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FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11010

AMENDING EXECUTIVE ORDER NO. 10713,[1] RELATING TO THE ADMINISTRATION OF THE RYUKYU ISLANDS

By virtue of the authority vested in me by the Constitution, and as President of the United States and Commander-in-Chief of the armed forces of the United States, it is ordered as follows:

SECTION 1. *Certain amendments of E.O. 10713.* Executive Order No. 10713 of June 5, 1957, headed "Providing for administration of the Ryukyu Islands," is hereby amended by substituting the following for Sections 4, 6, 8, 9, and 11 thereof:

"SEC. 4. (a) There is established, under the jurisdiction of the Secretary of Defense, a civil administration of the Ryukyu Islands, the head of which shall be known as the High Commissioner of the Ryukyu Islands (hereinafter referred to as the 'High Commissioner'). The High Commissioner (1) shall be designated by the Secretary of Defense, after consultation with the Secretary of State and with the approval of the President, from among the active duty members of the armed forces of the United States, (2) shall have the powers and perform the duties assigned to him by the terms of this order, (3) may delegate any function vested in him to such officials of the civil administration as he may designate, and (4) shall carry out any powers or duties delegated or assigned to him by the Secretary of Defense pursuant to this order.

"(b) There shall be under the High Commissioner a civilian official who shall have the title of Civil Administrator. The Civil Administrator shall be designated by the Secretary of Defense, after consultation with the Secretary of State and with the approval of the President, and shall have such powers and perform such duties as may be assigned to him by the High Commissioner."

"SEC. 6. (a) The legislative power of the Government of the Ryukyu Islands, except as otherwise provided in this order, shall be vested in a legislative body consisting of a single house. Members of the legislative body shall be directly elected by the people of the islands in 1962, and triennially thereafter, for terms of three years.

"(b) The territory of the Ryukyu Islands shall continue to be divided into districts, each of which shall elect one member of the legislative body. The present 29 districts are continued, but the number or boundaries of districts may be altered by law enacted by the Government of the Ryukyu Islands with the approval of the High Commissioner. Any redistricting shall be done with due regard to obtaining districts which are relatively compact and contiguous and which have reasonably equal populations."

"SEC. 8. (a) The executive power of the Government of the Ryukyu Islands shall be vested in a Chief Executive, who shall be a Ryukyuan. The Chief Executive shall have general supervision and control of all executive agencies and instrumentalities of the Government of the Ryukyu Islands and shall faithfully execute the laws and ordinances applicable to the Ryukyu Islands.

"(b) (1) The Chief Executive shall be appointed by the High Commissioner on the basis of a nomination which is made by the legislative body herein provided for and is acceptable to the High Commissioner. A Chief Executive so appointed shall serve for the remainder of the term of the legislative body which nominated him and for such reasonable period thereafter as may be necessary for the appointment of a successor pursuant to this paragraph, or, failing such an appointment, pursuant to paragraph (2) of this subsection.

[1] 22 F.R. 4007; 3 CFR, 1954–1958 Comp., p. 368.

"(2) In the event the legislative body does not make an acceptable nomination within a reasonable time as determined by the High Commissioner, or if by reason of other unusual circumstances it is deemed by the High Commissioner to be necessary, he may appoint a Chief Executive without a nomination. The tenure of any Chief Executive appointed pursuant to this paragraph (2) shall be as determined by the High Commissioner.

"(c) The head of each municipal government shall be elected by the people of the respective municipality in accordance with procedures established by the legislative body of the Government of the Ryukyu Islands."

"SEC. 9. (a) Every bill passed by the legislative body shall, before it becomes law, be presented to the Chief Executive. If the Chief Executive approves a bill he shall sign it, but if not he shall return it, with his objections, to the legislative body within fifteen days after it shall have been presented to him. If a bill is not returned within the specified fifteen day period, it shall become law in like manner as if it had been approved by the Chief Executive, unless the legislative body by adjournment prevents its return, in which case it shall be law if approved by the Chief Executive within forty-five days after it shall have been presented to him; otherwise it shall not be law. When a bill is returned to the legislative body with objections by the Chief Executive, the legislative body may proceed to reconsider it. If, after such reconsideration two thirds of the legislative body pass it, it shall become law in like manner as if it had been approved by the Chief Executive.

"(b) If any bill approved by the legislative body contains several items of appropriation of money, the Chief Executive may object to one or more of such items or any part or parts, portion or portions thereof, while approving the other items, or parts or portions of the bill. In such case, the Chief Executive shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, objected to, and the items, or parts or portions thereof, so objected to shall not take effect. Should the legislative body seek to over-ride such objections of the Chief Executive, the procedures set forth above will apply. In computing any period of days for the foregoing purposes, Sundays and legal holidays shall be excluded."

"SEC. 11. (a) The High Commissioner may, if such action is deemed necessary for the fulfillment of his mission under this order, promulgate laws, ordinances or regulations. The High Commissioner, if such action is deemed by him to be important in its effect, direct or indirect, on the security of the Ryukyu Islands, or on relations with foreign countries and international organizations with respect to the Ryukyu Islands, or on the foreign relations of the United States, or on the security, property or interests of the United States or nationals thereof, may, in respect of Ryukyuan bills, laws, or officials, as the case may be, (1) veto any bill or any part or portion thereof, (2) annul any law or any part or portion thereof within 45 days after its enactment, and (3) remove any public official from office. The High Commissioner has the power of reprieve, commutation and pardon. The High Commissioner may assume in whole or in part, the exercise of full authority in the islands, if such assumption of authority appears mandatory for security reasons. Exercise of authority conferred on the High Commissioner by this subsection shall be promptly reported, together with the reasons therefor, to the Secretary of Defense who shall inform the Secretary of State.

"(b) In carrying out the powers conferred upon him by the provisions of subsection (a) of this section, the High Commissioner shall give all proper weight to the rights of the Ryukyuans and shall, in particular, have proper regard for the provisions of the second sentence of Section 2 of this order."

SEC. 2. *Further amendments.* Section 10 of the said Executive Order No. 10713 is hereby further amended as follows:

(1) By deleting from Section 10(a)(2)(b) the following: "even though not subject to trial by courts-martial under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.)".

(2) By substituting the following for Section 10(b)(3):

"(3) Criminal jurisdiction over (a) the civilian component, (b) employees of the United States Government who are United States nationals, and (c) dependents, excluding Ryukyuans, (i) of the foregoing and (ii) of members of the United States forces."

SEC. 3. *Transitional provisions.* (a) This order shall not operate to terminate immediately the tenure of the Chief Executive of the Government of the Ryukyu Islands now in office. That tenure shall terminate when his first successor, appointed under the provisions of Executive Order No. 10713 as amended by this order, enters upon office as Chief Executive or on such other date as may be fixed by the High Commissioner.

(b) The members of the legislative body in office on the date of this order shall continue in office until the termination of their present terms as members.

(c) The amendment of Section 4 of Executive Order No. 10713 made by this order shall become effective on July 1, 1962. All other parts hereof shall become effective on April 1, 1962.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 19, 1962.

[F.R. Doc. 62-2749; Filed, Mar. 19, 1962; 12:45 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 6.302 is amended as follows: Subparagraph (10) is revoked, subparagraph (11) is amended, and subparagraph (12) is added, as set out below.

§ 6.302 **Department of State.**

* * * * *

(d) *Office of the Assistant Secretary for Public Affairs.* * * *

(11) One Deputy Assistant Secretary (Women's Activities).

(12) One Deputy Assistant Secretary (Policy Plans and Guidance).

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

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

[F.R. Doc. 62-2708; Filed, Mar. 20, 1962; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) of paragraph (h) of § 6.302 is amended as set out below.

§ 6.302 **Department of State.**

* * * * *

(h) *Bureau of Near Eastern and South Asian Affairs.* * * *

(7) One Deputy Assistant Secretary.

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

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

[F.R. Doc. 62-2707; Filed, Mar. 20, 1962; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Export-Import Bank of Washington

§ 6.140 [Amendment]

1. Effective upon publication in the FEDERAL REGISTER, paragraphs (a) and (b) of § 6.140 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, paragraphs (b), (d), (h), and (i) of § 6.340 are revoked, and paragraphs (j), (k), (l), and (m) are added as set out below.

§ 6.340 **Export-Import Bank of Washington.**

* * * * *

(j) One Vice President for Program Planning and Information.

(k) One Vice President for Exporter Credits, Guarantees, and Insurance.

(l) One Vice President for Project Financing.

(m) One Vice President for Finance and Administration.

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

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

[F.R. Doc. 62-2706; Filed, Mar. 20, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

U.S. Arms Control and Disarmament Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (e) is added to § 6.372 as set out below.

§ 6.372 **U.S. Arms Control and Disarmament Agency.**

* * * * *

(e) One Special Assistant to the Deputy Director.

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

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

[F.R. Doc. 62-2709; Filed, Mar. 20, 1962; 8:50 a.m.]

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

Engineer

The headnote and paragraph (a) of § 24.33 are amended as set out below.

§ 24.33 **Engineer GS–5–15, positions involving highly technical research, design or development, or similar functions.**

(a) *Educational requirement.* Applicants must have successfully completed a full course of study, in an accredited college or university, leading to a bachelor's or higher degree in engineering or a closely related field.

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

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

[F.R. Doc. 62-2710; Filed, Mar. 20, 1962; 8:50 a.m.]

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

Statistician

Subdivision (ii) of § 24.104(a)(1) is amended as set out below.

§ 24.104 **Statistician, GS–1530–5.**

(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) * * *

(ii) At grades GS–5/9 only, for Federal agencies having formal supplemental education and training programs designed to provide 6 additional semester hours of training in statistics (or their equivalent) during the first three years of employment, 9 semester hours in statistics (or in mathematics and statistics provided at least 6 semester hours are in statistics) and 15 additional semester hours in an appropriate field, e.g., the physical or biological sciences, agriculture, medicine, education or engineering; or in the social sciences including demography, history, economics, social welfare, geography, international relations, social or cultural anthropology, health sociology, political science, public administration, business administration, psychology, etc.; or

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

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

[F.R. Doc. 62-2691; Filed, Mar. 20, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 10, Amdt. No. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order

No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

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

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 907.310 (Navel Orange Regulation 10, 27 F.R. 2307) are hereby amended to read as follows:

(ii) District 2: 700,000 cartons.

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

Dated: March 15, 1962.

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

[F.R. Doc. 62-2696; Filed, Mar. 20, 1962; 8:48 a.m.]

[Lime Reg. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

§ 911.301 Lime Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 1, 1962. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 14 (26 F.R. 12064) and are subject thereunder to quality restrictions; Lime Regulation 14 is scheduled to terminate effective at 12:01 a.m., e.s.t., April 1, 1962; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to April 1, 1962, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on March 13, 1962, held to consider recommendations for regulation; the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective as hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., April 1, 1962, and ending at 12:01 a.m., e.s.t., April 16, 1962, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color;

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1¾ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement; or

(iv) Any limes of the group known as large fruited or Persian limes (including Tahiti Bearss, and similar varieties) which are smaller than 1⅞ inches in diameter which do not have an average juice content of at least 46 percent, by volume: *Provided,* That such juice content requirement shall not apply to containers of limes containing not in excess of 10 percent, by count, of limes smaller than 1⅞ inches in diameter.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

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

Dated: March 16, 1962.

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

[F.R. Doc. 62-2718; Filed, Mar. 20, 1962; 8:51 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 265–62]

PART 42—EQUAL EMPLOYMENT OPPORTUNITY; POLICY AND PROCEDURE

Regulations Effectuating the Policy Expressed in Executive Order No. 10590 and Executive Order No. 10925, and Prohibiting Discrimination Against Any Employee or Applicant for Employment in the Department of Justice Because of Race, Color, Creed, or National Origin

By virtue of the authority vested in me by Executive Order No. 10590 of January 15, 1955, Part II of Executive Order No. 10925 of March 6, 1961, section 161 of the Revised Statutes, 5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950, Chapter I of Title 28 of the Code of Federal Regulations is amended to add a new Part 42:

Sec.
42.1 Policy.
42.2 Segregation prohibited.
42.3 Definitions.
42.4 Designation of Employment Policy Officer and Deputy Employment Policy Officers.

Sec.
42.5 Duties of the Employment Policy Officer.
42.6 Filing and content of complaints.
42.7 Where to file.
42.8 Handling of complaints; time limitation.
42.9 Investigation.
42.10 Negotiation and settlement.
42.11 Notice of tentative decision to dismiss complaint.
42.12 Opportunity for hearing and review.
42.13 Final decision by the Attorney General or Deputy Attorney General.
42.14 Review of cases by Executive Vice Chairman.
42.15 Right to counsel.
42.16 Report of disposition of complaints.
42.17 Dissemination of information.

AUTHORITY: §§ 42.1 to 42.17 issued under R.S. 161; 5 U.S.C. 22. Sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp. E.O. 10590, 3 CFR, 1954–1958 Comp.; E.O. 10925, 3 CFR, 1961 Supp.

§ 42.1 Policy.

In conformity with the policy expressed in Executive Order No. 10590 and Executive Order No. 10925, I hereby declare it to be the policy of the Department of Justice that equal opportunity shall be afforded each qualified person, consistent with law, for employment in the Department of Justice, and there shall be no discrimination against any employee or applicant for employment, because of race, color, creed, or national origin.

§ 42.2 Segregation prohibited.

Segregation of employees in the Department of Justice on the basis of race, color, creed, or national origin is hereby prohibited.

§ 42.3 Definitions.

As used in this part:

(a) "President's Committee" means the President's Committee on Equal Employment Opportunity.

(b) "Executive Vice Chairman" means the Executive Vice Chairman of the President's Committee.

§ 42.4 Designation of Employment Policy Officer and Deputy Employment Policy Officers.

(a) In compliance with Executive Order No. 10590 and Part II of Executive Order No. 10925, the Attorney General shall designate an Employment Policy Officer to carry out the functions and responsibilities described in § 42.5. The Employment Policy Officer is authorized to designate, as appropriate, Deputy Employment Policy Officers for field offices and major organizational units of the Department to assist the Employment Policy Officer. The positions of the Employment Policy Officer and Deputy Employment Policy Officers shall be established outside of the Administrative Division or any other organizational unit of the Department handling personnel matters of the Department unless prior approval is received from the Executive Vice Chairman.

(b) In the discharge of his functions and responsibilities under this part and Executive Order No. 10590 and Part II of Executive Order No. 10925, the Employment Policy Officer shall be under the immediate supervision of the Attorney General. Deputy Employment Policy Officers shall be under the immediate supervision of the Employment Policy Officer as to matters arising under this part and the two Executive orders.

§ 42.5 Duties of the Employment Policy Officer.

The Employment Policy Officer shall:

(a) Advise the Attorney General with respect to the preparation of regulations, reports, and other matters dealing with the prevention and prohibition of discrimination within this Department in conformity with the policy enunciated in Executive Order No. 10590, Part II of Executive Order No. 10925, and in this part.

(b) Handle complaints of alleged discrimination within the Department, and recommend to the Attorney General such corrective measures as he may deem necessary.

(c) Appraise the personnel operations of the Department at regular intervals to assure their continuing conformity to the policy expressed in the two Executive orders and this part.

§ 42.6 Filing and content of complaints.

(a) Any aggrieved employee of the Department of Justice, or qualified applicant for employment (except aliens employed outside the limits of the United States), who believes that an unfavorable or discriminatory action has been taken against him because of race, color, creed, or national origin may file a written and signed complaint. Complaints shall be filed either by the aggrieved individual or his authorized representative within 90 days after the date of the occurrence of the alleged incident upon which the discrimination complaint is based, unless such filing time is extended by the Attorney General, the Employment Policy Officer, or the Executive Vice Chairman for good cause shown.

(b) Each complaint shall, to the extent feasible:

(1) Specify whether the alleged discrimination is based on race, color, creed, or national origin;

(2) Identify the specific act, omission, or other personnel matter complained of;

(3) Identify the position involved, its grade, and the office or unit in which it is located;

(4) Identify the official responsible for the act, omission, or other personnel matter, if such official is known;

(5) Provide the date of the action complained of;

(6) Provide all factual information which the complainant may have to support his allegation of discrimination; and

(7) If it involves a disciplinary action, set forth sufficient facts or circumstances to constitute a substantial basis for support of his specific allegations of discrimination as opposed to the complainant's denial of the charges on which the disciplinary action was based.

(c) Each complaint shall be filed on an appropriate form which will be furnished by the Employment Policy Officer or a Deputy Employment Policy Officer upon the request of the complainant. In any case in which a complaint is informally commenced in any other manner, the Employment Policy Officer or the Deputy Employment Policy Officer, as the case may be, shall provide the complainant with the required form as soon as the informally commenced complaint is brought to his attention.

§ 42.7 Where to file.

Complaints may be filed with the Employment Policy Officer or Deputy Employment Policy Officer or with the President's Committee. Any complaint received by any other officer or employee of the Department shall be forwarded to the Employment Policy Officer or appropriate Deputy Employment Policy Officer without delay. In instances in which complaints are received by the Employment Policy Officer or Deputy Employment Policy Officer, in accordance with the provisions of either of the preceding two sentences, he shall transmit a copy of the complaint to the Executive Vice Chairman.

§ 42.8 Handling of complaints; time limitation.

Within 30 days after a complaint has been filed with the Employment Policy Officer or a Deputy Employment Policy Officer in accordance with the first sentence of § 42.6(c), or within 60 days after in instances in which a hearing is to be provided in accordance with the provisions of § 42.12, or within such additional time as may be allowed by the Executive Vice Chairman for good cause shown, the complaint shall be processed and a report concerning its disposition shall be submitted to the Executive Vice Chairman of the President's Committee in accordance with § 42.16.

§ 42.9 Investigation.

The Employement Policy Officer or a Deputy Employment Policy Officer shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record, including an adequate transcript or agreed summary of any hearing which may be held and which shall provide the basis for disposing of all relevant issues. Whenever necessary or appropriate for a satisfactory development of the case, the investigation shall include an appraisal of the employment practices in the organizational unit in which the alleged discrimination occurred.

§ 42.10 Negotiation and settlement.

After completion of the investigation prescribed by § 42.9 and before taking any other action, the Employment Policy Officer or the Deputy Employment Policy Officer, in appropriate cases, shall attempt to resolve the issues involved in the complaint by appropriate informal means. In any instance in which there appears to be any evidence of discriminatory practice, immediate affirmative action shall be taken to correct that situation and avoid any repetition of that apparent discriminatory practice.

§ 42.11 Notice of tentative decision to dismiss complaint.

(a) In any case in which an investigation conducted pursuant to § 42.9 fails to produce sufficient evidence to warrant a finding of the existence of discriminatory practice prohibited by this part and such case has not been disposed

of by informal means pursuant to § 42.10, the complainant shall be advised of the tentative finding and shall be advised that the Department has tentatively decided to dismiss his complaint. The complainant shall be advised of his right to an oral hearing concerning his complaint under the provisions of § 42.12. He shall also be advised that if he elects to forego that oral hearing he may request a review by the Executive Vice Chairman of his complaint based upon the information contained in his complaint, the information developed by the investigation, and any other pertinent information contained in the file concerning his case. Finally, he shall be advised that if he elects to request an oral hearing as authorized by § 42.12, he will still be permitted to request a review by the Executive Vice Chairman of his case after that oral hearing has been completed and before a final decision concerning his complaint is rendered by the Attorney General or the Deputy Attorney General in accordance with § 42.12(d).

(b) Any request for an oral hearing under the provisions of § 42.12 or for a review by the Executive Vice Chairman in lieu of an oral hearing must be filed within 30 days after the date of the notice of the tentative decision of this Department to dismiss the complaint in accordance with the first sentence of paragraph (a) of this section.

(c) Whenever a complainant fails to request either an oral hearing or review by the Executive Vice Chairman, within 30 days after the date of the notice of the tentative decision of the Department to dismiss a complaint, such decision shall become final. Whenever a complainant requests an oral hearing or review by the Executive Vice Chairman within 30 days after the date of the notice of the tentative decision of the Department to dismiss the complaint, the tentative decision shall become inoperative.

§ 42.12 Opportunity for hearing and review.

(a) In any case involving a complaint which has not been settled or dismissed under § 42.10 or § 42.11, respectively, the complainant shall be afforded an opportunity for an oral hearing before the Employment Policy Officer, Deputy Employment Policy Officer, or someone designated by either of them, at a convenient time and place. At such hearing, the Department shall produce any witnesses under its jurisdiction, upon a showing satisfactory to the hearing officer of a reasonable necessity therefor, and the complainant shall have the right to confront and cross-examine them insofar as may be necessary for a development of relevant facts directly concerning any discriminatory practice prohibited by these regulations. Any requests for the attendance of necessary witnesses must be made in writing by the complainant at least 10 days before the date of the hearing.

(b) A complainant shall, upon request, be provided a concise and accurate summary of the facts developed by an investigation of his complaint and upon which the ultimate disposition of his complaint will be based. The Department may, in lieu of a summary statement, make available to the complainant the entire report of the Department's investigation of his complaint. In cases in which the complainant is provided a summary statement, the Executive Vice Chairman or his representative shall be permitted to examine all data in the record compiled by the Department in connection with its investigation of the complaint.

(c) The hearing shall be informal and the hearing officer shall make his proposed findings and recommend conclusions upon the basis of the record before him. Whenever a complainant fails to appear without good cause shown or fails within 60 days to furnish information requested by the Employment Policy Officer, Deputy Employment Policy Officer, or hearing officer, as the case may be, or to otherwise process his complaint, the case may be closed.

(d) The Employment Policy Officer shall formulate his findings and recommendations and shall submit them for the consideration of the Attorney General or the Deputy Attorney General. At the same time, he shall send a copy of those findings and recommendations to the complainant. The Attorney General, the Deputy Attorney General, or the Employment Policy Officer may refer a case to the Executive Vice Chairman for consideration and an advisory opinion. A complainant may request that his case be referred to the Executive Vice Chairman for review and for an advisory opinion. Any such request must be made within 30 days after the date on which the copy of the findings and recommendations of the Employment Policy Officer shall have been sent to the complainant.

§ 42.13 Final decision by the Attorney General or Deputy Attorney General.

The Attorney General or the Deputy Attorney General shall make the final decision in the disposition of each complaint, unless it is settled, terminated, or abandoned under the provisions of § 42.10, § 42.11(c), or § 42.12(c), respectively. Whenever a case is referred to the Executive Vice Chairman for review and an advisory opinion, final decision in that case shall be made only after receipt of the advice of the Executive Vice Chairman. In any case in which a complaint of alleged discrimination is denied or rejected, the complainant shall be provided a statement of the reasons for denying or rejecting his complaint.

§ 42.14 Review of cases by Executive Vice Chairman.

In connection with his review of any case arising in the Department, the Executive Vice Chairman shall be furnished such additional information by the Employment Policy Officer as may be necessary and appropriate in connection with his consideration of the case.

§ 42.15 Right to counsel.

Parties to proceedings under these regulations shall have the right to be accompanied, represented, and advised by counsel, or by any other qualified representative.

§ 42.16 Report of disposition of complaints.

The Employment Policy Officer shall furnish the Executive Vice Chairman a report of the final disposition of each complaint processed by him. The report shall contain the following-described information:

(a) A copy of the complete case record, if requested by the Executive Vice Chairman.

(b) A summary of the complete case record, which shall include the following:

(1) The name and address of the complainant.

(2) The date on which the complaint was filed with or referred to the Department, and, in instances in which the complaint was filed with the Department, the name and title of the officer with whom it was filed.

(3) A summary of the complaint indicating the specific type or types of discrimination alleged.

(4) A summary of the results of any appraisal of employment practices and the significant facts disclosed by the investigation and any hearing.

(5) A statement describing disposition of the complaint. If the complaint was withdrawn, the reason for withdrawal should be included.

(6) The date of disposition of the complaint.

§ 42.17 Dissemination of information.

Copies of these regulations, which are intended to insure a complainant an opportunity to appeal to the proper authorities within the Department under procedures that guarantee him a fair hearing and a just disposition of his complaint, shall be posted on all employee bulletin boards and all bulletin boards which are used to announce Federal examinations and job opportunities throughout the Department and its field installations. Whenever bulletin boards are not used, a copy of their regulations shall be made available to all personnel. Similar publication shall be made of the name and address of the Employment Policy Officer and of the Deputy Employment Policy Officers. Information concerning the Department of Justice nondiscrimination policy and procedures under the two Executive orders and this part shall be published at least annually in any employee bulletins or news letters that are issued.

Department Order No. 105–55, as amended, is hereby superseded.

Date: March 19, 1962.

ROBERT KENNEDY,
Attorney General.

