective equipment are provided and will take any other needed actions reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the plans, specifications and estimates.

§ 80.20 Personnel.

The State Fish and Game Department shall maintain an adequate and competent force of employees to initiate and carry projects through to satisfactory completion. Personnel employed by a State Fish and Game Department shall be selected on the basis of their competence to perform the services required and shall conduct their duties in a manner acceptable to the Secretary.

§ 80.21 Nondiscrimination.

Each project agreement shall contain the equal employment opportunity provision of section 301 of Executive Order 10925, dated March 6, 1961 (26 F.R. 1977).

§ 80.22 Statements and payrolls.

The regulations of the Secretary of Labor applicable to contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland Act, as amended (40 U.S.C. 276c), and to aid in the enforcement of the Anti-Kickback Act (18 U.S.C. 874) are made a part of this regulation by reference. The State will comply with these regulations and any amendments or modifications thereof and the State Prime Contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions.

§ 80.23 Officials not to benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or any part of this agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

§ 80.24 Inspection.

Supervision of each project by the State Fish and Game Department shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 80.25 Samples of materials to be submitted.

Whenever requested, suitable samples of materials to be used in construction work shall be submitted to the Secretary by or on behalf of the State Fish and Game Department to be tested for suitability and conformity with standard specifications.

§ 80.26 Submission.

Papers and documents required by the Acts or by the regulations in this part shall be deemed submitted to the Secretary from the date of delivery to the Director of the Bureau of Sport Fisheries and Wildlife, or to the appropriate Regional Director of the Bureau.

§ 80.27 Records and reporting.

Progress and completion reports shall be furnished as requested by the Secretary. Cost records of the cost of land acquired, improvements made thereon, construction work, overhead costs, and of maintenance done by or on behalf of

the State shall be kept separately for each project segment. The accounts and records, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 80.28 Records retention period.

The records, accounts, and supporting documents required to be maintained under the regulations in this part shall be retained by the State Fish and Game Department until such time as the Secretary shall have made a final audit of the project accounts and notified such department of the acceptability of project claims and accomplishments, and for a period of three years following the receipt of such notification.

NOTE: All record keeping and reporting requirements of the regulations in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 61-8276; Filed, Aug. 29, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 946, 1024]

[Docket Nos. AO-123-A24, AO-308-A2]

MILK IN LOUISVILLE-LEXINGTON, KY., AND OHIO VALLEY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

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 of a public hearing to be held at the Sheraton Hotel, 500 South Fourth Street, Louisville, Kentucky, beginning at 10:00 a.m., c.d.s.t., on September 18, 1961, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders. This hearing notice contains proposals which relate to: (1) The consolidation under a single order of the marketing areas where presently the handling of milk is regulated by the Louisville-Lexington (Order No. 46) and the Ohio Valley (Order No. 124) orders, and (2) the amendment of the separate orders irrespective of whether the proposed consolidation is adopted. In view of the various pricing proposals contained

herein, all aspects of order pricing are open for consideration, including automatic price adjustments based on the relationship of supplies to handlers' dispositions.

The proposals relative to a redefinition of the marketing areas raise the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Kyana Milk Producers, Inc.:

Proposal No. 1. Consolidate and amend the Louisville-Lexington (Order No. 46) and Ohio Valley (Order No. 124) Federal milk orders to read as follows:

DEFINITIONS

§ 946.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 946.2 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the Act of the said Secretary of Agriculture.

§ 946.3 Department.

"Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 946.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 946.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 946.6 Kyana marketing area.

"Kyana marketing area" hereinafter called the "marketing area" means all territory geographically located within the perimeter boundaries of Clark, Floyd, Harrison, Perry, Spencer, Warrick, Vanderburgh, Posey, Gibson, Pike, Dubois and Crawford Counties, Indiana, and Jefferson, Bullitt, Meade, Hardin, Larue, Nelson, Spencer, Shelby, Oldham, Henry, Franklin, Anderson, Woodford, Scott, Fayette, Jessamine, Madison, Montgomery, Clark, Bourbon, Daviess, Hancock, Henderson, Breckinridge, Grayson,

Ohio, McLean, Webster, Union, Hopkins, and Muhlenburg Counties in the State of Kentucky, including all municipal corporations and institutions, lying wholly or partially within such area, owned or operated by the Federal, State, or local Governments.

§ 946.7 City plant.

"City plant" means a plant or other facilities, where milk is processed or packaged and from which a fluid milk product(s) which is permitted to be labeled as "Grade A" by health authority having jurisdiction in the marketing area is disposed of through a route(s).

§ 946.8 Country plant.

"Country plant" means a milk plant, other than a city plant, which is approved by the appropriate health authority in the marketing area to supply milk, skim milk or cream to a city plant(s) for disposition as "Grade A" milk in the marketing area and at which milk is received from persons described in § 946.12(a) during the month.

§ 946.9 Pool plant.

"Pool plant" means:

(a) A city plant, other than a plant operated by a producer-handler, which meets the following requirements:

(1) For each of the months of May through October not less than 30 percent and for each of the months of November through April not less than 50 percent of the fluid milk products received during the two months immediately preceding from dairy farmers described in § 946.12(a), from country plants and from pool plants in containers not larger than a gallon are disposed of as Class I milk from such plant during such two-month period to all outlets except such disposition to pool plants in containers larger than a gallon: *Provided*, That, if such utilization percentage for the two preceding months cannot be ascertained by the market administrator, the respective percentages shall apply to receipts and sales during the current month; and

(2) An amount of Class I milk equal to not less than 10 percent of the milk described in § 946.12(a) received directly from dairy farmers and country plants during the current month is distributed through routes in the marketing area.

(b) A country plant during any of the months of October through March in which not less than 10 percent of the receipts of milk at such plant from persons described in § 946.12(a) are delivered to a city plant in the form of milk, skim milk or cream;

(c) A country plant during the months of April through September from which more than 50 percent of the combined receipts of milk from persons described in § 946.12(a) during the preceding period of October through February were moved to and received at a city plant(s) in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15 of withdrawal of the plant from the pool for the months of April through September next following; and

(d) A country plant which is operated by a cooperative association and (1) two-

thirds or more of the milk from persons described in § 946.12(a) who are members of such association is delivered during the month directly to the pool plant(s) of other handlers or transferred by such association to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

§ 946.10 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 946.11 Handler.

"Handler" means:

(a) Any person who operates a city plant or a country plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 946.13; and

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant(s) of another handler in a tank truck owned, operated by or under contract to, such cooperative association, if the cooperative association has notified in writing, prior to delivery both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

§ 946.12 Producer.

"Producer" means any person, except a producer-handler, who produces milk which is:

(a) Approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is permitted by the appropriate health authority in the marketing area to be labeled and disposed of as Grade A milk in the marketing area (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the U.S. Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institutions or bases): *Provided*, That this definition shall not include any person whose milk is permitted on a temporary or emergency basis by such health authority in the marketing area to be labeled and disposed of as Grade A milk; and

(b) Received at a pool plant or diverted in accordance with the conditions set forth in paragraph (b) or (c) of § 946.13.

§ 946.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers which is:

(a) Received directly from producers at a pool plant: *Provided*, That when withdrawals of milk are made at more than one pool plant from the same load delivered by farm tank pickup truck and

in the absence of agreement between the operators of such pool plants as to the reporting of and payment for such milk, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn;

(b) Diverted from a pool plant to another pool plant or to a nonpool plant: *Provided*, That such milk so diverted shall be deemed to have been received at the pool plant from which it is diverted: *Provided further*, That this definition shall not include the milk of any person during any of the months of October, November, January, and February in which the milk of such person is diverted by a handler, except a cooperative association, to a nonpool plant for more than one-half of the days of delivery during the month;

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided*, That any milk so diverted shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which it is diverted; or

(d) Received by a cooperative association pursuant to § 946.11(c).

§ 946.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant during the month.

§ 946.15 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, distributing any portion of such milk within the marketing area as Class I milk and who receives no milk from producers.

§ 946.16 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month.

§ 946.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 946.18 Route.

"Route" means the operation of a plant store or a vehicle (including that operated by a vendor) through the means of which fluid milk products are disposed of to retail or wholesale stops in

the marketing area other than to a milk plant.

MARKET ADMINISTRATOR

§ 946.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 946.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 946.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by Section 946.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 946.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts has not made reports pursuant to §§ 946.30 through 946.32, or payments pursuant to §§ 946.80 through 946.86;

(j) On or before the 15th day after the end of each month, report to each cooperative association, which so requests, with respect to producer milk caused to be delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 12th day after the end of each month, the minimum prices for each class of milk computed pursuant to § 946.51, and the butterfat differentials for each class computed pursuant to § 946.52; and

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 946.71, and the butterfat differential computed pursuant to § 946.81;

(l) On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 946.70; and

(2) The amounts to be paid by such handler pursuant to §§ 946.61, 946.84, 946.87, and 946.88.

REPORTS, RECORDS AND FACILITIES

§ 946.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer handler, shall report for such month to the market administrator for each of his pool plants in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own farm production);

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk other than on routes operated wholly or partially within the marketing area; and

(f) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 946.31 Payroll reports.

On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer and cooperative association and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer and cooperative association, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 946.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided*, That milk diverted to a pool plant as described in § 946.13(b) need not be reported pursuant to this paragraph.

(c) On or before the 10th day after the request of the market administrator, such handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 946.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products on hand at the beginning and end of each month.

§ 946.34 Retention of records.

All books and records required under this part to be available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified records and books until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 946.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to §§ 946.30 and 946.61 shall be classified by the market administrator pursuant to the provisions of §§ 946.41 to 946.46.

§ 946.41 Classes of utilization.

Subject to the conditions set forth in §§ 946.42 through 946.44, the classes of utilization shall be as follows:

(a) *Class I milk*. Class I milk shall be all skim milk (including concentrated or reconstituted skim milk solids) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), except skim milk and butterfat disposed of in fluid form for livestock feed; (2) disposed of as any fluid milk product which is required by the appropriate health authorities in the marketing area to be made from milk, skim milk, or cream from sources approved by such authority; and (3) not accounted for as Class II milk.

(b) *Class II milk*. Class II milk shall be all skim milk and butterfat, the utilization of which is established: (1) As used to produce any product other than those specified in paragraph (a) of this section, (2) as disposed of for livestock feed, (3) as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products, (4) in inventories of fluid milk products, and (5) in plant shrinkage of skim milk and butterfat in receipts of producer milk and in other source milk computed pursuant to § 946.42.

§ 946.42 Unaccounted for skim milk and butterfat and plant shrinkage.

Skim milk and butterfat received at a handler's pool plant(s) in excess of such handler's established utilization of skim milk and butterfat pursuant to § 946.41, except paragraphs (a)(3) and (b)(5) shall be known as unaccounted for skim

milk and butterfat and classified as Class II milk not to exceed the following:

(a) Two percent of receipts of producer milk, excluding the pounds of skim milk and butterfat in producer milk diverted by such handler to a non-pool plant or to the pool plant of another handler without having been received for purposes of weighing and testing in the diverting handler's plant, and including the skim milk and butterfat in producer milk received at the pool plant of such handler which was diverted from the pool plant of another handler; plus

(b) One and one-half percent of the skim milk and butterfat contained in milk received in bulk tank lots excluding that contained in receipts of producer milk specified in paragraph (a) of this section; less

(c) One and one-half percent of skim milk and butterfat contained in milk disposed of in bulk tank lots to other plants excluding milk diverted to a non-pool plant or to the pool plant of another handler without having been received: *Provided*, That shrinkage of skim milk and butterfat not in excess of the percentages specified herein shall be assigned pro rata pursuant to this section to skim milk and butterfat, respectively, in milk received from producers and from other pool plants and in other source milk.

§ 946.43 Responsibility for classification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 946.44 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of another handler, unless utilization in Class II is mutually indicated in the reports submitted to the market administrator by both handlers pursuant to § 946.30 on or before the 7th day after the end of the month: *Provided*, That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use, the remaining quantity shall be classified as Class I milk: *And provided further*, That if either or both handlers received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to the producer milk of both handlers;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk,

or cream in bulk to a nonpool plant located less than 250 airline miles from the City Hall in either Louisville, Kentucky, or Evansville, Indiana, unless:

(1) The handler claims classification in Class II in his report submitted to the market administrator pursuant to § 946.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in products included in Class II milk;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such markets' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the Act; and

(5) If the skim milk and butterfat, respectively, transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk, pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers.

(d) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located 250 airline miles or more from the City Hall in either Louisville, Kentucky, or Evansville, Indiana.

§ 946.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in

each class for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

§ 946.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 946.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk shrinkage pursuant to § 946.42;

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of an order issued pursuant to the Act;

(3) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05 whichever is less;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the Act;

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraphs (1) and (3) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers and from cooperative associations pursuant to § 946.11(c) according to the classification thereof as determined pursuant to § 946.44(a); and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 946.50 Basic formula price.

The basic formula price to be used in computing the prices for Class I and Class II milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the delivery period: *Provided*, That such reported price shall be adjusted to a 3.8 percent butterfat basis by the butterfat differential pursuant to Section 946.81 and rounded to the nearest tenth of a cent.

§ 946.51 Class prices.

Subject to the provisions of §§ 946.52 and 946.53, the minimum prices per hundredweight to be paid by each handler for milk of 3.8 percent butterfat content received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price for the preceding month, plus \$1.40.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price.

§ 946.52 Price adjustments to handlers.

(a) *Butterfat differentials.* If the weighted average butterfat content of milk received from producers allocated to Class I or Class II, respectively, pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(1) *Class I milk.* Multiply by 0.125 the Chicago butter price for the preceding month.

(2) *Class II milk.* Multiply by 0.120 the Chicago butter price for the month.

§ 946.53 Transportation differentials to handlers.

For producer milk which is received at a pool plant located 100 miles or more from the City Hall in Louisville, Lexington, or Owensboro, Kentucky, or Evansville, Indiana, whichever is nearest, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 946.51(a) shall be reduced at the rate, not to exceed a total credit of 25 cents per hundredweight, computed as set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from city hall (miles):	Rate per hundred-weight (cents)
100 but less than 110.....	16.0
For each additional 10 miles or fraction thereof an additional.....	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the cal-

culations prescribed in § 946.46(a)(6), and the comparable steps in § 946.46(b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 946.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 946.60 Producer-handlers.

Sections 946.40 through 946.46, 946.50 through 946.53, 946.61, 946.70, 946.71, and 946.80 through 946.89 shall not apply to a producer-handler.

§ 946.61 Obligation of handlers operating a nonpool plant which is a city plant.

Each handler, except a producer-handler, in his capacity as the operator of a nonpool plant which is a city plant shall:

(a) On or before the 7th day after the end of the month make reports to the market administrator with respect to the disposition of Class I milk in the marketing area and such other information on the total receipts and utilization of skim milk and butterfat at such plant as the market administrator may require, except that a handler selecting the option provided in paragraph (c) of this section at the time his report is filed shall report in accordance with §§ 946.30 and 946.31 as though a pool plant;

(b) On or before the 15th day after the end of the month pay to the market administrator, unless such handler elects at the time of reporting pursuant to paragraph (a) of this section the option provided pursuant to paragraph (c) of this section, an amount (1) for deposit in the producer-settlement fund, equal to the rate of payment on unpriced milk pursuant to § 946.70(e) multiplied by the hundredweight of skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 946.45) in the marketing area on routes during such month, less the skim milk and butterfat received from a pool plant during the month and classified as Class I milk under this part; and (2) for administrative assessment, equal to the rate specified in § 946.88 with respect to Class I milk and all milk, skim milk and cream used to produce Class II products disposed of during the month on routes in the marketing area less the quantity of skim milk and butterfat received during such month from a pool plant; and

(c) On or before the 18th day after the end of the month pay an amount (1) for deposit into the producer-settlement fund, equal to any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 946.70 for such nonpool plant and for any country plant (meeting the requirements equivalent to § 946.9 (b) or (c)) which serves as a source of milk

for such nonpool plant, if such plant(s) were a pool plant(s), (i) the gross payments made on or before the 17th day after the end of the month for milk received at such plant(s) during the month from dairy farmers meeting the conditions in § 946.12(a): *Provided*, That if such payments are made to such dairy farmers at more than one rate, the amount of gross payments to be deducted from such handler's obligation shall be computed at the lowest rate paid for a volume of milk equal to the volume disposed of in the marketing area, and (ii) any payments to the producer-settlement funds under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders: *And provided*, That in the application of § 946.44 for the purpose of this subparagraph, transfers or diversions of milk from such nonpool plant(s) to a pool plant shall be classified as Class I and Class II milk in the same ratio as other source milk is allocated to each class in such pool plant pursuant to § 946.46(a)(2) and the corresponding step of § 946.46(b): *And provided further*, in the application of § 946.46(a)(7) and the corresponding step of § 946.46(b), receipts of fluid milk products at such nonpool plant from a pool plant(s) shall be allocated from the class in which such products are classified at the pool plant pursuant to § 946.44 (c) or (d); and (2) for administrative assessment, equal to the amount which would have been computed pursuant to § 946.88, if such nonpool plant had been a pool plant during the month: *Provided*, That such amount shall be reduced by any amounts paid for the month as an administrative expense assessment determined on the basis of Class I milk disposed of on routes in other marketing areas pursuant to the terms under such other order issued pursuant to the Act: *And provided further*, That (i) if less Class I milk is disposed of from such plant on routes in the Kyana marketing area than is disposed of during the month on routes in another marketing area(s) as defined in an order(s) issued pursuant to the Act, and (ii) if an administrative expense assessment is applied at such plant as if a fully regulated (pool) plant under such order pursuant to the order for the marketing area where the volume of Class I milk disposed of from such plant is greatest, no administrative expense assessment shall be applied under this order.

§ 946.62 Plants subject to other Federal orders.

The provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 946.9 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Kyana marketing area than in the marketing area regulated pursuant to such other order during the current month and each

of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 946.70 Net obligation of each handler.

The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 946.46 by the applicable class prices;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 946.46 by the applicable class prices;

(d) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 946.46(a)(6) and the corresponding step of § 946.46(b), whichever is less; and

(e) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 946.46(a)(2) and the corresponding step of § 946.46(b) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials;

(1) For the months of January through September, the Class II price adjusted by the Class II butterfat differential; and

(2) For the months of October through December the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resultant figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent; and

(f) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 946.46(a)(6) and the corresponding step of § 946.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (d) of this section and the skim milk and butterfat subtracted from Class II milk pursuant to § 946.46(a)(4) and the corresponding step of § 946.46(b) in the preceding month by the applicable rate determined pursuant to paragraph (e) (1) or (2) of this section for the month.

§ 946.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in Section 946.30 for the month and who are not in default of payments pursuant to § 946.84 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 946.81 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount computed by multiplying the hundredweight of milk received from producers at each country plant by the appropriate zone differential provided in § 946.53;

(d) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year;

(e) Add an amount representing one-half of the cash balance on hand in the producer-settlement fund after deducting the total amount of contingent obligations to handlers pursuant to § 946.85(a) and the balance held pursuant to paragraph (d) of this section for payment pursuant to § 946.85(b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers at a handler's pool plant.

PAYMENTS**§ 946.80 Time and method of payment for producer milk.**

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the Class II price for 3.8 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received from such producer during such month, an amount computed at not less than the uniform price per hundredweight plus the per hundredweight payment provided by § 946.85(b) for the month, sub-

ject to the butterfat differential computed pursuant to § 946.81, and, plus or minus, adjustments for errors made in previous payments to such producer; and less (1) the payment made pursuant to paragraph (a) of this section, (2) the location differential pursuant to § 946.82, (3) marketing service deductions pursuant to § 946.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers without the deductions provided by paragraphs (b) (3) and (4) of this section: *Provided*, That deductions for supplies authorized by such producer may be made. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show for each month the following:

(1) The identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of such month, and (2) on or before the 7th of the following month, the total pounds of milk received each month, together with the butterfat content of such milk; and the amount of deductions claimed by such handler.

(f) Each handler shall pay to the cooperative association on or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 946.11(c) at not less than the value of such milk at the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

§ 946.81 Producer butterfat differential.

In making payment to producers pursuant to § 946.80(b) each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of one percent that the butterfat content of the milk received from the producer is above or below 3.8 percent, a butterfat differential computed by the market administrator by multiplying the total pounds of butterfat in producer milk classified in Class I and Class II milk during the month pursuant to § 946.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resulting figure to the nearest one-tenth cent.

§ 946.82 Location differential.

In making payments to producers pursuant to § 946.80(b) a handler shall deduct from the uniform price, with respect to all milk received from producers at a pool plant, not more than the appropriate zone differential provided in § 946.53.

§ 946.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 946.61, 946.84, and 946.86 and out of which he shall make all payments pursuant to §§ 946.85 and 946.86: *Provided*, That payments due any handler shall be offset by payments due from such handler.

§ 946.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiply-

ing the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat and location differentials.

§ 946.85 Payments out of the producer-settlement fund.

(a) On or before the 16th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 16th day after the end of each of the months of September, October, November and December, the market administrator shall pay out of the producer-settlement fund to (1) each handler on all milk for which payment is to be made to producers pursuant to § 946.80(b) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payments pursuant to § 946.80(c) for such month at the following rate per hundredweight: For the months of September through November, divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 946.71(d) during the immediately preceding period of April through July, and for the month of December, divide the balance remaining in such fund by the hundredweight of producer milk received by all handlers during the month (computed to the nearest cent per hundredweight).

§ 946.86 Adjustment of accounts.

(a) Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 946.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 946.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

(b) Overdue accounts: Any unpaid obligation of a handler or of the market administrator pursuant to §§ 946.80, 946.84, 946.85, 946.86(a), 946.87, or 946.88 shall be increased one-half of one per-

cent each month or fraction thereof, compounded monthly, until such obligation is paid.

§ 946.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 946.80(b), shall deduct 6 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for whom such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unexpired membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

§ 946.88 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 3.0 cents per hundredweight, or such amount to be not in excess thereof as the Secretary may prescribe with respect to all receipts by such handler during the month of (a) milk from producers (including such handler's own farm production), and (b) other source milk classified as Class I milk pursuant to § 946.46. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be diverted by such cooperative association to a nonpool plant and milk received from producers at a pool plant of such cooperative association.

§ 946.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as pro-

vided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and
- (3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deductions or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 946.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 946.91.