[F.R. Doc. 62-2748; Filed, Mar. 20, 1962; 8:52 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter G is amended in detail as set forth below:

PART 590—GENERAL PROVISIONS

1. Revoke § 590.110, revise § 590.111, and add new §§ 590.111–1 and 590.111–2, to read as follows:

§ 590.110 Reports of purchases and contracts. [Revoked]

§ 590.111 Reports of suspected criminal conduct and noncompetitive practices.

§ 590.111–1 Suspected criminal conduct.

Reports of possible violations of Federal criminal statutes relating to procurement shall be made in accordance with Subpart F of this part.

§ 590.111–2 Noncompetitive practices.

Reports of practices designed to eliminate competition required by § 1.111–2 of this title will be made in accordance with § 590.650.

2. Redesignate § 590.201–51 as § 590.201–53, and redesignate 590.201–53 as 590.201–51; redesignate § 590.201–52 as § 590.201–54; and add new § 590.201–52, to read as follows:

§ 590.201–51 Ordering Officer. [Redesignation]

§ 590.201–52 Breakout procedure.

The term "breakout procedure" applies to a process wherein components or subassemblies of a weapon system or major item of equipment initially obtained from the system or major item prime contractor, which no longer require close control for compatibility and which are not an inseparable part of the prime contractor's end product are separately procured. The objectives of the breakout procedure are to reduce the concentration of procurement from the prime contractor to increase competition in the procurement of affected items, and to reduce costs.

§ 590.201–53 Purchasing office. [Redesignation]

* * * * *

§ 590.201–54 Principal purchasing offices. [Redesignation]

3. Revise § 590.308(c); add new §§ 590.316 and 590.350; revise § 590.351; and add new § 590.360, as follows:

§ 590.308 Record of contract actions.

* * * * *

(c) *Review of contract files.* The contracting officer is responsible for making a continuing review of active contract files to insure that all required contractual actions have been taken and that files are documented in accordance with this section. Immediately prior to removal of a contract file from the active list a final review will be made. Review prior to transfer and disposal of contract files (AR 345–280) is unnecessary.

§ 590.316 Disclosure of contractor performance data to other Government agencies and foreign governments.

See § 1.316 of this title.

§ 590.350 Advance procurement planning.

(a) Advance procurement planning will be accomplished on all procurements. The scope of such planning will vary with the complexity and dollar value of the item. Such planning will be coordinated and will consider the following procurement aspects, where applicable: development, production, future requirements, engineering, programming, fiscal, legal, and contracting. This planning must be accomplished in order that procurement actions comply with the policy set forth in § 1.301–1 of this title, which provides that procurements will be made on a competitive basis to the maximum practicable extent. Heads of Procuring Activities will publish such instructions consistent with Subchapter A, Chapter I of this title and this subchapter as deemed necessary to insure that procurements are made on a competitive basis to the maximum extent practicable.

(b) Heads of Procuring Activities are responsible for the accomplishment of advance procurement planning. The purpose shall be to achieve competition in procurement wherever feasible. This program will require coordination with all elements responsible for decisions or actions affecting procurement. The objective for each procurement is an integrated procurement plan. Attention will be directed toward procurements which are currently or have recently been procured without competition because of delivery requirements, lack of adequate procurement data package, or other cogent reasons. Such planning will provide for the following:

(1) Establishment of time-phased objectives in the integrated procurement plan so that periodic review is accomplished and appropriate action adjustments made. A review of each item in the Army Materiel Control Program will be made for the purpose of determining the adequacy and availability of the procurement data package.

(2) Review of proprietary items incorporated in the design to substitute wherever practicable standard items or items already in the supply system which will provide adequate performance characteristics consistent with other design requirements.

(3) Subject to the provisions of Subpart B, Part 9 of this title, development or production contracts that include requirements for production engineering of items for quantity production will include the following provisions:

(i) Requirements for preparation of data suitable for competitive procurement in sufficient detail as to kinds, types, and forms; legibility; completeness; and conformance to items actually produced, so as to insure practicability of enforcement.

(ii) Requirements for use of standard components and other components in existence or for which nonproprietary documentation already exists.

(iii) Requirements that the contractor avoid use of proprietary items or data except when essential for operational safety and reliability of equipment.

(iv) Requirements for submission of newly designed items and proprietary items with appropriate justification for their use to specified locations for screening by the Government.

(v) Quality assurance provisions that require inspection of data for conformance to the data requirements specified, including, as appropriate, sampling plans, acceptable quality levels, and classification of defects.

(vi) Definition of place and time of acceptance of data, including requirements for submission of evidence that unacceptable drawings have been corrected, and certification by the contractor that, to the best of his knowledge and belief, the data accurately depicts the items manufactured.

(vii) Requirements for the contractor to establish and maintain an effective system of control to assure conformance to data requirements, and to submit his plan for accomplishment to the contracting officer for information.

(viii) When appropriate, provisions for selection of random data for detailed analysis by Government engineering personnel for compliance with specified requirements and comparison with items produced, and provisions for correction by the contractor for inadequacies found.

(4) To assure adequate and timely preparation of data by contractors for use in competitive procurement, Heads of Procuring Activities will:

(i) Provide for continuous guidance to contractors and review of data during the period of its development by technical personnel and inspectors to insure understanding and compliance with contract requirements.

(ii) Screen newly developed components and proprietary data submitted by contractors and substitute standard components, components already in existence, or components already documented whenever practicable. Items or components claimed by contractors to be proprietary without justification or proof will be challenged with the assistance and guidance of the procuring activity's legal staff.

(iii) Perform timely administrative followup to insure scheduled delivery dates for data are met.

(iv) When feasible, perform verification inspection prior to final acceptance of data, utilizing inspection records of contractors to the maximum practical extent, to insure compliance with contract requirements.

(5) Establishment of realistic administrative and production leadtime to permit competitive solicitation, negotiation, analysis, and award schedules for orderly and efficient production.

(6) Unless previously accomplished under advance production engineering, insure that the first production contract includes a requirement for changes to the engineering drawings furnished under the research and development contract to reflect production practices and

the item actually being procured. This will result in a set of Class I or II (MIL-D-70327) production drawings which will include all data developed under the research and development contract and will form the basis for subsequent competitive procurements. To insure the use of these production drawings for manufacture, inspection, and reprocurement, a set of the drawings will be delivered no later than at completion of delivery of production items under the initial production contract, and preferably concurrently with the initial submission of the production items for acceptance.

(7) Breakout and competitively procure components of weapon systems and other complex items without compromise to system performance, safety, and reliability, with due regard to stability of design, density of the item, and additional facilities required if any.

(8) Prompt action to enforce such contractual requirements.

(9) Dissemination of information as to availability of procurement data adequate for competitive procurement (see § 591.201(b) of this chapter).

§ 590.351 Advance procurement planning during the Research and Development phase.

The following actions will be taken in planning during the Research and Development Phase:

(a) Review and analysis of items of equipment proposed for development to ascertain density of potential use, estimated dollar value, and degree of complexity will be made.

(b) Each technical service will screen items of low density, high dollar value, and technical complexity in order to assure maximum practicable competitive procurements. The basis for justification for future awards of a sole source of proprietary nature will be documented with statements by responsible supply and engineering personnel. These statements will present factual evidence supporting the necessity for sole source procurement from either a supply or an engineering standpoint, or both. Such documentation will be forwarded to the contracting officer when procurement action is initiated.

(c) Low density items of high dollar value and technical complexity will be screened prior to the first production contract for possible breakout of components. To provide competitive procurement data at the earliest possible time, priority of review of production drawings will be afforded those items which are deemed susceptible to breakout.

(d) All other end items of equipment will be deemed candidates for competitive procurement.

(e) Consideration will be given to the production leadtime necessary to enable subsequent procurements to be effected competitively. This will affect proposed schedules, where applicable, for submission of the procurement data package.

§ 590.360 Limitations on purchase and maintenance of motor vehicles or aircraft.

Section 16 of the Act approved 2 August 1946 (5 U.S.C. 78) includes definite restrictions on the purchase or hire of passenger motor vehicles or aircraft, and their maintenance, operation, and repair.

4. Revise §§ 590.401(a), 590.403–50 and 590.451(a); in § 590.452(c)(1), add new subdivision (v)(*f*); and add new § 590.453, as follows:

§ 590.401 Responsibility of each procuring activity.

(a) Heads of procuring activities are responsible for the procurement of all supplies and services as provided in AR 10–5 and AR 10–50, and as assigned in accordance with the policy prescribed in Part 594 of this subchapter.

* * * * *

§ 590.403–50 Legal review.

Legal advice and approval of a staff judge advocate or other legal counsel will be obtained in the preparation and use of clauses other than standard clauses which are to be contained in invitations for bids and requests for proposals. In each solicitation for bids and proposals which will result in a contract exceeding $100,000, each invitation for bids and request for proposals shall be reviewed for legal sufficiency by a staff judge advocate or other legal counsel prior to issuance by the contracting officer. In addition, each solicitation for bids and proposals, which will result in a contract over $10,000 but not to exceed $100,000 also shall be subject to legal review to the maximum extent possible consistent with the availability of legal services. Contracting officers must insure that the contracts they place are legally, technically, and administratively sufficient. Whenever legal advice and assistance is required in connection with the legal aspects of contracts it will be obtained from the command Judge Advocate or other legal counsel.

§ 590.451 Selection and appointment of contracting officers' representatives.

(a) *Designation.* A contracting officer may designate any Government personnel (military or civilian), who is appropriately qualified, to act as his authorized representative. Contracting officers' representatives may be designated by name and position title or position title only. Such designation shall be in writing and shall define the scope and limitations of the authorized representatives' authority. Designation of contracting officer's representative will remain in effect throughout the life of the contract unless (1) sooner revoked by the contracting officer having cognizance over the administration of the contract, or (2) revoked by transfer of a contracting officer's representative who has been designated by name and position title. The authority of an individual designated as a representative by position title only is terminated upon his transfer from that position. Copies of designations of contracting officers' representatives will be placed in appropriate contract files (§ 1.308 of this title and § 590.308 of this part). Nothing in this section will be construed to require designation of all individuals of an activity responsible for accomplishment of broad functions of contract administration, such as engineering evaluation and testing, inspection as required by Part 14 of this title and Part 603 of this subchapter, or technical supervision in contracts for research and development work.

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§ 590.452 Selection and appointment of ordering officers.

* * * * *

(c) *Limitations of authority.*

(1) * * *

(v) * * *

(*f*) Ordering officers may, with the approval of the installation contracting officer, make purchases in unlimited dollar amounts against requirement type contracts let by the Military Petroleum Supply Agency.

* * * * *

§ 590.453 Responsibility for contract administration.

Commanders are responsible for administration of contracts under their cognizance in the same manner and to the same degree as any other mission or function properly assigned to their command. Direct responsibility for execution and administration of contracts rests upon a duly appointed contracting officer (§ 590.402–50 (a) and (f)). This does not mean that the contracting officer must personally act in each and every matter relating to the administration of contracts. He can properly execute certain of his responsibilities through designated representatives (§ 590.451 and paragraphs 103.1 and 103.2, § 30.2 of this title and paragraph 103.2, § 30.3 of this title). The contracting officer must be supported by an adequate administrative staff, and he shall, as necessary, avail himself of all organizational assistance such as advice of specialists in the fields of contracting, finance, law, contract audit, mobilization planning, engineering, inspecting, traffic management and cost analysis.

(a) A contracting officer is responsible for the administration of each contract which he executes until the contract file is closed, or the contract is transferred by proper authority to another contracting officer for administration. In this connection, contracting officers attached to a particular installation or activity may be authorized to administer any contract under cognizance of that installation or activity, provided cognizance of the contract remains with a contracting officer of that installation or activity at all times.

(b) When the responsibility for administering a contract is transferred from one installation or activity to another, such transfer will be accomplished by an official document from the transferring installation or activity to the receiving activity or installation. The complete contract file shall be forwarded along with data pertinent to the contract such as status of funds, payment, and statement indicating the property administrator who will maintain accountability. Duplication of matter in the contract file will be avoided.

(c) The commander of an installation or activity receiving a contract for administration will be responsible for promulgating procedures for:

(1) Assignment of the contract to a duly appointed contracting officer for administration if that commander is not a contracting officer or cannot be responsible for administering the contract;

(2) Prompt review of the contract file and, if acceptable, reply by indorsement to that effect to the transferring activity or installation. In the event that the contract file is not acceptable, prompt action will be taken by both the receiving and transferring agencies to resolve discrepancies;

(3) Prompt notification of the contractor of the change in responsibility for administration of the contract and provision of information as to whom the contractor should contact in connection with performance of the contract, and

(4) Insuring that the contract file is fully documented with respect to the transfer.

(d) The transfer of administration of a contract from one installation to another will not relieve the original contracting officer or other contracting officers who have executed amendments or modifications to the contract from full responsibility for all acts performed by them prior to the transfer (§ 590.402–50(c)).

5. Revise § 590.508–50 and revoke § 590.550, as follows:

§ 590.508–50 Authority of head of a procuring activity.

The head of a procuring activity, or his authorized representative, shall, in any case forwarded by a contracting officer pursuant to this section, take one or more of the actions set forth in § 1.508–2 of this title. If the Head of the Procuring Activity determines that the matter should be referred to the Department of Justice, he shall prepare and forward a report in accordance with § 590.650.

§ 590.550 Contracts in foreign countries. [Revoked]

6. Subpart F, Part 590 is revised to read as follows:

Subpart F—Debarred, Ineligible, and Suspended Bidders

Sec.

AUTHORITY: §§ 590.600 to 590.654 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 590.600 Scope of subpart.

See § 1.600 of this title.

§ 590.600–50 Authority.

An Assistant Judge Advocate General is the authorized representative of the Assistant Secretary of the Army (Installations and Logistics) to administer the provisions of Subpart F, Part 1 of this title and this subpart.

§ 590.601 Establishment and maintenance of a list of firms or individuals debarred or ineligible.

§ 590.601–3 Joint Consolidated List.

The Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) will publish the Joint Consolidated List of debarred, ineligible, and suspended contractors. (DA Cir. 715–1.)

§ 590.601–4 Protection of List.

The Joint Consolidated List, and all reports and correspondence relating to debarment or suspension of contractors or recommendations for such debarment or suspension, shall be marked "For Official Use Only."

§ 590.603–50 Total restrictions.

(a) *New awards.* (1) No bids or proposals shall be solicited from and no contracts shall be awarded to any firm or individual during the term of his debarment.

(2) A bid or proposal received from a debarred firm shall be received and recorded. If such a bid or proposal is low (or in the case of surplus or salvage sales, the bid or proposal is high), it will be rejected, and the reason therefor documented in the contract file.

(3) If the Head of a Procuring Activity believes that an award to a debarred firm would be in the best interest of the Government, he will furnish complete information of the contemplated procurement, with the reasons requiring such award, to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) for determination.

§ 590.604 Causes and conditions under which departments may debar contractors.

§ 590.605 Suspension of bidders.

See § 1.605 of this title.

§ 590.605–3 Restrictions during period of suspension.

(a) *New awards.* (1) No bids or proposal shall be solicited from and no contracts shall be awarded to any firm or individual during the period of his suspension.

(2) A bid or proposal received from a suspended firm shall be received and recorded. If the bid or proposal is low (or in the case of surplus or salvage sales, the bid or proposal is high), it will be rejected, and the reason therefor documented in the contract file.

(3) If the Head of a Procuring Activity believes that an award to a suspended firm would be in the best interest of the Government, he will furnish complete information of the contemplated procurement, with the reasons requiring such award to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) for determination.

(b) *Current contracts.* Administration of current contracts with suspended contractors may be continued at the discretion of the Head of the Procuring Activity unless otherwise directed by the Assistant Secretary of the Army (Installation and Logistics) (Assistant Judge Advocate General). Suspension is a temporary measure pending possible criminal and civil prosecution. Exercise of certain contract rights may have an important effect on the outcome of such prosecution; however, certain of such rights, for example, recovery for latent defects, actions under warranty clauses, rejection of nonconforming supplies must be timely taken or such rights may be lost to the Government. In case of doubt of the advisability or propriety of any such action, the matter should be expeditiously referred, with accompanying recommendations, to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

(c) *Terminations.* Negotiation toward settlement of terminated contracts and subcontracts will cease with the suspension of the contractor. All authorizations granted to such contractor under Part 8 of this title and Part 597 of this subchapter, will be revoked immediately. If the contracting officer believes that settlement of a terminated contract or subcontract would be in the best interest of the Government, a recommendation for such action will be made to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

(d) *Payments.* No payments of any type will be made to any suspended contractor. Contracting officers holding or in receipt of invoices covering amounts due to the suspended firm will prepare, process and certify the necessary accompanying vouchers and forward them to the assigned disbursing officer. Contracting officers will insure that, insofar as possible, vouchers are submitted and processed in accordance with these instructions for all completed work. Disbursing officers will promptly forward all properly certified approved vouchers in favor of suspended contractors to the Chief of Finance, Entitlements and Disbursements Division. Where the contracting officer believes that a complete or partial release of withheld funds to the suspended firm is required, he will recommend such action supported by a full statement of particulars through channels to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

§ 590.650 Reports.

The reports required herein are exempt from reports control under paragraph 171, AR 335–15.

§ 590.650–1 General.

The prompt reporting of allegations of fraud or criminal conduct in connection with procurement activities, and of all other irregularities which could lead to debarment or suspension of a contractor is of extreme importance. Notification to the Federal Bureau of Investigation pursuant to paragraph 3, AR 22–160, submission of a "Blue Bell" report pursuant to AR 1–55, or submission of a litigation report pursuant to AR 27–5, does not remove the requirement for the report required by this section.

§ 590.650–2 Situations in which report is required.

A report incorporating the information required in § 590.650–3 will be prepared and submitted through channels to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), when:

(a) A contractor has committed, or is suspected of having committed any of the acts described in §§ 1.604–1(a) and 1.605–1 of this title;

(b) Substantial evidence exists that a contractor has failed to perform or has violated his contract in the matter described in § 1.604–1(b) of this title;

(c) A report is required by § 590.111–2.

NOTE: Section 590.650–3 does not concern reports required to be submitted to the Department of Justice on Identical Bids under Executive Order No. 10936, dated 24 April 1961 (26 F.R. 3555).

(d) A report is required by § 590.508–50;

(e) A report is required by § 595.205–50;

(f) A report is required by § 8.206 of this title, and

(g) A contractor has done or failed to do any other act or series of acts, the results of which action or non-action are so serious as to support a recommendation that the contractor be debarred or suspended under the provisions of §§ 1.604–1(c) or 1.605–1(b) of this title.

§ 590.650–3 Contents of report.

All reports submitted pursuant to § 509.650–2 will include:

(a) The name and address of the contractor, and names of its principal officers, partners, owners, or managers; all known affiliates, subsidiaries, or parent firms, and the nature of the affiliation.

(b) A description of the contract or contracts concerned, including the contract number, and all office identifying numbers or symbols, the amount of each contract; the degree of completion, the amount paid the contractor and the amount still due, and the percentage of work to be completed;

(c) The status of vouchers required to be processed and forwarded under § 590.605–3(d);

(d) Whether the contract or contracts have been assigned pursuant to the Assignment of Claims Act, and if so assigned, the name and address of the assignee, and a copy of the assignment;

(e) Whether any other contracts are outstanding with the contractor or any of his affiliates, and if so, the amount of such contracts and whether they are assigned pursuant to the Assignment of Claims Act, and the amounts paid or due on such contracts;

(f) A complete summary of all pertinent evidence;

(g) A recommendation as to the administration of all current contracts with a full explanation of the reason for such recommendation. If no recommendation is made, an explanation will be included;

(h) An estimate of damages, if any, sustained by the Government as a result of the action of the contractor, including an explanation of the method used in making the estimate;

(i) The recommendation of the contracting officer whether the contractor should be suspended or debarred, and

(j) As an inclosure, a copy of the contract (or contracts) or of pertinent excerpts therefrom, appropriate exhibits, testimony or statements of witnesses, copies of assignments, and other relevant documentation.

§ 590.650–4 Supplemental reports.

(a) When all of the information required by § 590.650–3 is not immediately available, the report should be prepared and forwarded with the information at hand, followed by supplemental reports from time to time as further facts are developed. Failure to include in the initial report any of the items set forth in § 590.650–3 should be explained.

(b) Any changes to the information furnished in the initial and subsequent reports, and all developments in the matter will be promptly forwarded by supplemental report.

§ 590.650–5 Distribution of reports.

All reports and supplemental reports will be prepared in six copies and forwarded through channels to the Head of the Procuring Activity. Four of the six copies should be complete with all copies of documents, contracts, and exhibits. Each successive echelon will attach its comments and recommendation particularly as to § 590.650–3 (g), (h), and (i). The Head of the Procuring Activity will add his comments and recommendations, and forward three copies of the report with all inclosures to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), one copy without inclosures to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division, and one copy without inclosures to The Inspector General, Department of the Army, Washington 25, D.C..

§ 590.651 Responsibilities.

(a) The contracting officer is responsible for prompt initiation, complete and accurate preparation, and submission of initial and supplemental reports.

(b) The Head of the Procuring Activity is responsible for supervision of the contracting officer; and for administration of current contracts with contractors recommended for suspension or debarment, or suspended or debarred contractors.

(c) The Judge Advocate General is responsible for all liaison with the Department of Justice. No officer or employee of the Department of the Army will correspond with any representative of the Department of Justice or a United States Attorney concerning a matter reported pursuant to §§ 590.650—590.650–5 without prior approval of The Judge Advocate General. This section in no way affects the requirement of AR 22–160, that certain offenses be reported to the Federal Bureau of Investigation, nor the requirement for cooperation with the FBI during the course of its investigation.

§ 590.652 Provisional withholding of funds.

When the report prepared pursuant to § 590.650 includes a recommendation that the contractor be suspended, all funds becoming due to the contractor will be withheld pending contrary advice by the Head of the Procuring Activity or the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). All vouchers will be administratively processed in accordance with § 590.605–3(d).

§ 590.653 Attempted evasions.

Some firms and individuals have attempted to evade the prohibitions of §§ 1.604 and 1.605 of this title and §§ 590.604 and 590.605 of this part by change of address, multiple addresses, formation of new companies, or by other devices. Where it can be reasonably established that any such attempt is being made, the basic prohibitions will be applied, and a report will be submitted through channels to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). Doubtful cases will be referred to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) for determination.

§ 590.654 Inquiries from debarred, ineligible, or suspended firms and individuals.

(a) *Suspended firms and individuals.* In the event a suspended contractor or his representative makes inquiry as to the reason or cause of any of the prohibitions indicated in § 590.605–3, or for any other reason, no information relating to the suspension or the fact that the contractor has been suspended will be given to the inquirer. Instead, the contractor will be informed that consideration is being given his contractual relationship by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), and that all inquires regarding such matters should be addressed in writing direct to that official.

(b) *Debarred firms and individuals.* All inquiries relating to debarred bidders, including those from a debarred bidder, will be forwarded to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

(c) *Ineligible or disqualified firms or individuals.* Inquiries from contractors or individuals listed as ineligible or disqualified by the Comptroller General and

the Department of Labor under the Walsh-Healey or Davis-Bacon Acts shall be answered by indicating the nature of the prohibition as indicated on the consolidated list and requesting that the inquirer communicate with the Wage and Hour and Public Contracts Division, Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C.

7. Revise § 590.701–52; revise paragraph (a) of § 590.704–2; and in § 590.704–3, revise the opening portion of paragraph (a)(1), and paragraph (a)(2)(xiv), and paragraph (b), as follows:

§ 590.701–52 Purchasing activity.

The term purchasing activity as used in Subpart G, Part 1 of this title means purchasing office as defined in § 590.201–53.

§ 590.704–2 Departmental Small Business Advisors.

(a) *Headquarters, Department of the Army.* The Department of the Army Small Business Advisor advises the Assistant Secretary of the Army (Installations and Logistics) and the Deputy Chief of Staff for Logistics in all matters relating to the establishment and execution of the Department of the Army Small Business Program implementing the Department of Defense Small Business Program.

* * * * *

§ 590.704–3 Small Business Specialists.

(a) *Technical service Class II installations and activities: Chief, Research and Development; Defense Atomic Support Agency; U.S. Army Security Agency; and the U.S. Military Academy*—(1) *Appointment.* Commanders of technical service Class II installations and activities; the Chief, Research and Development, Headquarters, Department of the Army; the Chief, Defense Atomic Support Agency; the Chief, United States Army Security Agency; and the Superintendent, United States Military Academy shall nominate small business specialists for appointment by the head of the procuring activity. * * *

(2) *Functions and duties of Small Business Specialists.* * * *

(xiv) Stresses to all procurement personnel, including contracting officers, negotiators, and middle management groups, the importance of the policy relating to progress and advance payments as enunciated in Part 163 of this title.