§ 946.91 Suspension or termination.

Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and shall in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 946.92 Continuing power and duty.

(a) If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 946.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, except §§ 946.34, 946.89, 946.91 through 946.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 946.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 946.101 Separability of provisions.

In any provision of this part, or its application to any person, or circumstances,

is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Proposed by Holland Custard & Ice Cream, Inc.:

Proposal No. 2. Add Orange and Washington Counties, both in the State of Indiana, to the combined marketing areas of the Louisville-Lexington Federal order as described in § 946.6 and of the Ohio Valley Federal order as described in § 1024.6.

Proposed by Beatrice Foods Company:

Proposal No. 3. Amend § 946.6 to include in the Louisville-Lexington marketing area the counties in the Ohio Valley marketing area as described in § 1024.6 and the additional counties of Daviess, Greene, Knox, Lawrence, Martin, Orange, Sullivan and Washington, all in the State of Indiana.

Proposed by Broughtons Farm Dairy, Inc., Dixie Belle Dairy and Borden Company:

Proposal No. 4. Amend § 946.6 to include in the Louisville-Lexington marketing area the counties of Boyle, Garrard and Mercer, all in the State of Kentucky.

Proposed by Spring Grove Dairy:

Proposal No. 5. Amend § 946.6 to delete from the Louisville-Lexington marketing area Montgomery County, Kentucky.

Proposed by Louisville Milk Dealers Association, Broughtons Farm Dairy, Inc., Dixie Belle Dairy and Borden Company:

Proposal No. 6. Delete § 946.17 and substitute the following:

§ 946.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, sterilized products packaged in hermetically sealed containers, milk shake mixes with 15 percent or more of total milk solids, "900 Dairy Calorie Diet" products, and cultured sour mixtures other than sour cream).

Proposal No. 7. Amend § 946.41 by deleting paragraphs (a), (b) and (c) and substituting the following:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated or reconstituted skim milk solids) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), (except skim milk and butterfat disposed of in fluid form for livestock feed, milk shake mixes with 15 percent or more of total milk solids, "900 Dairy Calorie Diet" products, and cultured sour mixtures other than sour cream); *Provided*, That any fluid milk product which has been fortified by the addition of nonfat solids shall be Class I only up to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; (2) disposed of as any fluid milk product which is required by the appropriate health authority in the marketing area to be made from milk,

skim milk, or cream from sources approved by such authority; (3) not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat, the utilization of which is established as used to produce (1) cottage cheese, eggnog and milk (or skim milk) and cream mixtures containing 8.0 percent or more butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, and (2) in inventories of fluid milk products.

(c) *Class III milk.* Class III milk shall be skimmed milk and butterfat, the utilization of which is established: (1) As used to produce any product other than those specified in paragraph (a) or (b) of this section, (2) as disposed of for livestock feed, (3) as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products, (4) in plant shrinkage of skim milk and butterfat in receipts of producer milk and in other source milk computed pursuant to § 946.42, and (5) as used to produce any excess of the weight of any fluid milk product which has been fortified by the addition of nonfat solids over the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content.

Proposed by Beatrice Foods Company:

Proposal No. 8. Amend § 946.45 by deleting the proviso relative to accounting for concentrated milk solids on a milk equivalent basis and make such necessary conforming changes in other sections of the order so that such accounting shall be made on an actual weight basis; or, as an alternative, consider the assignment to the lowest use class of the difference between the skim milk equivalent of any fortified product, including dietary products, and the actual weight of the product.

Proposed by Louisville Milk Dealers Association, Broughtons Farm Dairy, Inc., Dixie Belle Dairy and Borden Company:

Proposal No. 9. Amend § 946.46 to provide for allocation of products sold in the same form in which received (from another regulated market) to the class in which it is utilized.

Proposal No. 10. Amend § 946.51 by deleting paragraph (b) and substituting the following:

(b) *Class II milk.* The price for Class II milk shall be the higher of the basic formula price pursuant to § 946.50 or the price computed pursuant to subparagraph (1) of this paragraph, rounded to the nearest tenth of a cent.

(1) The price per hundredweight resulting from adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply the Chicago butter price by 4.56.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of car-lot prices per pound for nonfat dry milk solids, spray process for human consumption, f.o.b. manufacturing plants in the Chi-

cago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

Proposed by American Dairy Company of Evansville, Inc., Benthal & Sons Dairy, The Henderson Creamery Company, Inc., Herrman's Dairy, Inc., Ideal Pure Milk Company, Inc., Mt. Vernon Creamery, Owensboro Ice Cream and Dairy Products, Inc., and U. C. Milk Company, Inc.:

Proposal No. 11. Amend § 1024.6 to include in the Ohio Valley marketing area the counties of Logan and Todd, both in the State of Kentucky, and the counties of Daviess and Knox, both in the State of Indiana.

Proposal No. 12. Amend § 1024.17 by adding a new paragraph (c) as follows:

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant(s) of another handler in a tank truck owned, operated by or under contract to such cooperative association. Such milk shall be considered as having been received by the cooperative association at the producer's farm.

Proposal No. 13. Amend § 1024.41(a) to provide that fluid milk products which are fortified with non-fat milk solids shall be Class-I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content.

Proposed by Kyana Milk Producers, Inc.:

Proposal No. 14. Amend §§ 1024.13, 1024.17 and 1024.80 as follows:

In § 1024.13 add a new paragraph (d) to read as follows:

(d) Received by a cooperative association pursuant to § 1024.17(c).

Amend § 1024.17 to read as follows:

"Handler" means (a) any person who operates a fluid milk plant, (b) any cooperative association with respect to milk diverted by it in accordance with conditions set forth in § 1024.13, and (c) any cooperative association with respect to the milk of its producer-members which is delivered from the farm to the pool plant(s) of another handler in a tank truck owned, operated by or under contract to, such cooperative association, if the cooperative association has notified in writing, prior to delivery, both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

In § 1024.80 add a new paragraph (g) to read as follows:

(g) Each handler shall pay to the cooperative association on or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1024.17(c) at not less than the value

of such milk at the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

Proposed by Beatrice Foods Company:
Proposal No. 15. Amend § 1024.45 by deleting the proviso relative to accounting for concentrated milk solids on a milk equivalent basis and make such necessary conforming changes in other sections of the order so that such accounting shall be made on an actual weight basis; or, as an alternative, consider the assignment to the lowest use class of the difference between the skim milk equivalent of any fortified product, including dietary products, and the actual weight of the product.

Proposed by Prairie Farms of Southern Illinois:

Proposal No. 16. Amend Order No. 124 (Part 1024) to provide that with respect to a handler who transfers milk from a pool plant to a nonpool plant which is owned and operated by such handler and which nonpool plant disposes of such transferred milk as Class I milk in another marketing area which has been established by another Federal order, and which order requires the compensatory payments be paid by such nonpool plant for Class I milk sold in such marketing area, subtract from the handler's obligation under Order No. 124 (Part 1024) the lesser of the following amounts:

(a) The amount of such compensatory payment paid by the handler who also operates the nonpool plant, or

(b) An amount computed by multiplying the volume of milk classified as Class I milk at the nonpool plant, which milk was transferred by the handler from a pool plant to such nonpool plant, by the applicable rate per hundred-weight for computing the compensatory payment provided in the Federal order which regulates the handling of milk in the marketing area where such Class I milk was disposed of from the nonpool plant.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 17. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Joseph E. Bobo, P.O. Box 4095, Baxter Avenue Station, Louisville 4, Kentucky, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., August 25, 1961.

RAPHAEL V. FITZGERALD,
*Acting Deputy Administrator,
Price and Production, Agricultural
Stabilization and
Conservation Service.*

[F.R. Doc. 61-8306; Filed, Aug. 29, 1961;
8:53 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 516]

RECORDS TO BE KEPT BY EMPLOYERS

Dual Minimum Wage Situations

Notice is hereby given that pursuant to section 11 of the Fair Labor Standards Act of 1938 (52 Stat. 1066, as amended; 29 U.S.C. 211), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the Administrator of the Wage and Hour and Public Contracts Divisions proposes to amend Part 516 of Title 29, Code of Federal Regulations, by extending the provisions of § 516.23 to cover all dual minimum wage situations which may occur as a result of the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30). For example, in addition to the recordkeeping situations in Puerto Rico and the Virgin Islands to which it presently applies, § 516.23 would apply also to recordkeeping situations such as those involving fish processing activities formerly included under section 13(a)(5) of the Act but now included in section 13(b)(4) thereof (to which a minimum wage of \$1.00 will apply beginning September 3, 1961, under section 6(b) of the Act, as amended by the 1961 Amendments) and canning activities already included in section 13(b)(4) of the Act (to which a minimum wage of \$1.15 will apply beginning September 3, 1961).

An amendment of paragraph (b) of § 516.1 is proposed to reflect the proposed changes in § 516.23. Paragraph (b) of § 516.1 would also be changed to delete reference to local retailing employees because of the deletion of the local retailing capacity provision from section 13(a)(1) by the 1961 Amendments. A similar change would be made in § 516.3 dealing with employees coming within the definitions of the terms of section 13(a)(1) appearing in 29 CFR Part 541.

Interested persons may submit written data, views, and arguments relating to the proposals to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., within fifteen days from their publication in the FEDERAL REGISTER.

The proposed amendments of 29 CFR Part 516 are set forth below.

1. Paragraph (b) of § 516.1 would be amended to read as follows:

§ 516.1 Form of records.

(b) *Scope of regulations.* (1) The regulations in this part are divided into two subparts. Subpart A contains the requirements applicable to all employers employing covered employees, including the general requirements relating to the posting of notices, the preservation and location of records, and similar general provisions. This subpart also contains the requirements applicable to employers of employees to whom both the minimum

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

[Docket No. FDC-68A]

FRUIT JELLIES; DEFINITIONS AND STANDARDS OF IDENTITY

Findings of Fact and Tentative Order Ruling on Objections

In the matter of amending the definition and standard of identity for fruit jellies to permit artificial red coloring in cinnamon-flavored apple and/or crabapple jellies.

In the FEDERAL REGISTER of September 5, 1958 (23 F.R. 6836), there was published a notice of the filing of a proposal to amend the definition and standard of identity for fruit jellies (21 CFR 29.2) to permit the optional addition of cinnamon flavoring and harmless artificial red coloring to apple and/or crabapple jelly and to require label declaration of such added optional ingredients. An order was published in the FEDERAL REGISTER of November 13, 1958 (23 F.R. 8791), adopting the proposal. Pursuant to objections to this order, requesting a public hearing, an announcement was published in the FEDERAL REGISTER of February 4, 1959 (24 F.R. 762), staying the amendment pending the outcome of the hearing.

A public hearing was held in this matter pursuant to a notice published in the FEDERAL REGISTER of June 4, 1960 (25 F.R. 4962). On the basis of the evidence submitted at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by the Secretary to the Commissioner of Food and Drugs (25 F.R. 8625) and after consideration of written arguments and suggested findings, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued:

*Findings of fact.*¹ 1. Objections were filed to an order published in the FEDERAL REGISTER of November 13, 1958 (23 F.R. 8791) amending the definition and standard of identity for fruit jellies to permit the use of artificial red coloring in cinnamon-flavored apple and/or crabapple jelly. These objections raised three issues that required determination based on evidence adduced at a public hearing. The issues were whether the artificial red coloring would permit use of low-quality fruit in the food specified; whether using artificial red color in the food specified would result in the substitution of red cinnamon-flavored apple jelly by institutional users for more expensive berry jellies; and whether the amendment would promote honesty and fair dealing in the interest of consumers. (R. 4, 6; Ex. 2, 3, 4)

2. At the hearing held upon the objections, the evidence established that the use of low-quality fruit juice in apple jelly would not produce an identical product to the one proposed, and that it was not likely that the characteristic brown color of a jelly prepared from such low-quality fruit juice would be masked by the use of artificial red color. The evidence shows that manufacturers of apple jelly; green-colored, mint-flavored apple jelly, and red-colored, cinnamon-flavored apple jelly use the same apple juice in all three jellies. The objectors to the amendment failed to establish that artificial red coloring would be employed to conceal the use of low-quality apple juice. (R. 164, 378, 379)

3. Little evidence was introduced to support the claim that the use of artificial red color in the foods specified would result in institutional users' (bakers') substituting red, cinnamon-flavored apple jelly for more expensive berry jellies, and there was no evidence that bakers, if they should use such cinnamon-flavored apple jelly, would misbrand their baked product by representing it to be berry-flavored. Witnesses for the objectors testified that the manufacturers whom they represented do not make nor distribute red, cinnamon-flavored apple jelly to institutional users or otherwise. Those witnesses did not assert that they knew of any other jelly manufacturers who have ever sold any such jelly to bakers or any other institutional users. Witnesses for manufacturers of red, cinnamon-flavored apple jelly stated that they do not pack nor sell it either in institutional sizes or in the modern individual-portion sizes. The objectors to the amendment failed to establish that the use of artificial red color in the food specified would result in the substitution of red, cinnamon-flavored apple jelly for more expensive berry jellies. (R. 59, 87, 117, 194, 316, 329, 367)

4. The third issue set forth in the notice was whether the use of artificial coloring in cinnamon-flavored apple jelly would promote honesty and fair dealing in the interest of consumers. While there was testimony that the consumer might confuse red-colored, cinnamon-flavored apple jellies with red fruit jellies, to his detriment, the retail purchaser must rely, in addition to color, on labeling statements to identify the jelly that he purchases. Accordingly, there is little likelihood that red, cinnamon-flavored apple jelly would be mistakenly purchased for some other red jelly, such as cherry jelly or red raspberry jelly. In addition, the housewife is familiar with a number of foods, other than fruit jellies, that contain red coloring in association with cinnamon flavoring. These foods include cinnamon-flavored candies, cinnamon apples, spiced crab apples, and spiced pears. Recipes in cookbooks in general use direct the use of artificial coloring in flavored apple jellies and include one recipe which calls for red color in cinnamon-flavored apple jelly. While

wage provisions of section 6 and the overtime pay provisions of section 7(a) of the act apply. As most covered employees fall within this category, employers, in most instances, will be concerned principally with the recordkeeping requirements of Subpart A. Section 516.3 thereof contains the requirements relating to executive, administrative, professional and outside sales employees.

(2) Subpart B deals with the information and data which must be kept with respect to employees (other than executive, administrative, professional, and outside sales employees) who are subject to any of the exemptions provided in the act, and with special provisions relating to deductions from and additions to wages for "board, lodging, or other facilities," industrial homeworkers, employees dependent upon tips as part of wages, and employees subject to more than one minimum wage. The sections in Subpart B require the recording of more, less, or different items of information or data than required under the generally applicable recordkeeping requirements of Subpart A.

2. Section 516.3 would be amended to read as follows:

§ 516.3 Bona fide executive, administrative, professional, and outside sales employees as referred to in section 13(a)(1) of the act—items required.

With respect to persons employed in a bona fide executive, administrative or professional capacity or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2 (a) except subparagraphs (6) through (10) thereof, and, in addition thereto the basis on which wages are paid (this may be shown as "350 mo."; "\$95 wk."; or "on fee").

3. The heading of § 516.23 and so much of paragraph (a) of § 516.23 as precedes subparagraph (1) would be amended to read as follows:

§ 516.23 Employees under more than one minimum hourly rate.

(a) *Additional items required.* An employer of any employee subject to different minimum wage rates of pay, who elects to pay less than an amount arrived at by applying the highest applicable minimum rate for all hours worked in any workweek, shall, in addition to any employee information and data required to be kept with respect to them by any applicable section of the regulations in this part, maintain and preserve payroll or other records containing the following information and data with respect to each of those employees:

(Sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211)

Signed at Washington, D.C., this 23d day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-8277; Filed, Aug. 29, 1961; 8:48 a.m.]

¹ The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing. In these findings the term "apple jelly" will be used to include not only apple jelly but also crabapple jelly and jellies made from mixtures of apple and crabapple juices.

all cinnamon-flavored foods, particularly baked goods, which contain ground cinnamon, do not contain red coloring, those that are flavored with cinnamon oil, including apple jelly, normally do contain such coloring. The use of red coloring in cinnamon-flavored apple jelly produces an attractive and decorative food having individual appearance and taste characteristics. It would not be in the best interest of the consuming public to keep such a food from the grocers' shelves. (R. 161, 162, 164, 175, 182-185, 195-197, 219, 230, 240-243, 255-259, 284, 285, 305, 306, 310, 311, 326-329, 358, 359, 370, 371, 374, 375, 380-383; Ex. 12, 15)

Conclusion. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to permit the amendment to the definition and standard of identity for fruit jellies (21 CFR 29.2), as published in the FEDERAL REGISTER of November 13, 1958 (23 F.R. 8791), to become effective.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order 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 exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by briefs in support thereof. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: August 24, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-8296; Filed, Aug. 29, 1961;
8:51 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, on behalf of themselves, International Apple Association, Inc., 1302 18th Street NW., Washington 6, D.C., National Apple Institute, Washington Building, Washington 5, D.C., and Northwest Horticultural Council, 1002 Larson Building, Yakima, Washington, proposing the establishment of tolerances for residues of diphenylamine at 10 parts per million in or on apples and at zero in meat and milk.

The analytical methods proposed in the petition for determining residues of diphenylamine are the methods by

Yatzu, Cornell Mimeograph S-457C (1956); by Harvey, New Zealand Journal of Science, Volume 1, Pages 378-382 (1958); and by Bruce et al., Journal of Agricultural and Food Chemistry, Volume 6, Pages 597-600 (1958).

Dated: August 23, 1961.

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

[F.R. Doc. 61-8297; Filed, Aug. 29, 1961;
8:51 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of a tolerance of 10 parts per million for residues of dodine *n*-dodecylguanidine acetate) in or on strawberries.

The analytical method proposed in the petition for determining residues of dodine is that published in the Journal of Agricultural and Food Chemistry, Volume 8, Page 460 (1960), with minor modifications.

Dated: August 22, 1961.

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

[F.R. Doc. 61-8298; Filed, Aug. 29, 1961;
8:52 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by E. I. du Pont de Nemours & Company, Inc., Wilmington 98, Delaware, proposing the establishment of a tolerance of 7 parts per million for residues of maneb (manganous ethylenebisdithiocarbamate), expressed as zinc ethylenebisdithiocarbamate, in or on pumpkins.

The analytical method proposed in the petition for determining residues of maneb is that published in the FEDERAL REGISTER of October 4, 1960 (25 F.R. 9473).

Dated: August 23, 1961.

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

[F.R. Doc. 61-8299; Filed, Aug. 29, 1961;
8:52 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Shell Chemical Company, 110 West Fifty-first Street, New York 20, New York, proposing the establishment of tolerances of 0.25 part per million for residues of 1-methoxycarbonyl-1-propen-2-yl-dimethylphosphate and its beta isomer in or on grapefruit, lemons, and oranges.

The analytical method proposed in the petition for determining residues of 1-methoxycarbonyl-1-propen-2-yl-dimethylphosphate and its beta isomer is that published in the FEDERAL REGISTER of May 4, 1957 (22 F.R. 3187).

In addition to the foregoing method, a bioassay method using pomace flies (*Drosophila melanogaster*) has been submitted. Pomace flies are exposed to residues, with or without cleanup, and mortality observations are made at intervals from 3 hours to 24 hours. From the LC¹ 50 value at 3 hours and the ratio of this value to the LC 50 value at 24 hours, the petitioner claims this method to be capable of identification and determination of this pesticide in the presence of other cholinesterase-inhibiting pesticides.

Dated: August 22, 1961.

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

[F.R. Doc. 61-8300; Filed, Aug. 29, 1961;
8:52 a.m.]

[21 CFR Part 146]

GENERAL REGULATIONS FOR CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Animal Feed Containing Antibiotic Drugs

Several subparagraphs in § 146.26 set minimum requirements for the listed antibiotics for incorporation in animal feeds but do not prescribe maximum amounts that may be used. These regulations are therefore in conflict with provisions of the food additives amendment to the Federal Food, Drug, and Cosmetic Act. The Commissioner of Food and Drugs therefore concludes that it is necessary to correct this inconsistency by revising portions of § 146.26. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371), and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), it is proposed that the general regulations for

¹ Lethal concentration.

certification of antibiotic and antibiotic-containing drugs (21 CFR 146.26) be changed by amending paragraph (b) of § 146.26 *Animal feed containing penicillin* * * *, as follows:

1. In subparagraph (6), by deleting the words "not less than" immediately before the words "50 grams of chlortetracycline" and "100 grams of chlortetracycline".
2. In subparagraph (7) (i) in the first sentence, by deleting the words "not less than" before the words "100 grams of chlortetracycline" and "75 grams of streptomycin"; in the second sentence, by deleting the words "not less than" before the words "200 grams of chlortetracycline".
3. In subparagraph (9), by deleting the words "not less than" immediately before the words "50 grams of bacitracin".
4. In subparagraph (10), by deleting the words "not less than" immediately before the words "100 grams of bacitracin".
5. In subparagraph (12), by deleting the words "not less than" immediately before the words "50 grams of chlortetracycline" and by changing the words "not less than 50 grams per ton" to read "of 50 grams per ton".
6. In subparagraph (16) (i), by deleting the words "not less than" immediately before the words "50 grams of chlortetracycline" and "50 grams of bacitracin".
7. In subparagraph (17) (i), by deleting the words "not less than" immediately before the words "100 grams of chlortetracycline" and "100 grams of bacitracin".
8. In subparagraph (23), by deleting the words "not less than" immediately before the words "20 grams of chlortetracycline".
9. In subparagraph (24), by deleting the words "not less than" immediately before the words "50 grams of chlortetracycline".
10. In subparagraph (27), by deleting the words "not less than" immediately before the words "50 grams of chlortetracycline" and "100 grams of chlortetracycline".
11. In subparagraph (33), by deleting the words "not less than" immediately before the words "75,000 units".

All interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 24, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-8301; Filed, Aug. 29, 1961; 8:52 a.m.]

Public Health Service

[42 CFR Part 72]

INTERSTATE QUARANTINE

Drinking Water Standards

Correction

In F.R. Doc. 61-6985, appearing at page 6737 of the issue for Thursday, July 27, 1961, in the tabular material of § 72.205(b) (2), the entry for Chromium should read "0.05" instead of "0.5".