(b) *All other purchasing offices.* Commanding officers of field purchasing offices under the jurisdiction of the ZI armies; the Military District of Washington, U.S. Army; the National Guard Bureau; the Chief, Defense Atomic Support Agency; and The Adjutant General shall designate the contracting officer to perform the functions stipulated in paragraph (a)(2)(i), (ii), (iii), (vii), and (viii) of this section.

8. Revise paragraph (b)(4) in § 590.706–2; revise the introductory portion of paragraph (a) in § 590.706–4; revise § 590.707; and revise the section heading of § 590.707–3, as follows:

§ 590.706–2 Review of SBA set-aside proposals.

* * * * *

(b) * * *

(4) The Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, after coordination with the Army Small Business Advisor, and if supporting the views of the Head of the Procuring Activity, will forward the information to the Assistant Secretary of the Army (Installations and Logistics) for determination and will furnish appropriate instructions to the Head of the Procuring Activity.

§ 590.706–4 Reporting for Department of Commerce Procurement Synopsis.

(a) *Dissemination of information.* Instructions for preparation of synopsis of proposed procurements and of contract awards are contained in Subpart J, Part 1 of this title and Subpart J, Part 590 of this subchapter.

* * * * *

§ 590.707 Subcontracting with Small Business and Labor Surplus Area Concerns.

§ 590.707–3 Defense subcontracting in Small Business and Labor Surplus Area Programs.

9. Revoke §§ 590.1302–1 and 590.1302–2; revise § 590.1350; and revoke Subpart O, Part 590, as follows:

§ 590.1302–1 Shipments within the United States. [Revoked]

§ 590.1302–2 Shipments from the United States for oversea delivery. [Revoked]

§ 590.1350 Sources of transportation assistance.

Transportation advice and assistance will be obtained from the transportation officer of the local or supporting military activity, the Regional Commander, Defense Traffic Management Service (DTMS), for domestic shipments, and from the Army Transportation Officer or Chief of Transportation as appropriate for other shipments. Requests for such advice or assistance addressed to the Chief of Transportation will bs submitted through channels.

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Subpart O—Maintenance of Mobilization Base [Revoked]

10. Divided § 591.201 into two sections by inserting new section number and heading following present section number and heading; and revoke §§ 591.203 and 591.203–1, as follows:

§ 591.201 Preparation of invitation for bids.

§ 591.201–50 Numbering and identification of invitations for bids.

§ 591.203 Methods of soliciting bids. [Revoked]

§ 591.203–1 Mailing or delivery to prospective bidders. [Revoked]

PART 592—PROCUREMENT BY NEGOTIATION

11. Redesignate § 592.156 as § 592.112; redesignate § 592.157 as § 592.156; revise § 592.200–50; and revoke §592.211–4, as follows:

§ 592.112 Disclosure of mistakes after award. [Redesignation]

§ 592.156 Protests involving negotiated procurements. [Redesignation]

§ 592.200–50 Limitation.

(a) When a separate facilities contract will be necessary to support a contract for supplies or services, and the contract for supplies or services will require a determination by the Secretary, one determination and findings will be prepared to cover both contracts. The same subsection of 10 U.S.C. 2304(a) will be cited as the authority to negotiate both the supply or service contract and the supporting facilities contract.

(b) A determination by the Secretary is not required for the negotiation of any contract modification resulting from changes under the Changes clause of the basic contract, or for the modification of a cost-type contract to provide additional funds only, without change in the scope of the contract.

§ 592.211–4 Records and reports. [Revoked]

12. Add paragraph (f) to § 592.213–2 and revise paragraph (d) in § 592.213–3, as follows:

§ 592.213–2 Application.

* * * * *

(f) Where applicable, extension of the application of procurement standardization approvals will be made to allow for the purchase of equipment requirements for the Military Assistance Program (MAP). However, computation of MAP assets will not be considered in the selection of makes and models of equipment for future procurement standardization actions.

§ 592.213–3 Limitation.

* * * * *

(d) After approval by the Assistant Secretary of the Army (Installations and Logistics), the Chief of the Technical Service concerned shall, whenever supporting circumstances warrant and at least once prior to each second anniversary date of such approval, review the requirement for standardization to determine whether the approval should be continued, revised, or canceled, and submit the results of this review, over his signature or that of his Deputy, to the Advisory Committee on Procurement Without Advertising of Technical Equipment and Components. Where attrition and negotiated procurement result in a change in the total assets such that the product of one or more of the suppliers falls below the 15 percent figure, the standardization approval may be continued to permit an additional procurement by negotiation to be proposed to the Assistant Secretary of the Army (Installations and Logistics) for ap-

proval. The supplier may be retained as a selected source for procurement standardization by reason of the fact that he was the successful offeror, even though the quantity procured may have been insufficient to re-establish him as one of those whose products are within the range of 15 percent of total assets. However, if a supplier is unsuccessful in any subsequent procurement and assets of his product in the supply system continue to remain below 15 percent, standardization approval of such supplier will be considered for cancellation by the Committee. If the Committee is of the opinion that the approved standardization should be revised or canceled, appropriate recommendations will be made to the Assistant Secretary of the Army (Installations and Logistics).

* * * * *

13. In § 592.217–2, change reference "§ 1.706–7" to read "§ 1.706–8".

14. Add new §§ 592.304 and 592.304–50; revise § 592.306; and in § 592.403–3(c)(4), revise subdivision (ii), as follows:

§ 592.304 Determinations and findings by the contracting officer.

See § 3.304 of this title.

§ 592.304–50 Determination and findings for procurement negotiated under 10 U.S.C. 2304(a)(10).

Proposed noncompetitive procurements negotiated under 10 U.S.C. 2304(a)(10) due to lack of or inadequacy of technical data or other reasons will be documented to include a statement by the contracting officer either:

(a) Setting forth the actions being taken to avoid subsequent noncompetitive procurement of the item or services concerned, and reflecting information pertaining to § 3.108(d) of this title, or

(b) Fully explaining why action to avoid subsequent noncompetitive procurement would be unavailing and is therefore not being taken.

§ 592.306 Procedure with respect to determinations and findings.

(a) Requests for approval of determinations and findings referred to throughout Part 3 of this title and this part, which requires the signature of the Secretary of the Army or the Assistant Secretary of the Army, shall contain (1) a complete statement of facts, including supporting data necessary to demonstrate the applicability of the cited section 10 U.S.C. 2301 et seq.; (2) a recommendation that the determinations and findings be signed; and (3) a determination and findings prepared for the appropriate signature.

(b) Data furnished in support of a Secretarial Determination and Findings for proposed noncompetitive procurements will set forth the reasons for lack of competition, as well as actions already taken or to be taken in the future to avoid subsequent noncompetitive procurement of the item concerned or why actions to obtain competition would be unavailing.

(c) Requests for approval of determinations and findings of authority to negotiate submitted for the signature of the Assistant Secretary of the Army (Installations and Logistics) will be signed by or for the Head of the Procuring Activity and shall include the following information in support of the requested determination:

(1) Complete statement of facts on the proposed procurement. The statement should contain sufficient descriptive information to enable the Assistant Secretary of the Army (Installation and Logistics) to make the determination required by 10 U.S.C. 2304(a). The following minimum data should be contained in this statement, except that additional data required by § 592.211–3(c)(1) through (7) shall be included when the determination is to be made under § 3.211 of this title and § 592.211 of this part.

(i) Detailed description in nontechnical language of the supplies or services to be procured.

(ii) Inclusion of the following statement in requests for determinations and findings in the procurement of supplies:

The proposed procurement is supported by valid requirements and the required program approvals have been obtained.

(iii) Expected starting and completion dates of the contracts and estimated dollar amount of the purchase, for individual determinations and findings.

(iv) Estimated total number of purchases with the estimated total dollar amount for the time period to be covered, for each class determination and findings.

(v) Designation of funds by type and source, i.e., Research, Development, Test, and Evaluation, Army (RDTE); Procurement of Equipment and Missiles, Army (PEMA); Operation and Maintenance, Army (O&M); other Department or Government agency funds. When PEMA funds are designated, the date, page number, and item number of the current Material Program Annex VI—Procurement Schedules will be cited. When O&M funds are designated, justification will be included for the proposed use of such funds. When Military Assistance Program funds are designated, the common item order numbers, quantity, and country will be indicated. Where more than one type of funds will be used, the amount applicable to each category shall be indicated.

(vi) Citation of both the appropriate fiscal year and funds, where the funds to be used are chargeable to a specific fiscal year.

(vii) Inclusion of the following statement where no year funds will be used:

The estimated cost of this procurement is $ _____ chargeable to (designate the appropriation) no year funds.

(viii) Date of the original contract, type of original contract, name of the contractor, and total funds obligated to date, where the purchase action submitted for a determination and findings is a contract modification or a new contract with an existing supplier.

(ix) Type of contract which it is anticipated will be utilized, i.e., fixed-price, incentive, cost-plus-a-fixed-fee, etc. If it is anticipated that a time and material contract or a labor-hour contract will be used, a copy of the determination required by § 3.405–1 or § 3.405–2 of this title will be enclosed. The types of contracts anticipated for procurement of major weapon systems, subsystems or items will be listed for each class determination and findings wherever feasible.

(x) Statement that there will be competition on the proposed procurement. Where competition is to be restricted, i.e., purchases in the interest of national defense or industrial mobilization, such supporting data will include the names and locations of the suppliers to be solicited. Where the request is for a class determination and findings, the supporting data will include the names and locations of the suppliers to be solicited for all major items to be procured under the authority granted by such determination and findings. Supporting data accompanying each determination and findings will also explain the procedures to be used in soliciting proposals and conducting negotiations where such procedures will vary materially from procedures prescribed in Subchapter A, Chapter I of this title and this subchapter, i.e., competition, price, competency, delivery time and transportation. In such cases the explanation should contain the criteria and factors under which the proposal will be evaluated. In lieu of the statement concerning competition, where solicitation is to be limited to a single source, the name and location of the supplier and a brief explanation why the solicitation is to be limited will be included.

(xi) Add a statement as to whether or not a procurement package is available for each major weapon system, subsystem or item; if not available, indicate estimated availability date and what efforts are being made to obtain the procurement package.

(xii) Reason why procurement of the supplies or services by normal advertising is not feasible. Summarize such pertinent facts as are available and relevant to support the determinations to be made in paragraph 2 of the determinations and findings.

(2) Data indicating applicability of 10 U.S.C. 2304(a). This data should demonstrate that the property, work, and circumstances are of the nature described by the pertinent section of 10 U.S.C. 2304(a)(1) et seq. Department of the Army approved programs and projects should be cited if they serve to identify the procurement as research and development, interests of industrial mobilization, etc. Previous contracts, status of Government tooling and facilities, and mobilization planning status are examples of other data which serve to identify the procurement with the cited section of 10 U.S.C. 2304(a)(1) et seq.

(3) Data supporting designation of any classes for class determinations and findings.

(4) Recommendation for signature of the determinations and findings.

(d) The expiration date of a determination and findings is the end of the fiscal year in which it was signed, unless otherwise specified in the determination and findings, except that where requests for proposal have been issued prior to the end of the fiscal year or the specified expiration date, the determination and

findings shall remain in effect until the award of the contract.

(e) The primary test in determining the quantity and dollar amount covered by a determination and findings is the actual demonstrated requirement that exists at the time the determination and findings is submitted to the Assistant Secretary of the Army (Installations and Logistics) for signature. The recitation of the estimated amount of a proposed procurement in a determination and findings, issued under § 3.305(a), is not in itself to be regarded as a monetary limitation upon the authority of the contracting officer to negotiate the contract. However, such determination and findings may not be relied upon by a contracting officer as authority to negotiate a contract which includes work or services outside the scope of such determinations and findings.

(f) The determination and findings, request for approval and signature, and all supporting documents shall be submitted in an original and seven copies (if Military Interdepartmental Purchase Requests or similar documents relating to the transfer of funds are being submitted, two copies of such documents will be sufficient) to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief Contracts Division.

§ 592.403–3 Fixed-price contract providing for redetermination of price.

* * * * *

(c) *Administration of price redetermination clauses.* * * *

(4) * * *

(ii) The contracting officer will make such use and verification of the estimate and the supporting cost data submitted by the contractor as he would make with respect to similar data upon the negotiation of a price under a new contract. Whenever the total contract target price is to be increased as the result of the exercising of options, the requirement of additional quantities of end items, or the extension of the term of performance, the related increase in ceiling price will be established after evaluation of (*a*) contingencies which pertain particularly to the additional effort, (*b*) contingencies for which provision was made in earlier modifications, (*c*) the extent that required performance has been completed within the existing target price, and (*d*) the reasonableness of the relationship of the new aggregate spread between contract target and ceiling prices with the total contract requirements after giving effect to the contemplated increase.

* * * * *

15. Revise §§ 592.405–1, 592.650–3(e)(3), 592.650–12(b)(2), and 592.809(m), to read as follows:

§ 592.405–1 Time and materials contract.

(a) *Justification of use.* The official contract file shall contain a statement, accomplished by the contracting officer, which will include information such as the following:

(1) Hourly rates, including overhead and profit, compared with:

(i) Previous Government contracts of this type;

(ii) Rates normally charged on commercial contracts of this type; and

(iii) Existing contracts with other agencies.

(2) Complete justification of profit percentages in excess of 10 percent of direct labor and labor overhead.

(3) Complete documentation and justification for any provision in the contract for the use of an optional method for pricing material at other than cost.

(b) *Optional method of pricing material.* The optional method of pricing material will not be used for any items of material which are not regularly sold to the general public in the normal course of business by the contractor. Contractors' invoices which are submitted on the basis of an optional method of pricing material will be approved for payment only to the extent that the contracts specifically so provide.

§ 592.650–3 Use in conjunction with charge accounts.

* * * * *

(e) *Requests placed against charge accounts.* * * *

(3) Contracting officers may authorize (i) ordering officers, (ii) sight buyers, or (iii) other selected purchasing personnel within their organization to place oral calls or informal purchase requests against charge accounts. Individuals under subdivisions (ii) and (iii) of this subparagraph will not be appointed ordering officers.

* * * * *

§ 592.650–12 Use in postal channels; APO shipments.

* * * * *

(b) * * *

(2) Two copies inside the package and two copies outside the package in an envelope, DA Form 451–1 (Envelope-Shipping Documents), or otherwise securely attached.

* * * * *

§ 592.809 Audit as a pricing aid.

* * * * *

(m) *Accounting counsel.* Contracting officers should request accounting counsel from the cognizant auditor, during the initial pricing stage or during repricing or contract terminations negotiations, whenever questions concerning contractors' cost representations, accounting determinations or considerations enter into the negotiations. Precontract considerations may involve audit appraisal or the financial capabilities of the proposed contractor, an evaluation of internal controls and accounting systems in consideration of contemplated contract provisions managerial controls, including such matters as purchasing and subcontracting procedures, as well as opinions on the propriety of cost estimates. Of particular concern in the evaluation of proposals submitted on cost-type research and development contracts is the reliability of the contractor's management system for measuring work progress against funds expended. Audit counsel should be sought both as to the adequacy of the contractor's controls in this area and as to the contractor's cost performance record on prior contracts. Whenever the accuracy or propriety of cost accounting determinations made by the auditor during the performance of his advisory service are challenged by the contractor, the auditor should be requested to participate in the discussions. The cognizant audit service should furnish accounting counsel on a timely basis whenever requested by the contracting officer.

PART 595—FOREIGN PURCHASES

16. Revise the introductory portion of § 595.104–5; add new §§ 595.205 and 595.205–50; revoke § 595.503–50; and redesignate § 595.503–51 as § 595.503–50, as follows:

§ 595.104–5 Contract clause.

In addition to the clause prescribed by § 6.103–5 of this title, the additional special provisions set forth in this section shall be included in all contracts for supplies; experimental, developmental, or research; and in contracts for services when applicable, except that these provisions shall not be included in contracts exclusively for articles, materials, or supplies for use outside the United States, for items not listed in § 595.103–5, involving procurements exempt under provisions of § 595.504(c), for Civil Works acquired with funds appropriated for Civil Functions, Department of the Army, or for food items.

* * * * *

§ 595.205 Penalty for violation.

See § 6.205 of this title.

§ 595.205–50 Report of violation.

When a contractor has failed to comply with or is suspected of having failed to comply with the terms of the clause required by § 6.204–5 of this title, the contracting officer will prepare and forward a report thereof in accordance with § 590.650 of this chapter.

§ 595.503–50 Letter agreement with Department of Defense Production (Canada). [Revoked]

§ 595.503–50 Letter agreement with the Canadian Army and the Department of Defence Production (Canada) (Development Sharing). [Redesignation]

PART 596—CONTRACT CLAUSES

17. Revise subdivition (iii)(*a*) in § 596.103–12(b)(8); and add new Subpart C, to read as follows:

§ 596.103–12 Disputes.

* * * * *

(b) *Procedure for handling disputes.* * * *

(8) *Functions of the Office of the Chief Trial Attorney.* * * *

(iii) *Agreements or stipulations.* * * *

(*a*) *Agreements on matters not disposing of an appeal.* An agreement on matters as to which there is no substantial controversy and which will not have the effect of disposing of an appeal may be entered into by the Chief Trial

Attorney or by an individual Trial Attorney, provided that, in the case of a pre-hearing written stipulation or agreement, authority therefor shall have been granted in advance by the Chief Trial Attorney. In appeals being conducted under the Optional Accelerated Procedure, the attorney representing the Government therein shall have the same authority with respect to such stipulations and agreements as the Chief Trial Attorney.

* * * * *

Subpart C—Clauses for Fixed-Price Research and Development Contracts

Sec.
596.303 Clauses to be used when applicable.
596.303–50 Care of experimental animals clause.

AUTHORITY: §§ 596.303 and 596.303–50 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart C—Causes for Fixed-Price Research and Development Contracts

§ 596.303 Clauses to be used when applicable.

§ 596.303–50 Care of experimental animals clause.

In furtherance of the Department of the Army policy that all aspects of the use of experimental or laboratory animals in activities performed and sponsored by the Department of the Army agencies be in accordance with the Principles of Laboratory Animal Care as promulgated by the National Society for Medical Research, the following contract clause will be included in all contracts which may involve the use of experimental animals:

CARE OF EXPERIMENTAL ANIMALS (DEC. 1961)

(a) The contractor agrees to adhere to the following principles in the care of experimental animals utilized in the performance of this contract:

(i) The acquisition and use of all animals for experimental purposes shall be in compliance with Federal, state, and local laws.

(ii) Research projects involving live animals must be performed by, or under the immediate supervision of, a qualified biological scientist.

(iii) The housing, care, and feeding of all experimental animals shall be supervised by a properly qualified veterinarian or other biological scientist competent in such matters.

(iv) All laboratory animals must receive every consideration for their comfort; they must be kindly treated, properly fed, and their surroundings kept in a sanitary condition.

(v) Rooms in which animals are to be housed shall be provided with a floor which can be kept clean, and the room shall be lighted and ventilated. The temperature shall be held within reasonable limits. Cages should be of sufficient size to permit the animals used to stand or lie in a normal position. It is generally conceded that animals maintained for long periods are in better physiological condition if they exercise regularly. Species housed out-of-doors should be given adequate protection from direct sunlight or inclement weather.

(vi) The food and water supplied to all experimental animals, subject to the nature of the research, must be palatable, and of sufficient quantity and proper quality to maintain the animals in good health.

(vii) In any operation likely to cause greater discomfort than that attending anesthetization, the animals shall first be rendered incapable of perceiving pain and be maintained in that condition until the operation is ended.

(A) Whenever anesthetization would defeat the purpose of the experiment then the experiment must be approved by the head of the contractor research department or directly supervised by the head of his laboratory.

(B) If an acute study does not require survival, the animal must be killed in a humane manner at the conclusion of the experiment.

(C) If the nature of the study is such as to require survival of the animal, then acceptable techniques must be followed throughout the operation.

(viii) The post-operative care of animals must be such as to minimize discomfort during convalescence in accordance with acceptable hospital practice.

(ix) The care and housing of individual species will be in accordance with the recommendations of the Institute of Laboratory Animal Resources, National Academy of Sciences, Washington 25, D.C., in effect on the date of this contract and in accordance with such supplements and amendments thereto as may be agreed upon by the contractor and the Government.

PART 597—TERMINATION OF CONTRACTS

18. Revise § 597.206 to read as follows:

§ 597.206 Fraud or other criminal conduct.

Whenever the contracting officer has reason to suspect fraud or other criminal conduct in connection with settlement of a terminated contract, he shall discontinue all negotiations with the contractor and report the facts in accordance with § 590.650 of this chapter.

PART 599—BONDS AND INSURANCE

19. Revoke §§ 599.101, 599.101–50, 599.101–51, 599.101–52, 599.101–53, 599.101–54, and 599.101–55, as follows:

§ 599.101 Definitions. [Revoked]

§ 599.101–50 Annual bid bonds. [Revoked]

§ 599.101–51 Annual performance bonds. [Revoked]

§ 599.101–52 Fidelity bond (blanket). [Revoked]

§ 599.101–53 Forgery bond or policy (depositor's form). [Revoked]

§ 599.101–54 License or permit bond. [Revoked]

§ 599.101–55 Consent and surety. [Revoked]

20. Revise §§ 599.103–1, 599.103–50, 599.104–1, and 599.104–50 to read as follows:

§ 599.103–1 Performance bonds for contracts other than construction contracts.

Requests for determinations in those specified classes of cases described in § 10.103–1(c) of this title will be forwarded through channels to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division. The need for class determinations will be fully documented. At least six copies of the proposed determination should be attached to the request.

§ 599.103–50 Additional performance bonds and consent of surety.

The format contained in § 599.203(a) may be used when an additional bond is obtained from the original surety.

(a) *Construction contracts.* See § 10.103–2(b) of this title.

(b) *Other than construction contracts.* If a contract other than a construction contract is increased in price or modified to cover new or additional work, the contracting officer shall decide whether or not to require an additional performance bond consistent with the principles set forth in § 10.103–1 of this title.

(c) *Consent of surety.* See § 599.203(b).

§ 599.104–1 Payment bonds in connection with contracts other than construction contracts.

Authority is delegated to contracting officers to decide whether a payment bond will be required to support a contract other than a construction contract. Generally, payment bonds for such contracts should be required only if a performance bond is also required, in which case the penal sum of the payment bond should ordinarily be equal to or less than that of the performance bond. Among the factors to be considered by a contracting officer in deciding whether to require a payment bond are the following: (a) The financial resources of prospective contractors; (b) whether such bond would facilitate the performance of the contract, as for example, by favorably affecting the willingness to, and the terms under which suppliers will, extend credit to prospective contractors; and (c) whether such bond will increase the cost of the procurement. Ordinarily, if a performance bond is required, a payment bond of equal penal amount can be obtained at no additional cost.

§ 599.104–50 Additional payment bonds and consent of surety.

The format contained in § 599.203(a) may be used when an additional bond is obtained from the original surety.

(a) *Construction contracts.* See § 10.104–2(b) of this title.

(b) *Other than construction contracts.* If a contract other than a construction contract is increased in price or modified to cover new or additional work, the contracting officer shall decide whether or not to require an additional bond consistent with the principles set forth in § 10.104–1 of this title.

(c) *Consent of surety.* See § 599.203(b).

21. In § 599.201(a)(1), change the reference "(Form No. 356)" "(Circular 570)."

22. Revise §§ 599.203 and 599.302, and add new §§ 599.350, 599.351 and 599.352, to read as follows:

§ 599.203 Consent of surety.

The following forms of consent of surety are authorized for use:

(a) *Consent of surety to a modification providing for an increase in the penal sums of bonds previously given.*

CONSENT OF SURETY

Date _____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby. The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by _____ dollars,[1] and the penalty of the aforementioned payment bond or bonds is hereby increased by _____ dollars.[1]

In presence of: [SEAL]

_____ _____
(Individual principal)[2]

_____ _____
(Address) (Business address)

Attest: _____
(Corporate principal)[2]

_____
(Business address)

_____ By _____
[Affix Corporate Seal]

_____

_____
(Corporate Surety)

_____
(Business address)

_____ By _____
[Affix Corporate Seal]

_____

[1] Here fix an amount of increase at least in the same proportion that the penalty on the original bond bears to the contract price on the original contract. The penalty of the payment bond shall not be increased beyond two million five hundred thousand dollars.

[2] This consent shall be executed concurrently with the execution of the attached modification by the same person who executes the modification. If the individual who signs the consent on behalf of a corporation does not execute the modification, a Certificate of Corporate Principal shall be submitted with the consent.

(b) *Consent of surety without providing for an increase in the penal sums of bonds previously given by the same surety.* The following consent shall be obtained from the original surety for a contract modification if an additional bond is obtained from other than the original surety (§ 10.203 of this title), or when no additional bond is required and (1) the modification is for new or additional work beyond the scope of the contract, or (2) the modification is pursuant to an existing provision of the contract and changes the contract price by more than $25,000 or 15 percent of the basic contract price, whichever is less.

Consent of Surety is hereby given to the foregoing contract modification, and the Surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

§ 599.302 Notice of cancellation or change.

See § 10.302 of this title.

§ 599.350 Overseas.

Outside the United States, its possessions, and Puerto Rico, where the insurance coverages are not available because of the absence of competent or financially responsible insurance carriers, the Head of the Procuring Activity is authorized to waive the insurance requirements.

§ 599.351 Boiler inspection service.

Boiler inspection service will be provided as required by AR 420–49 and AR 850–300. The purchase of boiler insurance to cover Government-owned boilers is not authorized, but inspection services may be procured, as necessary, to meet the requirements of the referenced Army regulations.

§ 599.352 Coordination.

Where the Department of the Navy or the Department of the Air Force has an interest in the contractor's insurance program, coordination will be effected with the Contract Insurance Branch, Office of Naval Material, Washington 25, D.C., or the Bond and Insurance Section, Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio, as appropriate. Where a contractor's insurance program has been approved by a military department, evidence of such approval should be submitted, along with the request for approval, to the Head of the Procuring Activity. This prior approval may be accepted when determining the adequacy of the contractor's program, subject to any unusual circumstances.

23. Revise §§ 599.401, 599.402, 599.403, 599.450 and 599.452, to read as follows:

§ 599.401 Policy.

See § 10.401 of this title.

§ 599.402 Government-furnished property.

See § 10.402 of this title.

§ 599.403 Workmen's compensation insurance overseas.

Request for waiver of the requirements of the Defense Base Act as amended (42 U.S.C. 1651 et seq.), will be forwarded through channels to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attention: Chief, Contracts Division (see § 599.501–1(b)).

§ 599.450 Work at Government installation.

(a) All contractors and subcontractors performing construction, repair or utilities within a Government installation shall be required to furnish a statement in writing to the contracting officer attesting to the existence, in addition to legally required insurance, of Comprehensive General Liability and Automobile insurance, in each instance, for both bodily injury and property damage in such limits as the contracting officer deems reasonable under the circumstances. Prime contractors shall be responsible for insuring compliance with the foregoing by their subcontractors. The Invitation for Bids or Request for Proposals shall state the minimum insurance coverage required.

(b) Contractors and subcontractors may submit annual statements in compliance with the foregoing requirements, which statements shall be accepted in satisfaction thereof to the extent of the insurance coverage so reported.

(c) The foregoing requirements are not applicable to prime contracts of less than $2,500, or for work to be performed outside the United States, its possessions and Puerto Rico.

§ 599.452 Accident and disability insurance for extra-hazardous occupations.

The insurance described in § 599.551 (a) for cost-type contracts is available for use in fixed-price type contracts.

24. Revise § 599.501, add new § 599.501–50, and revoke § 599.550, as follows:

§ 599.501 Policy.

The Government's interest in the insurance program of a cost-reimbursement type contractor relates primarily to the policies or self-insurance plans which provide coverage for Workmen's Compensation and Employers' Liability, General Liability, Aircraft Public and Passenger Liability, Fidelity Bonds, Group Insurance, Accident Insurance, and Pensions.

(a) The insurance coverages required by §§ 10.501–1, 10.501–2, 10.501–3, and 10.501–4(a) of this title and §§ 599.501–1, 599.501–2, 599.501–3, and 599.501–4(a), are mandatory, unless the contractor is relieved by statute from liability or has a self-insurance program which meets the requirements of § 599.502. Each head of a procuring activity, his deputy, and principal assistant for procurement in his headquarters is authorized to modify the limits of the coverages required by this subchapter.

(b) Additional types of insurance may be required by heads of procuring activities.

(c) Reimbursement for insurance premiums shall be in accordance with the requirements of Part 15 of this title.

(d) Where the cost of insurance coverage is included in the overhead rate, the contract schedule shall specifically provide that the insurance cost included therein shall not be an item for separate reimbursement under the contract.

(e) The contracting officer, in establishing insurance costs for overhead rate negotiations, shall ascertain to the extent possible that such costs are net after anticipated dividends or other credits, or shall provide for proportionate recovery for the benefit of the Government of any dividends or credits not anticipated in the overhead rate calculations.

§ 599.501–50 Review of contractor's insurance program.

(a) Prior to the approval of a contractor's insurance program under a cost-reimbursement type contract (§ 599.553) the extent of the contractor's cost-reimbursement type contracts with other agencies of the Department of Defense at the proposed location or adjacent thereto shall be determined. This information should be readily available from the contractor and shall be used to determine whether the insurance pertaining to the contract should be combined with the insurance pertaining to the contractor's other Department of Defense contracts, in order to effect savings in reimbursable insurance premium costs.

(b) Where the contract operations are at a location at which the work is exclusively or almost exclusively for the Department of Defense, consideration should be given to establishing a special insurance arrangement for all work performed at this location.

(1) The criteria for application of the National Defense Projects Rating Plan is set forth in § 10.703 of this title. Where a location does not qualify for this plan and the estimated annual premiums are substantial, a commercial retrospective rating plan may be appropriate. If the estimated annual premiums are small, joint insurance with the contractor's commercial operations or special guaranteed cost policies may be advisable.

(2) Where special insurance arrangements are made, the exact coverages and limits required by §§ 10.501–1, 10.501–2, 10.501–3, and 10.501–4(a) of this title and §§ 599.501–1, 599.501–2, 599.501–3, and 599.501–4(a) shall be provided. The purpose of such an insurance program is not primarily to protect the Government or the contractor against financial loss but is to obtain the experienced services of the insurance industry in such technical areas as claims settlement and safety engineering; therefore, the higher limits of liability insurance normally carried by contractors in their commercial operations are not acceptable. The risk of excessive losses is normally assumed by the Government by the use of the "Insurance Liability to Third Persons" clause (§ 7.203–22 of this title) or a similar clause.

(c) Where the cost-reimbursement type contract operations are commingled with the contractor's commercial operations, all operations should normally be insured together.

(d) When the contract operations are jointly insured with the contractor's commercial operations, the proportion of cost-reimbursement type Department of Defense contracts and the amount of premium involved shall be the governing factors in determining the necessity for Government control. Unless both the proportion of contracts and the amount of reimbursable premium involved is substantial, review of the contractor's insurance program should be limited to assuring that the contractor complies with the requirements of §§ 10.501–1, 10.501–2, 10.501–3, and 10.501–4(a) of this title and §§ 599.501–1, 599.501–2, 599.501–3, and 599.501–4(a). Higher limits than those prescribed in the referenced sections may be approved where joint insurance coverage exists. Interference with the contractor's established commercial insurance program should be avoided to the extent possible.

(e) Particular attention should be given to the time period and geographical limits of the policies as well as to any provision in the policies which excludes from coverage any phase of contract operations.

(f) The policy endorsements set forth in § 10.302 of this title should be attached to the policies.

§ 599.550 Boiler inspection service. [Revoked]

25. Redesignate § 599.551 as § 599.550; redesignate § 599.552 as § 599.551 and revise material therein; redesignate § 599.553 as § 599.552; redesignate § 599.554 as § 599.553; redesignate § 599.555 as § 599.554; redesignate § 599.556 as § 599.555 and change the internal references to reflect the foregoing redesignations; revoke § 599.557; and revise § 599.750 (e) and (g), as follows:

§ 599.550 Group insurance plans. [Redesignation]

§ 599.551 Accident and disability insurance for extra-hazardous occupations.

(a) Insurance for risks of disability or death due to extra-hazardous occupations of contractor employees may be procured under Blanket Policy FD–711, negotiated with the Insurance Company of North America. The rate under this blanket policy, effective 1 October 1961, is $1.50 per month per $10,000 per covered employee. Such coverage is available in units of $10,000 per person covered, to a maximum of $50,000 per person. Details of insurance coverage may be obtained from the Insurance Company of North America, 2133 Wisconsin Avenue NW., Washington 7, D.C. Similar coverage may be available from other reputable carriers, but reimbursement to the contractor for the cost of such coverage will not exceed $1.50 per month per $10,000 unit per covered employee.

(b) When the cost of the insurance is an item for reimbursement under a Department of the Army contract, the contractor may procure such insurance at the expense of the Government only with the approval of the contracting officer.

§ 599.552 Insurance carrier. [Redesignation]

§ 599.553 Approval requirements for plans, policies, endorsements, and rates. [Redesignation]

§ 599.554 Action on termination or completion of contract. [Redesignation]

§ 599.555 Assignment to Government of premiums, premium refunds, and dividends—cost-reimbursement type contracts. [Redesignation]

§ 599.557 Oversea. [Revoked]

§ 599.750 Application of National Defense Project Rating Plan.

* * * * *

(e) *Final settlement exhibits.* Between eighteen and twenty months after termination of the policies, a computation of premium for final settlement purposes is prepared by the insurance company. No return premium should be accepted or additional premium paid until this settlement offer has been reviewed in accordance with § 599.553(b).

* * * * *

(g) It is often advantageous to the Government to combine the insurance for several cost-reimbursement type contracts under one National Defense Projects Ratings Plan project for premium settlement purposes. The contracts involved may have been negotiated by different procuring activities or by the Departments of the Navy and Air Force, in which case §§ 599.352 and 599.553 apply. Situations where combinations of contracts may be advisable are where work under several contracts is performed:

(1) At the same location at the same time by different contractors, such as an Architect-Engineer and a Construction contractor;

(2) At the same location at different times by the same or different contractors, such as construction and operation contracts at a Government Owned Contractor Operated (GOCO) plant or aircraft maintenance contracts which are replaced periodically by new contracts; or

(3) At different locations by the same contractor, such as one division of a contractor performing mostly cost-type contracts.

PART 600—FEDERAL, STATE, AND LOCAL TAXES

26. Revise § 600.401–2 to read as follows:

§ 600.401–2 Alternate clause for certain negotiated contracts.

(a) Before excluding a specific tax from the contract price pursuant to § 11.401–2(a)(5) of this title, contracting officers will obtain through channels the approval of the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C. When this approval will prevent the timely placement of the contract, the request for approval may be transmitted electrically.

(b) The property tax clause contained in § 11.401–2(a)(5) of this title may, in appropriate instances, be included in contracts without the prior approval of the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics.

PART 601—LABOR

27. Add new §§ 601.105 and 601.105–3, as follows:

§ 601.105 Location allowances at unfavorable sites.

§ 601.105–3 Procedures.

(a) Reasonable and allocable payments of location allowances may be approved by the contracting officer provided (1) that the payments are reasonable in the light of criteria for the extent of payment as set forth in § 12.105–2 of this title, and (2) that a written determination established that current conditions at the location permit such allowances, as required by paragraph (c) of this section.

(b) When approval of location allowances is requested, either as experienced costs or as an advance agreement (§ 15.107 of this title), the contracting officer concerned will determine the reasonableness of such payments in light of the criteria in § 12.105–2 of this title. Before the contracting officer approves

such costs he should obtain full coordination with other affected contracting activities.

(c) Determinations that conditions at a site justify location allowances will be made by individuals appointed and authorized to make determinations and approvals for the use of overtime premiums and shift premiums under § 601.102–4.

(d) The review required by § 12.105–3(a) of this title will be scheduled and accomplished by the cognizant contracting activity (§ 12.105–3(b) of this title) whenever warranted by changes in conditions and circumstances, but in any case at least once each year. Reviews at locations where one or more activity is located will be made as prescribed in paragraph (e) of this section.

(e) The cognizant contracting activity (§ 12.105–3(b) of this title) will maintain continuing surveillance over conditions at work sites where location allowances are being paid by contractors, and will schedule the review required by § 12.105–3(a) of this title. Each review will be coordinated and processed in accordance with the procedures governing original determinations and requests.

(f) Copies of the written determination as required by paragraph (c) of this section will be furnished to each contracting activity concerned and to the cognizant military audit agency. Six authenticated copies of the written determination and of the supporting examinations and reviews will be furnished to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division.

(g) When two or more purchasing offices, representing one or more of the procuring activities within the Department of the Army, have contracts with a contractor who requests approval of payment for location allowances at unfavorable sites, one such office will by local agreement be designated to provide a Department of the Army representative. The Department of the Army representative will coordinate and administer the approval of location allowances at unfavorable sites. The purchasing offices concerned will exert every effort locally to reach agreement on a representative. Normally that purchasing office having the preponderance of work with the contractor should provide the representative. Where agreement cannot be reached locally or by the Heads of Procuring Activities concerned as to the designation of the Department of the Army representative, the matter will be forwarded for resolution to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Contracts Division.

(h) Where two or more purchasing offices, one or more of which is not within the Department of the Army, have concurrent contracts at a single facility and the approval of location allowances by one such purchasing office is likely to affect the performance of, or payments in connection with, contracts of another such purchasing office, the purchasing office exercising jurisdiction over the facility shall coordinate with the other interested purchasing office in applying the policy in § 12.105–2 of this title. Where the purchasing offices do not agree locally within a reasonable time on the application of the policy in § 12.105–2 of this title, the matter will be forwarded for resolution to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division.

(i) Where two or more facilities are so geographically located that determinations as to location allowances at one may affect the other, the purchasing offices involved shall coordinate in applying the policy in § 12.105–2 of this title. Where agreement on application of policy cannot be resolved locally within a reasonable time, the procedure set forth in paragraph (f) or (g) of this section should be utilized.

PART 602—GOVERNMENT PROPERTY

28. Add new sentence to § 602.050; and revise § 602.701 and Subpart H, as follows:

§ 602.050 Policy.

* * * Prior to the purchase of metal working machinery and other production and capital (plant) equipment (as listed in appendixes II and III, AR 700–34) either by the Government or by a contractor for the account of the Government, action shall be taken in compliance with section III, AR 700–34. (See also §§ 606.206–3(f), 606.206–4(e), and 606.206–8 of this chapter.)

§ 602.701 Use without charge.

The head of a procuring activity and his deputy, or his principal assistant for procurement, are authorized to approve on behalf of the Secretary, requests for use of industrial facilities and special tooling without charge under the provisions of § 13.701 of this title.

Subpart H—Transfer of Title to Equipment to Nonprofit Education or Research Institutions

(See Subpart H, Part 13 of this title.)

29. Revise §§ 602.1502–2, 602.1502–3, 602.1713 and 602.1714–1, to read as follows:

§ 602.1502–2 Reporting for screening.

(a) All materiel considered for exchange under the provisions of § 602.1502 shall be reported for screening on Standard Form 120 (Report of Excess Personal Property) to the Utilization Division, Armed Forces Supply Support Center, Washington 25, D.C., unless one or more of the following conditions prevail:

(1) Materiel under consideration is not reportable to the Armed Forces Supply Support Center under criteria set forth in AR 755–6, or

(2) The property is to be exchanged for property which may be acquired without solicitation of bids pursuant to Subchapter A, Chapter I of this title and the need for action will not permit the waiting period required for screening.

(b) Where a need for property under consideration for exchange is known to exist, whenever practicable, the procuring activity having jurisdiction over the property will offer it direct to the requiring service.

(c) Items which are reported to the Armed Forces Supply Support Center for screening shall be reported in the same manner as is required for Technical Service Excess Property in section III, AR 755–6, with the exception of the instructions pertaining to spaces 17 (i) and (j) of the Reporting Form. When application of the Fair Value Formula is not possible, the reporting activity is authorized to submit a competent appraisal of the cash market value of an item or items reported for screening and in such cases this appraised value will be shown in spaces 17(j) and the heading Fair Value changed to read Appraised Value. In filling utilization requirements, reimbursements for property listed under Fair Value Code designation "D" shall not be greater than the best estimate of the gross proceeds if the property were to be sold on a competitive bid basis.

(d) Each reporting form used for the listing of the items to be screened prior to exchange shall be marked clearly with a notation, "This Materiel for exchange under the provisions of section 201(c), Public Law 152—81st Congress, as amended, and pertinent Department of Defense Instructions."

(e) Items reported will be coded by the reporting activity as to condition in accordance with the condition code set forth in AR 755–6.

§ 602.1502–3 Screening of personal property for the Armed Forces Supply Support Center.

The rules and procedures under which those items of personal property mentioned in § 602.1502–2(a) will be screened are as follows:

(a) Department of Defense screening of items of property reported in accordance with § 602.1502–2 will be accomplished by means of an appropriate listing prepared by the Armed Forces Supply Support Center. Screening of all reported property, except that listed in § 602.1502–2(b), will begin with the issue date of the listing and will end 30 days later on the Automatic Release Date, in the same manner described in AR 755–6.

(b) Property contained in Federal Group Classifications 23, 24, 38, 39, 61, 74, and 95 will be given further screening by the General Services Administration through reports submitted by the Armed Forces Supply Support Center. Federal screening of reported property will begin after the 30 day Department of Defense screening and will end after 60 days of Federal screening on the Automatic Release Date as indicated.

(c) Disposal action through exchange will be taken on property having no utilization on or after the Automatic Release Date unless the property is released by the Armed Forces Supply Support Center in advance of the Automatic Release Date. The Armed Forces Supply Support Center will notify the holding activity of the Automatic Release Date.

§ 602.1713 Numbering property accounts.

Property accounts serial numbers specified in paragraph 12b, AR 735–5, need not be obtained from Army commanders for accounts established under contracts to which § 30.2 or 30.3 of this title, or Part 13 of this title are applicable, but rather the property account will be identified by the contract number, and the appropriate regional office of the U.S. Army Audit Agency will be advised as required in § 606.206–7(c) of this subchapter. For the purposes of paragraph 401, § 30.2 of this title, the digits which represent the Army Fiscal Station Number in the property identification number set forth in § 602.1714–1(a)(3) will be used. [B–305 and C–214]

§ 602.1714–1 Identification marking of Government property.

(a) The identification marking of Government property shall be physically affixed to the item in accordance with paragraph 401, § 30.2 of this title. The identification markings shall consist of the following as may be applicable for the particular item being identified:

(1) *Department of the Army control.* The identification symbol "USA" is applicable to all Government property except as may be exempted in accordance with paragraph 401, § 30.2 of this title. The letters "USA" will be permanently affixed to the item to indicate Government ownership of property under control of the Department of the Army.

(2) *Registration number.* This number is applicable to those items included within a standard military registration numbering system such as motor vehicles (§ 602.450(a)), materials handling equipment (AR 700–3900–5), railroad equipment (AR 55–255), and any other applicable items. For these items, application for a registration number will be made to the appropriate technical service. Assigned registration numbers will be physically affixed to the item in accordance with applicable instructions.

(3) *Government tag number.* This number is applicable to those items for which individual item accounting is required as stipulated in §§ 602.1708(c) and 602.1712–2, except those items having a registration number as prescribed in subparagraph (2) of this paragraph. This number shall be the Government property identification number assigned in accordance with paragraph 401, § 30.2 of this title, which is as follows for the Department of the Army:

(i) The first part shall be the letters "USA" to indicate Government ownership as prescribed in subparagraph (1) of this paragraph.

(ii) The second part shall consist of the Army fiscal station number assigned the installation or office administering the contract under which the property is acquired for the first time for the account of the Government. Fiscal station numbers are listed in AR 37–102–1.

(iii) The third part shall consist of a six-digit serial number. The assignment of serial numbers shall be in numerical sequence commencing with "000001" for each installation or office to which a Fiscal station number is assigned that administers contracts under which property is acquired for the account of the Government.

(b) Under the provisons of § 30.2 of this title, property acquired by a contractor for the account of the Government becomes Government property for the purpose of property accountability upon receipt thereof by the contractor. For purposes of property accountability and control, contracting officers and property administrators shall take action to assure that such property is immediately marked as Government property and properly accounted for at the time of receipt. This action will not be delayed pending evidence of inspection and acceptance being reflected on DD Form 250, Material Inspection and Receiving Report. Contracting officers and property administrators will instruct contractors that immediately upon receipt of any item of property procured for the account of the Government to:

(1) Advise the contracting officer, by the most expeditious means, of the receipt of such property and request an inspection; and

(2) If the item is not already identified, immediately affix securely to each item of such property or equipment an appropriate temporary tag identifying the property as Government property and indicating the number of the contract for which the property or equipment was procured.

Upon notification by the contractor of receipt of property, the contracting officer will notify the property administrator and will arrange for prompt final inspection and acceptance by responsible Government personnel. After completion of the final inspection and acceptance, evidenced by DD Form 250 (Material Inspection and Receiving Report), the property administrator will insure that the temporary tag is replaced by the contractor with a permanent identification tag containing the required information. If the contractor cannot complete DA Form 804 as prescribed, the property administrator will complete the form.

PART 605—PROCUREMENT FORMS

30. Add new § 605.206; revoke § 605.807; and revise §§ 605.810, 605.852 and 605.854, to read as follows:

§ 605.206 Cost and Price Analysis (DD Forms 633, 633–1, 633–2, 633–3, and 633–4).

(a) In any case where a contractor is permitted to submit cost and price data in a format devised by him to accommodate the application of his accounting system, pursuant to § 16.206–2(a) of this title, the information furnished will include pertinent details as to cost elements, with the specific statements and authentications required by DD Form 633 or the special cost and price analysis forms listed in § 16.206–3 of this title.

(b) Prospective contractors will be required to use special cost and price analysis forms as prescribed in § 16.206–3 of this title and support DD Form 633, or authorized substitute formats, whenever contract performance will result in the furnishing of: (1) Technical Personnel Services (DD Form 633–1), (2) Technical Publications Preparation (DD Form 633–2), or (3) Motion Pictures (DD Form 633–3).

§ 605.807 Individual Procurement Action Report (DD Form 350). [Revoked]

§ 605.810 Bidders' Mailing List Application (Standard Form 129) and Bidders' Mailing List Application Supplement (DD Form 558–1).

§ 605.852 Monthly Procurement Summary by Purchasing Office (DD Form 1057).

§ 605.854 Request for Planning Action (DD Form 403).

31. Revise §§ 605.1603, 605.1604, and 605.1610; and revoke §§ 605.1612, 605.1613 and 605.1614, as follows:

§ 605.1603 Advance payments.

(Part 163 of this title.)

§ 605.1604 Determinations and exemptions under the Buy American Act.

(§ 595.103–4(d) of this chapter.)

§ 605.1610 Assignment to Government of insurance permiums.

(§ 599.350 of this chapter.)

§ 605.1612 Contractors application form for relief under Title II, First War Powers Act, 1941, as amended. [Revoked]

§ 605.1613 Contractor application for requesting formalization of informal commitment. [Revoked]

§ 605.1614 Form for joint determinations and small business determinations. [Revoked]

PART 606—SUPPLEMENTAL PROVISIONS

32. In § 606.204–1(a), revise subparagraphs (1)(ii) and (4) (i) and (iii); and revoke Subpart C, as follows:

§ 606.204–1 Personal or professional services.

* * * * * *

(a) *Employment of experts or consultants by formal contract*—(1) *Statutory authority.* * * *

(ii) The annual Department of Defense Appropriation Act, provides that:

During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army, Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions, the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with Section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: Provided, That such contracts may be renewed annually.

* * * * *

(4) *Limitations on use of delegated authority.* * * *

(i) Except in cases where individuals are brought to the United States under the waiver of documentation procedures permitted by the Act of 27 June 1952 (66 Stat. 166; 5 U.S.C. 1101 et seq.), appropriate security clearance will be obtained from Assistant Chief of Staff for intelligence, prior to the award of any contract under subparagraph (3)(i) of this paragraph.

* * * * *

(iii) Rates of compensation shall be as follows:

(*a*) *For organizations.* The contract price in fixed-price contracts and the rate of fixed fee in cost-plus-a-fixed-fee contracts shall be negotiated in accordance with Subpart H, Part 3 of this title and § 3.404–3(c) of this title. However, any contract award involving payments for wages and salaries which exceed an average amount of the corresponding civil service grade per man-day shall be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division, for prior approval.

(*b*) *For individuals.* Compensation for individuals shall not be in excess of the per diem equivalent of the highest rate payable under the classification act, plus travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law.

* * * * *

Subpart C—Procurement Action Reporting. [Revoked]

[C 34, APP, January 31, 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

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

[F.R. Doc. 62–2672; Filed, Mar. 20, 1962; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Miscellaneous Amendments

Scope and purpose. Subpart B entitled "Marine Corps" is amended to conform with recent amendments to the corresponding provisions of the Marine Corps Personnel Manual.

1. In § 730.50, the present text is designated as paragraph (a) and a paragraph (b) is added to read as follows:

§ 730.50 General.

* * * * *

(b) As used in this subpart, the term continental United States means the United States except Alaska and Hawaii unless otherwise indicated.