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 863]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright Series C-46 Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring an inspection for fatigue cracks in the main landing gear drag struts on all Curtiss-Wright C-46 aircraft. Fatigue cracks resulting from an improper weld were found during investigation of a failure of the main landing gear drag struts. Since this condition is likely to occur on other such aircraft, a one-time inspection is proposed to prevent further failures.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 29, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

CURTISS-WRIGHT. Applies to all C-46 Series aircraft.

Compliance required as indicated.

As a result of failure of the main landing gear drag struts, due to fatigue caused by an improper weld joining the strut tube and the lower end fitting, the following is required, unless already accomplished:

Within the next 200 hours' time in service after effective date of this AD, inspect the weld in the main landing gear drag strut that joins the lower end fittings, P/N 20-310-1018-2, to the drag strut tubes, P/N 20-310-1017-7 and -8, for the presence of a space or notch formed by the filleted shoulder on the end fitting and the weld. If the weld bead does not extend from the strut tube to the outer edge on the shoulder of the fitting, completely filling the area between the tube and the shoulder, this area must be inspected for cracks using dye penetrant, magnetic particle or an equivalent inspection method. If cracks are found, the drag strut must be replaced prior to further flight.

Issued in Washington, D.C., on August 23, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-8269; Filed, Aug. 29, 1961; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-26]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6039 and 601.6039 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 39 extends in part from Millinocket, Maine, to Presque Isle, Maine.

The Federal Aviation Agency has under consideration alteration of this airway by extending it northward from the Presque Isle VOR to the intersection of the Presque Isle VOR 359° True radial and the United States/Canadian Border. This proposed extension of Victor 39 would underlie the segment of intermediate altitude VOR Federal airway No. 1503 proposed in Airspace Docket No. 61-NY-12 (26 F.R. 3156) and provide for the transition of VOR equipped aircraft between the low and intermediate airway structures while operating between Presque Isle and Mont Joli, Quebec.

Concurrently with this action it is proposed to designate the control areas associated with this proposed segment of Victor 39 to extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this

notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on August 23, 1961.

R. E. THOMAS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8270; Filed, Aug. 29, 1961;
8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-KC-93]

SPECIAL USE AIRSPACE

Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR

409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.42 of the regulations of the Administrator, the substance of which is stated below.

The Lake Margrethe, Mich., Restricted Area R-4202 is bounded by a line extending from latitude 44°41'00" N., longitude 84°46'00" W.; to latitude 44°36'00" N., longitude 84°46'00" W.; to latitude 44°36'00" N., longitude 84°53'00" W.; to latitude 44°41'00" N., longitude 84°53'00" W.; to the point of beginning, and is designated from the surface to 2,000 feet MSL, April 1 through October 30, annually, for use by the National Guard.

The Federal Aviation Agency is considering a request by the Department of the Army which would reduce the size of the area by approximately 75 percent, increase the designated altitudes to 8,200 feet MSL and decrease the time of designation to June 1 through August 31, annually, with specific dates to be published by NOTAM. This special use area would be used by the National Guard as a mortar firing range.

The Federal Aviation Agency is considering the redesignation of the Lake Margrethe Restricted Area R-4202 as follows:

Boundaries. Beginning at latitude 44°-36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°-50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.

Designated altitudes. Surface to 8,200 feet MSL.

Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on August 24, 1961.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8271; Filed, Aug. 29, 1961;
8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

Delegation of Authority

In order to provide for the execution of certificates of interest in connection with Commodity Credit Corporation transactions, a delegation of authority is provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authority herein delegated shall be exercised in conformity with the bylaws, regulations and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

The Director or Acting Director of the New Orleans Agricultural Stabilization and Conservation Service Commodity Office at New Orleans, Louisiana, may sign Commodity Credit Corporation certificates of interest issued to commercial banks participating in the financing of pools of price support commodity loans.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Effective date: Date of signature.

Signed at Washington, D.C., August 24, 1961.

R. P. BEACH,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-8289; Filed, Aug. 29, 1961; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Defense Air Transportation Administration

[Order No. 15]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal year 1962.

FISCAL 1961 FLEET

DC-4			
1437 V	88897	88921	90428
45346	88898	88934	90434
75298	88901	88935	90436
79999	88903	88938	90440
88819	88907	90407	90444
88884	88908	90423	90448
88891	88909	90427	90905
88893	88912		

No. 167-4

DC-6A

401 US	6575 C	37590	90776
402 US	6576 C	37591	90777
571	6579 C	37592	90780
63 ONA	7822 C	37593	90781
64 ONA	11565	37594	90782
65 ONA	34955	37595	90783
6119 C	34956	37596	90784
6260 C	34957	45500	90785
6541 C	34958	45501	90809
6574 C			

L-1049H

101 R	5402 V	6916 C	6933 C
468 C	5403 V	6917 C	6935 C
469 C	5404 V	6918 C	6936 C
1006 C	6501 C	6919 C	6937 C
1007 C	6502 C	6921 C	7121 C
1008 C	6504 C	6922 C	7131 C
1009 C	6911 C	6923 C	7132 C
1010 C	6912 C	6924 C	7133 C
1880	6913 C	6925 C	7134 C
1927 H	6914 C	6931 C	9752 C
5401 V	6915 C	6932 C	

L-1649A(F)

7311 C	7317 C	7323 C	8082 H
7315 C	7319 C	7324 C	8083 H
7316 C	7322 C	8081 H	8084 H

DC-7C(F)

294	735 PA	4059 K	6336 C
295	736 PA	8215 H	6341 C
296	737 PA	8216 H	6342 C
301 G	746 PA	8217 H	6344 C
731 PA	752 PA	8218 H	6346 C
733 PA	754 PA	8219 H	6348 C
734 PA	755 PA		

B-707—(300 series)

701 PA	718 PA	728 PA	764 TW
702 PA	719 PA	729 PA	765 TW
703 PA	720 PA	730 PA	766 TW
704 PA	721 PA	757 PA	767 TW
705 PA	722 PA	758 PA	768 TW
706 PA	724 PA	759 PA	769 TW
714 PA	725 PA	761 TW	770 TW
715 PA	726 PA	762 TW	771 TW
716 PA	727 PA	763 TW	772 TW
717 PA			

CL-44

124 SW	450 T	451 T	452 T
125 SW			

DC-8

800 PA	805 PA	813 PA	8023 U
801 PA	805 US	814 PA	8024 U
801 US	806 PA	815 PA	8025 U
802 PA	807 PA	816 PA	8026 U
802 US	808 PA	817 PA	8027 U
803 PA	809 PA	818 PA	8028 U
803 US	810 PA	8018 U	8029 U
804 PA	811 PA	8021 U	8030 U
804 US	812 PA	8022 U	8031 U

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased, or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order supersedes Aircraft Allocation Order No. 13, dated

March 23, 1961, 26 F.R. 2694, of March 30, 1961.

Dated: August 15, 1961.

THEODORE HARDEEN, Jr.,
Administrator, Defense Air
Transportation Administration.

[F.R. Doc. 61-8311; Filed, Aug. 29, 1961; 8:54 a.m.]

[Order No. 16]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense for fiscal year 1962 the aircraft identified herein by FAA registration number as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. Any aircraft in this reserve fleet may, at the direction of the Administrator, DATA, be added to the list of aircraft allocated by DATA Allocation Order No. 15, dated August 15, 1961, to replace an aircraft in the Civil Reserve Air Fleet that is determined by the Department of Defense to be unavailable.

CONTINGENCY RESERVE FLEET

FISCAL YEAR 1962

L-1649A

7301 C	7306 C	7312 C	7320 C
7302 C	7308 C	7314 C	7321 C
7303 C	7309 C	7318 C	7325 C
7304 C	7310 C		

DC-7C

284	290	741 PA	748 PA
285	291	742 PA	749 PA
286	293	743 PA	750 PA
287	732 PA	744 PA	751 PA
288	738 PA	747 PA	753 PA
289	739 PA		

B-707 (100 series)

707 PA	709 PA	711 PA	712 PA
708 PA	710 PA		

DC-8

8032 U	8033 U
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In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order supersedes Aircraft Allocation Order No. 14, dated

8119

March 23, 1961, 26 F.R. 2694, of March 30, 1961.

Dated: August 15, 1961.

THEODORE HARDEEN, Jr.,
Administrator, Defense Air
Transportation Administration.

[F.R. Doc. 61-8312; Filed, Aug. 29, 1961;
8:54 a.m.]

Maritime Administration
UNITED STATES LINES CO.

Notice of Amendment of Application
for Approval of Certain Cruises

Notice is hereby given that United States Lines Company has requested that its application filed pursuant to Public Law 87-45 for approval of two cruises with the "SS United States" as published in the FEDERAL REGISTER issue of July 14, 1961 (26 F.R. 6314) be amended by substituting St. Thomas for San Juan.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C. by close of business on September 7, 1961. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: August 25, 1961.

By order of the Maritime Subsidy Board.

THOMAS LISI,
Secretary, Maritime Subsidy Board.

[F.R. Doc. 61-8266; Filed, Aug. 29, 1961;
8:46 a.m.]

FARRELL LINES, INC.

Notice of Application

Notice is hereby given that Farrell Lines Incorporated has applied for the operation of an additional vessel and an increase in sailings on its service on Trade Route No. 14, Service 1—U.S. Atlantic—West Coast Africa—Freight Service from a maximum of 29 sailings per annum to a maximum of 36 sailings per annum.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on September 7, 1961, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate suffi-

cient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: August 25, 1961.

By order of the Maritime Subsidy Board.

THOMAS LISI,
Secretary, Maritime Subsidy Board.

[F.R. Doc. 61-8265; Filed, Aug. 29, 1961;
8:46 a.m.]

Office of the Secretary

ROBERT L. TURNER

Statement of Changes in Financial
Interests

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

- A. Deletions: None.
- B. Additions: None.

This statement is made as of August 1, 1961.

ROBERT L. TURNER.

[F.R. Doc. 61-8310; Filed, Aug. 29, 1961;
8:54 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

BABCOCK AND WILCOX CO.

Notice of Issuance of Facility License
Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. CX-10. The license authorizes the Babcock and Wilcox Company to operate the water tank critical facility located in Bay No. 2 of its Critical Experiment Laboratory located near Lynchburg, Virginia. The amendment adds a condition to the license regarding procedures to be followed with respect to operations with the facility shut down which might involve a change in core reactivity.

With respect to this condition, the Commission has requested that each utilization facility licensee submit a written description of its procedures during operations with the facility shut down which might involve a change in core reactivity. The Commission has reviewed the licensee's submission dated January 24, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during operations which could involve changes in core reactivity when the facility is shut down. The Commission has found that operation of the facility in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not neces-

sary in the public interest since operation of the facility in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 10, 1961 to the Babcock and Wilcox Company and (b) the licensee's reply dated January 24, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 23d day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Re-
actor Safety Branch, Division
of Licensing and Regulation.

[License No. CX-10; Amdt. 4]

License No. CX-10, which authorizes the Babcock and Wilcox Company to operate the water tank critical facility located in Bay No. 2 of its Critical Experiment Laboratory located near Lynchburg, Virginia, is hereby amended by adding the following additional conditions thereto:

The Babcock and Wilcox Company shall, with respect to operations which could involve changes in core reactivity when the facility is shut down, follow the procedures described in its report entitled "Survey of Babcock and Wilcox Reactor Facilities Operated Under AEC License January 1961."

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 23d day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor
Safety Branch, Division of Li-
censing and Regulation.

[F.R. Doc. 61-8261; Filed, Aug. 29, 1961;
8:45 a.m.]

[Docket No. 50-106]

OREGON STATE UNIVERSITY

Notice of Issuance of Facility License
Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-51. The license authorizes Oregon State University to operate its nuclear reactor Model AGN-201, Serial

No. 114, located on its campus in Corvallis, Oregon.

The amendment (1) changes the licensee's name from "Oregon State College" to "Oregon State University" to reflect the change in the University's name, (2) deletes the requirement in the license that the reactor shall be operated only under the direct supervision of the Reactor Supervisor or his designated alternate, (3) adds a condition regarding the procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (4) adds a condition requiring written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (3) above, the Commission has requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed the licensee's submissions dated January 17, 1961, and June 29, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, (2) the Commission's telegram dated January 11, 1961, to the licensee and (3) the licensee's replies dated January 17, 1961, and June 29, 1961, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above

may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-51; Amdt. 4]

Facility License No. R-51 which authorizes Oregon State University to operate the nuclear reactor Model AGN-201, Serial No. 114 located on its campus in Corvallis, Oregon, is hereby amended as follows:

1. The name of the licensee is changed from "Oregon State College" to "Oregon State University."

2. Paragraph 4.a. is amended to read as follows:

a. The Reactor Supervisor and any of his designated alternates shall have been approved by the Commission.

3. The following new conditions are added:

A. Oregon State University shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its submissions to the Commission dated January 17, 1961, and June 29, 1961.

B. Oregon State University shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Dated: August 23, 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-8262; Filed, Aug. 29, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8305]

ALLEGHENY SEGMENT 3 RENEWAL

Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference now assigned for September 5, 1961, is postponed to September 14, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., August 24, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-8303; Filed, Aug. 29, 1961; 8:53 a.m.]

[Docket No. 12538]

TRANS-TEXAS AIRWAYS, INC.

Use It Or Lose It Investigation, Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference now assigned for September 6, 1961, is postponed to October 4, 1961, at 10:00 a.m., e.d.s.t., in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William Cusick.

Dated at Washington, D.C., August 24, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-8304; Filed, Aug. 29, 1961; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Project Nos. 2248, 2272]

ARIZONA POWER AUTHORITY ET AL.

Notice of Postponement of Hearing

AUGUST 23, 1961.

Arizona Power Authority, Project No. 2248; and City of Los Angeles, California and its Department of Water and Power, Project No. 2272.

Upon consideration of the motion filed August 14, 1961, by the City of Los Angeles for postponement of the hearing now scheduled for September 12, 1961, in the above-designated matters;

The hearing now scheduled for September 12, 1961, is hereby postponed to October 30, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8272; Filed, Aug. 29, 1961; 8:47 a.m.]

[Docket Nos. RI62-19 etc.]

W. L. HARTMAN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

AUGUST 23, 1961.

W. L. Hartman, et al., Docket No. RI62-19; James Donoghue (Operator), et al., Docket No. RI62-20; Cities Service Petroleum Company, Docket No. RI62-21; Union Oil Company of California, Docket No. RI62-22; Mel Dar Corporation, Docket No. RI62-23; Northern Pump Company (Operator), et al., Docket No. RI62-24.

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. All of the sales are made at a pressure base of 14.64 psia.

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

The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-19	W. L. Hartman, et al., P.O. Box 54, Wichita 1, Kans.	1	15	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.)	\$4,013	7-27-61	9-1-61	2-1-62	10.2729	10.8933	
RI62-20	James Donoghue (Operator), et al., Denver Club Bldg., Denver, Colo.	1	2	Panhandle Eastern Pipe Line Co., (Meade County, Kans.)	960	7-28-61	8-28-61	1-28-62	15.0	16.0	
RI62-21	Cities Service Petroleum Co., Cities Service Bldg., Bartlesville, Okla.	90	10	Kansas-Nebraska Natural Gas Co., Inc. (Hugoton Field, Texas County, Okla.)	287	7-28-61	10-1-61	3-1-62	11.0	11.2	
		98	4	Northern Natural Gas Co. (Edwards County, Kans.)	2,108	7-28-61	10-1-61	3-1-62	13.5	14.5	
		121	9	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.)	504	7-28-61	10-1-61	3-1-62	16.8	17.0	RI61-82 (Supp. No. 8), RI61-82 (Supp. No. 3).
RI62-22	Union Oil Co. of California, P.O. Box 7600, Los Angeles 54, Calif.	20	4	Kansas-Nebraska Natural Gas Co. (Camrick Field, Texas and Beaver Counties, Okla.)	288	7-28-61	9-1-61	2-1-62	16.6	16.8	
RI62-23	Mel Dar Corp., 649 South Olive St., Los Angeles 14, Calif.	1	4	Tennessee Gas Transmission Co. (Mustang Island Field, Nueces County, Tex.) (R.R. District No. 4)	19,603	7-31-61	9-1-61	2-1-62	15.0952	17.24347	G-19814 (Supp. No. 3 and 1 to 3).
RI62-24	Northern Pump Co. (Operator), et al., Columbia Heights P.O., Minneapolis 21, Minn.	9	5	Northern Natural Gas Co. (Hugoton Field, Seward County, Kans.)	2,330	7-31-61	9-1-61	2-1-62	11.0	12.0	
		12	4	do	420	7-31-61	9-1-61	2-1-62	11.0	12.0	
		15	4	do	380	7-31-61	9-1-61	2-1-62	11.0	12.0	

¹ Periodic increase by contract.
² Subject to orders in Docket Nos. G-19322 and G-16123.
³ Subject to orders in Docket Nos. G-19154 and G-16081.

⁴ Favored nation clause.
⁵ Subject to downward B.t.u. adjustment.

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. 1), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(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 October 5, 1961.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-8273; Filed, Aug. 29, 1961; 8:48 a.m.]

[Docket No. RI62-25]

W. A. MONCRIEF ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 23, 1961.

On July 27, 1961, W. A. Moncrief (Operator), et al. (Moncrief) tendered for filing a proposed change in rate for the jurisdictional sale of gas to Natural Gas Pipe Line Company of America from Fairbanks Field, Harris County, Texas. The filing, designated Supplement No. 2 to Moncrief's FPC Gas Rate Schedule No. 2, contains a periodic increase plus applicable tax reimbursement from 15 cents to 15.34592 cents per Mcf at 14.65 psia. The rate includes a variable charge for compression paid to Warren Petroleum Corporation and Murmanill Corporation. The increase will become effective after 30 days notice on August 27, 1961, unless suspended, and reflects an annual increase in charges of \$340. The proposed rate exceeds the applicable area price level set forth in the Commission's Statement of General Policy No. 61-1 and the amendments thereto and 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 Com-

mission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge and that the above-designated supplement 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. 1), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and the above-designated supplement is suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, Supplement No. 2 to Moncrief's FPC Gas Rate Schedule No. 2 is hereby suspended and the use thereof deferred until January 27, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has 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 October 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8274; Filed, Aug. 29, 1961; 8:48 a.m.]

[Project No. 1517]

MONROE CITY CORP.

Notice of Application for Amendment of License

AUGUST 23, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Monroe City Corporation, of Monroe, Utah, licensee for Project No. 1517, for amendment of its license for the project to authorize the construction as part of the project of approximately 13,000 feet of 8-inch pipe line extending from the First Left Hand Fork Power Plant up the main canyon of Monroe Creek to Service Berry Creek and thence up Service Berry Creek to an elevation comparable with the intakes on First Left Hand Fork and Shingle Creek.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 17, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8275; Filed, Aug. 29, 1961; 8:48 a.m.]

FEDERAL MARITIME COMMISSION
NEDLLOYD LINE JOINT SERVICE ET AL.

Notice of Agreements Filed for Approval

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

Agreement Numbered 7661-4, between the carriers comprising the Nedlloyd Line joint service, modifies the basic agreement of that joint service (Numbered 7661, as amended), covering various world wide trades, (1) to include within the scope of the agreement (a) the trade between United States-Canadian Atlantic and U.S. Gulf ports and Taiwan, Hong Kong, and Japan; (b) the trade from United States-Canadian Great Lakes ports to Indonesia, North Borneo, Taiwan, Hong Kong and Japan; and (c) the trade from ports in the Mediterranean Sea, including Portuguese and Spanish Atlantic ports, Casablanca, Adriatic, and Black Sea ports, Suez, Port Said, ports in the Red Sea, Gulf of Aden, Arabian Sea, India and Pakistan, Ceylon, Burma, ports in the Persian Gulf, Indonesia, Thailand, Cambodia, Vietnam, Philippine Islands, North Borneo, Taiwan, Hong Kong, and Japan to United States-Canadian Great Lakes ports; and (2) to change the name of Madagascar to Malagasy Republic and substitute the names of Cambodia and Vietnam for Indo-China in order to record the pres-

ent day designation of those countries in the agreement.

Agreement Numbered 8708, between Cubamex Line (Mexican & West Indies Steamship Company, Inc.) and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Mexico to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia. Agreement Numbered 8708, upon approval, will supersede and cancel approved Agreement Numbered 8537, between Cuba, Mexico and West Indies Steamship Company, Inc., and Bull Insular Line, Inc., in the same trade.

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

Dated: August 24, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-8263; Filed, Aug. 29, 1961; 8:46 a.m.]

FLOTA MERCANTE GRANCOLOMBIANA, S.A. ET AL.

Notice of Agreements Filed for Approval
Correction

In F.R. Doc. 61-8151, appearing at page 7985 of the issue for Friday, August 25, 1961, the signature at the end of the document should read as follows: "Geo. A. Viehmann".

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1627]

CONSOLIDATED CHOLLAR INDUSTRIES

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

AUGUST 24, 1961.

In the matter of Consolidated Chollar Industries, Common Stock, File No. 1-1627.

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

The reasons alleged in the application for striking this security from listing and registration include the following: The

stock was suspended from trading by the Exchange on October 11, 1960, in view of unsatisfactory financial statements. In the absence of improvement, the company now concurs with the Exchange in this delisting application.

Upon receipt of a request, on or before September 8, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8282; Filed, Aug. 29, 1961; 8:49 a.m.]

[File No. 70-3319]

MISSISSIPPI VALLEY GENERATING CO. ET AL.

Notice of Filing of Declaration Regarding Payment of Liabilities and Liquidation and Dissolution of Subsidiary Company

AUGUST 22, 1961.

In the matter of Mississippi Valley Generating Company, Middle South Utilities, Inc., the Southern Company; File No. 70-3319.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 2 Broadway, New York 8, New York, and The Southern Company ("Southern"), 1330 West Peachtree Street, Atlanta 9, Georgia, both registered holding companies, and their inactive electric utility subsidiary company, Mississippi Valley Generating Company ("MVG") of Birmingham, Alabama, have filed with this Commission an amendment to the joint declaration previously filed pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The amendment designates sections 12(b), 12(c), 12(d), and 12(f) of the Act and Rules 42, 43, and 45 promulgated thereunder as applicable to the transactions proposed by the amendment.