2. Section 730.127 is inserted, after § 730.126, to read as follows:

§ 730.127 Discharge of aliens.

(a) Title 10 U.S. Code 631 provides that each male person who enlists in the Armed Forces prior to his 26th birthday incurs a military service obligation. Aliens accepted for enlistment are not exempt by law from the military service obligation, and upon separation from active service are normally transferred to or retained in an appropriate Reserve component to complete any remaining period of obligated service.

(b) Commanders are authorized to discharge an alien upon completion of a term of active service or from an inactive duty Reserve status, upon the written request of the individual concerned, provided the applicant indicates that immediately subsequent to discharge, he will establish permanent residence in his native country or other country foreign to the United States.

(c) Aliens who declare their intention to establish a permanent residence in the United States will not be relieved of their military service obligation.

(d) Aliens who declare their intention to establish permanent residence outside the United States may be retained in an obligor status upon request.

3. Section 730.152 is revised to read as follows:

§ 730.152 Discharge for own request.

Commanders are authorized to discharge reservists on inactive duty under their command upon the reservist's written request under the following conditions:

(a) When the reservist has no period of obligated service pursuant to law and has completed 3 years of a current enlistment.

(b) When the reservist is an alien resident of a foreign country. (See § 730.127.)

(c) When a married enlisted woman has completed a minimum of 1 year of service and has served 6 months following any period of active duty for training. Requests for discharge under this paragraph will be accompanied by documentary proof of marital status. (See § 730.163.)

(R.S. 161, secs. 1162, 5031, 6291–6298, 70A Stat. 89, 278, 391–393, as amended; 5 U.S.C. 22, 10 U.S.C. 1162, 5031, 6291–6298)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

MARCH 13, 1962.

[F.R. Doc. 62–2686; Filed, Mar. 20, 1962; 8:47 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

Advertising; and Other Costs, Expenses, and Reserves

1. Section 1459.7(b) *Advertising* is amended in the following respects:

a. The heading of paragraph (b) is deleted and the following is inserted in lieu thereof: *"Advertising in fiscal years ending on or before March 31, 1962."*

b. A new paragraph (c) is inserted to read as follows:

(c) *Advertising in fiscal years ending after March 31, 1962.* (1) Items of advertising expense incurred solely for (i) the recruitment by the contractor of personnel required for the performance by the contractor of obligations arising under a renegotiable contract or subcontract, (ii) the procurement of scarce items required by the contractor for the performance of a renegotiable contract or subcontract, or (iii) the disposal of scrap or surplus materials acquired by the contractor in the performance of a renegotiable contract or subcontract, are recognized as costs allocable to renegotiable business in accordance with the method of accounting found by the Board to be acceptable under § 1459.1(b). The costs of publishing catalogues, technical pamphlets, house organs and other similar publications are not, for the purposes of this paragraph, considered advertising expenses; for the treatment of such expenses, see § 1459.8(f).

(2) Other advertising expense is allocable to renegotiable business as follows:

(i) In the case of renegotiable business performed under subcontracts, advertising expense will be allocated thereto provided that the products sold under such subcontracts are substantially the same as those sold in such subcontractor's normal commercial business. In the allocation of such advertising expense consideration will be given to (*a*) the volume of nonrenegotiable business in the year under review as contrasted with the subcontractor's normal volume of commercial business, and (*b*) the total amount of such advertising expense in the year under review as contrasted with the subcontractor's normal advertising expense.

(ii) In cases in which it can be demonstrated that a prime contractor or subcontractor engaged in renegotiable business to the detriment of its normal commercial business in the year under review, and thereby incurred the risk of loss of its competitive position in the industry concerned, the Board will allocate to renegotiable business that portion of the prime contractor's or subcontractor's normal advertising expense which the Board deems properly attributable to the effort by the prime contractor or subcontractor to forestall such loss of competitive position.

2. Section 1459.8 *Other costs, expenses and reserves* is amended by adding a new paragraph (f) to read as follows:

(f) *Publications.* The costs of publishing catalogues and technical pamphlets designed to aid users of the contractor's products, and house organs and other publications directed to labor and personnel management and relations, are recognized as costs allocable to renegotiable business in accordance with the method of accounting found by the Board to be acceptable under § 1459.1(b).

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: March 16, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-2705; Filed, Mar. 20, 1962; 8:49 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Interpretation of Shipping Act, 1916

Pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 842), and section 3(a)(3) of the Administrative Procedure Act (5 U.S.C. 1002(a)(3)), the Commission hereby promulgates the following interpretative rule, effective on publication.

§ 530.3 Further interpretation of Shipping Act, 1916.

Section 3 of Public Law 87-346 provides as follows:

SEC. 3. Notwithstanding the provisions of sections 14, 14b, and 15, Shipping Act, 1916, as amended by this Act, all existing agreements which are lawful under the Shipping Act, 1916, immediately prior to enactment of this Act, shall remain lawful unless disapproved, canceled, or modified by the Commission pursuant to the provisions of the Shipping Act, 1916, as amended by this Act: *Provided, however,* That all such existing agreements which are rendered unlawful by the provisions of such Act as hereby amended must be amended to comply with the provisions of such Act as hereby amended, and if such amendments are filed for approval within six months after the enactment of this Act, such agreements so amended shall be lawful for a further period of not to exceed one year after such filing. Within such year the Commission shall approve, disapprove, cancel or modify all such agreements and amendments in accordance with the provisions of this Act.

The Federal Maritime Commission interprets such section and section 14b of the Shipping Act, 1916, as prohibiting a carrier or conference of carriers from denying contract rates for a period of 90 days after April 2, 1962, to a contract shipper who on April 2, 1962, was a party to a lawful contract rate agreement and who prior to April 3, 1962, or prior to the date of first shipment in the trade covered by the contract after April 2, 1962, advises said conference in writing or by telegram that he agrees to be bound by said contract rate agreement amended to the extent necessary to comply with the provisions of section 14b of the Shipping Act, 1916; *Provided,* That the conference has filed with the Federal Maritime Commission a proposed form of contract pursuant to section 3 of Public Law 87-346. Unless the conference has filed such a proposed form of contract, the use of any contract system will be unlawful.

Furthermore, on and after April 3, 1962, the provisions of any contract rate agreement which has been modified in order to comply with the proviso clause of section 3 of Public Law 87-346 are lawful and enforceable as between the parties only to the extent that such provisions (1) were lawful on April 2, 1962, and are not inconsistent with the requirements of section 14b of the Shipping Act, 1916, or (2) are required to make said contract rate agreement comply with section 14b of the Shipping Act, 1916. Any other provision of any such contract rate agreement is unlawful and may not be applied or enforced directly or indirectly, until such provision has been approved by the Commission. If any such contract rate agreement, on and after April 3, 1962, does not contain provisions required by section 14b, such contract rate agreement shall be applied or enforced as if it contained all provisions required by section 14b.

By the Commission.

THOMAS LISI,
Secretary.

MARCH 15, 1962.

[F.R. Doc. 62-2716; Filed, Mar. 20, 1962; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS, THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 274—UNITED STATES STANDARDS FOR GRADES OF FROZEN FLOUNDER AND SOLE FILLETS [1]

On page 107 of the FEDERAL REGISTER of January 5, 1962, there was published a notice and text of a proposed new part 274 of Title 50, Code of Federal Regulations. The purpose of the new part is to issue United States Standards for Grades of Frozen Flounder and Sole Fillets under the authority transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e).

Interested persons were given until February 5, 1962, to submit written comments, suggestions or objections with respect to the proposed new part. No objections were received and the proposed new part is hereby adopted without change and is set forth below. This part shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Dated: March 14, 1962.

STEWART L. UDALL,
Secretary of the Interior.

Sec.
274.1 Description of the product.
274.2 Styles of frozen flounder and sole fillets.
274.3 Grades of frozen flounder and sole fillets.
274.11 Determination of the grade.
274.21 Definitions.
274.25 Tolerances for certification of officially drawn samples.

AUTHORITY: §§ 274.1 to 274.25 issued under sec. 6(a) of the Fish and Wildlife Act of Aug. 8, 1956; 16 U.S.C. 742e.

§ 274.1 Description of the product.

Frozen flounder and sole fillets consist of clean, wholesome fillets processed and frozen in accordance with good commercial practice and maintained at temperatures necessary for their preservation. The fillets may be cut transversely or longitudinally into subunits.

NOTE: This standard does not provide for the grading of units of fish flesh cut from previously frozen fish blocks, slabs, or similar material.

The product covered by this standard is prepared from the following species only:

SOLE

Dover sole (Microstomus pacificus)
English sole (Parophrys vetulus)
Gray sole (Glyptocephalus cynoglossus)
Petrale sole (Eopsetta jordani)
Lemon sole (Pseudopleuronectes americanus, over 3½ pounds)
Rock sole (Lepidopsetta bilineata)
Sand sole (Psettichthys melanostictus)

FLOUNDER

Blackback (Pseudopleuronectes americanus, less than 3½ pounds)
Yellowtail flounder (Limanda ferruginea)
Dab, plaice (Hippoglossoides platessoides)
Fluke (Paralichthys dentatus)
Starry flounder (Platichthys stellatus)

§ 274.2 Styles of frozen flounder and sole fillets.

(a) *Style I—Solid pack.* Fillets are frozen together. Individual fillets can be separated only by thawing the entire package or part of the package, depending on absence or presence of separators.

(1) *Substyle A.* Fillets are packed into a single solid block.

(2) *Substyle B.* Fillets are subpacked with separators into smaller weight units.

(b) *Style II—Individually-quick-frozen pack (IQF).* Fillets are individually quick frozen. Individual fillets can be separated without thawing.

§ 274.3 Grades of frozen flounder and sole fillets.

(a) "U.S. Grade A" is the quality of frozen flounder or sole fillets for which the total score is not less than 85 points, when the fillets are rated in accordance

[1] Compliance with the provisions of this standard shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

with the scoring system outlined in the following sections.

(b) "U.S. Grade B" is the quality of frozen flounder or sole fillets for which the total score is less than 85 points but is not less than 70 points, when the fillets are rated in accordance with the scoring system outlined in the following sections.

(c) "Substandard" is the quality of frozen flounder or sole fillets that fail to meet the requirements of the U.S. Grade B.

§ 274.11 Determination of the grade.

The grade is determined by observing the product in the frozen, thawed, and cooked states and is evaluated by numerical scoring. Points are deducted for variations of quality for each factor in accordance with the schedule in table 1. The total of the points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER POUND OF FLOUNDER OR SOLE FILLETS AND GRADING SCORE SHEET

	Scored factors	Description of quality variation		Deduct	Deductions
Frozen	1. Appearance	Adversely affected by imbedded packaging material, voids, depressions, surface irregularity, and poor arrangements of fillets:	Slight	2	
			Moderate	4	
			Excessive	10	
	2. Dehydration	For each inch square (determined by grid) of affected area.	Color masking, easily scraped off	½	
			Deep, not easily scraped off	1	
Thawed	3. Weights	(a) For each fillet or piece less than 1 oz., except first fillet or piece		5	
		(b) For sole only: For each fillet from 1–2 oz., except first fillet		2	
		For flounder only: For each fillet from 1–2 oz., except first three fillets		2	
	4. Workmanship defects	For each inch square (determined by grid) of affected area.	(a) Cutting and trimming (ragged edges, holes, tears, improper or unnecessary cuts and lace).	½	
			(b) Blemishes (belly lining, blood spots, bruises, extraneous material, fins, discolored pugh marks, scales and skin).	2	
			(c) Bones (bones normally removed)	3	
	5. Color	(a) Deteriorative discoloration (yellowing of fatty portion and/or darkening of light portion).	Slight	2	
			Moderate	5	
			Excessive	15	
		(b) Non-uniformity of color (natural color differences within package due to packing fish of contrasting color).	Moderate	3	
			Excessive	5	
	6. Abnormal condition	Usability and/or desirability of fillets impaired by abnormal conditions (jellied, milky, chalky).	Moderate	16	
			Excessive	31	
Cooked	7. Texture	Tough, dry, fibrous, or watery for species involved.	Slight	4	
			Moderate	8	
			Excessive	15	
	8. Odor and flavor	Very good: Full typical odor and flavor of fresh fish			
		Good: Noticeable decrease in typical odor and flavor of fresh fish		6	
		Reasonably good: Lacking typical odor and flavor of fresh fish, but not objectionable.		16	
		Substandard: Objectionable odor and/or flavor		31	
Total deductions					
Score (100 minus total deductions)					
Grade (100 to 85=Grade A; 84 to 70=Grade B; 69 and below=Substandard)					

Label_____ Actual net weight_____lb. _____oz. _____
Size of lot_____ Size and kind of container_____
Size of sample_____ Container mark or identification_____
Number of packages per master carton_____ Type of overwrap_____
Remarks_____

§ 274.21 Definitions.

(a) "Slight" refers to a condition that is scarcely noticeable but that does affect the appearance, desirability, and/or eating quality of the fillets.

(b) "Moderate" refers to a condition that is conspicuously noticeable but that does not seriously affect the appearance, desirability, and/or eating quality of the fillets.

(c) "Excessive" refers to a condition that is conspicuously noticeable and that does seriously affect the appearance, desirability, and/or eating quality of the fillets.

(d) "Bones normally removed" refers to (1) nape membrane bones (adjacent to visceral cavity) and to (2) radial bones (adjacent to fins and lace area).

(e) "Determined by grid" means that a transparent grid of 1-inch squares is placed over the defect area, and points are deducted (as specified in table 1) for each square of affected area under the grid, each square being counted as one whether it is full or fractional.

(f) "Thawed state" means that the frozen product has been placed within a film-type pouch and warmed to an internal temperature of about 32° F by immersing the pouch in running tap water of about 50° to 70° F. Thawing time usually takes 25 to 45 minutes for a 1-pound package.

(g) "Cooked state" means that the thawed, unseasoned product has been placed within a boilable film-type pouch and heated to an internal temperature of about 160° F by immersing the pouch in boiling water. Cooking time usually ranges from 3 to 5 minutes for single fillets and from 7 to 10 minutes for 1-pound packages of fillets.

(h) "Actual net weight" means the weight of the fish flesh within the package after all packaging material, ice glaze, or other protective coating have been removed. ("Actual net weight" of frozen glazed fillets is determined as follows: (1) Rapidly remove excessive ice layers or pockets with running tap water or nozzle-type water spray. (2) Rapidly thaw remaining surfaces of frozen fish sufficiently with tap water or spray to prevent refreezing free surface water. (3) Gently wipe off all free water with a moisture-saturated paper towel. (4) Weigh the fish to obtain "actual net weight").

(i) "Abnormal condition" means that the normal physical and/or chemical structure of the fish flesh has been sufficiently altered so that the usability and/or desirability of the fillet is adversely affected. It includes, but is not limited to, the following examples:

(1) "Jellied" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a gelatinous, glossy, translucent appearance, feels slimy to the touch, and retains its gelatinous, slimy properties in the cooked state.

(2) "Milky" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a milky-white, excessively mushy, pasty, or fluidized appearance.

(3) "Chalky" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a dry, chalky, granular appearance and fiberless structure.

(j) "Odor and flavor" is classified as follows:

(1) "Very good": Fish in this category have essentially the full, good typical odor, and flavor of the indicated species.

(2) "Good": Fish in this category show a noticeable decrease of the good, typical odor and flavor of the indicated species, and/or may have certain less acceptable natural environmental odors and flavors of slight intensity (iodoform-type, phenolic-type, feed-type, etc.), but may have no off odors and flavors.

(3) "Reasonably good": Fish in this category may be flat, or completely lacking in the good typical odor and flavor of the indicated species, and/or may have certain less acceptable natural environmental odors and flavors of moderate intensity (iodoform-type, phenolic-type, feed-type, etc.) but may have no objectionable odors and flavors.

(4) "Substandard": Fish in this category have odors and flavors that are objectionable.

LOT CERTIFICATION TOLERANCES

§ 274.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 of this chapter (Regulations Governing Processed Fishery Products, Vol. 25 F.R. 8427 Sept. 1, 1960).

[F.R. Doc. 62-2680; Filed, Mar. 20, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

Basis and purpose. Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the Acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454–7), notice is hereby given of the intention to modify §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for nondistrict lands of the Flathead Indian Irrigation Project for 1962 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within thirty days of publication of this notice in the FEDERAL REGISTER.

Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $2.75 per acre, for the season of 1962 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and eighty-three cents ($1.83) per acre foot or fraction thereof.

Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Divisions.

(a) (1) An annual minimum charge of $3.36 per acre, for the season 1962 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty-four cents ($2.24) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $4.57 per acre, for the season of 1962 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and five cents ($3.05) per acre foot or fraction thereof.

M. A. JOHNSON,
Acting Area Director.

[F.R. Doc. 62–2681; Filed, Mar. 20, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

[Docket No. AO–290–A1]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of the marketing agreement and Order No. 922 (7 CFR Part 922, 26 F.R. 10782), hereinafter referred to collectively as the "order," regulating the handling of apricots grown in designated counties in Washington, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the tenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Washington Apricot Marketing Committee, the administrative agency established pursuant to the order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on January 18, 1962, in the Pacific Power and Light Auditorium, 7 North Third Street, Yakima, Washington, was published in the FEDERAL REGISTER (26 F.R. 12782) on December 30, 1961.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Expand the production area to include all counties within the State of Washington east of the summit of the Cascade Mountains;

(2) Authorize regulations governing the handling of apricots within the production area;

(3) Change the boundary of District 1 to include all counties within the production area not included in District 2;

(4) Authorize regulation of the "markings" of containers; and

(5) Making such other changes as are necessary to make the order conform with any amendments thereto.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be amended to expand the production area to include all counties in the State of Washington east of the summit of the Cascade Mountains. The present production area is limited to the counties of Okanogan, Chelan, Douglas, Grant, Yakima, Benton, and Klickitat within the State of Washington.

In the area proposed to be annexed there are approximately 30 commercial apricot growers. According to a recent tree census, there are a total of 7,542 apricot trees within this area. This represents approximately 3.22 percent of the

200,201 apricot trees within the State of Washington as of 1959. The production of apricots within this area has remained fairly constant for the past several years. Testimony adduced at the promulgation hearing held during January 1957, shows that the industry was aware of this production. After thorough study, the promulgation committee decided that it would not recommend that this area be included in the production area. This decision was based on (1) the committee's estimation that there was not enough tonnage in the area east of the production area to warrant imposing regulations on such remote areas, (2) problems relating to inspection due to distances of some orchards to established inspection points would make the administration of the program more difficult, and (3) the assumption that the marketing committee could persuade these growers to voluntarily bring their fruit up to the standards recommended by the committee. Experience has verified that the promulgation committee's conclusions were wrong on all counts. The tonnage during the 1957 season was far beyond the maximum production indicated, grower cooperation was not adequate, and problems relating to inspection, even though formidable, were worked out with the inspection personnel to the satisfaction of all concerned. The realization of the objectives of the act and the order have been left somewhat short of the goal because the area proposed to be annexed was left out of the production area.

It was testified at the hearing that only a very small quantity of undesirable apricots, small size or off-grade, drastically effect the market prices downward. Committee members and Fruit Commission personnel testified that apricots of lower quality, particularly because of small size, grown in the area proposed to be annexed, have been observed in the markets and such fruit has depressed grower prices for Washington apricots. The varieties of apricots grown in this area are the same as and compete with apricots grown in the production area. Moreover, some locations within this area, during some seasons, at least, enjoy the enviable advantage of placing the first Washington apricots on the market. This advantage not only allows the particular growers to reap the reward in the form of higher prices, but also to greatly influence consumer purchases throughout the season. At the start of the season, lower quality apricots, small size or immature fruit, could demoralize the market for the entire season.

As heretofore stated, there are only approximately 30 commercial growers throughout this 12 county area. Plantings are widely scattered and are generally confined to Lincoln, Whitman, Franklin, Stevens, and Spokane Counties. Even though no plantings are listed for several counties within this area, the testimony shows that the entire area lying east of the production area has, in addition to the commercial plantings, areas having soil, water conditions, and general weather pattern of such nature to be potential producing areas. It would not be feasible, from an administrative standpoint, to include within the production area only that portion of the terrain suitable for the production of apricots.

Other industry groups, namely fresh peaches and prunes, have observed the detrimental effect this unregulated area has upon the apricot program. Each of the aforesaid industries recommended that this area be included within the production area for their respective order programs and thus eliminated a situation that has plagued the apricot program since its inception.

It is therefore concluded that the entire area east of the summit of the Cascade Mountains should be included in the production area and that such expansion is necessary in order to realize the maximum benefits provided for in the act and in the order.

(2) The necessity for extending the regulating of the handling of apricots to within the production area becomes obvious since the production area is being enlarged to include the important Spokane market. Testimony offered at the promulgation hearing established that approximately 20 percent of the Washington apricots that are marketed fresh each season are marketed in Seattle, Tacoma, and Spokane. Presently, all shipments of apricots to these market outlets are regulated as each market is located outside the production area. Such testimony also established that the sale of unregulated apricots, generally because they are of lower quality, command lower prices; buyers generally have ready access to market information; and lower prices in one market are used in negotiating the purchase of apricots regardless of the market location where the apricots will ultimately be sold. Testimony adduced at this hearing shows that the sale, or offering for sale, of a very small quantity of off-grade apricots within the present production area, as, for example, truckers negotiating for the purchase of apricots after observing prices posted at roadside stands, in the Yakima or Wenatchee area, has a depressing influence on the market price for apricots. Since competition in the marketing of apricots is based to a considerable extent on price, any sales at discount tend to depress prices for all apricots. Should the handling of apricots in the Spokane market be unregulated, growers and handlers would attempt to market within that market and throughout the entire production area all the lower quality apricots which could not be shipped under regulation. This larger quantity of apricots would tend to further depress prices. Because of the large volume that is normally marketed in and through Spokane, the movement of unregulated apricots to this market would have a serious depressing effect on the price of Washington apricots. Spokane handles a large percentage of all the apricots that are transshipped to market throughout Idaho, Utah, and Montana. The price at which apricots are sold in Spokane is rapidly communicated throughout this intermountain area and prices offered are based on Spokane prices. In view of the effect on markets both within and without the production area, of any shipment or sale of apricots for distribution within the production area, it is concluded that it is necessary to regulate the handling of apricots within the production area in order to effectively achieve the declared policy of the act. It is further found that all handling as described herein is in the current of or directly burdens, obstructs or affects interstate or foreign commerce. Hence, the right to exercise Federal jurisdiction with respect to handling operations within the production area is established.

(3) It is necessary that the area proposed to be annexed be incorporated within the present districts or establish a new district to provide a basis for the nomination and selection of committee members. The evidence of record cites the desirability of including all of this area within District 1. Presently, District 1 includes the counties of Chelan, Okanogan, Douglas, and Grant. The number of growers and the volume of production is much less than District 2. With the inclusion of all this area within District 1, District 2 would continue to contain the greater number of growers and the larger volume of production. The inclusion of this annexed area within District 1 represents the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee, and the order should be so amended.

(4) The order should be amended to authorize the Secretary, on the basis of committee recommendations or other available information, to fix the "markings" to be affixed to the containers. As a general practice, most handlers usually stamp or label each package to indicate the brand, if any, name and address of handler, variety, grade, an net weight of the container. The record evidence shows that certain detrimental marking practices with respect to containers are practiced by some handlers of apricots in the production area. This is evidenced by some handlers not putting any markings on the packages, using used packages and not obliterating the former markings, and incorrectly labeling or marking, particularly with respect to the variety, grade, and net weight. This incorrect labeling or marking or lack of labeling or marking is done to gain an unfair advantage, either by marketing a variety which does not merit consumer acceptance, marketing a product below the quality set by the industry and demanded by the consumer, or selling at a lower price per container, but often at a higher price per unit because of the less weight. Testimony shows that continued consumer aceptance of a product is based, to a large extent, on proper markings of packages. Consumers should not be expected to determine the variety, grade, or that the package contains a few pounds less weight. Hence, they must rely upon the information contained on the package by label or

markings in making the decision on whether to purchase the product.

The order requires that all shipments of apricots be inspected prior to handling. The order provisions also contains authority for the committee to recommend and the Secretary to fix the size, weight, capacity, dimensions, or pack of containers which may be used in the packaging or handling of apricots. Testimony adduced at the hearing by people experienced in the local administration of this and similar order programs attests that it is essential for the containers to be adequately and correctly marked in order to determine compliance with the provisions of the program. The lack of any marking makes identification of lots difficult and sometimes positive identification is not possible. The use of used containers on which the old markings have not been obliterated, or any containers which are incorrectly marked results in added expenses for enforcement. In view of the foregoing, it is, therefore, concluded that authority should be provided, as hereinafter set forth, to permit the committee to recommend and the Sectretary to fix the markings which may be used in the packaging and handling of apricots.

(5) The annexation of this additional area into the production area presents some problems in regard to some handlers within that area being required to obtain inspection prior to the handling of apricots. It was testified at the hearing that there are apricot orchards within this area that are great distances from established inspection points, and because of terrain or other reason, these and other orchards, are extremely inaccessible for inspection. For these and perhaps other reasons, it would be expensive to the handlers, often result in excessive delay, and be impractical to make the inspection at the point where such apricots would be prepared for market and first handled as defined in the order and thus become subject to regulation. The use of inspection personnel for such isolated inspections, where a large percentage of the time involved is spent in travel, would not utilize such personnel in an efficient manner. It was testified at the hearing that, in order to prevent undue delay and expense to such handlers, and to permit the more efficient use of inspection personnel, the committee should have the authority to issue rules and regulations, with the approval of the Secretary, to permit handlers, who, because of location or for other reasons, are determined by the committee to be inaccessible for inspection at the point where such apricots are prepared for market, to have such inspection performed at such location as the committee may specify. The committee should also be authorized to prescribe such safeguards as are necessary to prevent apricots so handled from being marketed in fresh fruit channels without complying with the provisions of the order. It was further testified at the hearing that a similar problem had been encountered in connection with the marketing order program for other fruits, namely fresh peaches and prunes. Forms developed in connection with the operation of the peach program were exhibited and explained. It was testified that this provision in the peach program had worked very satisfactorily and that these provisions in the apricot program would be administered in like manner. Therefore, the order should be amended as hereinafter set forth.

General findings. (1) The said order as hereby proposed to be amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby proposed to be amended regulates the handling of apricots grown in designated counties in Washington in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement upon which a hearing has been held;

(3) The said order as hereby proposed to be amended is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order as hereby proposed to be amended prescribes, so far as is practicable, such different terms applicable to different part of the production area as are necessary to give due recognition to the differences in the production and marketing of apricots grown in the production area; and

(5) All handling of apricots grown in the production area as defined in the said order, as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

Ruling on proposed findings and conclusions. January 31, 1962, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and findings and conclusions which should be drawn therefrom. No brief was filed.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Section 922.4 *Production area* is revised to read as follows:

§ 922.4 Production area.

"Production area" means the counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all of the counties in Washington lying east thereof.

2. Section 922.13 *Handle* is revised to read as follows:

§ 922.13 Handle.

"Handle" or "ship" means to sell, consign, deliver, or transport apricots within the production area or between the production area and any point outside thereof: *Provided,* That the term "handle" shall not include the transportation within the production area of apricots from the orchard where grown to a packing facility located within such area for preparation for market.

§ 922.14 [Amendment]

3. Paragraph (a) of § 922.14 *District* is revised to read as follows:

(a) "District 1" shall include all counties within the production area not included in District 2.

§ 922.52 [Amendment]

4. Subparagraph (3) of paragraph (a) of § 922.52 *Issuance of regulations* is amended as follows:

(3) The word "markings" is inserted immediately following the word "dimensions."

§ 922.55 [Amendment]

5. Section 922.55 *Inspection and certification* is amended by adding the following at the end thereof: "The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section as to time and place such inspection shall be performed whenever it is determined it would not be practical to perform the required inspection at a particular location: *Provided,* That all such shipments shall comply with all regulations in effect."

Dated: March 15, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-2695; Filed, Mar. 20, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 478) has been filed by Baxter Laboratories, Inc., 6301 N. Lincoln Avenue, Morton Grove, Illinois, proposing the issuance of a regulation to provide for the safe use of iron choline citrate chelate as a source of iron in vitamin-mineral supplements for human and animal use.

Dated: March 15, 1962.

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

[F.R. Doc. 62-2703; Filed, Mar. 20, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Docket No. 981]

RULES GOVERNING ADMISSION, WITHDRAWAL AND EXPULSION PROVISIONS OF STEAMSHIP CONFERENCE AGREEMENTS

Notice of Proposed Rule-Making

In accordance with the provisions of section 4 of the Administrative Procedure Act and sections 15 and 43 of the Shipping Act, 1916, notice is hereby given that the Federal Maritime Commission is considering the promulgation of certain rules and regulations governing admission to and withdrawal and expulsion from conferences. These proposed rules are as follows:

PART I—CONFERENCE PROVISIONS—ADMISSION, WITHDRAWAL, EXPULSION

SECTION 1.1 *Statement of policy.* (a) Section 2 of Public Law 87–346, effective on October 3, 1961, amends section 15 of the Shipping Act, 1916, to provide that no conference agreement shall be approved, nor shall continued approval be permitted for any agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.

(b) It is the responsibility of the Federal Maritime Commission under the Shipping Act, 1916, to insure that all conference agreements provide for the free and open admission of common carriers according to the requirements set forth above.

SEC. 1.2 *Provisions of conference agreements.* In effectuation of the policy set forth in section 1.1, conference agreements, whether in effect on October 3, 1961, or initiated after that date, shall contain provisions substantially as follows:

(a) Any common carrier by water which has been regularly engaged as a common carrier in the trade covered by this agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this agreement, may hereafter become a party to this agreement by affixing its signature thereto.

(b) Every application for membership shall be acted upon promptly.

(c) No carrier which has complied with the conditions set forth in paragraph (a) of this section shall be denied admission or readmission to membership.

(d) Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no such admission shall be effective until so furnished.

(e) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission.

(f) Any party may withdraw from the conference without penalty for such withdrawal by giving at least sixty (60) days written notice of intention to withdraw to the conference.

(g) Notice of withdrawal of any party shall be furnished promptly to the Federal Martime Commission.

(h) No party may be expelled against its will from this conference except for failure to comply with the conditions of admission set forth herein.

(i) In the event of expulsion, a detailed statement shall be promptly furnished the Federal Maritime Commission setting forth the reason or reasons for such action.

(j) No such expulsion shall become effective until approved by the Federal Maritime Commission.

PART II—CURRENT CONFERENCE AGREEMENTS

SECTION 2.1 *Resubmission of current conference agreements.* (a) All conference agreements which were lawfully in effect on October 3, 1961, shall, on or before April 3, 1962, be modified as required by section 3 of Public Law 87–346 to meet the requirements of section 15 of the Shipping Act, 1916, and section 1.2, and shall be filed with the Commission on or before that date.

(b) Filing under this section may be accomplished by mailing to the Secretary, Federal Maritime Commission, Washington 25. D.C., a signed original and fifteen (15) copies of the agreed modification, together with an original and fifteen (15) copies of a letter of transmittal and request for approval of the matter submitted.

SEC. 2.2 *Notice of filing.* All modifications of conference agreements filed with the Commission pursuant to these rules shall be available for inspection at the offices of the Commission. A notice of such filing shall be published in the FEDERAL REGISTER as soon as practicable, and interested persons may, within twenty (20) days after such publication,[1] file comments relating to such modification. Comments shall include a statement of position with respect to approval, disapproval, cancellation or modification, together with reasons therefor.

SEC. 2.3 *Approval, disapproval, cancellation or modification by the Commission.* After analysis of the modification submitted and the comments received from interested parties, and after hearing if ordered by the Commission, the amendment shall be approved, disapproved, cancelled or modified as required by section 3 of Public Law 87–346.

SEC. 2.4 *Lawfulness of current conference agreements.* All conference agreements lawfully in effect on October 3, 1961, which are amended or modified as required by section 15 of the Shipping Act, 1916, and these rules, and which are filed with the Federal Maritime Commission as required in section 2.1 on or before April 3, 1962, shall remain lawful for an additional period not to exceed one year from April 3, 1962, during which time the Commission shall approve, disapprove, cancel or modify such agreement pursuant to the rules in this part and the Shipping Act, 1916.

PART III—PROPOSED NEW CONFERENCE AGREEMENTS

SECTION 3.1 *Agreement provisions.* All conference agreements entered into subsequent to October 3, 1961, shall contain provisions in substantially the form set forth in section 1.2, before approval by the Federal Maritime Commission under section 15 of the Shipping Act, 1916.

Interested parties may participate in this proposed rule-making proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto, to the Secretary, Federal Maritime Commission, Washington 25, D.C., within thirty (30) days after the publication of this notice in the FEDERAL REGISTER.

By order of the Federal Maritime Commission.

MARCH 12, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2711; Filed, Mar. 20, 1962; 8:52 a.m.]

[1] Or within such other period as the Commission may state in such notice.

[46 CFR Ch. IV]

[Docket No. 982]

RULES GOVERNING THE RIGHT OF INDEPENDENT ACTION IN AGREEMENTS

Notice of Proposed Rule-Making

In accordance with the provisions of section 4 of the Administrative Procedure Act and sections 15 and 43 of the Shipping Act, 1916, notice is hereby given that the Federal Maritime Commission is considering the promulgation of certain rules and regulations governing the right of independent action in agreements between common carriers or conferences of such carriers. These proposed rules are as follows:

PART I—AGREEMENT PROVISIONS—RIGHT OF INDEPENDENT ACTION

SECTION 1.1 *Statement of policy.* (a) Section 2 of Public Law 87–346, effective on October 3, 1961, amends section 15 of the Shipping Act, 1916 to provide that no agreement between carriers not members of the same conference, or conferences of carriers serving different trades that would otherwise be naturally competitive, shall be approved, nor shall continued approval be permitted, unless in the case of agreements between carriers, each carrier, or in the case of agreements between conferences, each conference, retains the right of independent action.

(b) It is the responsibility of the Commission under the Shipping Act, 1916, to insure that all such agreements contain a provision retaining the right of independent action.

SEC. 1.2 *Provisions of agreements.* In effectuation of the policy set forth in section 1.1 of these rules, all agreements between carriers not members of the same conference, or conferences of carriers serving different trades that would otherwise be naturally competitive, whether in effect on October 3, 1961, or initiated after that date, shall contain provisions substantially as follows:

(a) The parties hereto (either carriers or conferences) agree that with respect to any actions to be taken or procedures to be followed under this agreement, any party, after a period of time not to exceed ten (10) days may take action or follow procedures independent of those agreed upon.

PART II—CURRENT AGREEMENTS BETWEEN CARRIERS AND CONFERENCES

SECTION 2.1 *Resubmission of current agreements.* (a) All agreements between carriers not members of the same conference, or conferences of carriers serving different trades that would otherwise be naturally competitive, which were lawfully in effect on October 3, 1961, shall, on or before April 3, 1962, be modified as required by section 3 of Public Law 87–346 to meet the requirements of section 15 of the Shipping Act, 1916, and section 1.2, and shall be filed with the Federal Maritime Commission on or before that date.

(b) Filing under this section may be accomplished by mailing to the Secretary, Federal Maritime Commission, Washington 25, D.C., a signed original and fifteen (15) copies of the agreed modification, together with an original and fifteen (15) copies of a letter of transmittal and request for approval of the matter submitted.

SEC. 2.2 *Notice of filing.* All modifications of agreements filed with the Commission pursuant to the rules in this part shall be available for inspection at the office of the Commission. A notice of such filing shall be published in the FEDERAL REGISTER as soon as practicable, and interested persons may, within twenty (20) days after such publication,[1] file comments relating to such modifications Comments shall include a statement of position with respect to approval, disapproval, cancellation or modification, together with reasons therefor.

SEC. 2.3 *Approval, disapproval, cancellation or modification by the Commission.* After analysis of the modification submitted and the comments received from interested persons, and after hearing if ordered by the Commission, the amendment shall be approved, disapproved, cancelled or modified as required by section 3 of Public Law 87–346.

SEC. 2.4 *Lawfulness of current agreements.* All agreements between carriers not members of the same conference, or conferences of carriers serving different trades that would otherwise be naturally competitive, lawfully in effect on October 3, 1961, which are amended or modified as required by section 15 of the Shipping Act, 1916, and the rules in this part, and which are filed with the Commission as required in section 2.1 on or before April 3, 1962, shall remain lawful for an additional period not to exceed one year from April 3, 1962, during which time the Commission shall approve, disapprove, cancel or modify such agreement pursuant to these rules and the Shipping Act, 1916.

PART III—PROPOSED NEW AGREEMENTS BETWEEN CARRIERS AND CONFERENCES

SECTION 3.1 *Agreement provisions.* All new agreements between carriers not members of the same conference, or conferences of carriers serving different trades that would otherwise be naturally competitive, entered into subsequent to October 3, 1961, shall contain a provision in substantially the form set forth in section 1.2, before approval by the Commission under section 15 of the Shipping Act, 1916.

Interested parties may participate in this proposed rule-making proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto, to the Secretary, Federal Maritime Commission, Washington 25, D.C., within thirty (30) days after the publication of this notice in the FEDERAL REGISTER.

Dated: March 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2712; Filed, Mar. 20, 1962; 8:53 a.m.]

[1] Or within such other period as the Commission may state in such notice.

[46 CFR Ch. IV]

[Docket No. 983]

RULES GOVERNING CONTRACT RATE SYSTEMS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Notice of Proposed Rule-Making

In accordance with the provisions of section 4 of the Administrative Procedure Act and sections 14, 15, and 43 of the Shipping Act, 1916, notice is hereby given that the Federal Maritime Commission is considering the promulgation of certain rules and regulations governing the use of contract rate systems in the foreign commerce of the United States as authorized by said sections 14 and 15 of the Shipping Act, 1916. These proposed rules and regulations are as follows:

PART I—DEFINITIONS

SECTION 1.1 *Contract.* The term "contract" as used in these rules means any contract which is used by common carriers or conferences of such carriers in the foreign commerce of the United States, which is available to all shippers and consignees on equal terms and conditions, and which provides lower rates to a shipper or consignee who agrees to give all or a fixed portion of his patronage to such carrier or conference of carriers.

SEC. 1.2 *Carrier.* The term "carrier" as used in these rules means any common carrier, except ferry boats running on regular routes, engaged in the transportation by water of property between the United States or any of its Districts, Territories, or possessions and a foreign country, whether in the import or export trade; *Provided,* That a cargo boat commonly called an ocean tramp shall not be deemed such "common carrier by water in foreign commerce".

SEC. 1.3 *Shipper, Signatory Shipper, or Contract Shipper.* The terms "Shipper", "Signatory Shipper", or "Contract Shipper" as used in these rules mean any person other than a carrier or conference of carriers who is a party to a contract as defined therein.

PART II—CONTRACT PROVISIONS

SECTION 2.1 *Statement of policy.* The Federal Maritime Commission is authorized by sections 14(b) and 15 of the Shipping Act, 1916, after notice and hearing, to permit carriers and conferences of carriers to use a contract in the foreign commerce of the United States, unless it finds that such contract will be detrimental to the commerce of the United States or contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters of the United States and their foreign competitors, and provided the contract expressly:

(a) Permits prompt release of the contract shipper from the contract with respect to any shipment or shipments for which the contracting carrier or conference of carriers cannot provide as much space as the contract shipper shall require on reasonable notice;

(b) Provides that whenever a tariff rate for the carriage of goods under the contract becomes effective, insofar as it is under the control of the carrier or the conference of carriers, it shall not be increased before a reasonable period, but in no case less than ninety days;

(c) Covers only those goods of the contract shipper as to the shipment of which he has the legal right at the time of shipment to select the carrier: *Provided, however,* That it shall be deemed a breach of the contract, if before the time of shipment and with the intent of avoiding his obligation under the contract, the contract shipper divests himself, of the legal right to select the carrier, and the shipment is carried by a carrier which is not a party to the contract;

(d) Does not require the contract shipper to divert shipment of goods from natural routings not served by the carrier or conference of carriers where direct carriage is available;

(e) Limits damages recoverable for breach by either party to actual damages to be determined after breach in accordance with the principles of contract law; provided, however, that the contract may specify that in the case of a breach by a contract shipper the damages may be an amount not exceeding the freight charges computed at the contract rate on the particular shipment, less cost of handling;

(f) Permits the contract shipper to terminate at any time without penalty upon ninety days notice;

(g) Provides for a spread between ordinary rates and rates charged contract shippers which the Commission finds to be reasonable in all the circumstances, but which spread shall in no event be more than 15 per centum of the ordinary rates;

(h) Excludes cargo of the contract shippers which is loaded and carried in bulk without mark or count except liquid bulk cargoes, other than chemicals, in less than full shipload lots: Provided, however, that upon finding that economic factors so warrant, the Commission may exclude from the contract any commodity subject to the foregoing exception; and

(i) Contains such other provisions not inconsistent with the above that the Commission shall require or permit.

It is the responsibility of the Commission under the Shipping Act, 1916, to insure that all contracts in force in the foreign commerce of the United States meet the requirements set forth above.

SEC. 2.2 *Provisions in contracts.* In effectuation of the policy set forth in section 2.1, contracts, whether lawfully in use on October 3, 1961, or initiated after that date, shall be permitted only if they contain clauses in substantially the following form:

(a) If the shipper shall have offered any cargo covered by this agreement to any or all of the carriers and shall have been advised that space is not available, the shipper shall then give written notice of such fact to the conference. If within three (3) business days after receipt of said notice by said conference, the shipper shall not have been notified that space for such cargo is available on a vessel of one of the carriers for shipment within ten (10) days of said notice to the conference, or on the requested date of shipment, whichever is later, then the shipper may cause such cargo to be shipped on a vessel or vessels other than those of the conference carriers and the rights and obligations of the parties as to any other cargo shall not be affected thereby.

(b) Tariff rates for the carriage of goods covered by this contract, insofar as they are under the control of the carrier or conference of carriers shall be increased only after ninety (90) (or more) days prior notice to the shipper.

(c) This agreement covers all cargo (or a specified portion of cargo) of the shipper as to which he has the legal right at the time of shipment to select the carrier; *Provided, however,* that it shall be deemed a breach of this agreement if, before the time of shipment and with the intent to avoid his obligation under the agreement, the shipper divests himself, or with the same intent permits himself to be divested, of the legal right to select the carrier and the shipment is carried by a carrier which is not a party to this agreement.

(d) If cargo covered by this agreement is offered to any or all the carriers for shipment through a port through which such cargo would naturally be routed, and the shipper is advised that no service is available at such port or another port of substantially equal natural routing, the shipper shall give written notice of such fact to the conference. If within three (3) business days after receipt of said notice by the conference, the shipper shall not have been notified that service for such cargo is available on a vessel of one of the carriers for shipment within ten (10) days of said notice to the conference, or the requested date of shipment, whichever is later, then the shipper may ship or cause to be shipped such cargo through the port requested on a vessel or vessels other than those of the contract carriers without penalty, and the rights and obligations of the parties as to any other cargo shall not be affected thereby.

(e) In the event of any breach of this agreement by either the carrier or the shipper, damages recoverable by the other party shall be limited to actual damages, to be determined after breach in accordance with the principles of contract law. (In the event of breach by the shipper, damages recoverable by the carrier shall be limited to an amount not exceeding the freight charges computed at the contract rate on the particular shipment, less the cost of handling.) [1]

(f) Either the shipper or conference (or carrier) may terminate this contract by giving the other party ninety (90) days written notice of such termination; provided, however, the carrier shall not terminate the contract, deny any renewal thereof, or modify any contract as to any contract shipper unless all similar contracts are so terminated, not renewed, or modified.

(g) The freight rates to be charged to signatory shippers shall be those stated in the carrier or conference tariff lawfully in effect and on file with the Federal Maritime Commission, and shall be --, percent [2] below the rates charged to non-signatory shippers on the same commodity.

(h) This agreement excludes from its coverage cargo of the shipper which is loaded and carried in bulk without mark or count except liquid bulk cargoes, other than chemicals, in less than full shipload lots.[3]

(i) This agreement does not cover shipments of companies related to or affiliated with the shipper, unless such related or affiliated company has been specifically made a party to the agreement. *Provided, however,* That the signatory shipper agrees not to ship any of its goods through a related or affiliated company in order to avoid its obligations under this agreement.

SEC. 2.3 *Justification of the spread between contract and non-contract rates.* (a) Subparagraph (7) of section 14(b), Shipping Act, 1916, provides for a spread between ordinary rates and rates charged contract shippers which the Commission finds to be reasonable in all the circumstances but which spread shall in no event be more than 15 percentum of the ordinary rates. In order for the Commission to determine whether the spread between ordinary and contract rates is in fact reasonable in all the circumstances, all carriers or conferences of carriers using or proposing to use a contract shall furnish to the Commission all factors considered by the carrier or conference of carriers to justify the spread.

(b) This submission should include reasons why the proposed spread was selected, why a lesser percent spread would not be adequate to accomplish the purposes of the contract system, and should, to the extent possible, include information as to the amount and type of present or potential outside competition in the trade, competitive practices of such competition in the trade, and the general effect that such competition has had on the service and rate structure maintained by the carrier or conference of carriers requesting approval of the contract system.

PART III—CONTRACTS IN EFFECT ON OCTOBER 3, 1961

SECTION 3.1 *Re-submission of current contracts.* (a) All carriers and conferences using contracts which were lawfully in effect on October 3, 1961, shall, on or before April 3, 1962, modify such contracts, as required by section 3 of Public Law 87-346, to meet the requirements of section 14(b), Shipping Act, 1916, and section 2.2, and shall file such modified contracts with the Federal Maritime Commission. The spread of any contract system which, on October 3, 1961, exceeded 15 percent must be reduced to not more than 15 percent by April 3, 1962. However, no spread which was not more than 15 percent on October 3, 1961, may in any manner be changed until such change in spread is approved by the Federal Maritime Commission pursuant to section 14(b) of the Shipping Act, 1916.[4]

(b) Filing under this section may be accomplished by mailing to the Secretary, Federal Maritime Commission, an original and fifteen (15) copies of a letter requesting approval of the contract as modified, and submitting an original and fifteen (15) copies of the following:

(1) The modified contract.

(2) An affidavit of a responsible official of the carrier or conference stating that the contract filed is the true and complete contract used by said carrier or conference, modified as set forth above.

(3) The material required by section 2.3 to justify the reasonableness of the spread between contract and non-contract rates.

SEC. 3.2 *Notice of filing.* All contracts filed with the Commission pursuant to these rules shall be available for inspection at the office of the Federal Maritime Commission. A notice of such

[1] The bracketed clause may be inserted at the option of the carriers or conference of carriers, but if used, shall state the cost factors which make up the cost of handling.

[2] The carrier or conference shall insert the actual or proposed percentage, but in no case shall the percentage be greater than 15 percent, subject to the requirements of section 2.3.

[3] Upon finding that economic facts so warrant, the Commission may authorize exclusion from the agreement any commodity subject to the exception in this clause.

[4] See interpretation of section 3 of Public Law 87-346 published in the FEDERAL REGISTER of March 15, 1962.

filing shall be published in the FEDERAL REGISTER as soon as practicable, and interested persons may, within twenty (20) days after such publication,[5] file comments relating to such contract. Comments shall include a statement of position with respect to approval, disapproval, cancellation, or modification of the contract, together with reasons therefor.

SEC. 3.3 *Approval, disapproval, cancellation, or modification by the Commission.* After analysis of the modified contracts, accompanying material submitted, and comments received from interested parties, and after hearing if ordered by the Commission, the contract shall be approved, disapproved, cancelled, or modified as required by section 3 of Public Law 87–346.

SEC. 3.4 *Lawfulness of current contracts.* All contracts lawfully in effect on October 3, 1961, which are amended or modified as required by section 14(b) of the Shipping Act, 1916, and these rules, and which are filed with the Federal Maritime Commission as required in section 3.1 on or before April 3, 1962, shall remain lawful for an additional period not to exceed one year from April 3, 1962, during which time the Federal Maritime Commission shall approve, disapprove, cancel, or modify such contracts pursuant to these rules and the Shipping Act, 1916.

PART IV—APPLICATION FOR APPROVAL OF NEW CONTRACT SYSTEMS

SECTION 4.1 *Filing of proposed new contract systems.* Any carrier or conference desiring to institute a new contract system shall file with the Commission its proposed form of contract, such filing to be accomplished by mailing to the Secretary, Federal Maritime Commission an original and fifteen (15) copies of a letter requesting approval of the contract system and the form of contract to be used, and submitting an original and fifteen (15) copies of the following:

(a) The contract form to be used.

(b) The material required by section 2.3 to justify the need for the contract system and the reasonableness of the spread between contract and non-contract rates.

SEC. 4.2 *Provisions of proposed contracts.* Any contract filed with the Commission pursuant to the provisions of this part shall contain clauses in substantially the form set forth in section 2.2.

SEC. 4.3 *Notice of filing.* All contracts filed with the Commission pursuant to these rules shall be available for inspection at the Office of the Federal Maritime Commission. A notice of such filing shall be published in the FEDERAL REGISTER as soon as practicable, and interested parties may, within twenty (20) days after the date of publication, or within such other period as the Commission may state in such notice, file comments relating to such contract. Comments shall include a statement of position with respect to approval, disapproval, or modification of the published contract, together with the reasons therefor.