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

Middle South and Southern, owners of all of the outstanding securities of MVG, propose to provide funds, in the propor-

tion of 79 percent and 21 percent, respectively, necessary to discharge all of MVG's liabilities in excess of its assets, and to cause its liquidation and dissolution. As the basis for such proposal, it is stated in the amendment:

MVG was organized in July 1954 under the laws of the State of Arkansas for the purpose of effectuating a program under which the systems of Middle South and Southern ("Sponsors") would supply electric power to the United States Government acting by and through the Atomic Energy Commission ("AEC"). To implement the program, MVG entered into a contract with AEC, dated November 11, 1954, under which MVG agreed to construct a generating plant at or near West Memphis, Arkansas, and to supply electric power to, or for the account of, AEC from such plant and other power sources of the systems of the Sponsors.

To supply MVG with a portion of the funds required in arranging to supply such power, the Sponsors entered into a stock purchase agreement with MVG whereby Middle South and Southern agreed to purchase from time to time, in the proportions of 79 percent and 21 percent, respectively, at \$100 per share, 55,000 shares of MVG's \$100 par value common stock. By order dated February 9, 1955, the Commission authorized the issuance and sale by MVG, and the acquisition by the Sponsors in the aforesaid proportions, of 55,000 shares of MVG's common stock for an aggregate purchase price of \$5,500,000 (Holding Company Act Release No. 12794); and MVG subsequently issued and sold, and the Sponsors acquired, an aggregate of 11,000 of such shares for \$1,100,000. The Sponsors and MVG thereafter retained or employed various persons, and incurred liabilities, for the purpose of carrying out their obligations and undertakings under the AEC contract.

Subsequently, pursuant to the direction of the President, AEC terminated the power contract. In light of termination of the contract, this Commission, by Order dated November 4, 1955, rescinded its Order of February 9, 1955, insofar as it related to 44,000 of the 55,000 shares of MVG stock thereby authorized to be issued, sold and acquired; and reserved jurisdiction with respect to what further action should be taken insofar as the order related to the 11,000 shares theretofore acquired by the Sponsors (Holding Company Act Release No. 13029).

Following termination of the power contract, the United States notified MVG that the United States would not make any payments thereunder. Thereupon, MVG sued in the Court of Claims and obtained, on behalf of itself, the Sponsors, and other creditors, a judgment in the amount of \$1,867,545.56, as of November 4, 1955, the date of the petition in that action. *Mississippi Valley Generating Co. etc. v. U.S.*, 175 F. Supp. 505 (1959). Upon appeal, the Supreme Court of the United States reversed the judgment. *U.S. v. Mississippi Valley Generating Co., etc.*, 364 U.S. 520 (1961). The Court of Claims had allowed, exclusive of \$616,158.76 allowed to MVG itself, the following amounts to the creditors of MVG named below:

Dickmann-Pickens-Bond Construction Co.....	\$14,553.03
J. A. Jones Construction Co.....	143,160.33
Pandick Press, Inc.....	38,338.76
Reid & Priest.....	7,097.12
House, Moses & Holmes.....	7,500.00
Arthur Anderson & Co.....	16,469.66
Middle South Utilities, Inc.....	3,032.11
The Southern Co.....	21,147.45
Arkansas Power & Light Co.....	7,484.09
First National City Bank of New York.....	500.00
White & Case.....	500.00
Ebasco Services, Inc.....	565,028.02
Cahill, Gordon, Reindel & Ohl.....	232,491.75
Winthrop, Stimson, Putnam & Roberts.....	103,296.63
Willkie, Owen, Farr, Gallagher & Walton.....	75,787.85
Milbank, Tweed, Hope & Hadley.....	15,000.00

Total amount allowed... 1,251,386.80

The filing states that since November 4, 1955, additional counsel fees and expenses have been incurred by MVG in the claimed amounts of \$562,420.65 and \$9,790.46, respectively, in connection with the aforesaid claims proceeding and the subsequent appeal. Thus the total of MVG's indebtedness, both that covered by the judgment of the Court of Claims and that incurred since that time, aggregate \$1,823,597.91. MVG's assets, consisting of cash, short-term Government obligations, and land (at cost), as of March 31, 1961, aggregate \$524,061.28. The amendment states that, accordingly, MVG lacks approximately \$1,300,000 of funds required to pay its creditors, not including the cost of this proceeding; and that MVG is insolvent and will become bankrupt unless the Sponsors provide the funds required in excess of MVG's assets.

To protect the credit of the companies in their respective systems and the persons who extended credit to MVG in connection with its efforts to carry out the arrangements with AEC, the Sponsors of MVG, Middle South and Southern, propose, in accordance with their undertakings under the stock purchase agreement, in the proportions of 79 percent and 21 percent respectively, to provide the funds necessary to pay all of MVG's creditors in full, by making payments directly to such creditors after the application of all available assets of MVG. Forthwith upon the liquidation of its assets and the payment of its indebtedness, MVG will be dissolved, in connection with which Middle South and Southern will surrender for cancellation and retirement the 11,000 shares of the MVG stock held by them.

Notice is further given that any interested person may, on or before September 11, 1961, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarants,

Middle South and Southern, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the Commission may permit the declaration, as filed or as it may be amended, to become effective; or the Commission may grant exemption from its rules and regulations as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8283; Filed, Aug. 29, 1961; 8:49 a.m.]

[File No. 70-3902]

NEW JERSEY POWER AND LIGHT CO. AND JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Proposed Intrasystem Sales and Acquisitions of Utility Assets

AUGUST 21, 1961.

In the matter of New Jersey Power & Light Company (Madison Avenue at Punch Bowl Road, Morristown, New Jersey); Jersey Central Power & Light Company (Madison Avenue at Punch Bowl Road, Morristown, New Jersey); File No. 70-3902.

Notice is hereby given that New Jersey Power & Light Company ("NJP&L"), and Jersey Central Power & Light Company ("JCP&L"), both public-utility subsidiary companies of General Public Utilities Corporation, a registered holding company, have filed a joint declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) (1), (10), 12(d), and 12(f) of the Act and Rules 43 and 44 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

NJP&L proposes to sell and JCP&L proposes to acquire (a) the "Whippany-Roseland right-of-way" for \$38,506.49 in cash and (b) a segment of the "Mercer-Larabee right-of-way" for \$71,110.62 in cash. The Whippany-Roseland right-of-way of approximately 2.191 miles connects a JCP&L substation with a substation of Public Service Electric and Gas Company, a non-affiliate, and since 1953 JCP&L has been the sole user of the 230 KV line which it constructed thereon at its own expense. The Mercer-Larabee right-of-way of approximately 2.603 miles connects a site for a proposed generating station with a JCP&L substation and as a result of the proposed purchase JCP&L will own the entire right-of-way upon which it has constructed a 230 KV line.

In the filing the total fees and expenses in connection with the proposed transactions (including legal fees aggregating \$3,250) are estimated at \$4,303. It is stated that the proposed sales by NJP&L have been approved by the Board of Public Utility Commissioners of the State of New Jersey and that

no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 7, 1961, request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if any person served is located more than 500 miles from the point of mailing) upon each declarant, and proof of service (by affidavit, or as in the case of an attorney-at-law by certificate) filed contemporaneously with the request. At any time after said date, the joint declaration, as filed or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8284; Filed, Aug. 29, 1961;
8:49 a.m.]

[File No. 1-4252]

**UNITED INDUSTRIAL CORP.
(DELAWARE)**

**Order Summarily Suspending Trading
August 23, 1961.**

The Common Stock, \$1 par value of United Industrial Corporation (Delaware), being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock \$8.50 par value of United Industrial Corporation (Delaware), being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The warrants to Purchase Common Stock of United Industrial Corporation (Delaware), being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful

under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 24, 1961, to September 2, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8285; Filed, Aug. 29, 1961;
8:50 a.m.]

**INTERSTATE COMMERCE
COMMISSION**

[Notice 174]

**MOTOR CARRIER ALTERNATE ROUTE
DEVIATION NOTICES**

AUGUST 25, 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 (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-538 (Deviation No. 1), FLEET HIGHWAY FREIGHT LINES, INC., Post Office Box 1037, Parkersburg, W. Va., filed August 14, 1961. 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 junction U.S. Highway 25, and return over the same route, for operating convenience only, serving no intermediate points. The no-

tice 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 25 to Dayton, Ohio, and return over the same route.

No. MC-1936 (Deviation No. 1), B&P MOTOR EXPRESS, INC., 51st Street and A.V.R.R. Pittsburgh, Pa., filed August 15, 1961. Attorney John A. Vuono, 1815 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Illinois Highway 120 and U.S. Highway 41 over Illinois Highway 120 to junction Illinois Highway 131, thence over Illinois Highway 131 to the Illinois-Wisconsin State line and thence over Wisconsin Highway 31 to the junction Wisconsin Highway 158, thence over Wisconsin Highway 158 to Kenosha, 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 the junction of Illinois Highway 20 and U.S. Highway 41 (Interstate Highway 94) over U.S. Highway 41 to junction Wisconsin Highway 50 thence over Wisconsin Highway 50 to Kenosha, and return over the same route.

No. MC-2202 (Deviation No. 26), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed August 21, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 65 to Nashville, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, over U.S. Highway 31 to Birmingham, and return over the same route.

No. MC-2202 (Deviation No. 27), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed August 21, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 96 to Grand Rapids, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Detroit over U.S. Highway 10 to Flint, Mich., thence over Michigan Highway 21 to Grand Rapids, and return over the same route.

No. MC-3261 (Deviation No. 4), KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich., filed August 17, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Lansing, Mich.,

over U.S. Highway 127 to Junction Interstate Highway 96, thence over Interstate Highway 96 to Detroit, 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 between Lansing and Detroit over U.S. Highway 16.

No. MC-10761 (Deviation No. 10), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed August 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Buffalo, N.Y., and Boston, Mass., over Interstate Highway 90, 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 Buffalo, N.Y., over New York Highway 5 to Syracuse, N.Y.; from Syracuse, N.Y., over New York Highway 20SY to Junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass.; and from Boston over U.S. Highway 20 to Springfield, thence over U.S. Highway 5 to Hartford, Conn., and return over the same route.

No. MC-10761 (Deviation No. 11), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed August 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 96 to Grand Rapids, 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 Toledo, Ohio over U.S. Highway 24 to Detroit (also from Toledo over U.S. Highway 25 to Detroit), and thence over U.S. Highway 16 to Brighton, Mich.; and from junction U.S. Highway 16 and 23 near Brighton over U.S. Highway 16 to Grand Rapids, and return over the same routes.

No. MC-11220 (Deviation No. 3), GORDONS TRANSPORTS, INC., Post Office Box 2696, Memphis 2, Tenn., filed August 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 71 and Bypass 71, 19 miles north of Adrian, Mo., over Bypass U.S. Highway 71 to junction U.S. Highway 50, and thence over U.S. Highway 50 to Kansas City, 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 junction U.S. Highway 71 and Bypass U.S. Highway 71 over U.S. Highway 71 to Kansas City, and return over the same route.

No. MC-43442 (Deviation No. 2), TRANSPORTATION SERVICE, INC.,

1946 Bagley Avenue, Detroit 16, Mich., filed August 21, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Flint, Mich., over U.S. Highway 23 and Interstate Highway 75 to Toledo, 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 Flint over U.S. Highway 10 to Pontiac, Mich., thence over U.S. Highway 24 to Toledo, and return over the same route.

No. MC-69833 (Deviation No. 2), ASSOCIATED TRUCK LINES, INC., 615 Andre Street SE., Grand Rapids 7, Mich., filed August 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 96 and U.S. Highway 16 near Detroit, Mich., over Interstate Highway 96 to junction Interstate Highway 196 at, or near Grand Rapids, Mich., thence over Interstate Highway 196 to Muskegon, 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 Muskegon over U.S. Highway 31 to Grand Haven, Mich., thence over Michigan Highway 104 (formerly Alternate U.S. Highway 16) to junction U.S. Highway 16, thence over U.S. Highway 16 to Lansing, Mich.; and from Lansing over U.S. Highway 16 to Detroit, and return over the same routes.

No. MC-76032 (Deviation No. 5), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo., filed August 18, 1961. Attorney O. Russell Jones, 142 West Palace Avenue, Santa Fe, N. Mex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 60 and Interstate Highway 10 at or near Beaumont, Calif., over Interstate Highway 10 to junction U.S. Highway 60 west of Pomona, Calif., 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 Los Angeles, Calif., over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Albuquerque, N. Mex.; and from Los Angeles over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to junction Alternate U.S. Highway 89, and thence over Alternate U.S. Highway 89 to junction U.S. Highway 66 at Flagstaff, Ariz., and thence over U.S. Highway 66 to Albuquerque, and return over the same routes.

No. MC-76993 (Deviation No. 1), EXPRESS FREIGHT LINES, INC., 4600 West Burnham Street, Milwaukee 46,

Wis., filed August 15, 1961. W. C. Melender, carrier's representative, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 41 and Interstate Highway 94 over Interstate Highway 94 (also known as Tri-State Tollway) to junction Interstate Highway 294 (near Desplaines, Ill., thence over Interstate Highway 294 to junction Interstate Highways 80 and 90 (near Calumet City, Ill., thence over Interstate Highways 80 and 90 to Broadway Avenue, Gary, Ind., thence over Broadway Avenue to junction U.S. Highway 20 in Gary, Ind., thence over U.S. Highway 20 to junction Indiana Highway 212 near Michigan City, Ind., thence over Indiana Highway 212 to junction U.S. Highway 12 and thence over U.S. Highway 12 to Detroit, 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 Milwaukee, Wis., over Wisconsin Highway 32 via Cudahy and south Milwaukee, Wis., to the Wisconsin-Illinois State line thence over Illinois Highway 42 to Zion, Ill., thence over Illinois Highway 173 to junction U.S. Highway 41 thence over U.S. Highway 41 to Chicago, Ill., thence over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol, Ind., thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over U.S. Highway 131 to Mottsville, Mich., and thence over U.S. Highway 112 to Detroit; from Milwaukee to Elkhart as specified above, thence over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 112, and thence over U.S. Highway 112 to Detroit, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-8291; Filed, Aug. 29, 1961;
8:50 a.m.]

[Notice 395]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 25, 1961.

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

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE
MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 382), filed August 16, 1961. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, semi-trailers and trailer chassis, (except house trailers, and mobile homes), in initial movements, in truckway service, from Trexlertown, Pa., and from the site of Air Products, Inc., located near Wilkes-Barre, Hanover Township, Luzerne County, Pa., to all points in the United States (except Hawaii).

HEARING: October 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 30887 (Sub-No. 112), filed August 16, 1961. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's attorney: William J. Little, Fidelity Building, Baltimore, Md. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lime, limestone and by-products, thereof, in bulk, in tank or hopper-type vehicles, from Woodsboro, Md., and points within five miles thereof, points in Pennsylvania on and south of U.S. Highway 22, and on and east of U.S. Highway 11, Middletown, Riverton, Stephens City and Strasburg, Va., and Martinsburg and Millville, W. Va., to points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: October 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 31600 (Sub-No. 510), filed August 3, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, between the plant site of the Monsanto Chemical Company at or near Bridgeport, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

HEARING: October 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 43269 (Sub-No. 48) (AMENDMENT), filed June 7, 1961, published issue of July 26, 1961, republished as amended August 16, 1961, and republished as further amended this issue. Applicant: WELLS CARGO, INC., 1775 East Fourth Street (P.O. Box 1511), Reno, Nev. Applicant's attorneys: Berol, Loughran & Geernaert, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a common carrier, by motor

vehicle, over regular and irregular routes, transporting: OVER IRREGULAR ROUTES: (A) General commodities (except household goods as defined by the Commission, petroleum products in bulk, new automobiles, new trucks, and new buses), (1) between points in Alpine, Mono, Inyo, San Bernardino, and Napa Counties, Calif., and points in portions of Modoc, Lassen, and Shasta Counties, Calif., being west of U.S. Highways 299 and 395; and (2) between points in Alpine, Mono, Inyo, San Bernardino, and Napa Counties, Calif., and points in portions of Modoc, Lassen, and Shasta Counties, Calif., being west of U.S. Highways 299 and 395, on the one hand, and, on the other, points in Nevada; and (B) OVER REGULAR ROUTES:—General commodities (except household goods as defined by the Commission, petroleum products in bulk, new automobiles, new trucks, and new buses), between Reno, Nev., and Las Vegas, Nev., from Reno over U.S. Highway 40 to the intersection of U.S. Highway 95 east of Fernley, Nev., thence over U.S. Highway 95 to Las Vegas, and return over the same route, serving the intermediate and off-route points of Fernley, Fallon, Fallon Auxiliary Naval Air Station, Hawthorne, Hawthorne Naval Ammunition Depot, Luning, Gabbs, Tonopah, and the Atomic Energy Commission Test Site at Mercury, Nev.

NOTE: The purpose of this amendment is to restrict the scope of authority sought.

HEARING: October 2, 1961, at the Chamber of Commerce, Reno, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 48479 (Sub No. 11) (REPUBLICATIION), filed October 24, 1958, published FEDERAL REGISTER, issue of June 4, 1959, and republished this issue. Applicant: FRIGIDWAYS, INC., 529 East Brooks Road, Memphis, Tenn. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington, D.C. By application filed October 24, 1958, under the "grandfather" provisions of section 7(c) of the Transportation Act of 1958, applicant sought a certificate of public convenience and necessity authorizing the continuance of operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting frozen fruits, frozen vegetables, and frozen berries, coffee beans, bananas, and frozen fish and frozen poultry. The operations were set forth with particularity as to the points and States in the FEDERAL REGISTER, issue of June 4, 1959. A Report and Order of the Commission, division 1, decided July 21, 1961, finds that applicant was, on May 1, 1958, in bona fide operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of bananas, from Mobile, Ala., to St. Louis, Mo., and Kansas City, Mo.-Kans., and (2) from New Orleans, La., to points in Illinois, Iowa, Kansas, Missouri, Indianapolis, Ind., Louisville, Ky., and Madison, Wis., and has so operated since that time; that unless otherwise ordered, a certificate authorizing the continuance of such operations should be

granted after the elapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein to transport bananas from New Orleans, La., to Madison, Wis., provided, however, that any proper party in interest may file a petition for further hearing during the 30-day period.

No. MC 50069 (Sub-No. 246), filed August 10, 1961. 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, dry, in bulk, from Trenton, Mich., to points in Illinois, Indiana, Iowa, Minnesota, Kentucky, Missouri, Nebraska, Kansas, and Wisconsin.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 52110 (Sub-No. 72), filed July 28, 1961. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, 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: Meats, meat products, and packing house products, as specified in Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209, from Spencer, Iowa, to Milwaukee and Madison, Wis.

HEARING: October 26, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 202.

No. MC 64932 (Sub-No. 298), filed June 29, 1961. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth 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: Liquefied petroleum gas, in bulk, in tank vehicles, from Amboy, Ill., to points in Wisconsin, Iowa, and Minnesota.

HEARING: October 27, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 64932 (Sub-No. 300), filed July 13, 1961. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth 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: Washing compounds, liquid, in bulk, in tank vehicles, from Lemont, Ill., to Acton, Mass.

HEARING: September 29, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Gerald F. Colfer.

No. MC 71096 (Sub-No. 39), filed August 14, 1961. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: M. M. Emery (same address as applicant). 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, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving West Unity, Ohio, as an intermediate point in connection with applicant's authorized regular-route operations between Jackson, Mich., and Van Wert, Ohio, over U.S. Highway 127.

NOTE: Common control may be involved.

HEARING: October 30, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 75185 (Sub No. 229), filed March 21, 1961. Applicant: SERVICE TRUCKING CO., INC., P.O. Box 276, Federalsburg, Md. Applicant's attorney: Francis W. McNerny, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*; from points in Delaware, Maryland, and Virginia east of Chesapeake Bay and south of the Chesapeake and Delaware Canal, to Norfolk, Portsmouth, and Richmond, Va., points in New Jersey, the District of Columbia, points in Maryland on and east of U.S. Highway 15, points in Pennsylvania within the area bounded by a line extending from the Maryland-Pennsylvania State line along U.S. Highway 15 to Sunbury, Pa., thence along U.S. Highway 11 to Scranton, Pa., thence along U.S. Highway 6 to the Delaware River, thence along the Delaware River to the Pennsylvania-Delaware State line, thence along the Pennsylvania-Delaware and Pennsylvania-Maryland State lines to junction U.S. Highway 15, the point of beginning, including points on the highways specified, points in New York on and south of U.S. Highway 6, points in Connecticut bounded by a line commencing at the New York-Connecticut State line and extending along U.S. Highway 6 to Danburg, Conn., thence along U.S. Highway 7 to Norwalk, Conn., thence along Long Island Sound to the Connecticut-New York State line, thence along the Connecticut-New York State line to junction U.S. Highway 6, the point of beginning, including points on the highways specified, and points on Long Island, N.Y., on and east of New York Highway 112, and points in Delaware north of the Chesapeake and Delaware Canal.

HEARING: October 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 85934 (Sub-No. 19), filed August 21, 1961. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium phosphate*, in bulk, from Trenton, Mich., to points in Illinois, Indiana, Iowa, Minnesota, Kentucky, Missouri, Kansas, Nebraska, and Wisconsin.

NOTE: Common control may be involved.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner William R. Tyers.

No. MC 92983 (Sub-No. 397), filed August 3, 1961. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Illinois, Tennessee, and West Virginia, to Turner, Kans.

HEARING: October 18, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 94435 (Sub-No. 1), filed August 16, 1961. Applicant: JAMES ADAMS, doing business as ADAMS MOVING & HAULING CO., 1920 North Fifth Street, Philadelphia 22, Pa. Applicant's attorney: Paul F. Barnes, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New office furniture*, from Flemington, N.J., to points in the New York, N.Y., Commercial Zone, as defined by the Commission, and points in New Jersey, Delaware, Maryland, and the District of Columbia.

HEARING: October 20, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 97629 (Sub-No. 4) (AMENDMENT), filed March 3, 1961, published issue of July 26, 1961, republished as amended August 9, 1961, and republished as further amended this issue. Applicant: HILLER TRUCK LINES, INC., P.O. Box 1012, Jasper, Ala. Applicant's attorneys: Maurice F. Bishop and Donald L. Morris, 325-29 Frank Nelson Building, Birmingham 3, Ala. The purpose of this republication is to show that *Paragraph (16)* of the above-referred-to publication should be amended to read as follows: "Between Decatur, Ala., and Tusculumbia, Ala., over Alabama Highway 20 (Alternate U.S. Highway 72), serving all intermediate points; *Paragraph 17* should be amended to read: "Between Haleyville, Ala., and Double Springs, Ala., from Haleyville over U.S. Highway 278 to Natural Bridge, Ala., thence over Alabama Highway 74 to Double Springs, and return over the same route, serving all intermediate points"; and *Paragraph 23* should be amended to read: "Between Haleyville, Ala., and Glen Allen, Ala., over Alabama Highway 129, serving all intermediate points."