SEC. 4.4 *Hearings.* Whenever deemed necessary or appropriate the Commission will hold hearings with respect to any contract system filed for approval under this part. Such hearings shall be conducted pursuant to the Commission's rules of practice and procedure and the Administrative Procedure Act, and the parties shall be notified of the time, place and nature of the hearing to be held.

SEC. 4.5 *Approval, disapproval or modification by the Commission.* After analysis of the contract system submitted, the accompanying material, and comments received from interested parties, and after hearing if ordered by the Commission, the contract system shall be approved, disapproved, or modified.

PART V—APPLICATION FOR MODIFICATION OF APPROVED CONTRACT SYSTEM

SECTION 5.1 *Statement of policy* Whenever an approved contract system is modified in any way, by addition of new commodities not previously covered by the system, by extension of the system to new port areas not previously covered by the system, by any change in terms of the contract between the carrier or conference and the shipper, by any change in spread between ordinary rates and rates charged contract shippers, by reinstitution or reinstatement of the contract system to apply to a commodity or commodities as to which the contract system had been previously terminated, or by any other means, such modifications may not be carried out until approved by the Federal Maritime Commission under sections 14(b) and 15 of the Shipping Act, 1916.

SEC. 5.2 *Filing of modifications to approved contract systems.* Any carrier or conference of carriers desiring approval of the Federal Maritime Commission for any modification of its contract system shall file immediately with the Commission the details of the modification which it desires to make. If such modification involves a change in the terms of the contract between the carrier or conference and shipper, then the filing shall include the form of the modified contract. If the modification involves a change in spread between ordinary rates and rates charged contract shippers, with respect to a single commodity or a number of commodities, the material requested under section 2.3 shall be furnished. If the modification involves addition of a new commodity or commodities under the contract system, or reinstitution, or reinstatement of the contract system to apply to a commodity or commodities as to which the contract system had been previously terminated, or extension of the contract system to additional port areas not previously covered by the system, then the material requested under section 2.3 shall be furnished in order to justify the reasonableness of the spread between ordinary rates and rates charged contract shippers under the new commodity or port coverage created by the proposed modification of the contract system. Any other modification of the system should be accompanied by material fully justifying the modification requested. Filing under this section may be accomplished by mailing to the Secretary, Federal Maritime Commission, Washington 25, D.C., an original and fifteen (15) copies of a letter requesting approval of the modifications requested, and submitting an original and fifteen (15) copies of the material required by this section.

SEC. 5.3 *Notice of filing.* All proposed modifications filed with the Commission pursuant to these rules shall be available for inspection at the Office of the Federal Maritime Commission in Washington, D.C. A notice of such filing shall be published in the FEDERAL REGISTER as soon as practicable and interested persons may, within 20 days after such publication, or within such other period as the Commission may state in such notice, file comments relating to such modifications. Comments shall include a statement of position with respect to approval, disapproval or modification of the modification together with reasons therefor.

SEC. 5.4 *Approval, disapproval, or modification by the Commission.* After analysis of the proposed modifications, accompanying material submitted, and comments received from interested parties, and after hearing if ordered by the Commission, the contract shall be approved, disapproved, or modified.

Interested parties may participate in this proposed rule-making proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto, to the Secretary, Federal Maritime Commission, Washington 25, D.C., within thirty (30) days after the publication of this notice in the FEDERAL REGISTER.

Dated: March 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2713; Filed, Mar. 20, 1962; 8:53 a.m.]

[46 CFR Part 510]

[Docket No. 973]

[General Order 4, Amdt. 1]

LICENSED INDEPENDENT OCEAN FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEAN-GOING COMMON CARRIERS; PRACTICES

Notice of Extension of Time for Filing Comments

Notice is hereby given that the time for submitting comments in respect to the proposed rules in this proceeding is hereby extended to and including April 10, 1962.

By the Commission March 15, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2715; Filed, Mar. 20, 1962; 8:51 a.m.]

[5] Or within such other period as the Commission may state in such notice.

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 10]

ROBERT I. BIREN

Designation as Employment Policy Officer

FEBRUARY 9, 1962.

Pursuant to the authority vested in me under Department of State Delegation of Authority 104 dated November 3, 1961, and the provisions of Executive Order 10925 of March 6, 1961 which establishes the President's Committee on Equal Employment Opportunity, and also the provisions of regulations published in Chapter 4 of Title 5 of the Code of Federal Regulations which implement the said Executive Order, I hereby designate Mr. Robert I. Biren, Acting Director, Office of Program Support, as Employment Policy Officer for the Agency for International Development. In this capacity, Mr. Biren will have authority and responsibility under my general direction for carrying out the equal employment opportunity policy, regulations, and program relating to Federal Government employment set forth in or arising from the above mentioned Executive Order and its implementing regulations, with authority to designate or arrange for the designation, as appropriate, of Deputy Employment Policy Officers, and to delegate to such officers responsibility for specific functions contemplated by the Executive Order and its implementing regulations.

FOWLER HAMILTON,
Administrator.

[F.R. Doc. 62-2684; Filed, Mar. 20, 1962; 8:47 a.m.]

[Delegation of Authority No. 11]

ROBERT I. BIREN

Designation as Contracts Compliance Officer

FEBRUARY 9, 1962.

Pursuant to the authority vested in me under Department of State Delegation of Authority 104 dated November 3, 1961, and the provisions of Executive Order 10925 of March 6, 1961 which establishes the President's Committee on Equal Employment Opportunity, and also the provisions of regulations published in Chapter 60 of Title 41 of the Code of Federal Regulations which implement the said Executive Order, I hereby designate Mr. Robert I. Biren, Acting Director, Office of Program Support, Contracts Compliance Officer for the Agency for International Development. In this capacity Mr. Biren will have authority and responsibility under my general direction for carrying out the equal employment opportunity policy, regulations, and program relating to Federal Government contracts set forth in or arising from the above mentioned Executive Order and its implementing regulations, with authority to designate or arrange for the designation of Deputy Contracts Compliance Officers, and to delegate to such officers responsibility for specific functions contemplated by the Executive Order and its implementing regulations.

FOWLER HAMILTON,
Administrator.

[F.R. Doc. 62-2685; Filed, Mar. 20, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELAWARE, MARYLAND, NEW JERSEY, NORTH CAROLINA AND VIRGINIA

Designations of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Delaware, Maryland, New Jersey, North Carolina, and Virginia, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

DELAWARE

Kent.	Sussex.

MARYLAND

Dorchester.	St. Marys.
Queen Annes.	Worcester.
Somerset.	

NEW JERSEY

Cape May.	Salem.
Cumberland.	

NORTH CAROLINA

Dare.

VIRGINIA

Gloucester.	Norfolk.
Lancaster.	Northumberland.
Mathews.	Princess Anne.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-2697; Filed, Mar. 20, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

Plats of survey of the following described lands accepted October 24, 1961 will be officially filed in the Land Office, Boise, Idaho, effective at 10:00 a.m. on March 20, 1962:

BOISE MERIDIAN, IDAHO

T. 15 N., R. 24 E.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½.
This plat represents a dependent resurvey of a portion of the north boundary designed to restore the corners in their original locations according to the best available evidence and survey of the subdivisional lines of section 1.

T. 15 N., R. 25 E.,
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, 8, SW¼NE¼, SE¼NW¼, W½SE¼.
This plat represents a dependent resurvey of a portion of the north boundary and the south and west boundaries of H.E.S. No. 655, and a portion of the subdivisional lines designed to restore the corners in their original locations according to the best available evidence, and the survey of a portion of the subdivisional lines completing section 6.

Within the above-described areas are 1150.43 acres of public lands, of which 489.55 acres are within the exterior boundaries of the Salmon National Forest. The land in section 1 may generally be described as rough and mountainous. Elevation varies from 6,800 feet to 7,600 feet. Timber and brush species are located on a major portion of the land. The land is valuable for timber production, grazing and watershed. The land in section 6 may be described as relatively smooth to rolling. Elevation varies slightly from 6,500 feet to 6,800 feet. Much of the area is open hay meadow with some brush species along gullies and drainages. The land is valuable for the production of meadow hay crops and grazing.

The unreserved public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Subject to any valid existing rights and the requirements of the applicable law, the land within the national forest is hereby open to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a.m. on March 20, 1962.

MICHAEL T. SOLAN,
Land Office Manager,
Boise, Idaho.

[F.R. Doc. 62-2692; Filed, Mar. 20, 1962, 8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 13, 1962.

The Department of Agriculture has filed an application, Serial Number Idaho 013092 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws. The applicant desires the land for the Richardson Creek Public Service site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

Richardson Creek Public Service Site

T. 25 N., R. 10 E.,
A tract of land within unsurveyed Sec. 5, more particularly described as: Beginning at a point which is located at the junction of Richardson Creek and Salmon River, thence S. 12°15' W., 705 ft., thence N. 88° E., 818 ft., thence N. 59° E., 795 ft., thence N. 10°30' W., 293 ft., thence S. 75°30' W., 686 ft., thence N. 78° W., 646 ft. to the point of beginning, totaling 16.75 acres, more or less.

JOE T. FALLINI,
State Director.

[F.R. Doc. 62-2682; Filed, Mar. 20, 1962; 8:46 a.m.]

[I-41]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MARCH 14, 1962.

The Notice of Proposed Withdrawal of Lands for the use of the Corps of Engineers, U.S. Army, as published in the FEDERAL REGISTER of March 1, 1962, on page 2019, F.R. Doc. 62-2014, is hereby corrected to describe the lands as follows:

SALT LAKE MERIDIAN, UTAH

T. 6 S., R. 21 E.,
Sec. 4: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 5: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 8: All;
Sec. 9: All.

The above area aggregates 2,312.21 acres.

W. H. KOCH,
Acting State Director.

[F.R. Doc. 62-2683; Filed, Mar. 20, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 12, 1962.

Notice of an application Serial No. Sacramento 050138, for withdrawal and reservation of lands, was published as F.R. Doc. No. 62-828 on pages 755 and 756 of the issue for January 25, 1962.

The applicant agency has requested that the notice be amended to include the cancellation of its application insofar as it involved the land described below, as the land was inadvertently omitted from the aforementioned notice. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such land will be at 10:00 a.m., on April 12, 1962, relieved of the segregative effect of the above-mentioned application.

The land terminated is:

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Roadside Zone along the Forest Highway No. 74

A strip of land 200 feet on each side of the center line of the Forest Highway No. 74 through the following legal subdivision:

T. 8 S., R. 23 E.,
Sec. 30: Lot 1.

The area described above aggregates 45.27 acres.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-2704; Filed, Mar. 20, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-108]

ALLIS-CHALMERS MANUFACTURING 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-15. The license authorizes Allis-Chalmers Manufacturing Company to possess and operate its critical experiments facility which is located in Greendale, Milwaukee County, Wisconsin.

The amendment authorizes Allis-Chalmers Manufacturing Company to receive, possess and use pursuant to Facility License No. CX-15 a 10 curie sealed polonium-beryllium source in connection with operation of their facility. This new source is identical to and will replace the old 10 curie source licensed under Byproduct Material License No. 48-2621-2, which has decayed to approximately 2.4 curies.

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 necessary 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 § 2.102(a) of 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 a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

The licensee's requests for amendment of the license, dated January 24, 1962, may be inspected at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of March 1962.

For the Atomic Energy Commission.

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

[License No. CX-15; Amdt. No. 4]

Paragraph 3C. of License No. CX-15, as amended, issued to Allis-Chalmers Manufacturing Company, is hereby amended to read as follows:

3C. Pursuant to the Act and Title 10, CFR, Chapter 1 Part 30, "Licensing of Byproduct Material," to receive, possess and use a 10 curie polonium-beryllium source in connection with operation of the facility; and to possess, but not to separate, such byproduct material as may be produced by operation of the facility.

Date of issuance: March 13, 1962.

For the Atomic Energy Commission.

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

[F.R. Doc. 62-2673; Filed, Mar. 20, 1962; 8:45 a.m.]

[Docket No. 50-181]

MARTIN-MARIETTA CORP.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to July 31, 1962 the latest completion date specified in Construction Permit No. CPCSF-1 for the construction of the production facility for processing multikilocurie quantities of irradiated material containing special nuclear material into forms suitable for isotopic power sources at a site the Corporation has leased at Quehanna, Pennsylvania.

Copies of the Commission's order and of the application by Martin-Marietta

Corporation are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 14th day of March 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-2674; Filed, Mar. 20, 1962; 8:45 a.m.]

[Docket No. 50-47]

ORDNANCE MATERIALS RESEARCH OFFICE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 set forth below to Facility License No. R-65. This amendment authorizes the Ordnance Materials Research Office, Watertown Arsenal, Watertown, Massachusetts, to utilize an atmospheric dilution factor of 30 for radioactive argon and fission product noble gases released as stack effluent in connection with the operation of the Ordnance Materials Research Office Reactor pending completion of construction of a 175-foot stack. The amendment provides that following completion of the stack a dilution factor of 10^{-10} seconds per cubic centimeter may be used in computing the permissible rate of discharge of radioactive noble gases.

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 necessary since operation of the facility in accordance with the license, as amended, would not present any substantial change in the hazards to the public from those already considered acceptable in connection with the previously approved operation of this facility.

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 thirty (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, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the application for license amendment submitted by Ordnance Materials Research Office and (b) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) 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 14th day of March 1962.

For the Atomic Energy Commission.

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

[License No. R-65; Amdt. No. 2]

License No. R-65 is hereby amended to authorize the licensee to use a dilution factor of 10^{-10} seconds per cubic centimeter in computing the permissible rate of discharge of radioactive noble gases from his 175-foot stack and a concentration reduction factor of 30 for such computation for effluent releases from the original stack installed at the facility which has a designed flow rate of 1,000 cubic feet per minute. The use of the concentration reduction factor is authorized only until the new, 175-foot stack becomes operational.

Date of issuance: March 14, 1962.

For the Atomic Energy Commission.

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

[F.R. Doc. 62-2675; Filed, Mar. 20, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 978]

CERTAIN CARRIERS SERVING ALASKA

Notice of Investigation and of Hearing

On March 6, 1962, the Federal Maritime Commission entered the following order:

Whereas, pursuant to section 15 of the Shipping Act, 1916, an agreement, and modification thereof, between the Alaska Steamship Company, Consolidated Freightways Corporation of Delaware (Garrison Fast Freight Division), Puget Sound Tug and Barge Company (Puget Sound-Alaska Van Lines Division), and Weaver Bros., Inc., covering a cooperative working arrangement in the trade between United States and Canadian Pacific Coast Ports and ports in Alaska, has been filed for approval under that section and has been assigned Federal Maritime Commission agreement numbers 8590 and 8590-1; and

Whereas, the Commission having considered agreement numbered 8590 as modified by 8590-1, and being of the opinion that there are sufficient reasons to warrant withholding of the approval of said agreement, as modified, pending a hearing for the purpose of receiving evidence to determine whether said agreement should be approved, disapproved or modified, pursuant to section 15 of the Shipping Act, 1916, and good cause appearing;

It is ordered, That, pursuant to section 15 and 22 of the Shipping Act, 1916, the Commission, upon its own motion, enter upon an investigation and hearing to determine whether (1) agreement 8590 as modified by 8590-1 provides for reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade; (2) whether said agreement provides reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints; (3) whether said agreement, if approved, would subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; (4) whether said agreement, if approved, would operate to the detriment of the commerce of the United States; (5) whether said agreement, if approved, would be contrary to the public interest; (6) whether said agreement, if approved, would be unjustly discriminatory or unfair as between carriers, shippers, or ports; (7) whether said agreement would be in violation of any other provisions of said act; and (8) whether said agreement should be approved, disapproved, or modified in any respect, pursuant to said section 15; and

It is further ordered, That the above specified lines be made respondents in this proceeding; and

It is further ordered, That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; and

It is further ordered, That action with respect to Agreement 8590, as modified by 8590-1, be held in abeyance pending the Commission's decision and order in the proceeding herein ordered; and

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and a copy of such order and notice of hearing be served upon respondents and other interested parties.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: March 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2714; Filed, Mar. 20, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9761 etc.]

CHAMPLIN OIL & REFINING CO. ET AL.

Notice of Applications and Date of Hearing

MARCH 14, 1962.

Champlin Oil & Refining Co.[1], Docket No. G-9761; Geo. W. Miller, et al. d.b.a. Camden J. Ramsburg Gas Co., Docket No. G-10506; Wright Gas Company, Docket No. G-10553; Scott Williams Gas Company No. 1, Docket No. G-10554; Bering Company Operating Account, Operator, Docket No. G-11617; Texam Oil Corporation, Docket No. G-12107; Bering Company Operating Account, Operator, Docket No. G-12482; Shell Oil Company, Docket No. G-12663; Calder, N. Bruce and Curtis E., Jr. d.b.a. Horizon Oil & Gas Company, Docket No. G-13886; Dewey Harris, et al., Docket No. G-14161; Harrell Drilling Company, et al., Docket No. G-14388; Harrell Drilling Company, et al., Docket No. G-14389; Harrell Drilling Company, et al., Docket No. G-14390; Harrell Drilling Company, et al., Docket No. G-14391; Harrell Drilling Company, et al., Docket No. G-14392; Harrell Drilling Company, et al., Docket No. G-14393; Geo. W. Miller, et al. d.b.a. H. M. Garrett Gas Company, Docket No. G-14661; Vaughn Boatright, Docket No. G-14722; Harrell Drilling Company, et al., Docket No. G-14942; Morris Cannan, Operator, Docket No. G-15147; Elias Ritts, et al., Docket No. G-15346; W. J. Coppinger, (Operator), et al., Docket No. G-15379; Milo T. Palmer, Docket No. G-15437; W. H. Mossor d.b.a. Beall Oil & Gas Co., Docket No. G-15442; William G. Webb, Docket No. G-15692; Humble Oil & Refining Company, Docket No. G-15893; Geo. W. Miller, et al. d.b.a. Heckert Hrs. Gas Co., Docket No. G-15897; Geo. W. Miller, et al. d.b.a. Geo. W. Miller Gas Co., Docket No. G-15898; W. H. Mossor, et al. d.b.a. Leggett Oil & Gas Co., Docket No. G-16173; Socony Mobil Oil Company, Inc., Docket No. G-16522; Edwin G. Bradley, Agent, et al., Docket No. G-16589; Haynes & V. T. Drilling Company, Operator, Docket No. G-16768; Glen Humphrey, Jr., Docket No. G-16773; Maude H. Mitchell, Docket No. G-16775; J. S. Wheless, Jr., Docket No. G-16823; W. M. Wheless, et al., Docket No. G-16824; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-17246; Socony Mobil Oil Company, Inc., (Operator), et al., Docket No. G-17247; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-17248; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-17249; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-17250; R. S. Murray, Jr., et al., Docket No. G-17299; A. R. Eppenauer, Operator, Docket No. G-17383; Commercial Solvents Corporation, Docket No. G-17453; Gordon Street, Inc., Docket No. G-17459; London Gas Co., (Operator), et al., Docket No. G-17476; Jehu Morris Gas Company, Docket No. G-17750; Forrest B. Miller and Mabelle McElvain Miller, Docket No. G-17812; Southern Gas Company, Docket No. G-17860; Estate of W. L. Goldston, et al., Docket No. G-18059; Socony Mobil Oil Company, Inc., Docket No. G-18122; Sinclair Oil & Gas Company, Docket No. G-18192; Brannon Oil & Gas Company, Docket No. G-18251; Crescent Drilling Company, Inc., Docket No. G-18453; C. H. Lyons, Sr., et al., Docket No. G-18642; Deb Oil and Gas Company, Docket No. G-18723; Richard H. Bennett, Docket No. G-18724; Sun Oil Company, Docket No. G-18737; Ward M. Edinger, Inc., Docket No. G-18814; Carl J. Westlund, Inc. (Operator), et al., Docket No. G-18873; Humble Oil & Refining Company, Docket No. G-18882; Oley Yeager, Docket No. G-18941; Graham-Michaelis Drilling Company, Docket No. G-18956; Petroleum Management, Inc., Docket No. G-19061; Bill Tomberlin, (Operator), et al., Docket No. G-19294; Frank Zickefoose, Docket No. G-19342; James O. Fox, Jr., (Operator), et al., Docket No. G-19414; S. D. Butcher and J. L. Carey, Docket No. G-19459; Roy G. Barton, Docket No. G-19677; J. H. Vandenbark (Operator), et al., Docket No. G-20055; Coastal States Gas Producing Company (Operator), et al., Docket No. G-20127; Pubco Petroleum Corporation, Docket No. G-20138; Clayton Oil & Gas Company, Docket No. G-20166; Lloyd L. Gray d.b.a. Graell Gas Service, Company, Plant Operator, et al., Docket No. G-20263; W. H. Mossor d.b.a. Mill Lot Oil & Gas Company, Docket No. G-20311; W. H. Mossor d.b.a. Hayes Oil & Gas Company, Docket No. G-20312; Sinclair Oil & Gas Company (Operator), et al., Docket No. G-20358; N. G. Clark, Docket No. G-20588; Coastal States Gas Producing Company, et al., Docket No. CI60-46; Holly Nester d.b.a. Cooper Gas Company, Docket No. CI60-95; The Permian Corporation, et al., Docket No. CI60-180; Rock Island Oil and Refining Co., Inc., Docket No. CI60-181; Claiborne Gasoline Company, Docket No. CI60-221; Mayflo Oil Company, (Operator), et al., Docket No. CI60-261; Boyd & Shriver, Docket No. CI60-359; White Gas Company, Docket No. CI60-373; Lab Oil Company, Docket No. CI60-374; J. M. Leonard, Docket No. CI60-527; Champlin Oil & Refining Co., Docket No. CI61-746; N. G. Clark, Docket No. CI61-765; E. C. Hitchcock, et al., Docket No. CI61-1154; J. E. Jones d.b.a. J. E. Jones Drilling Company, Docket No. CI61-1399; Eagle Oil Company, Docket No. CI61-1457; Injun Oil & Gas, Docket No. CI61-1488; N. G. Clark, Docket No. CI61-1812; Bowles & Jacobs, Docket No. CI62-269; Lenoir M. Josey, Inc., Operator, Docket No. CI62-509; Kent Gas Company, Docket No. CI62-549.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications, amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser; and Price per Mcf

G-9761; Carthage Field, Panola County, Tex.; Tennessee Gas Transmission Co.; 12.71375 cents at 14.65 psia.

G-10506; Acreage in Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-10553; Acreage in DeKalb District, Gilmer County, W. Va.; South Penn Oil Co.; 12.0 cents at 15.325 psia.

G-10554; Acreage in DeKalb District, Gilmer County, W. Va.; South Penn Oil Co.; 12.0 cents at 15.325 psia.

G-11617; South Caesar Field, Bee County, Tex.; United Gas Pipe Line Co.; 7.2296 cents at 14.65 psia.

G-12107; Seely Field, Live Oak County, Tex.; Gas Gathering Co.; 10.096 cents at 14.65 psia.

G-12482; White Point Area, San Patricio County, Tex.; W. J. Riley, Inc.; 7.0 cents at 14.65 psia.

G-12663; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

G-13886; West Morrow Field, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G-14161; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.

G-14388; Hidalgo Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 11.0 cents at 14.65 psia.

G-14389; North Donna Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-14390; North Donna Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-14391; Los Torritos Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-14392; North Donna Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-14393; Los Torritos Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-14661; Acreage in Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14722; Glenville District, Gilmer County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.

G-14942; North Donna Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-15147; Alfred Field, Jim Wells County, Tex.; J. C. Adair; 6.5624 cents at 14.65 psia.

G-15346; Sherman and Burning Springs Districts, Calhoun and Wirt Counties, W. Va.; South Penn Oil Co.; 15.0 cents at 15.325 psia.

G-15379; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 8.4 cents at 16.4 psia.

G-15437; Colquitt Field, Claiborne Parish, La.; Arkansas Louisiana Gas Co.; 11.771 cents at 15.025 psia.

G-15442; Acreage in Gilmer County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.

G-15692; Blanco Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G-15893; Colquitt Field, Claiborne Parish, La.; Arkansas Louisiana Gas Co.; 11.771 cents at 15.025 psia.

G-15897; Sinking Creek District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-15898; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

[1] Successor to original Applicant, The Chicago Corporation.

G–16173; Acreage in Ritchie County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.

G–16522; North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 12.37 cents at 15.025 psia.

G–16589; Lerado Field, Reno County, Kans.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 psia.

G–16768; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–16773; Mission Valley Field, Victoria County, Tex.; Transcontinental Gas Pipe Line Corp.; 8.0768 cents at 14.65 psia.

G–16775; North Ruston Field, Lincoln Parish, La.; Mississippi River Fuel Corp.; 11.57 cents at 15.025 psia.