HEARING: Remains as assigned September 11, 1961, at the Federal Building, Jasper, Ala., before Examiner Dallas B. Russell.

No. MC 97699 (Sub-No. 17), filed July 31, 1961. Applicant: BARBER TRANSPORTATION CO., a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, and liquid commodities, in bulk), (1) Serving ballistic missiles testing and launching sites and supply points therefor, in Butte, Perkins,

Meade, Lawrence, Pennington, Haakon, and Jackson Counties, S. Dak., as off-route points in connection with carrier's authorized operations to and from points in those counties; (2) between ballistic missiles testing and launching sites and supply points therefor, within the above described counties, on the one hand, and, on the other, rail heads in said counties.

NOTE: Applicant indicates Sub-No. 13 presently has authority to serve ballistic missiles testing and launching sites and supply points therefor in, among others, points in Pennington, Meade, Butte and Lawrence Counties, as off-route points in connection with its authorized regular route operations to and from Rapid City, S. Dak. It is not seeking any duplicating authority.

HEARING: November 6, 1961, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 230.

No. MC 99569 (Sub-No. 1), filed August 10, 1961. Applicant: STOTT & DAVIS MOTOR EXPRESS, INC., 18 Garfield Street, Auburn, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Seneca Falls, N.Y., and Romulus, N.Y.; from Seneca Falls over New York Highway 414 to Romulus, and return over the same route, serving no intermediate points; and (2) between Waterloo, N.Y., and Romulus, N.Y.; from Waterloo over New York Highway 96 to Romulus, and return over the same route, serving, no intermediate points.

HEARING: October 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 103435 (Sub-No. 101), filed July 31, 1961. Applicant: BUCKINGHAM FREIGHT LINES, a corporation, 900 East Omaha, P.O. Box 1631, Rapid City, S. Dak. Applicant's attorneys: Jones, Meiklejohn & Kilroy, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *REGULAR ROUTES: General commodities* (except those of unusual value, household goods as defined by the Commission, and liquid commodities in bulk), (1) Serving ballistic missiles testing and launching sites and supply points therefor, located in Butte, Perkins, Meade, Lawrence, Pennington, Haakon, and Jackson Counties, S. Dak., as off-route points in connection with applicant's authorized regular route operations to and from points in the above-specified counties; and (2) *OVER IRREGULAR ROUTES: Between ballistic missiles testing and launching sites and supply points therefor, located in Butte, Perkins, Meade, Lawrence, Pennington, Haakon, and Jackson Counties, S. Dak., on the one hand, and, on the other, rail heads in said counties.*

NOTE: Applicant states it presently has authority in MC 103435 (Sub-No. 86) to serve ballistic missiles testing and launching sites

and supply points therefor, within a 50-mile radius of Rapid City, S. Dak., and that it is not seeking any duplicating authority.

HEARING: November 6, 1961, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board 230.

No. MC 103880 (Sub-No. 234), filed August 7, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in hopper-type vehicles, from Trenton, Mich., to points in Illinois, Indiana, Iowa, Minnesota, Kentucky, Missouri, Nebraska, Kansas, and Wisconsin.

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

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 103880 (Sub-No. 235), filed August 10, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except sand, gravel and cement), in bulk, in tank and hopper-type vehicles, between points in Michigan, Illinois, Indiana, Iowa, Minnesota, Kentucky, Missouri, Ohio, Nebraska, Kansas, Wisconsin, and Tennessee.

NOTE: Applicant states that it is the owner of 50 percent of the outstanding shares of stock of Tank Truck Transport, Ltd., therefore common control may be involved.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 106373 (Sub No. 26), filed June 19, 1961. Applicant: THE SERVICE TRANSPORT CO., a corporation, 11910 Harvard Avenue, Cleveland, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* (rock, slag or glass wool) and *mineral wool products*, *asbestos shingles or siding*, *asbestos wallboard*, *asbestos accessories used in the installation of asbestos products*, *lathing and ribbing*, *expanded and perforated (iron and steel)*, *plaster grounds (iron and steel)*, and *nails when shipped in mixed truckloads with plaster, plasterboard, wallboard, lime products, and gypsum products*: from Akron, N.Y., and points within three miles thereof and Clarence Center, N.Y., to points in Ohio and in that part of Pennsylvania on and west of U.S. Highway 219.

HEARING: October 27, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 107403 (Sub-No. 351) (AMENDMENT), filed August 7, 1961, published FEDERAL REGISTER, issue of Au-

gust 16, 1961, republished, as amended, this issue. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank or hopper-type vehicles, from Painesville, Ohio, to points in Connecticut, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: Common control may be involved. The purpose of this republication is to include "Wisconsin" as a destination point, which was omitted from previous publication.

HEARING: Remains as assigned, October 5, 1961, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 107403 (Sub-No. 354), filed August 11, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank and hopper-type vehicles, from Trenton, Mich., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 107460 (Sub-No. 17), filed August 9, 1961. Applicant: WILLIAM Z. GETZ, INC., R.D. No. 2, Lancaster, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements*, and *parts and accessories* for said commodities, moving in connection with shipments of such commodities, (a) between the plant sites of the New Holland Machine Company Division of Sperry-Rand Corporation, at Mountville, Lancaster, and Intercourse, Pa., on the one hand, and, on the other, points in Florida, Georgia, North Carolina, and South Carolina; and (b) between the plant site of the New Holland Machine Company Division of Sperry-Rand Corporation, at Belleville, Pa., on the one hand, and, on the other, points in North Carolina and South Carolina. (2) *Accessories, parts and supplies and materials* used in the manufacture and assembly of agricultural machinery, *implements and component parts thereof, pallets and containers*, (a) between the plant sites of the New Holland Machine Company Division of Sperry-Rand Corporation, at Lancaster, Mountville, and Intercourse, Pa., on the one hand, and, on the other, points in Florida, Georgia, North Caro-

lina, and South Carolina; and (b) between the plant site of the New Holland Machine Company Division of Sperry-Rand Corporation at Belleville, Pa., on the one hand, and, on the other, points in North Carolina and South Carolina. **RESTRICTION:** The operations described in (1) and (2) above are limited to a transportation service to be performed, under a continuing contract, or contracts, with New Holland Machine Company Division of Sperry-Rand Corporation, New Holland, Pa.

HEARING: October 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 107515 (Sub-No. 370), filed August 14, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue S.W., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Houston, Tex., to points in Alabama, Georgia, North Carolina, South Carolina, Virginia, Tennessee, Florida, West Virginia, Louisiana, and Mississippi. **RESTRICTION:** The authority to be performed herein will be subject to the restriction that shipments to Memphis, Tenn., and points in Louisiana and Mississippi shall be restricted to those for partial unloading and subsequent delivery at destinations in the other states named.

HEARING: October 24, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner William E. Messer.

No. MC 107515 (Sub-No. 372), filed August 22, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, when moving in mixed shipments with frozen citrus products, from Auburndale, Leesburg, and Plymouth, Fla., to points in North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 108058 (Sub-No. 7), filed July 10, 1961. Applicant: BARBER TRUCKING, INC., 407 Daniels Street, Toronto, Ohio. Applicant's representative: J. C. Schriener, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard*, from Toronto, Ohio to points in Illinois, Kentucky, Maryland, Michigan, Missouri, New Jersey, and Wisconsin, and *wooden and paper cores, plugs, skids, pallets, and defective and damaged paperboard*, on return.

HEARING: November 2, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Warren C. White.

No. MC 109341 (Sub-No. 2), filed July 5, 1961. Applicant: VALLEY TRUCK LINES, INC., 2571 Roanoke Avenue, New Albany, Ind. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings, in sections and parts thereof, equipment, supplies and materials*, used in or incidental to the assembly, erection, and fitting of said buildings, from New Albany, Ind., to points in Illinois, Ohio, Kentucky, Missouri, Pennsylvania, Tennessee, and West Virginia, and (2) *damaged, rejected, and refused shipments* of the above specified commodities, and *materials, supplies, and equipment, including appliances, used in or incidental to the manufacture, assembly, erection, fitting and distribution* of prefabricated buildings, on return.

NOTE: The applicant states the purpose of the instant application is to modify the commodity authorization to include "prefabricated buildings" in lieu of "prefabricated houses and garages". There is no change in the territorial scope of the authority.

HEARING: September 28, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Gerald F. Colfer.

No. MC 110420 (Sub-No. 290), filed July 3, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch, sugar, and products of corn, dry*, in bulk, (1) from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, Pekin and Decatur, Ill., and Clinton and Cedar Rapids, Iowa, to points in Pennsylvania, West Virginia, New York, North Carolina, South Carolina, Virginia, Georgia, Maryland, Alabama, Mississippi, Arkansas, Kansas, Nebraska, and Oklahoma, and (2) from points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission, to points in Kansas, Oklahoma, Nebraska, Iowa, and Arkansas.

NOTE: Common control may be involved.

HEARING: October 16, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 110525 (Sub-No. 455), filed August 9, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from Bristol, Pa., to points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin; and (2) *rejected shipments*, from the above-specified destination points to Bristol, Pa.

NOTE: Applicant also has contract carrier authority under MC 117507. Dual authority and common control may be involved.

HEARING: October 20, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 110525 (Sub-No. 456), filed August 14, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Alsen and Howes Cave, N.Y., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, Pennsylvania, and New Jersey.

NOTE: (Applicant states that it holds this authority as a contract carrier in Docket No. MC 117507. This application is being filed to convert the present outstanding permit to a Certificate of public convenience and necessity as required in the Commission's order dated July 19, 1961 in Docket No. MC 27817 Sub-No. 35, et al.). Dual operations may be involved.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 110525 (Sub-No. 457), filed August 18, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind. to points in Illinois, Michigan, and Ohio, and *rejected shipments* of the above-specified commodities, on return.

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

HEARING: September 19, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 110659 (Sub-No. 14), filed August 14, 1961. Applicant: COMMERCIAL CARRIERS, INC., 203 Welch Street, Charleston, W. Va. Applicant's attorney: Theodore H. Ghiz, Suite 6, Phillips Building, 411 D Street, South Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Baltimore, Md., to Charleston, W. Va., (2) from Detroit, Mich., to Beckley, Bluefield, Charleston, Hington, Keystone, Welch, and Williamson, W. Va., and (3) from St. Louis, Mo., to Bluefield, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: October 16, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Warren C. White.

No. MC 110698 (Sub-No. 161), filed July 20, 1961. Applicant: RYDER TANK LINE, INC., 9020 LaPorte Ex-

pressway, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Lake Charles, La., to points in Texas.

HEARING: October 23, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 111785 (Sub-No. 11), filed July 18, 1961. Applicant: FRED C. BURNS, doing business as BURNS MOTOR FREIGHT, 1005 3d Avenue, Marlinton, W. Va. Applicant's attorney: Donald E. Cross, 919 Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in West Virginia to points in Virginia.

HEARING: October 18, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Warren C. White.

No. MC 112148 (Sub-No. 18), filed July 19, 1961. Applicant: JAMES H. POWERS, INC., Melbourne, 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: *Dairy products*, as defined by the Commission, from Slater, Iowa, to Massillon and Youngstown, Ohio, and Buffalo and Syracuse, N.Y.

HEARING: October 25, 1961, at the Old Federal Office Building, Room 401, 5th and Court Avenues, Des Moines, Iowa, before Examiner Charles B. Heinemann.

No. MC 113666 (Sub-No. 7), filed August 7, 1961. Applicant: FREEPORT TRANSPORT, INC., Box 215, Freeport, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products, brick, tile, and sewer pipe* (except such commodities which, because of their size, weight, or inherent nature require the use of special equipment), from Woodbridge and Fords, N.J., Irondale, New Salisbury, Wellsville, Urichsville, Columbiana, Oak Hill, Jackson, and South Webster, Ohio, and Vanport, Canonsburg, Zelienople, Johnstown, and Hawstone (Lewistown), Pa., to Ports of Entry on the International Boundary Line between the United States and Canada, located in the states of Michigan and New York, for destination to points in the Province of Ontario, Canada, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: October 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 113828 (Sub-No. 8), filed August 23, 1961. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: Dale C. Dillon, 1825

Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, (1) from Friendship, N.C. to points in McDowell, Wyoming, and Mercer Counties, W. Va., and points in Virginia on and west of U.S. Highway 21, and (2) from Knoxville, Tenn., to points in Virginia on and west of U.S. Highway 21.

HEARING: September 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 113855 (Sub No. 53), filed April 19, 1961. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation of which because of size or weight, requires the use of special equipment or special handling, and attachments and parts of commodities, the transportation of which because of size or weight, require the use of special equipment or special handling*, from points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, and Iowa to points in Utah, Arizona, Nevada, and California.

HEARING: October 30, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer. This assignment is for applicant's presentation only. A continued hearing for additional evidence to be submitted at Chicago, Ill., is contemplated at the discretion of the presiding examiner. Thereafter provisions will be made for protestants' presentation.

No. MC 114019 (Sub-No. 59), filed May 17, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats, animal oils and vegetable oils, including products and blends of said commodities*, in bulk, in tank vehicles, from Bradley, Ill., to points in Connecticut, Colorado, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin; (2) *animal fats, and animal oils*, in bulk, in tank vehicles, from points in Illinois, Iowa, Kansas, Nebraska, and Minnesota, to Bradley, Ill., and (3) *vegetable oils*, in bulk, in tank vehicles, from points in Iowa and Illinois to Bradley, Ill. **RESTRICTION:** The applicant states that the authority requested in (1) above, will not be tacked or combined with the authority requested in (2) and (3) above, for the rendition of a through service.

NOTE: Common control may be involved.

HEARING: October 19, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 114067 (Sub-No. 21) (AMENDMENT), filed July 11, 1961, published issue of July 26, 1961, amended August 15, 1961, republished, as amended, this issue. Applicant: FORE TRUCKING CO., INC., Foot of Paru Street, Alameda, Calif. Applicant's attorney: C. S. Sherburne, Central Tower Building, Suite 1700, 703 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat fat grade grease and low grade tallow*, in bulk, (1) from points in Siskiyou, Humboldt, Butte, Yuba, Nevada, Sonoma, Sacramento, Yolo, San Joaquin, Solano, Stanislaus, Santa Clara, Fresno, Madera, Monterey, Kings, Kern, and San Luis Obispo Counties, Calif., to points in Jackson and Klamath Counties, Oreg., and points in Washoe County and Yerington and Lovelock, Nev., and points in Canyon and Ada Counties, Idaho; (2) from points in Jackson and Klamath Counties, Oreg., to points in Canyon and Ada Counties, Idaho, and points in Washoe County and Yerington and Lovelock, Nev.; (3) from points in Ada and Canyon Counties and Payette, Idaho, to points in Washoe County and Yerington and Lovelock, Nev.; and (4) from Payette, Idaho to points in the San Francisco Commercial Zone, including Encinal Terminals, Alameda, Calif., and *edible and inedible animal fats and oils*, in bulk, on return.

NOTE: The purpose of this amendment is to show that the above-specified commodities will be transported in bulk.

HEARING: October 18, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 114725 (Sub-No. 4), filed August 24, 1961. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha 10, 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: *Liquid petroleum gas*, in bulk, in tank vehicles, from the pipe line terminal of the Northern Natural Gas Company, to be constructed at or near Plattsmouth, Nebr., to points in Iowa, and *rejected shipments*, on return.

HEARING: September 14, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 115322 (Sub-No. 21), filed July 27, 1961. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*; from Weathersfield, Conn., to points in North Carolina, South Carolina, Georgia, and Florida.

HEARING: November 16, 1961, at the New Post Office and Court House Building, Boston, Mass., before Commissioner William H. Tucker.

No. MC 115651 (Sub-No. 5), filed July 5, 1961. Applicant: KANEY TRANSPORTATION, INC., 1023 East Alum Street, Freeport, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, and plasticizers*, in pressurized tank vehicles, from Rockford, Ill., to points in Iowa, Wisconsin, Minnesota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Missouri, Kentucky, Indiana, Michigan, Ohio, Pennsylvania, and New York. (2) *Resins, propane oxide, prepolymer, catalysts*, in tank vehicles, from Wilmington, Del., Charleston, W. Va., Charleston, S.C., Cincinnati, Ohio, North Tonawanda and Buffalo, N.Y., Pittsburgh, Pa., Wyandotte and Midland, Mich., and Houston and Port Neches, Tex., to Rockford, Ill., and (3) *returned and rejected shipments* of the above-specified commodities, in (1) and (2) above, on return.

HEARING: September 29, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Gerald F. Colfer.

No. MC 116816 (Sub No. 5), filed June 27, 1961. Applicant: THE MERIT TERMINALS CORP., Building 206A, Port Newark, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radio, recorder, phonograph, and television sets, and parts and equipment* for the aforesaid commodities, uncrated and crated; and *refrigerators, washing machines, dryers, freezers, electric heaters and other household gas and electric appliances*, uncrated and crated, from the site of applicant's warehouse in Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; and (2) *Returned and damaged shipments* of the above-specified commodities, from the above-specified destination points to Port Newark, N.J.

NOTE: Applicant states that it presently holds contract carrier authority under Permit No. MC 116816, and Subs 1 and 4 thereunder. Applicant requests that all duplicating authority be eliminated.

HEARING: October 3, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 117344 (Sub No. 76), filed June 22, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, varnishes, surface coating compounds, and molding compounds*, in bulk, in tank vehicles; from Cincinnati, Ohio, to points in Connecticut, New Jersey, New York, and Pennsylvania, and *empty containers or other such incidental facilities*,

used in transporting the above-described commodities, on return.

HEARING: October 24, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 117557 (Sub No. 4), filed July 10, 1961. 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: *Animal and poultry feed concentrates*, from Cedar Rapids, Iowa, to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Ohio, Oregon, Utah, Washington, Wisconsin, and Wyoming).

HEARING: October 24, 1961, at the Old Federal Office Building, Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles B. Heinemann.

No. MC 118468 (Sub No. 7), filed June 21, 1961. Applicant: JOE UMTUN AND VIRGIL UMTUN, a partnership, doing business as UMTUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, from points, in Illinois, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, to points in Iowa.

NOTE: Applicant states proposed service would be performed under continuing contracts with Boone Valley Cooperative Assn., The Consumers Cooperative Association, Eagle Mills, Inc., and M & M Livestock Products Co., all of Eagle Grove, Iowa.

HEARING: October 26, 1961, at the Old Federal Office Building, Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles B. Heinemann.

No. MC 119114 (Sub-No. 3), filed April 19, 1961. Applicant: HASKELL F. YOUNG, 1421 Chandler Drive, Charleston, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pasteries and bakery goods*, from Parkersburg, W. Va., to Caldwell, and Zanesville, Ohio; Cumberland, Md., and Uniontown, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: October 17, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Warren C. White.

No. MC 119611 (Sub-No. 1), filed June 28, 1961. Applicant: E. W. BOHREN TRANSPORT, INC., Woodburn, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in bulk, in tank vehicles), (1) From Chicago, Danville, and Kankakee, Ill., to Auburn and Fort

Wayne, Ind., to points in Ohio, and to points in that part of Pennsylvania west of U.S. Highway 15 (except Washington Township). (2) From Frankfort, Fort Wayne, and L'gonier, Ind., to points in Ohio, and points in that part of Pennsylvania west of U.S. Highway 15 (except Washington Township).

NOTE: Applicant states no new commodities or territory are being sought by this application. The purpose of the application is to add Hales & Hunter Co., of Chicago, Ill., and Allied Mills, Inc., of Fort Wayne, Ind., and Chicago, Ill., as shippers.

HEARING: October 18, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 119689 (Sub-No. 5), filed June 28, 1961. Applicant: BROWN BROTHERS EXPRESS, INC., Meadow Street, P.O. Box 59, Curwensville, Pa. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products and milk powder*, from points in Iowa, to Curwensville, Pa.

HEARING: November 2, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Warren C. White.

No. MC 119939 (Sub-No. 1), filed August 15, 1961. Applicant: JERRY K. MARCUS, doing business as W. & M. TRANSPORTATION COMPANY Clearbrook, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and vinegar*, from points in Adams County, Pa., to points in Georgia and Florida, and *exempt commodities*, on return.

NOTE: Applicant states it now holds authority to transport "fruit products and fruit by-products" from points in Adams County, Pa., to points in Georgia and Florida. The instant application is to extend present authority to include certain new items now produced by canned goods shippers in Adams County which might not be properly described as fruit products.

HEARING: October, 20, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 123724, filed June 5, 1961. Applicant: RUSSELL T. SMITH, doing business as SYCAMORE SALES AND SERVICE, 3970 Route 42, Mason, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled aircraft and motor vehicles and replacement vehicles* for disabled motor vehicles by wrecker and towing service, between points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: October 23, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 123741 (AMENDMENT), filed June 14, 1961, published issue of July 19, 1961, amended August 18, 1961, republished, as amended, this issue. Applicant: GEORGE F. HAMILTON, doing

business as HAMILTON'S SERVICE STATION, 205 Park Avenue, Portland, Maine. Applicant's attorney: Edward G. Hough, Casco Bank Building, Morrill's Corner, 844 Stevens Avenue, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed, wrecked, disabled, and unregistered motor vehicles, automobiles, and trucks*, with use of wrecker equipment, between points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, and Connecticut.

NOTE: The purpose of this amendment is to delete the word "trailers" from the commodity description.

HEARING: Remains assigned September 28, 1961, at the Federal Building, Portland, Maine, before Examiner Samuel Horwich.

No. MC 123757, filed June 23, 1961. Applicant: JAMES R. STRAWSER, doing business as PLASTIC CARRIERS, 2250 Barry Drive, Columbus, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic products*, between Columbus, Ohio, on the one hand, and on the other, points in the United States, including Alaska and Hawaii.

HEARING: October 25, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 123775, filed July 3, 1961. Applicant: GENE P. LITTLE, doing business as ROAD SERVICE GARAGE, 1448 North Main Street, Marion, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled or wrecked vehicles, and parts and equipment for disabled or wrecked vehicles, and replacement vehicles*, between points in that part of Ohio on and bounded by a line beginning at Van Wert, and extending along U.S. Highway 224 to Lodi, thence along Ohio Highway 76 to junction U.S. Highway 40; thence along U.S. Highway 40 to junction U.S. Highway 127; thence along U.S. Highway 127 to Van Wert on the one hand, and, on the other, points in Illinois, Indiana, Maryland, Michigan, New York, North Carolina, Pennsylvania, Virginia, and West Virginia.

HEARING: October 27, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 123831, filed July 24, 1961. Applicant: RICHARD L. KLAUHN, doing business as CITY TRANSFER & STORAGE, 540 Greene Street, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household furniture and goods*, between Cumberland, Md., and points in West Virginia, Virginia, District of Columbia, Pennsylvania, and Ohio.

HEARING: October 17, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Warren C. White.

No. MC 123856, filed August 4, 1961. Applicant: WIECK'S FEED AND LIVESTOCK, INCORPORATED, Dysary, Iowa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Ingredients used in the manufacture of livestock feeds* from LaSalle, Ill., to Ladore, Iowa and (2) *premixed ingredients used in the manufacture of livestock feeds* from Ladore, Iowa, to Peoria, Ill.; Ellis, S. Dak.; Omaha, Nebr.; St. Joseph, Mo.; Muncie, Kans.; Oklahoma City, Okla.; Willmar, New Ulm, and Minneapolis, Minn.

HEARING: October 25, 1961, at the Old Federal Office Building, Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles B. Heinemann.

MOTOR CARRIERS OF PASSENGERS

No. MC 123595 (Sub-No. 1) (AMENDMENT), filed May 29, 1961, published issue of June 28, 1961, amended August 18, 1961, republished, as amended, this issue. Applicant: DANIEL D. KIRK, doing business as TANDEM LINES, 2000 Channing Way, Berkeley, Calif. Applicant's representative: Pete H. Dawson, 1261 Drake Avenue, P.O. Box 1007, Burlingame, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and chartered operations, between points in San Francisco, Alameda, Contra Costa, Sacramento, and Placer Counties, Calif., on the one hand, and, on the other, points in Storey, Ormsby, Washoe, and Douglas Counties, Nev.

NOTE: The purpose of this republication is to add Washoe County, Nev.

HEARING: Remains as assigned September 27, 1961, at the Federal Office Building, Room 59, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 123824, filed July 19, 1961. Applicant: MEADVILLE CITY LINES, INC., R.D. 6, Cochran Road, Meadville, Pa. Applicant's attorney: Robert Y. Daniels, 403 Green Building, Franklin, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Crawford and Venango Counties, Pa., and extending to points in the District of Columbia, Pennsylvania, Ohio, New York, West Virginia, Maryland, Michigan, Indiana, Illinois, New Jersey, and Virginia.

NOTE: Applicant's attorney advises that the baggage proposed to be transported will consist of personal items such as beachwear and similar items which might be carried in small handbags.

HEARING: November 1, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Warren C. White.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 107), filed August 16, 1961. Applicant: RYDER

TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 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, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Hawkinsville and Columbus, Ga.; from Hawkinsville, over Georgia Highway 26 and Georgia Highway 103 near Glen Alta, Ga., thence over Georgia Highway 103 to Columbus, and return over the same route, serving no intermediate points; (2) between Okeechobee and Sebring, Fla.; from Okeechobee, over U.S. Highway 98 to junction of U.S. Highway 98 and U.S. Highway 27, thence over U.S. Highway 27 to junction of U.S. Highway 27 and U.S. Highway 27-A, thence over U.S. Highway 27-A to Sebring, and return over the same route, serving no intermediate points; (3) between Avon Park, Fla., and junction of Florida Highway 64 and U.S. Highway 301; from Avon Park, over Florida Highway 64 to junction of Florida Highway 64, and U.S. Highway 301, and return over the same route, serving no intermediate points; (4) between Opelika and DeArmanville, Ala.; from Opelika, over U.S. Highway 431 to DeArmanville, and return over the same route, serving no intermediate points; (5) between Winder and Gainesville, Ga.; from Winder, over Georgia Highway 53 to Gainesville, and return over the same route, serving no intermediate points; (6) between Athens and Gainesville, Ga.; from Athens, over U.S. Highway 129 to Gainesville, and return over the same route, serving no intermediate points; (7) between Athens and Cornelia, Ga.; from Athens, over U.S. Highway 441 to Cornelia, and return over the same route, serving no intermediate points, and (8) between junction of U.S. Highway 92 and U.S. Highway 27 (approximately 1 mile west of Haines City, Fla.) and Leesburg, Fla.; from junction of U.S. Highway 92 and U.S. Highway 27 (approximately 1 mile west of Haines City, Fla.) over U.S. Highway 27 to Leesburg, Fla., and return over the same route, serving no intermediate points.

NOTE: Applicant states the routes sought in this application are all for operating convenience only, and will be utilized as alternate routes in connection with carrier's regular route operations. Common control may be involved.

No. MC 41849 (Sub-No. 10), filed August 16, 1961. Applicant: KEIGHTLEY BROS., INC., 1616 South 39th Street, 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: *Haydite*, in bulk, in dump vehicles, from points in St. Clair County, Ill., to points in St. Louis County, Mo.

No. MC 59728 (Sub-No. 7), filed August 21, 1961. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron 6, Ohio. Applicant's representative: J. J. Cooper (same address as above). Authority south 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, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Richmond, Ind., to Indiana-Ohio State Line; from Richmond, over U.S. Highway 35 to the Indiana-Ohio State Line, and return over the same route, serving no intermediate or off-route points.

No. MC 66562 (Sub-No. 1836), filed August 21, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Farmville, Va., and Dillwyn, Va.; from Farmville over U.S. Highway 15 to Dillwyn, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to, or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub-No. 1837), filed August 21, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Columbus, Ohio and Wheeling, W. Va.; from Columbus over U.S. Highway 40 to the intersection of Ohio Highway 265, thence over Ohio Highway 265 to the intersection of Ohio Highway 285, thence over Ohio Highway 285 to Lore City, Ohio, thence return over Ohio Highway 285 to the intersection of Ohio Highway 265, thence over Ohio Highway 265 to the intersection of Ohio Highway 147, thence over Ohio Highway 147 to Belmont, Ohio, thence return over Ohio Highway 147 to junction Ohio Highway 149, thence over Ohio Highway 149 to junction U.S. Highway 40, thence over U.S. Highway 40 to Wheeling (also from the intersection of U.S. Highway 40 and Ohio Highway 265, over U.S. Highway 40 to junction Ohio Highway 8, thence over Ohio Highway 8 to Barnesville, Ohio, thence return over Ohio Highway 8 to junction U.S. Highway 40, thence over U.S. Highway 40 to the intersection of Ohio Highway 149); and return over the same routes, serving the intermediate points of Belmont, Barnesville, Quaker City, Lore City, Cambridge, New Concord and Zanesville, Ohio. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those

moving on a through bill of lading or express receipt.

No. MC 66562 (Sub-No. 1838), filed August 21, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Utica, N.Y. and Massena, N.Y.; (a) from Utica over New York Highway 12 to Watertown, N.Y., thence over U.S. Highway 11 to Potsdam, N.Y., thence over New York Highway 56 to junction New York Highway 37, thence over New York Highway 37 to Massena, and return over the same route, serving the intermediate points of Boonville, Lyons Falls, Lowville, Watertown, Gouverneur, Canton and Potsdam, N.Y.; and (b) from Utica over New York Highway 49 to junction New York Highway 69, thence over New York Highway 69 to junction New York Highway 13, thence over New York Highway 13 to junction with U.S. Highway 11, thence over U.S. Highway 11 to Watertown, thence over New York Highway 12 to junction New York Highway 26, thence over New York Highway 26 to junction New York Highway 26B, thence over New York Highway 26B to junction New York Highway 37, thence over New York Highway 37 to Ogdensburg, N.Y., thence over New York Highway 68 to Canton, N.Y., thence over U.S. Highway 11 to Potsdam, N.Y., thence over New York Highway 56 to junction New York Highway 37, thence over New York Highway 37 to Massena, and return over the same route, serving the intermediate and off-route points of Camden, Pulaski, Lacona, Adams, Clayton, Redwood and Ogdenburg, N.Y. (2) Between Lowville, N.Y. and Watertown, N.Y.; from Lowville over New York Highway 26 to junction New York Highway 3, thence over New York Highway 3 to Watertown, and return over the same route, serving the intermediate point of Carthage, N.Y. (3) Between junction New York Highways 3 and 26, and junction New York Highway 26 and U.S. Highway 11; from junction New York Highways 3 and 26 over New York Highway 26 to junction U.S. Highway 11, and return over the same route, serving no intermediate points. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub-No. 1840), filed August 22, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*,

moving in express service; serving Madison, Ind., as an off-route point in connection with applicant's authorized regular-route operations between Cincinnati, Ohio, and Vincennes, Ind. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 109288 (Sub-No. 7), filed August 21, 1961. Applicant: JUNEAU TRANSIT, INC., 709 Franklin Street, Manitowoc, Wis. Applicant's attorney: Leslie J. Valleskey, 709 Franklin Street, Manitowoc, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, in packages, in temperature-controlled vehicles, from Juneau, Wis., to Bloomington, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

No. MC 109818 (Sub-No. 14), filed August 17, 1961. Applicant: ELDON WENGER, doing business as WENGER TRUCK LINE, Beaver, Iowa. Applicant's Representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Portage, Ind., to Cummings, Iowa, points in Adair and Madison Counties, Iowa, those points in Dallas County, Iowa, south of U.S. Highway 6, and points in Guthrie County, Iowa, east of Iowa Highway 25, and south of Iowa Highway 64, including points on the indicated portions of the highways specified, also for joinder in Adair County, Iowa, to Omaha, Nebr.

No. MC 111623 (Sub-No. 37), filed August 14, 1961. Applicant: SCHWERTMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles; from the plant site of the Sohio Chemical Company at Lima, Ohio, to St. Louis, Mo.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with the Sohio Chemical Company.

No. MC 116077 (Sub-No. 108), filed August 18, 1961. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in tank vehicles, from Houston, Tex., to Mobile, Ala.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 236), filed August 14, 1961. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, 1400 West Third Street, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*, in the same vehicle with passengers, (1) between New York City, N.Y., and junction Interstate Highway 287 (Westchester Expressway) and Interstate Highway 95 (New England Section of the New York State Thruway) (Interchange No. 13 on the New England section of the New York State Thruway) at the southeast outskirts of Port Chester, N.Y.; from New York City, N.Y., over city streets and the Major Deegan Expressway to Interchange No. 1 of the New York State Thruway, Interstate Highway 87, thence over Interstate Highway 87 to Interchange No. 8 of the New York State Thruway at the junction of Interstate Highway 87 and Interstate Highway 287 (Westchester Expressway), thence over Interstate Highway 287 to its junction with Interstate Highway 95 (New England Section of New York State Thruway) at Interchange No. 13 of the New England section of New York State Thruway, and return over the same route, serving the intermediate points of Yonkers and White Plains, N.Y.; and (2) between junction Interstate Highway 87 (New York State Thruway) and Interstate Highway 287 (Westchester Expressway) at Interchange No. 8 of the New York State Thruway, and Suffern, N.Y., from the junction of Interstate Highway 87 (New York State Thruway) and Interstate Highway 287 (Westchester Expressway) at Interchange No. 8 of the New York State Thruway, over the New York State Thruway, designated Interstate Highway 87 and also Interstate Highway 287 to Interchange No. 15 of the New York State Thruway, thence over access roads to Suffern, and return over the same route, serving no intermediate points; and (3) between junction U.S. Highway 7 and Connecticut Highway 35 approximately 3 miles north of Ridgefield, Conn., and junction Connecticut Highway 123 and Interstate Highway 95 (Connecticut Turnpike) at Norwalk, Conn.; from junction U.S. Highway 7 and Connecticut Highway 35, approximately 3 miles north of Ridgefield, Conn., over U.S. Highway 7 to its junction with U.S. Highway 1 at Norwalk, Conn., thence over U.S. Highway 1 to its junction with Connecticut Highway 123, thence over Connecticut Highway 123 to its junction with Interstate Highway 95 (Connecticut Turnpike) at Norwalk, Conn., and return over the same route, serving no intermediate points.

NOTE: Common control may be involved.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice

of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7931 (correction) (LONG TRANSPORTATION CO.—CONTROL—BOAT HAULING CORP.), published in the August 9, 1961, issue of the FEDERAL REGISTER, on page 7176. The address of attorneys, Barrett, Barrett, and Barrett, should have read "25 Bryant Avenue, East Milton 86, Massachusetts."

No. MC-F-7949. Authority sought for purchase by SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, South Bend 24, Ind., of the operating rights of ROBERT E. SMITH, an individual, doing business as ROBERT E. SMITH TRANSFER, R.R. 4, Box 252, Freeport, Ill., and for acquisition by JENNIE COHEN, 901 West Mishawaka Avenue, Mishawaka, Ind., ALBERT SCHULMAN, 1727 Bader Ave., South Bend, Ind., and EDITH SCHULMAN and LOUIS H. SCHULMAN, both of 734 West Jefferson Street, South Bend, Ind., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and Ralph H. Haen, 620 Empire Building, Rockford, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route between Chicago, Ill., and Freeport, Ill., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Indiana and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7950. Authority sought for control by SIGNAL TRUCKING SERVICE, LTD., 4455 Fruitland Avenue, Los Angeles 58, Calif., of UNITED TRANSFER COMPANY-CARLEY & HAMILTON, INC., 1717 17th Street, San Francisco 3, Calif., and for acquisition by JOHN E. CARROLL, 4455 Fruitland Avenue, Los Angeles 58, Calif., of control of UNITED TRANSFER COMPANY-CARLEY & HAMILTON, INC., through the acquisition by SIGNAL TRUCKING SERVICE, LTD. Applicant's attorney: George M. Carr, 100 Bush Street, San Francisco 4, Calif. Operating rights sought to be controlled: *General Commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in San Francisco County, Calif., on the one hand, and, on the other, points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif., between points in San Francisco County, Calif., and between points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif.; and *general merchandise*, between points in San Francisco, Calif., between points in Oakland, Calif., and between San Francisco, Calif., on the one hand, and, on the other, Bayshore, Brisbane, South San Francisco, Richmond, Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, and San Leandro,

Calif.; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California, as more specifically described in MC-31114 Sub-1 and MC-31114 Sub-3. SIGNAL TRUCKING SERVICE, LTD., is authorized to operate as a *common carrier* in California, and also authorized to operate in that state under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7951. Authority sought for control by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, 24-50 Wright Ave., Auburn, N.Y., of JOHN VOGEL, INC., 60 Broadway, Albany 2, N.Y., and for acquisition by JOHN BISHOP, 264 East Genesee Street, Auburn, N.Y., of control of JOHN VOGEL, INC., through the acquisition by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED. Applicants' attorney: Leonard A. Jaskiewicz, 600 Munsey 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 Albany, N.Y., and Newark, N.J., serving the intermediate and off-route points of New York, N.Y., those within 20 miles of Albany, N.Y., those in New Jersey within 15 miles of Newark, N.J., and those in New York within 15 miles of New York, N.Y., without restrictions; and all intermediate points on, and all off-route points within 5 miles of that portion of U.S. Highway 9 on and north of New York Highway 52 and south of Albany, N.Y., restricted to the transportation of shipments moving to or from Albany and points within 20 miles thereof; between Albany, N.Y., and Newark, N.J., serving all intermediate points on, and all off-route points within five miles of, that portion of U.S. Highway 9W on and north of New York Highway 52 and south of Albany, N.Y., restricted to the transportation of shipments moving to or from Albany, and points within 20 miles thereof; between Newark, N.J., and Philadelphia, Pa., serving all intermediate and certain off-route points; between Gloversville, N.Y., and Albany, N.Y., between Gloversville, N.Y., and Speculator, N.Y., between Caroga Lake, N.Y., and Rockwood, N.Y., between Albany, N.Y., and Waterford, N.Y., from Johnstown, N.Y., to Scotia, N.Y., from Fonda, N.Y., to Little Falls, N.Y., from Little Falls, N.Y., to Johnstown, N.Y., between North Adams, Mass., and Manchester, Vt., and between North Adams, Mass., and South Shaftsbury, Vt., serving all intermediate points and certain off-route points on the above described routes, with the RESTRICTION that the regular route operating rights may not be joined or tacked with carrier's irregular-route authority to and from points in Rensselaer County, N.Y., for the purpose of performing through operations between points on such regular routes, on the one hand, and, on the other, points on carrier's regular routes west and south of Albany, N.Y.; *general commodities*, with the above exceptions, over irregular routes between New York,

N.Y., and points in New Jersey within 30 miles of City Hall, New York, N.Y., on the one hand, and, on the other, Albany, Saugerties, and Schenectady, N.Y., between Albany, N.Y., on the one hand, and, on the other, points within 20 miles of Albany, between points in Albany County, N.Y., between points in Albany County, N.Y., on the one hand, and, on the other, points in Rensselaer County, N.Y., between Rensselaer County, N.Y., on the one hand, and, on the other, points in Saratoga County, N.Y., and from points in Rensselaer County, N.Y., to points in Washington County, N.Y.; *lumber*, from Albany and New York, N.Y., to points in New York, Massachusetts, and Connecticut within 100 miles of Albany and New York, N.Y., respectively, with the RESTRICTION that service is not authorized from New York, N.Y., to Middletown, N.Y. RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, is authorized to operate as a *common carrier* in New York, New Jersey and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7952. Authority sought for control by JONES TRUCK LINES, INC., East Emma Avenue, Springdale, Ark., of SMOCK TRANSPORTATION COMPANY, INC., Doniphan, Mo., and for acquisition by HARVEY JONES, East Emma Avenue, Springdale, Ark., of control of SMOCK TRANSPORTATION COMPANY, INC., through the acquisition by JONES TRUCK LINES, INC. Applicants' attorneys: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City, Mo., and John H. Dalton, 203 College Avenue, Kennett, Mo. 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 Hoxie, Ark., and National Stock Yards, Ill., between Doniphan, Mo., and Poplar Bluff, Mo., and between Corning, Ark., and Walnut Ridge, Ark., serving certain intermediate and off-route points on the above described routes; *petroleum lubricating oils and greases*, between Roxana, Ill., and Doniphan, Mo., and *empty containers*, from Doniphan, Mo., to Roxana, Ill., serving no intermediate points. JONES TRUCK LINES, INC., is authorized to operate as a *common carrier* in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Texas, Mississippi, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7953. Authority sought for control by PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Avenue, Dravosburg, Pa., of JACOB EISENBERGER, INC., Norristown, Pa., and for acquisition by FREDERICK T. HILLER, Dravosburg, Pa., of control of JACOB EISENBERGER, INC., through the acquisition by PITTSBURGH & NEW ENGLAND TRUCKING CO. Applicants' attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be controlled: *Such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles requiring specialized handling or rigging, because of size or weight, as a

common carrier over irregular routes between Norristown, Pa., and points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown; *steel rolls*, between Lawrence, Mass., and Ansonia, Conn., *machinery*, between Lawrence and North Andover, Mass., on the one hand, and, on the other, points in Pennsylvania, New York, and North Carolina; *used machinery, used store, office, and factory supplies and fixtures, used heating and plumbing equipment, and used lumber*, between points in Massachusetts, Rhode Island, and New Hampshire; *waste paper, rags, wool sweepings, and used metals*, from points in Providence County, R.I., and certain points in New Hampshire, to Boston, Mass., and points within 15 miles of Boston; *dodgem boats*, between Amesbury, Mass., on the one hand, and, on the other, points in New York, Connecticut, New Jersey, New Hampshire, Vermont, Maine, Delaware, and Michigan; and *machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks, and tanks*, except lumber and lumber products, restricted to transportation in special equipment only, between points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie, on the one hand, and, on the other, certain points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania. RESTRICTED to the transportation of cement, in bulk, in tank vehicles, between points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie, N.Y., on the one hand, and, on the other, points in the above-specified area. PITTSBURGH & NEW ENGLAND TRUCKING CO., is authorized to operate as a common carrier in New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, and West Virginia. Application has been filed for temporary authority under section 210 a(b).

No. MC-F-7954. Authority sought for purchase by DEALERS TRANSPORT COMPANY, 1368 Riverside Boulevard, Memphis, Tenn., of a portion of the operating rights of E. & L. TRANSPORT CO., OF KENTUCKY, P.O. Box 13007 Camp Taylor Station, Louisville 13, Ky., and for acquisition by NEAL F. SCHILLING, 1368 Riverside Blvd., Memphis 3, Tenn., of control of such rights through the purchase. Applicants' attorneys: Charles H. Hudson, Jr., 206 Broadway National Bank Building, Nashville 3, Tenn., and George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be transferred: *Automobiles, trucks, tractors, bodies, and chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in truckaway service, as a common carrier over irregular routes from Louisville, Ky., to Detroit and Dearborn, Mich., Cincinnati, Ohio, and Chicago and Hegewisch, Ill., points in Indiana, and points in Illinois; *automobiles, trucks, trailers, bodies, cabs, and chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in

truckaway service from points in Kentucky, to Chicago, Ill., points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, certain points in Illinois, and points in Georgia, Tennessee, Kentucky, Indiana and Ohio; *automobiles, trucks, trailers, and chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in driveaway service, from points in Kentucky, to Chicago, Ill., points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, certain points in Illinois, and points in Alabama, Georgia, Indiana, Kentucky, North Carolina, Ohio, Tennessee, Virginia, and West Virginia; *automobiles, trucks, trailers, bodies, cabs, and chassis*, in truckaway service, in secondary movements, from Louisville, Ky., to points in North Carolina, Virginia, and West Virginia; *automobiles, trucks, bodies, cabs, and chassis* (except trailer chassis), new, used, unfinished, or wrecked, in secondary movements, in driveaway service, from Louisville, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina; and *automobiles, trucks, bodies, cabs, chassis* (except trailer chassis), new, used, unfinished, and wrecked, in secondary movements, in truckaway service, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina. Vendee is authorized to operate as a common carrier in all States (other than Alaska and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7955. Authority sought for control by PIERCE FREIGHT LINES, INC., 2825 Northwest Yeon Avenue, Portland 10, Ore., of OAKRIDGE-WESTFIR TRUCK LINES, INC., doing business as KLAMATH FALLS FAST FREIGHT, 412 Lincoln, Eugene, Ore. Applicants' attorney: Wm. P. Ellis, 1121 Equitable Building, Portland 4, Ore. Operating rights sought to be controlled: *General commodities*, as a common carrier over regular routes between Eugene, Ore., and Westfir, Ore., serving all intermediate points (except Goshen, Ore.), and certain off-route points; and *general commodities*, excepting, among others, household goods and commodities in bulk, between Oakridge, Ore., and Klamath Falls, Ore., serving all intermediate points. PIERCE FREIGHT LINES, INC., is authorized to operate as a common carrier in California and Oregon. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-8292; Filed, Aug. 29, 1961;
8:50 a.m.]

[Notice 539]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 25, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations pre-

scribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64326. By order of August 23, 1961, the Transfer Board approved the transfer to William Tuccero, doing business as Moore The Mover, Waltham, Mass., of Certificate No. MC 59300, issued May 26, 1943, to Fred S. Berry, Jr., doing business as Moore The Mover, Waltham, Mass., authorizing the transportation, over irregular routes, of household goods, between Waltham, Mass., and points within 10 miles of Waltham, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. Warren R. Bolton, 885 Main Street, Waltham 54, Mass., attorney for applicants.

No. MC-FC 64329. By order of August 23, 1961, the Transfer Board approved the transfer to L. J. Denny and J. R. Denny, a partnership, doing business as L. J. Denny & Son Trucking Company, P.O. Box 487, Ferriday, La., of Certificate No. MC 89601 Sub 3, issued July 7, 1950, to W. L. McNeill, doing business as McNeill Trucking Company, P.O. Box 179, Salem, Ill., authorizing the transportation of: *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*, over irregular routes, between points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

No. MC-FC 64403. By order of August 23, 1961, the Transfer Board approved the transfer to Dan L. Williams and F. L. Westmoreland, a partnership, doing business as Greensboro Auto Transport Company, Greensboro, N.C., of Certificate No. MC 117378 Sub 1, issued February 10, 1959, to Gordon H. Lawhorn, doing business as Lawhorn Auto Wrecking, Ellerson, Va., authorizing the transportation of: *Disabled motor vehicles, by use of wrecker equipment only*, between points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia (except between points in Ohio County, W. Va., and those in Pennsylvania within 50 miles of Triadelphia, W. Va.), and the District of Columbia. Thaxton Richardson, P.O. Box 612, Greensboro, N.C., representative for applicants.

No. MC-FC 64427. By order of August 23, 1961, the Transfer Board approved the transfer to Henry Lienhart, doing business as Arrow Coach Line, 2715 West 10th Street, Little Rock, Ark., of Certificates Nos. MC 5786, MC 5786 Sub 2, and MC 5786 Sub 3, respectively, is-

sued October 16, 1951, May 4, 1961, and May 4, 1961, to H. B. Crenshaw, doing business as Crenshaw Bus Line, Box 537, Oak Grove, La., authorizing the transportation, over regular routes, of passengers and their baggage and express, newspapers, and mail, in the same vehicle with passengers, between Delhi, La., and Eudora, Ark., and passengers and their baggage and express and newspapers, in the same vehicle with passengers, between Eudora, Ark., and Greenville, Miss., and between Monroe, La., and Lake Providence, La.

No. MC-FC 64440. By order of August 23, 1961, the Transfer Board approved the transfer to Raymond D. Good, doing business as La Cygne Truck Line, La Cygne, Kans., of Certificate No. MC 29611 issued December 2, 1958, to Fred Lee, doing business as La Cygne Truck Line, La Cygne, Kans., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, from La Cygne, Kans., to Kansas City, Mo., serving the intermediate point of Kansas City, Kans., restricted to delivery of livestock only; the intermediate and off-route points within 10 miles of La Cygne, Kans., restricted to pick-up of livestock only; and the off-route point of North Kansas City, Mo., for delivery only of the above specified commodities, except livestock; and from Kansas City, Mo., to La Cygne, Kans., serving the intermediate point of Kansas City, Kans., restricted to pick-up only; the intermediate and off-route points within 10 miles of La Cygne, Kans., restricted to delivery only; and the off-route point of North Kansas City, Mo., for pick-up only of the above-described commodities, except livestock, destined to La Cygne. Western Traffic Services, Inc., 216 East Tenth Street, Kansas City, Missouri, representative for applicants.

No. MC-FC 64443. By order of August 23, 1961, the Transfer Board approved the transfer to S. D'Antoni, Inc., New Orleans, La., of Permits Nos. MC 105750 and MC 105750 Sub 3 (Second Corrected), issued June 10, 1949, and November 2, 1959, to Salvador D'Antoni, New Orleans, La., authorizing the transportation of flavoring syrup, in containers, over irregular routes, from New Orleans, La., to Belzoni, Biloxi, Brookhaven, Carthage, Clarksdale, Cleveland, Columbia, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Houston, Jackson, Laurel, Lexington, Louisville, McComb, Meridian, Natchez, Newton, Philadelphia, Picayune, Quitman, Sardis, Vicksburg, Water Valley, and Yazoo City, Miss., and Mobile, Ala., with empty containers and rejects on return; such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, over irregular routes, between points within the specified territory beginning at Lillian, Ala., in Alabama, Mississippi, Louisiana to points of beginning, including points specified; and flavoring syrup, in containers, over irregular routes, from New Orleans, La., to the site of the bottling plant of Coca

Cola Company at Ocean Springs, Miss., and empty containers and returned shipments on return. Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La., attorney for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-8293; Filed, Aug. 29, 1961; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 25, 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. 37318: *Potash from Carlsbad and Loving, N. Mex., to North Pacific coast points.* Filed by Trans-Continental Freight Bureau, Agent (No. 377), for interested rail carriers. Rates on muriate of potash and potassium (potash), in carloads, from Carlsbad and Loving, N. Mex., to specified points in California, Idaho, Oregon, and Washington, also British Columbia.

Grounds for relief: Market competition.

Tariff: Supplement 45 to Trans-Continental Freight Bureau tariff I.C.C. 1651.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-8290; Filed, Aug. 29, 1961; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal products manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Barnwell Garment Co., Barnwell, S.C.; effective 7-29-61 to 7-28-62 (ladies' robes).

Beacon Garment Co., Inc., 192 Anawan Street, Fall River, Mass.; effective 7-25-61 to 7-24-62 (dresses).

Glamorise Foundations, Inc., 228 Pine Street, Williamsport, Pa.; effective 7-29-61 to 7-28-62 (brassieres, girdles, and foundation garments).

Hortex Manufacturing Co., Inc., 100 South Cotton, El Paso, Texas; effective 7-27-61 to 7-26-62 (boys' single pants).

Hunter-Sadler Co., Tupelo, Miss.; effective 7-29-61 to 7-28-62; 10 percent of factory production workers engaged in the production of products included in § 522.21 (b), (c), (d), (e) and (f), of the apparel industry learner regulations (sport jackets).

Jeansco, Inc., Pine and Brown Streets, Petersburg, Va.; effective 7-29-61 to 7-28-62 (boys' dungarees).

Kennebec Manufacturing Co., Inc., Northern Avenue, Gardiner, Maine; effective 8-6-61 to 8-5-62 (boys' pants).

Laurens Shirt Corp., Hillcrest Drive, Laurens, S.C.; effective 7-25-61 to 7-24-62 (men's shirts).

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 7-29-61 to 7-28-62 (leisure and work pants).

Samuel Meltzer d/b/a The Liberty Co. East Front Street, Dyer, Tenn.; effective 8-6-61 to 8-5-62 (men's and boys' pajamas and robes).

Linden Manufacturing Co., First and Water Streets, Birdsboro, Pa.; effective 8-7-61 to 8-6-62 (ladies' and girls' blouses).

Linden Manufacturing Co., 843 North Ninth Street, Reading, Pa.; effective 8-7-61 to 8-6-62 (ladies' and girls' blouses).

Linden Manufacturing Co., 24 High Street, Womelsdorf, Pa.; effective 8-7-61 to 8-6-62 (ladies' and girls' blouses).

McNair Clothing Manufacturing Co., Brownsville, Texas; effective 7-28-61 to 7-27-62 (men's cotton work clothing).

Mount Vernon Corp., Mount Vernon, Ga.; effective 8-1-61 to 7-31-62 (ladies' dresses).

Pool Manufacturing Co., 1601 South Montgomery Street, Sherman, Tex.; effective 7-25-61 to 7-24-62 (work shirts, uniforms, sport shirts and work pants).

Roydon Wear, Inc., Oak Street, McRae, Ga.; effective 8-8-61 to 8-7-62 (men's and boys' trousers and outerwear shorts).

Selmer Manufacturing Co., Inc., Selmer, Tenn.; effective 8-4-61 to 8-3-62 (men's sport shirts).

Toby Manufacturing Co., Inc., 620-6 Franklin Avenue, Essex, Baltimore 21, Md.; effective 8-4-61 to 8-3-62 (work pants).

Youngwear Products, Inc., Smoaks, S.C.; effective 7-28-61 to 7-27-62 (children's dresses).

Sportcaster Co., Occidental at Jackson Street, Seattle 4, Wash.; effective 8-25-61 to 8-24-62 (men's, women's and children's jackets and ski wear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Byran Infants Wear, Inc., 6907 East 14th Street, Tulsa 11, Okla.; effective 8-10-61 to 8-9-62; 8 learners (infants' wear).

Fairmont Manufacturing Co., Inc., Fairmont, N.C.; effective 7-26-61 to 7-25-62; 10 learners (ladies' woven cotton night gowns and pajamas).

Linden Manufacturing Co., Newmanstown, Pa.; effective 8-7-61 to 8-6-62; 5 learners (ladies' and girls' blouses).

Newton Grove Manufacturing Co., Newton Grove, N.C.; effective 7-26-61 to 7-25-62; 10 learners (women's dresses).

So-Rite Lingerie Co., Bright Building, Keyser, W. Va.; effective 7-31-61 to 7-30-62; 10 learners (ladies' pajamas and house dusters).

Susan Garment, Inc., 424 Guilford Street, Lebanon, Pa.; effective 7-24-61 to 7-23-62; 10 learners (ladies' blouses, dusters and dresses).

Vasil Manufacturing Co., 119 East Mary Street, Bucyrus, Ohio; effective 7-31-61 to 7-30-62; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Eileen Hope, Inc., 1424 Herr Street, Harrisburg, Pa.; effective 7-25-61 to 1-24-62; 20 learners (women's dresses).

Gene Rogers-Warwick Corp., First Street, Warwick, N.Y.; effective 7-25-61 to 1-24-62; 15 learners (girls' dresses).

Gulf Coast Garment Manufacturing Co., Inc., Double Springs, Ala.; effective 7-31-61 to 1-30-62; 40 learners (boys' cotton knit shirts and ski-pajamas).

T. S. Lankford & Sons, 141 Walnut Street, Abilene, Tex.; effective 7-27-61 to 1-26-62; 20 learners (men's work clothing and government uniforms).

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 7-29-61 to 1-28-62; 75 learners (leisure and work pants).

Mode O'Day Corp., Plant #9, 419 East South Street, Hastings, Neb.; effective 7-31-61 to 1-30-62; 10 learners. Learners may not be hired in the production of separate skirts (ladies' blouses and sportswear).

Trousdale Manufacturing Co., Inc., Hartsville, Tenn.; effective 7-31-61 to 1-30-62; 100 learners (women's blouses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

J. A. Cline & Son, Inc., Hildebran, N.C.; effective 7-25-61 to 7-24-62; five percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; effective 7-26-61 to 1-25-62; 25 learners for plant expansion purposes (full-fashioned).

Grenada Industries, Inc., Grenada, Miss.; effective 8-15-61 to 2-14-62; 40 learners for plant expansion purposes (full-fashioned and seamless).

Holt Hosiery Mills, Inc., Glen Raven, N.C.; effective 8-17-61 to 8-16-62; five percent of the total number of factory production workers for normal labor turnover purposes (Full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Movie Star of Ellenville, Ellenville, Miss.; effective 7-30-61 to 7-29-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Movie Star of Purvis, Purvis, Miss.; effective 7-31-61 to 7-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Rocky Mountain Undergarment Co., Inc., 1536 Boone Road, Rocky Mount, North Carolina; effective 7-25-61 to 1-24-62; 20 learners for plant expansion purposes (ladies' and children's panties).

Each learner certificate has been issued upon the representations of the

employers which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 21st day of August 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the
Administrator.

[F.R. Doc. 61-8278; Filed, Aug. 29, 1961;
8:48 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal products manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Allen Garment Co., 706 19th Avenue North, Nashville, Tenn.; effective 6-23-61 to 6-22-62 (men's and boys' sport shirts).

Atwood, Inc., Sparta, N.C.; effective 6-23-61 to 6-22-62 (work pants).

Darsey Manufacturing Co., Tallapoosa, Ga.; effective 6-23-61 to 6-22-62 (men's and boys' dress pants).

Edinburg Manufacturing Corp., Edinburg, Va.; effective 6-23-61 to 6-22-62 (infants' outerwear).

Federal Corset Co., Airport Hanger No. 1, Douglas, Ga.; effective 6-26-61 to 6-25-62 (girdles and brassieres).

Greenway Manufacturing Co., Waynesburg, Pa.; effective 6-21-61 to 6-20-62 (boys' and infants' polo shirts).

Helena Garment Co., Bobble Brooks Square, West Helena, Ark.; effective 6-23-61 to 6-22-62 (ladies' dresses and cordinates).

J B C Co., of Madera, Madera, Pa.; effective 6-30-61 to 6-29-62 (men's and boys' trousers).

LaCrosse Sportswear Corp., LaCrosse, Va.; effective 6-21-61 to 6-20-62 (sport shirts).

Maxwell Garment Co., 145 Maxwell Avenue, Greenwood, S.C.; effective 6-27-61 to 6-26-62 (women's apparel and men's shirts).

Metter Manufacturing Co., Metter, Ga.; effective 6-26-61 to 6-25-62 (ladies' blouses).

Model Sportswear, Inc., 305 Holland Street, Shelbyville, Tenn.; effective 6-30-61 to 6-29-62 (men's and boys' work and sport jackets).

Siceloff Manufacturing Co., Inc., East Second Avenue and Pugh Street, Lexington, N.C.; effective 6-26-61 to 6-25-62 (men's and boys' single pants, work shirts, overalls, etc., and women's and children's outerwear).

Sweet-Orr and Co., Inc., 68 First Street SW., Pulaski, Va.; effective 6-24-61 to 6-23-62 (men's and boys' pants).

Sylvia Garments, Inc., 32 West King Street, Littlestown, Pa.; effective 6-26-61 to 6-25-62 (ladies' cotton dresses).

Vandalia Garment Co., Vandalia, Mo.; effective 6-29-61 to 6-28-62 (ladies' dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apparel Manufacturing Corp., 112 South Center Street, Mebane, N.C.; effective 6-26-61 to 6-25-62; 10 learners (children's dresses).

Columbus Manufacturing Co., Tabor City, N.C.; effective 6-24-61 to 6-23-62; 10 learners (sport shirts).

Gross Galesburg Co., Canton, Ill.; effective 6-23-61 to 6-22-62; 10 learners (work jackets and one piece suits).

Iva Manufacturing Co., Inc., Iva, S.C.; effective 7-1-61 to 6-30-62; 10 learners (blouses and women's coordinates).

Tunxis Sportswear Manufacturing Co. and Laurel Togs, Inc., 82 Union Street, New London, Conn.; effective 6-20-61 to 6-19-62; 6 learners (girls' outerwear).

Wear Well Garment Co., 1st North and German Streets, New Ulm, Minn.; effective 6-21-61 to 6-20-62; 10 learners. No learners may be employed in the production of separate skirts under the terms of this certificate (ladies' slacks).

Whitakers Garment Co., Inc., Whitakers, N.C.; effective 6-21-61 to 6-20-62; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Achy Garment Co., Railroad Avenue, Hebron, Md.; effective 6-20-61 to 12-19-61; 15 learners (ladies' man-tailored blouses and men's shirts).

Aynor Manufacturing Co., Aynor, S.C.; effective 6-26-61 to 12-25-61; 50 learners (ladies' blouses).

Decaturville Sportswear Co., Inc., Decaturville, Tenn.; effective 6-26-61 to 12-25-61; 35 learners (ladies' sportswear).

Jolly Kids Togs, Inc., 220 Main Street, Frankfort, Mich.; effective 6-20-61 to 12-19-61; 30 learners (jackets and carcoats).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Continental Cigar Co., Rocky Glen Road, Moosic, Pa.; effective 6-20-61 to 6-19-62; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations
(29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; effective 6-23-61 to 6-22-62; 5 percent of the total number of machine stitchers for normal labor turnover purposes (leather palm work gloves).

Standard Glove Co., of New Jersey, Inc., 109 Frellinghaysen Avenue, Newark, N.J.; effective 6-22-61 to 6-21-62; 5 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations
(29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Blisher Hosiery Mills, Inc., Denton, N.C.; effective 6-25-61 to 6-24-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kaysner-Roth Hosiery Co., Inc., Pittsboro Seamless Knitting Division, Pittsboro, N.C.; effective 6-22-61 to 12-21-61; 10 learners for plant expansion purposes (seamless).

Shoe Industry Learner Regulations
(29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Gettysburg Shoe Co., Dillsburg Division, Dillsburg, Pa.; effective 6-23-61 to 6-22-62; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Gettysburg Shoe Co., Gettysburg, Pa.; effective 6-23-61 to 6-22-62; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Almaco, Inc., Fajardo, P.R.; effective 6-10-61 to 2-28-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) handsewing of covers on baseballs for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours; (2) die and clicker machine operator (cutting covers of baseballs), winding machine operator and pressing machine operator, each for a learning period of 160 hours at the rate of 51 cents an hour (baseballs and softballs) (replacement certificate).

Atlas Products Corp., Toa Alta, P.R.; effective 6-2-61 to 9-14-61; 8 learners for normal labor turnover purposes, in the occupation of machine sewing on leather gloves for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (leather gloves) (replacement certificate).

Barry Corp., Santurce, P.R.; effective 6-2-61 to 10-23-61; 7 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric and leather gloves) (replacement certificate).

Barry Corp., Santurce, P.R.; effective 6-2-61 to 4-23-62; 13 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric and leather gloves) (replacement certificate).

Billfold Corp. of America, Gurabo, P.R.; effective 6-10-61 to 8-14-61; 40 learners for plant expansion purposes, in the occupations of: (1) Stitching machine operator for a learning period of 320 hours at the rates of 48 cents an hour for the first 160 hours and 56 cents an hour for the remaining 160 hours; (2) die and clicker machine operator (cutting leather), creasing machine operator, female assembler, and skiving machine operator, each for a learning period of 160 hours at the rate of 48 cents an hour (leather wallets and french purses) (replacement certificate).

Buena Manufacturing Corp., No. 2 Modesto Sola Street, Caguas, P.R.; effective 5-29-61 to 11-28-61; 100 learners for plant expansion purposes, in the occupation of stringer, tipper, clasper and looper, each for a learning period of 240 hours at the rate of 48 cents an hour (necklaces and earrings).

The Carib Co., Inc., Aibonito, P.R.; effective 6-2-61 to 8-12-61; 25 learners for plant expansion purposes, in the occupations of machine sewing and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (women's gloves) (replacement certificate).

The Carib Co., Inc., Aibonito, P.R.; effective 6-2-61 to 2-12-62; 25 learners for normal labor turnover purposes, in the occupations of machine sewing and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (women's gloves) (replacement certificate).

Caribe Sports Co., Inc., San German, P.R.; effective 6-10-61 to 4-30-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator and hand lacer, each for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours; (2) die and clicker machine operator, leather stamper (gloves), eyeletter, shell lay-off, turning machine operator, final glove lay-off, leather regrader, and final inspection, each for a learning period of 160 hours at the rate of 51 cents an hour (baseball gloves and mitts) (replacement certificate).

Caribe Sports Co., Inc., San German, P.R.; effective 6-10-61 to 10-31-61; 58 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator and hand lacer, each for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours; (2) die and clicker machine operator, leather stamper (gloves), eyeletters, shell lay-off, turning machine operator, final glove lay-off, leather regrader, and final inspection, each for a learning period of 160 hours at the rate of 51 cents an hour (baseball gloves and mitts) (replacement certificate).

Contours, Inc., Caguas, P.R.; effective 5-24-61 to 11-23-61; 32 learners for plant expansion purposes, in the occupations of: (1) Cup presser, cup cutter operator, bust pad sprayer, and mesh machine operator, each for a learning period of 240 hours at the rate of 70 cents an hour; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 70 cents an hour (bust cups and pads).

Edro Corp., Anasco, P.R.; effective 6-2-61 to 2-19-62; 3 learners for normal labor turnover purposes, in the occupations of sewing machine operator and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric gloves) (replacement certificate).

Essex, Inc., Hato Rey, P.R.; effective 6-19-61 to 6-18-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 63 cents an hour for

the first 240 hours and 73 cents an hour for the remaining 240 hours (skirts).

Essex, Inc., Hato Rey, P.R.; effective 6-19-61 to 12-18-61; 20 learners for plant expansion purposes, in the occupations of sewing machine operator for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (skirts).

General Electric Instrument Corp., Caguas, P.R.; effective 5-24-61 to 5-23-62; 30 learners for normal labor turnover purposes, in the occupations of assembler, solderer (general); spring solderer, inspector, repair operator, and balancer, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electric instruments).

General Electric Instrument Corp., Caguas, P.R.; effective 5-24-61 to 11-23-61; 50 learners for plant expansion purposes, in the occupations of assembler, solderer (general), spring solderer, inspector, repair operator, and balancer, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electric instruments).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; effective 6-16-61 to 12-15-61; 24 learners for plant expansion purposes, in the occupations of: (1) Knitting, topping, and looping, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours; (2) machine stitching, pressing, hand sewing, and finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of 75 cents an hour for the first 160 hours and 88 cents an hour for the remaining 160 hours; (3) winding for a learning period of 240 hours at the rate of 75 cents an hour (full-fashioned sweaters).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; effective 6-16-61 to 6-15-62; 18 learners for normal labor turnover purposes, in the occupations of: (1) Knitting, topping, and looping, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours; (2) machine stitching, pressing, hand sewing, and finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of 75 cents an hour for the first 160 hours and 88 cents an hour for the remaining 160 hours; (3) winding for a learning period of 240 hours at the rate of 75 cents an hour (full-fashioned sweaters).

Island Knitting Mills, Inc., San Lorenzo, P.R.; effective 6-7-61 to 12-6-61; 7 learners for plant expansion purposes, in the occupations of: (1) Looper, knitter and topper, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours; (2) machine stitchers and menders, each for a learning period of 320 hours at the rates of 75 cents an hour for the first 160 hours and 88 cents an hour for the remaining 160 hours (men's sport shirts and ladies' sweaters and polo shirts).

Janet Corp., San Jose Street, Rio Grande, P.R.; effective 6-19-61 to 12-18-61; 60 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 60 cents an hour for the first 160 hours and 70 cents an hour for the remaining 80 hours; (3) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 60 cents an hour (applique embroidery on women's underwear).

Evelyn Judith Products, Inc., Corozal, P.R.; effective 6-19-61 to 12-18-61; 8 learners for

plant expansion purposes, in the occupation of machine stitching (P.K. and Osann leather palm sewing) for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 67 cents an hour for the remaining 240 hours (sewing of leather palms on knitted gloves).

Mansco International Corp., Central Ma-chete Road, Guayama, P.R.; effective 5-15-61 to 11-14-61; 100 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator and final pressing, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) machine operations other than sewing machine: gripper setting, trimming, marking, looping, bagging, box making and ticketograph machines, and final inspection of fully assembled garments, each for a learning period of 160 hours at the rate of 57 cents an hour (men's undershorts, pajamas and related products).

Miton Co., Inc., Aibonito, P.R.; effective 5-16-61 to 11-15-61; 25 learners for plant expansion purposes, in the occupations of machine stitching and laying off, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (ladies' gloves).

Miton Co., Inc., Aibonito, P.R.; effective 6-2-61 to 11-15-61; 25 learners for plant expansion purposes, in the occupations of machine stitching and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (ladies' gloves) (replacement certificates).

Ocean Knitwear Corp., Gaguas, P.R.; effective 6-1-61 to 5-31-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 57 cents an hour (polo shirts and knitted fabric sport shirts).

Overseas Sports Co., Inc., Mayaguez, P.R.; effective 6-10-61 to 11-20-61; 25 learners for normal labor turnover purposes, in the occupation of handsewing of baseballs and softballs for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours (baseballs and softballs) (replacement certificate).

Oxford, Inc., Hato Rey, P.R.; effective 6-19-61 to 6-18-62; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (women's slacks and shorts).

Oxford, Inc., Hato Rey, P.R.; effective 6-19-61 to 12-18-61; 25 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (women's slacks and shorts).

Paradise Manufacturing, Inc., Gurabo, P.R.; effective 5-29-61 to 5-28-62; 12 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Plata Glove, Inc., Cayey, P.R.; effective 5-22-61 to 7-31-61; 112 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) die

and clicker machine operator for a learning period of 160 hours at the rate of 57 cents an hour (leather gloves) (replacement certificate).

Plata Glove, Inc., Cayey, P.R.; effective 6-2-61 to 7-31-61; 112 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 62 cents an hour (leather gloves) (replacement certificate).

Playtex Caribe, Inc., Dorado, P.R.; effective 6-19-61 to 12-18-61; 84 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Playtex Caribe, Inc., Dorado, P.R.; effective 6-19-61 to 6-18-62; 16 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Puerto Rico Industrial Mfg. Corp., Manati, P.R.; effective 5-16-61 to 5-15-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (men's work pants, and shirts).

Rico Glove Corp., Cayey, P.R.; effective 6-2-61 to 6-30-61; 14 learners for normal labor turnover purposes, in the occupation of machine sewing for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric gloves) (replacement certificate).

Rico Glove Corp., Cayey, P.R.; effective 6-2-61 to 6-30-61; 10 learners for normal labor turnover purposes, in the occupation of machine sewing for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric gloves) (supplemental and replacement certificate).

Sun Manufacturing, Inc., Concordia Street, Final, Mayaguez, P.R.; effective 6-12-61 to 12-11-61; 40 learners for plant expansion purposes in any productive factory occupations (except those listed in Regulations 522.53 (a) and (b)) for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (vulcanized shoes).

Surtex Glove Corp., Coamo, P.R.; effective 6-2-61 to 2-19-62; 5 learners for normal labor turnover purposes, in the occupations of machine stitching and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (gloves) (replacement certificate).

Surtex Glove Corp., Coamo, P.R.; effective 6-2-61 to 8-19-61; 39 learners for plant expansion purposes, in the occupations of machine stitching and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (gloves) (replacement certificate).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at sub-minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are

not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 21st day of August 1961.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 61-8279; Filed, Aug. 29, 1961; 8:49 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Crafts, Inc., 18th Street and Carter Avenue, Ashland, Ky.; effective 7-19-61 to 7-18-62 (children's dresses).

Benton Industries, Inc., Colley Street, Benton, Pa.; effective 7-30-61 to 7-29-62 (men's and boys' sport shirts).

Bowling Green Garment Co., Bowling Green, Mo.; effective 7-14-61 to 7-13-62 (ladies' dresses).

Burro Manufacturing Co., 105 East Markham, Little Rock, Ark.; effective 7-18-61 to 7-17-62 (men's shirts and pants).

Colonial Corporation of America, Woodbury, Tenn.; effective 7-21-61 to 7-20-62 (men's and boys' dress and sport shirts).

Empire Dress Co., 53 East Northampton Street, Wilkes-Barre, Pa.; effective 7-17-61 to 7-16-62 (dresses).

The Foster Co., Greenville, Ala.; effective 7-12-61 to 7-11-62 (men's and boys' trousers).

Frackville Pajama Corp., Frackville, Pa.; effective 7-21-61 to 7-20-62 (men's and boys' nightshirts and pajamas).

Grifton Manufacturing Co., Grifton, N.C.; effective 7-14-61 to 7-13-62 (men's and boys' sport jackets).

Industrial Garment Manufacturing Co., Palestine, Tex.; effective 7-10-61 to 7-9-62 (men's cotton work pants).

Katz Underwear Co., Plant No. 1 Sixth Street, Plant No. 2 Sunrise Avenue, Honesdale, Pa.; effective 7-23-61 to 7-22-62 (women's and misses' nightgowns and pajamas).

Lanier Manufacturing Co., Easley, S.C.; effective 7-19-61 to 7-18-62 (men's and boys' sport shirts).

Lee County Mills, Inc., Leesburg, Ga.; effective 7-17-61 to 7-16-62 (ladies' and children's underwear).

Linden Manufacturing Co., Linden, Ala.; effective 7-21-61 to 7-20-62 (women's dresses).

McMinnville Garment Co., McMinnville, Tenn.; effective 7-24-61 to 7-23-62 (men's and boys' cotton pants).

Martin Shirt Corp., Cookeville, Tenn.; effective 7-25-61 to 7-24-62 (men's and boys' dress and sport shirts).

Moyer Co., Commerce and Walnut Streets, Youngstown, Ohio; effective 7-19-61 to 7-18-62 (men's slacks).

Oberman Manufacturing Co., Morrilton, Ark.; effective 7-16-61 to 7-15-62 (men's and boys' single pants).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-61 to 7-21-62. 10 percent of the total number of factory production workers engaged in the production of men's and boys' woven sport shirts (men's and boys' sport shirts).

Seamprufe, Inc., McAlester, Okla.; effective 7-17-61 to 7-16-62 (slips and lingerie made of woven fabric).

Levi Strauss & Co., Blue Ridge, Ga.; effective 7-11-61 to 7-10-62 (men's, boys', and youths' casual pants).

Levi Strauss & Co., 201 South Dillard Street, Blackstone, Va.; effective 7-15-61 to 7-14-62 (men's and boys' cotton pants).

Tic Tac Co., Inc., Dacey Creek Road, Camden, S.C.; effective 7-22-61 to 7-21-62 (children's outerwear).

Top-Notch Manufacturing Co., Inc., 2101 Cypress Street, El Paso, Tex.; effective 7-24-61 to 7-23-62 (men's and boys' denim overalls).

Tropical Garment Manufacturing Co., 2508 Ivy Street, Tampa, Fla.; effective 7-20-61 to 7-19-62 (men's and boys' sport shirts, jackets, walk shorts, and trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Gross Galesburg Co., Chariton, Iowa; effective 7-17-61 to 7-16-62; 10 learners (men's work pants, shirts, and jackets).

Wardensville Manufacturing Co., Wardensville, W. Va.; effective 7-26-61 to 7-25-61; 10 learners (infants' wear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bowling Green Garment Co., Bowling Green, Mo.; effective 7-14-61 to 1-13-62; 15 learners (ladies' dresses).

Frackville Pajama Corp., Frackville, Pa.; effective 7-21-61 to 1-20-62; 10 learners (men's and boys' nightshirts and pajamas).

Grifton Manufacturing Co., Grifton, N.C.; effective 7-14-61 to 1-13-62; 15 learners (men's and boys' sport jackets).

Lee County Mills, Inc., Leesburg, Ga.; effective 7-17-61 to 1-16-62; 100 learners (ladies' and children's underwear).

Arthur R. Lewis, Inc., 815 Chestnut Street, Perkaskie, Pa.; effective 7-13-61 to 1-12-62; 10 learners (light weight girdles).

Mode O'Day Corp., 403½ South Main Street, Ottawa, Kans.; effective 7-13-61 to 1-12-62; 10 learners (ladies' dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Adams-Mills Corp., Bodenhamer Street, Kernersville, N.C.; effective 7-14-61 to 7-13-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Auburn Hosiery Mills, Inc. No. 2, Adairville, Ky.; effective 7-19-61 to 1-18-62; 15 learners for plant expansion purposes (seamless).

Dothan Hosiery Co., Dothan, Ala.; effective 7-20-61 to 1-19-62; 50 learners for plant expansion purposes (seamless).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; effective 7-17-61 to 7-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and circular knit nylon hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-61 to 7-21-62; 5 percent of the total number of factory production workers engaged in the production of men's and boys' woven shorts for normal labor turnover purposes (men's and boys' woven shorts).

Seamprufe Inc., Holdenville, Okla.; effective 7-17-61 to 7-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Seamprufe, Inc., McAlester, Okla.; effective 7-17-61 to 7-16-62; 5 percent of the total number of factory production workers engaged in the production of ladies' knitted underwear for normal labor turnover purposes (slips and lingerie).

Seamprufe Inc., Ratcliff, Ark.; effective 7-17-61 to 7-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Caguas Tobacco and Processing Corp., Caguas, P.R.; effective 6-24-61 to 9-18-61; 13 learners for normal labor turnover purposes, in the occupations of: (1) machine stripper for a learning period of 160 hours at the rate of 70 cents an hour; (2) sorter (selecting half leaves) for a learning period of 160 hours at the rate of 63 cents an hour (machine stripping process and selection of half leaves of wrapper type tobacco) (replacement).

Caribe Staple Co., Calle Igualdad, Fajardo, P.R.; effective 6-19-61 to 10-24-61; 52 learners for plant expansion purposes in the occupations of: (1) The single occupation of machine operator and inspector, for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours; (2) inspector-packer for a learning period of 240 hours at the rate of 75 cents an hour. (Industrial staples) (replacement).

Consolidated Cigar Corp. of Cayey, Cayey, P.R.; effective 6-24-61 to 8-19-61; 300 learn-

ers for plant expansion purposes, in the occupations of: (1) Cigar making; packing, each for a learning period of 320 hours at the rates of 70 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours; (2) sorting; selecting; sizing and typing, each for a learning period of 240 hours at the rate of 70 cent and hour; (3) machine stripping; inspecting, each for a learning period of 160 hours at the rate of 70 cents an hour (cigars) (replacement).

Consolidated Cigar Corp. of Puerto Rico, Caguas, P.R.; effective 6-25-61 to 6-24-62; 110 learners for normal labor turnover purposes, in the occupations of cigar making and packing, each for a learning period of 320 hours at the rates of 70 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours (cigars).

D. W. G. International, Inc., Gurabo Industrial Area, Gurabo, P.R.; effective 6-24-61 to 6-23-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sorter and selector, each for a learning period of 240 hours at the rate of 63 cents an hour; (2) machine stripper for a learning period of 160 hours at the rate of 70 cents an hour (tobacco).

Granada Mills, Inc., Caguas, P.R.; effective 6-27-61 to 6-26-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' panties and slips).

Granada Mills, Inc., Caguas, P.R.; effective 6-27-61 to 12-26-61; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' panties and slips).

Janrico Inc., Rincon, P.R.; effective 6-20-61 to 6-19-62; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rate of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

La Torre Co., Inc., Aibonito, P.R.; effective 5-15-61 to 7-29-61; 100 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' underwear, sleepwear and shoulder straps).

Pan American Screw Corp., Rio Grande, P.R.; effective 6-26-61 to 6-25-62; 5 learners for normal labor turnover purposes, in the occupations of cut threader operator, header operator, slotter and shaver operator, aluminum heat treating carburizing furnace, shipper and inspector, roll threader, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (screws and bolts).

Rico Glove Corp., Cayey, P.R.; effective 7-1-61 to 6-30-62; 23 learners for normal labor turnover purposes, in the occupation of machine stitcher for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric gloves).

Salva Soria Hermanas, Inc., Mayaguez, P.R.; effective 5-29-61 to 11-28-61; 20 learners for plant expansion purposes, in the single occupation of basic hand production operations: Cutting ribbon, assembling ribbon, pasting ribbon, and tacking for a learning period of 240 hours at the rate of 63 cents an hour (girl scouts' emblems).

Semiconductor Industries, Inc., 611 Carpenter Road, Santurce, P.R.; effective 6-26-61 to 12-25-61; 12 learners for plant expansion purposes, in the occupations of assembler and solderer for a learning period of 480

hours at the rates of 75 cents for the first 240 hours and 85 cents for the remaining 240 hours (megaphones and walkie-talkies).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the Regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act has been issued to the firm listed below. Effective and expiration dates, occupations, and learning periods for the certificate issued under Part 527 is as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Sandia View Academy, Corrales Road, Albuquerque, N. Mex.; effective 7-10-61 to 8-31-61; authorizing the employment of 15 student-workers in the furniture manufacture (wood) industry in the occupations of, woodworking machine operator, assembler, finisher and related skilled and semi-skilled occupations, for a learning period of 600 hours each, at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 21st day of August 1961.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 61-8280; Filed, Aug. 29, 1961;
8:49 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than

the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alexandria Industrial Garment Manufacturing Co., Inc., Alexandria, Tenn.; effective 8-7-61 to 8-6-62 (work shirts).

Baroness, Inc., 24 High Street, Womelsdorf, Pa.; effective 8-7-61 to 8-6-62 (women's and girls' blouses).

Bastian Manufacturing Corp., Bastian, Va.; effective 8-2-61 to 8-1-62 (men's, boys', ladies' and girls' knit shirts).

Calhoun Garment Co., Calhoun City, Miss.; effective 8-8-61 to 8-7-62 (boys' single pants).

Joseph Greenberg, Inc., 133 North Poplar Street, Elizabethtown, Pa.; effective 8-7-61 to 8-6-62 (children's dresses).

Hatley Sportswear, Inc., Hatley, Miss.; effective 8-12-61 to 8-11-62 (men's dress pants).

Lake Sleepwear, Inc., Boydton, Va.; effective 8-7-61 to 8-6-62 (women's and children's pajamas and gowns, woven fabric).

Louisiana Industrial Garment Manufacturing Corp., Marchand Lane, Gonzales, La.; effective 8-6-61 to 8-5-62 (men's dress and work pants).

Moreland Sportswear, Inc., 309 North 4th Street, Youngwood, Pa.; effective 9-1-61 to 8-31-62 (ladies' blouses).

Pierro Manufacturing Co., 402 Pecan Avenue, Sanford, Fla.; effective 8-1-61 to 7-31-62. Learners may not be employed at special minimum wage rates in the production of separate skirts (men's, women's and children's nightwear; women's and children's dresses).

Puritan Foundations, Inc., Farren Street, Portage, Pa.; effective 8-10-61 to 8-9-62 (brassieres).

Raycord Co., Inc., Spartanburg, S.C.; effective 8-22-61 to 8-21-62 (men's sport shirts).

Rita's Fashions, 242 Main Street, Moscow, Pa.; effective 8-20-61 to 8-19-62 (children's apparel; ladies' blouses).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Oklahoma; effective 8-19-61 to 8-18-62 (men's and boys' overalls, and women's and girls' jeans).

Stapleton Garment Co., Stapleton, Ga.; effective 8-20-61 to 8-19-62 (men's and boys' trousers).

Tloga Sportswear Corp., 641 Quarry Street, Fall River, Mass.; effective 8-9-61 to 8-8-62 (men's and boys' sport jackets).

Toccoa Garment Co., Inc., Big A Road, Toccoa, Ga.; effective 8-3-61 to 8-2-62 (ladies' blouses).

Todd Manufacturing Co., Elkton, Ky.; effective 8-19-61 to 8-18-62 (men's work shirts and jackets).

Weatherbee Coats, Inc., 461 East Federal Street, Youngstown, Ohio; effective 7-30-61 to 7-29-62 (ladies' rainwear, car coats and jackets).

Whiteville Garment Manufacturing Co., Wilmington Road, Whiteville, N.C.; effective 8-25-61 to 8-24-62 (men's and boys' dungarees and single pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Calico Lane Dress Co., 9 School Street, Jermy, Pa.; effective 8-1-61 to 7-31-62; 5 learners (women's dresses).

B. F. Davis Garment Co., Inc., 3000-2 Royal Street, New Orleans 17, La.; effective 8-11-61 to 8-10-62; 10 learners (men's work pants).

Horton Garment Co., Inc., 112 South 2d Street, Atchison, Kansas; effective 8-18-61 to 8-17-62; 10 learners (junior and misses' dresses).

Mayville Co., Inc., Hillsville, Va.; effective 8-11-61 to 8-10-62; 10 learners (women's washable service apparel).

New Castle Manufacturing Co., Inc., New Castle, Va.; effective 8-8-61 to 8-7-62; 10 learners (ladies' and children's nightwear, woven fabric).

Old Hickory Co., 39 Second Street Place S.W., Hickory, N.C.; effective 8-7-61 to 8-6-62; 10 learners (men's overalls and work pants; men's and women's dungarees).

P. & M. Dress Co., Turkey Run, Shenandoah, Pa.; effective 8-7-61 to 8-6-62; 10 learners (ladies' dresses).

Piedmont Blouse Co., Inc., 321 S. Davie Street, Greensboro, N.C.; effective 8-4-61 to 8-3-62; 8 learners (ladies' and children's slips, woven fabric).

Relda Apparel Manufacturing Co., Inc., 47 Main Street, Hughesville, Pa.; effective 8-15-61 to 8-14-62; 10 learners (women's dresses).

Roseboro Manufacturing Co., Roseboro, N.C.; effective 8-7-61 to 8-6-62; 5 learners (women's dresses).

Rose Marie, Inc., 117½ South Waco Street, Hillsboro, Tex.; effective 8-10-61 to 8-9-62; 5 learners (women's dresses and blouses; children's dresses).

Rosemont Corporation Company, 610 Lincoln Street, Oxford, Pa.; effective 8-8-61 to 8-7-62; 10 learners (ladies' dresses).

The Scott Manufacturing Co., Inc., 1000 North Main Street, Rusk, Tex.; effective 8-11-61 to 8-10-62; 10 learners (ladies' and children's garments).

Susan Garment, Inc., Bethel, Pa.; effective 8-7-61 to 8-6-62; 10 learners (ladies' blouses, dusters and dresses).

Theodora Industries, 5 Biltmore Avenue, Asheville, N.C.; effective 8-9-61 to 8-8-62; 10 learners (women's and children's sleepwear, woven fabric).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N.J.; effective 8-1-61 to 7-31-62; 10 learners (ladies' sportswear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 8-15-61 to 2-14-62; 150 learners (men's and boys' dress shirts).

Bay Slacks, Inc., Hoyle Avenue, Bay Minette, Ala.; effective 8-7-61 to 2-6-62; 60 learners (men's slacks).

Fred Ronald Manufacturing Co., Neodesha, Kans.; effective 8-7-61 to 2-6-62; 30 learners (boys' shirts).

Samsons Manufacturing Co., 525 East 5th Street, Washington, N.C.; effective 8-3-61 to 2-2-62; 75 learners (men's sports shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 8-6-61 to 8-5-62; 10 learners for normal labor turnover purposes (canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Auburn Dyeing and Finishing Co., Auburn, Ky.; effective 8-8-61 to 2-7-62; 5 learners for plant expansion purposes (dyeing and finishing women's nylon hosiery).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N.C.; effective 8-4-61 to 8-3-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless and full-fashioned).

Ellen Knitting Mills, Inc., Spruce Pine, N.C.; effective 9-1-61 to 8-31-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ellis Hosiery Mills, Inc., Hickory, N.C.; effective 8-10-61 to 8-9-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Granite Hosiery Mills, 838 South Main Street, Mt. Airy, N.C.; effective 8-3-61 to 8-2-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Silver Knit Hosiery Mills, 401 South Hamilton Street, High Point, N.C.; effective 8-28-61 to 8-27-62; 5 percent of the total number of factory production workers for

normal labor turnover purposes (seamless).
Tru Knit Textile Co., West Madison Avenue, Athens, Tenn.; effective 8-2-61 to 8-1-62; 5 learners for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Franklin, N.C.; effective 8-11-61 to 8-10-62; 5 learners for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dixie Belle Textiles, Inc., Greensboro, N.C.; effective 8-2-61 to 8-1-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's underwear).

Hazlehurst Manufacturing Co., Inc., Gill Street, Hazlehurst, Ga.; effective 8-9-61 to 2-8-62; 60 learners for plant expansion purposes (women's lingerie).

Movie Star of Magnolia, Magnolia, Miss.; effective 8-10-61 to 8-9-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Shadowline, Inc., Boone, N.C.; effective 8-13-61 to 8-12-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 21st day of August 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the
Administrator.

[F.R. Doc. 61-8281; Filed, Aug. 29, 1961; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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