G–16823; Baxterville Field, Lamar and Marion Counties, Miss.; United Gas Pipe Line Co.; 10.2209 cents at 16.7 psia.

G–16824; Baxterville Field, Lamar and Marion Counties, Miss.; United Gas Pipe Line Co.; 10.2209 cents at 16.7 psia.

G–17246; Abell Field, Pecos County, Tex.; Natural Gas Products Co. of America; 5.5 cents at 14.65 psia.

G–17247; Abell Field, Pecos County, Tex.; Natural Gas Products Co. of America; 5.5 cents at 14.65 psia.

G–17248; Abell Field, Pecos County, Tex.; Natural Gas Products Co. of America; 5.5 cents at 14.65 psia.

G–17249; Abell Field, Pecos County, Tex.; Natural Gas Products Co. of America; 5.5 cents at 14.65 psia.

G–17250; Abell Field, Pecos County, Tex.; Natural Gas Products Co. of America; 5.5 cents at 14.65 psia.

G–17299; Blanco Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–17383; Acreage in Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents, 9.0533 cents, at 14.65 psia.

G–17453; Monroe Field, Union Parish, La.; United Carbon Co.; 4.0 cents at 15.025 psia.

G–17459; Spraberry Trend Field, Glasscock County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G–17476; Asphaltum Field, Jefferson County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 psia.

G–17750; Murphy District, Ritchie County, W. Va.; Penova Interests; 19.0 cents at 15.325 psia.

G–17812; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents, 11.0 cents, at 15.025 psia.

G–17860; North Cement Field, Caddo County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

G–18059; Spraberry Trend Field, Glasscock County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G–18122; Cement Field, Caddo County, Okla.; Southern Gas Co.; 6.0 cents at 14.65 psia.

G–18192; Sweetie Peck Field, Midland County, Tex.; El Paso Natural Gas Co.; 6.6501 cents at 14.65 psia.

G–18251; Mary Britton Farm, Ritchie County, W. Va.; Equitable Gas Co.; 23.0 cents at 15.325 psia.

G–18453; Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 12.82 cents at 15.025 psia.

G–18642; Colquitt Field, Clairborne Parish, La.; Arkansas Louisiana Gas Co.; 11.771 cents at 15.025 psia.

G–18723; Rosedale Field, Birch District, Braxton County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.

G–18724; Rosedale Field, Center District, Gilmer County, W. Va.; Equitable Gas Co.; 23.0 cents at 15.325 psia.

G–18737; Camrick Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.2 cents at 14.65 psia.

G–18814; Acreage in Lincoln County, Okla.; Jernigan & Morgan Transmission Co.; 9.0 cents at 14.65 psia.

G–18873; Drinkard Field, Lea County, N. Mex.; Northern Natural Gas Co.; 10.7688 cents at 15.025 psia.

G–18882; Camrick Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.6 cents at 14.65 psia.

G–18941; Mullins Farm, Bulger Field, Lincoln County, W. Va.; South Penn Oil Co.; 14.0 cents at 15.325 psia.

G–18956; Forgan South Pool, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

G–19061; Acreage in Cowley County, Kans.; Wunderlich Development Co.; 5.2 cents at 16.4 psia.

G–19294; Riverside Field, Weld County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 14.65 psia.

G–19342; Horn Creek Field, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

G–19414; Winkler County, Tex.; West Texas Gathering Co.; 16.0 cents at 14.65 psia.

G–19459; Hugoton Field, Texas County, Okla.; Western Gas Service Co.; 9.8262 cents at 14.65 psia.

G–19677; Denton Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.

G–20055; Spraberry Trend Area, Upton County, Tex.; El Paso Natural Gas Co.; 11.1485 cents at 14.65 psia.

G–20127; Hidalgo Field, Hidalgo County, Tex.; Tennessee Gas Transmission Co.; 16.0 cents at 14.65 psia.

G–20138; Blanco Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.

G–20166; Union District, Clay County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20263; Iuka-Carmi Field, Pratt County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

G–20311; Middle Fork River, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

G–20312; Spruce Creek, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

G–20358; North Lansing Field, Harrison County, Tex.; H. L. Hunt and Estate of Lyda Bunker Hunt, Deceased; 14.7 cents at 14.65 psia.

G–20588; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 23.0 cents at 15.325 psia.

CI60–46; Orange Grove Area, Jim Wells County, Tex.; Orange Grove Gas Gathering Co.; 9.0 cents at 14.65 psia.

CI60–95; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60–180; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI60–181; Hugoton Field, Seward County, Kans.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.

CI60–221; Northeast Lisbon Field, Claiborne Parish, La.; Texas Eastern Transmission Corp.; 15.8007 cents at 15.025 psia.

CI60–261; East Spearman, Atoka Field, Hansford County, Tex.; F.T.F. Gas Corp.; 7.0 cents at 15.325 psia.

CI60–359; Acreage in Jefferson County Pa.; United Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60–373; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI60–374; Wade City Field, Jim Wells County, Tex.; Orange Grove Gas Gathering Co.; 11.0 cents at 14.65 psia.

CI60–527; Spraberry Trend Field, Reagan County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

CI61–746; McCormick Unit, Woodward County, Okla.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.

CI61–765; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1154; Tex-Mex Field, Gaines County, Tex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

CI61–1399; Clear Fork Field, Upton County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

CI61–1457; Henry District, Clay County, W. Va.; United Fuel Gas Co.; 18.0 cents at 15.325 psia.

CI61–1488; Union District, Ritchie County, W. Va.; Carnegie Natural Gas Co.; 20.0 cents at 15.325 psia.

CI61–1812; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–269; Cedar Creek Field, Pike County, Ky.; United Fuel Gas Co.; 16.0 cents at 15.325 psia.

CI62–509; Blanconia Field, Bee County, Tex.; United Gas Pipe Line Co.; 6.5 cents at 14.65 psia.

CI62–549; Murphy District, Ritchie County, W. Va.; Penova Interests; 19.0 cents at 15.325 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 17, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2676; Filed, Mar. 20, 1962; 8:45 a.m.]

[Docket Nos. CP62–88—CP62–91]

MONTEREY GAS TRANSMISSION CO. ET AL.

Notice of Applications, Consolidation and Date of Hearing

MARCH 14, 1962.

Monterey Gas Transmission Company, Docket No. CP62–88; Columbia Gulf Transmission Company, Docket No. CP62–89; United Fuel Gas Company and Kentucky Gas Transmission Corporation, Docket No. CP62–90; The Ohio Fuel Gas Company, Docket No. CP62–91.

Take notice that: Monterey Gas Transmission Company (Monterey Gas), a Delaware corporation with principal place of business at 2230 First City National Bank Building, Houston 2, Texas, Columbia Gulf Transmission Company (Columbia Gulf), a Delaware corporation with principal place of business at 3805 West Alabama, Houston, Texas, United Fuel Gas Company (United) and Kentucky Gas Transmission Corporation (Kentucky Gas), West Virginia and Delaware corporations, respectively, with their principal place of business at 1700 MacCorkle Avenue SE., Charleston, West Virginia and The Ohio Fuel Gas Company (Ohio Fuel), an Ohio corporation, with principal place of business at 99 North Front Street, Columbus 15, Ohio, filed concurrently on October 9, 1961,[1] in the above-entitled dockets, interrelated applications for certificates of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing them to acquire, construct and operate pipeline facilities and to transport, deliver and sell natural gas for resale, subject to the jurisdiction of the Commission, as hereinafter described and as more fully represented in the applications which are on file with the Commission and open for public inspection.

Monterey Gas' application in Docket No. CP62–88 requests authorization to purchase and acquire from Humble Oil & Refining Company (Humble) approximately 238 miles of existing 30-inch pipeline extending from Humble's King Ranch plant in Kleberg County, Texas, to a point near Clear Lake, Harris County, Texas, and to construct about 216 miles of 30-inch pipeline from Clear Lake, Texas, to Columbia Gulf's Compressor Station No. 9 which is located near Alexandria, Rapides Parish, Louisiana. Monterey Gas also seeks authority to purchase and acquire from Humble approximately 92 miles of gathering facilities, ranging in diameter from 24 to 8 inches, in order to transport gas from the acreage it intends to purchase to the inlet side of Humble's King Ranch processing plant.

In 1962 Monterey Gas proposes to acquire the above-described transmission and gathering facilities from Humble at a cost of $27,070,000 and proposes to construct the line from Clear Lake, Texas, to Alexandria, Louisiana, together with metering and regulating stations, at an estimated cost of $28,620,000. In 1964 and 1965, respectively, Monterey Gas proposes to construct Compressor Station No. 2 in Newton County, Texas, and Compressor Station No. 4 in Brazoria County, Texas, each with 8,500 installed horsepower, at a total estimated cost of $4,140,000. Monterey's total pipeline acquisition and construction costs through 1965 are estimated at $59,830,000.

The application states that Monterey Gas will also acquire from Humble leasehold interests located in North Alazan, Laguna Larga, East Santa Fe, and Viboras fields in Brooks, Kleberg and Nueces counties, Texas. All properties to be purchased are warranted to contain total wet gas reserves of at least 6.645 trillion cubic feet and dry gas reserves of at least 6.166 trillion cubic feet at 14.73 pounds per square inch absolute. Pursuant to an agreement with Humble dated September 20, 1961, Monterey Gas will purchase these leasehold interests in two transactions, approximately four years apart, with the first purchase of properties, involving 3.758 trillion cubic feet of wet gas, to take place on November 1, 1962, and the second purchase, involving 2.887 trillion cubic feet of wet gas, to occur on January 3, 1967. Under the first purchase, Monterey Gas will acquire Humble's 85 percent working interest in these properties for an initial down payment of $7,220,520 plus 240 equal monthly payments of $2,204,400, totaling $536,276,520. It is contemplated that the second purchase of leasehold interests will take place under similar arrangements at a total cost of $404,063,635.

Pursuant to an agreement with United dated September 20, 1961, Monterey Gas proposes to deliver to Columbia Gulf for United's account 4.617 trillion cubic feet of gas over a 20-year period. Monterey Gas warrants the deliverability rate at specified contract volumes commencing with 3,724,909 Mcf per month in the first year and increasing to 23,098,863 Mcf per month (about 760 MMcf per day) in the eighth through the twentieth years.[2] After the twentieth year, Monterey Gas warrants to deliver the ultimate dry gas volume of 6.166 trillion cubic feet, but only at whatever the deliverability rate happens to be subsequent to the twentieth year.

Humble and Monterey Gas have also entered into a letter agreement dated October 4, 1961, under which Monterey Gas agrees to transport for Humble up to 200,000 Mcf of gas per day from the King Ranch plant to a point near Clear Lake, Texas, a distance of about 238 miles, for 1.5 cents per Mcf per hundred miles, or a total charge of 3.57 cents per Mcf. The average volume to be transported will be about 100,000 Mcf per day, subject of course to Monterey Gas' obligation to utilize 100 percent of the capacity of its facilities for delivering gas to United if the latter so desires.

United will pay Monterey Gas on a cost basis for the gas prior to transportation and in addition will pay Monterey Gas' cost of transportation on a cost of service basis, including a 6½ percent rate of return. Page two of the supplement filed on January 8, 1962, in Docket No. CP62–88 states that the 23.6-cent-per-Mcf cost of the gas entering Monterey Gas' transmission pipeline is made up of the following components:

	Cents Per Mcf
Gas Supply (consisting of royalties and amortization or cost depletion of leasehold interests)	18.1
General and production taxes	2.1
Federal and state income taxes	.7
Return on net cash investment in leaseholds and main gathering lines	2.7
Total	23.6

The application indicates that Monterey Gas is a newly-organized corporation and that Humble owns 48 percent, Lehman Brothers owns 22.4 percent, King Ranch, Inc., owns 19.6 percent, and six other companies and individuals own the remaining 10 percent of Monterey's 1,500,000 shares of common stock. Monterey Gas' financial requirements for the construction period ending November 1, 1962, are as follows:

Down payment on purchase of gas leaseholds from Humble	$7,810,425
Purchase of gathering lines extending from leaseholds to inlet of King Ranch plant	5,070,000
Purchase of 30-inch transmission line from Humble	22,000,000
Construction of 30-inch transmission line from Clear Lake to Columbia Gulf's interconnection	28,260,000
Financing expense	1,000,000
Other charges	149,000
Total	$64,289,425

Lehman Brothers has expressed the opinion that Monterey Gas' project can be financed and it is anticipated that financing may be as follows: Common stock, $10,000,000; convertible notes at 6 percent, $13,600,000; and pipeline bonds at 5¼ percent, $41,000,000, for a total of $64,600,000.

Columbia Gulf's application in Docket No. CP62–89 states that it is a wholly-owned subsidiary of the Columbia Gas System, Inc. (Columbia System) and that it has been requested to expand its facilities and install compressor facilities over a four-year period to increase its capacity for delivering the additional volumes of gas to become available to the Columbia System under the terms of the United-Monterey Gas contracts hereinbefore described. Columbia Gulf now operates a 30-inch pipeline extending about 841 miles from the Louisiana Gulf area to the Kentucky-West Virginia border. Columbia Gulf presently estimates its daily design capacity to be 688,500 Mcf.

In its application it describes the four-year construction program which it desires to initiate so as to add a total of 391 miles of 30-inch loops to its existing main line in order to increase its design capacity to 1,078,500 Mcf per day by

[1] On January 8, 1962, Monterey Gas filed a supplement to its application in Docket No. CP62–88. No supplements or amendments to the other applications had been filed as of the date of issuance of this notice.

[2] Deliveries in excess of 11,461,511 Mcf per month or 423,000 Mcf per day are dependent upon Monterey Gas' contemplated "second" purchase of leaseholds from Humble and upon construction of compressor facilities in addition to those for which authorization is requested in Docket No. CP62–88.

November 1, 1965. In 1962 Columbia Gulf proposes to construct 9 loop sections, totaling 132.7 miles in length, plus a pipeline across the Tennessee River and an interconnection of its Station 9 with the proposed pipeline of Monterey Gas, at an estimated cost of $18,786,000, to increase its daily design capacity to 768,500 Mcf. In 1963 Columbia Gulf proposes to construct 10 loop sections, totaling 141.6 miles, at an estimated cost of $18,903,800, to increase its daily design capacity to 858,500 Mcf. In 1964 Columbia Gulf proposes to construct 5 loop sections, consisting of 36.1 miles, and engine compressor additions totaling 79,900 horsepower at 8 main-line compressor stations, at an estimated cost of $18,253,200, to increase its daily design capacity to 963,500 Mcf. In 1965 Columbia Gulf proposes to construct 9 loop sections, totaling 80.6 miles, at an estimated cost of $11,412,400, to increase its daily design capacity to 1,078,500 Mcf. The foregoing construction program also assumes permanent certification of experimental compressor facilities for which permanent authorization has been requested in Docket Nos. G–18121 and G–19376.

The application shows that United will desire Columbia Gulf's daily design capacity to be at least 1,168,400 Mcf by December of 1966, but United is not requesting at this time that Columbia Gulf seek authorization to initiate a construction program in excess of the four years described above. The total cost of this four-year construction program is estimated at $67,355,400, including overheads and contingencies.

In their joint application filed in Docket No. CP62–90, United and Kentucky Gas, both of which are wholly-owned subsidiaries of the Columbia System, request authorization to construct and operate the necessary pipeline and compressor facilities needed to utilize, within the Columbia System, the additional gas anticipated to become available as a result of the gas deliveries which Monteray Gas proposes to make to Columbia Gulf for United's account. This additional gas will subsequently be delivered by Columbia Gulf to Kentucky Gas at a point near Mt. Sterling, Kentucky, and to United at a point near the Kentucky-West Virginia border.

In 1962 United seeks authorization (1) to install and operate additional horsepower at its Ceredo Compressor Station, Wayne County, West Virginia, by the turbocharging of two existing compressor units from 2,000 horsepower to 2,800 horsepower each, thereby increasing the total additional compression by 1,600 horsepower, and (2) to construct and operate approximately 7.9 miles of 26-inch loop pipeline extending in an easterly direction from United's Latham Compressor Station, Putnam County, West Virginia. In 1962 Kentucky Gas requests authorization to construct and operate approximately 7.9 miles of 30-inch loop pipeline extending approximately 4.9 miles in a northwesterly direction from Kentucky Gas' Means Compressor Station, Montgomery County, Kentucky, and approximately 3 miles in a southeasterly direction from its Means Station. The total estimated cost of all facilities proposed by both United and Kentucky Gas is $2,462,900, including overheads and contingencies.

United avers that the additional facilities are required to increase deliveries to Atlantic Seaboard Corporation by up to 15,500 Mcf per day, to increase deliveries to The Manufacturers Light & Heat Company by about 5,000 Mcf per day, and to increase deliveries to Ohio Fuel by 30,000 Mcf per day. Kentucky Gas alleges that it requires the additional facilities to increase deliveries to The Cincinnati Gas and Electric Company and The Union Light, Heat and Power Company whose combined peak daily requirements total 514,200 Mcf which is a demand about 17,800 Mcf greater than the present capacity of Kentucky Gas' facilities serving those companies.

The joint application also indicates that their customers' requirements will continue to increase and that extensive construction of additional facilities will be required in order for them to keep up with this demand. However, they state that their systems are composed of transmission lines, compressor stations and underground storage facilities which are so affected by numerous variable factors that they do not think it would be prudent to request authorization to construct facilities for a greater period than one year at this time.

In its application in Docket No. CP 62–91, Ohio Fuel seeks authorization to construct and operate about 15.3 miles of 20-inch pipeline in Lawrence County, Ohio, extending its Line R–601 to United's existing Burlington delivery point. Ohio Fuel states that the proposed additional facilities will provide the increased capacity required for it to receive and transport up to 30,000 Mcf of increased firm daily deliveries from United at a pressure level to permit relay of required volumes with the existing compressor power at its Crawford Station. The estimated cost of Ohio Fuel's facilities is $1,300,000, including overheads and contingencies.

Ohio Fuel's application avers that it is also a wholly-owned subsidiary of the Columbia System. The estimated construction costs of the facilities proposed by the four Columbia System subsidiaries involved herein total $71,118,300. Exhibit L to Columbia Gulf's application states that it is the Columbia System's practice to purchase the notes and common stock of its subsidiaries to enable them to finance necessary projects. The Columbia System raises the funds to purchase the notes and common stock of its subsidiaries by the issuance and sale of its securities to the public. However, it is alleged that since the sale of Columbia System securities produces a common pool of funds for financing all the subsidiaries' requirements, no particular sale of securities can be earmarked as applicable to the financing of the facilities covered by any specific application.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held April 19, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 2, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2677; Filed, Mar. 20, 1962; 8:45 a.m.]

[Docket No. CP62–143]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

MARCH 14, 1962.

Take notice that on December 8, 1961, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 296, Houston 1, Texas, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing an additional 421 Mcf per day of storage service to Elizabethtown Consolidated Gas Company (Elizabethtown), an existing customer, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it will provide the proposed additional volumes from the unallocated portion of its share of the Leidy Storage Field. The proposed storage service will be rendered initially under Applicant's presently effective LS Rate Schedule.

The application shows that Elizabethtown presently has 6,000 Mcf of natural gas per day allocated to it from the Leidy Field. The proposed additional volumes will be utilized by Elizabethtown to assist it in minimizing the high costs associated with peak-shaving.

Applicant states that no additional facilities will be required to render the proposed service.

Elizabethtown will provide gas for injection into Leidy Field from its present allocations for future withdrawal of the additional 421 Mcf per day.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Com-

mission's rules of practice and procedure, a hearing will be held on April 19, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 9, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2678; Filed, Mar. 20, 1962; 8:46 a.m.]

[Docket No. R-168]

NONACCEPTIBILITY OF RATE FILINGS BASED ON STATE-PRESCRIBED MINIMUM PRICES

Order Amending Order Terminating Proceeding

MARCH 14, 1962.

In our order of February 7, 1962, terminating the above proceeding, the following sentence appears: "We recognize, moreover, that a buyer of natural gas who has paid seller on the basis of a state minimum price law has an adequate remedy in an appropriate court in the event that his contract entitles him to a refund as a result of the invalidity of the state minimum price laws." [1]

That sentence was not intended to express or imply any view as to whether contract actions in appropriate state or federal courts might be subject to defenses other than defenses based on the Kansas minimum-rate order itself. To avoid doubt on that score, we hereby amend the above-quoted sentence to read as follows:

> We recognize, moreover, that a buyer of natural gas who has paid seller on the basis of a state minimum price law can invoke the jurisdiction of an appropriate court in the event that his contract provides for a refund if the state minimum price laws are held invalid.[1]

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2679; Filed, Mar. 20, 1962; 8:46 a.m.]

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

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

MARCH 15, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common assessable stock, $1.00 par value of Industrial Enterprises, Inc., File No. 1-4597.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

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

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 16, 1962, to March 25, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2687; Filed, Mar. 20, 1962; 8:47 a.m.]

[File No. 811-993]

STARRETT CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 14, 1962.

Notice is hereby given that the Starrett Corporation ("Applicant"), Los Angeles, California, a management closed-end, non-diversified investment company, organized as a Delaware corporation, has filed an application pursuant to section 8(f) of the Investment Company Act ("Act") for an order declaring that Applicant has ceased to be an investment company.

Applicant makes the following representations in its application.

On October 21, 1960, Applicant registered as an investment company under the Investment Company Act of 1940. The corporation's investment in Pacific Coast Properties, Inc., and Food Giant Markets, Inc. totalled $9,952,416 at December 31, 1960, and by reason thereof, approximately 79 percent of the company's total assets were invested in investment securities as defined in section 3(a)(3) of the Act.

Subsequent to registration the company acquired as of May 1, 1961, all of the outstanding stock of Albert Parvin & Co., a contract and decoration furniture company, and Pargold Enterprises, which operates three retail furniture stores.

On or about July 1, 1961, Starrett formed a wholly-owned subsidiary, Kal-Star Furniture Corporation to engage in the furniture and appliance business.

During the eight months ended August 31, 1961, Starrett sold its investments in Pacific Coast Properties and Food Giant Markets, Inc. Proceeds from the sale amounted to $10,920,000 cash which was received in September 1961. At the time stockholders of Starrett approved the sale of these securities they were advised that such sale would result in Starrett being no longer an investment company, but an operating company. After the sale of these securities was completed, Starrett acquired 100 percent ownership of Dohrmann Hotel Supply Co., a wholesale hotel supply company, and 100 percent ownership of Starrett Pacific Distributors which operates a wholesale distributorship for various lines of hotel supply equipment.

Section 3(a)(3) of the Act, in pertinent part, defines an investment company as any issuer which is engaged in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. Investment securities includes all securities except (A) Government securities, (B) securities issued by employees' securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Applicant now represents that as of December 31, 1961, it had total assets of $23,495,328, of which $14,415,351 represented ownership of and advances to five wholly owned operating companies, $276,739 represented ownership in investment securities, $8,417,136 represented cash and cash items and $386,102 represented receivables and prepaid expenses. On the foregoing basis approximately 2 percent of the total assets represents investment securities under section 3(a)(3) of the Act.

The cash and cash items will be utilized for the retirement of liabilities, for the acquisition and development of certain real property, in the operation of its presently owned subsidiaries, and pos-

sibly in the acquisition of additional wholly owned or substantially wholly owned subsidiaries.

Applicant represents that it does not propose to acquire investment securities having a value exceeding 40 percent of the value of its total assets (exclusive of government securities and cash items) on an unconsolidated basis, nor acquire any substantial amount of investment securities, nor to engage primarily in the business of investing, reinvesting or trading in securities, nor to engage in the business of issuing face amount certificates of the installment type.

Applicant further states that notwithstanding its registration as an investment company under the Act it has never held itself out to stockholders, the public or in reports filed with the Securities and Exchange Commission as intending to remain registered as an investment company, nor as being primarily engaged in the business of investing, reinvesting, or trading in securities, and has never engaged in the business of issuing face amount securities of the installment type, but, has at all times indicated its intention of eliminating its investment assets and obtaining operating assets as rapidly as possible, and resuming its historical position as an operating company.

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

Notice is further given that any interested person may, not later than March 30, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication 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 applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–2688; Filed, Mar. 20, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 54, Rev. 2, Amdt. 1]

DIRECTOR, OFFICE OF INVESTMENT

Delegation Relating to Investment Program

I. Delegation of Authority No. 54, Revision 2 (27 F.R. 1779) is hereby amended as follows:

1. Delete Item I.A.3. in its entirety and substitute the following Item:

3. To approve loans and their disbursement under sections 302 and 303 of the Small Business Investment Act of 1958, as amended.

2. Renumber Items I.A. 4. through 10. at Items I.A. 5. through 11.

3. Add a new subsection I.A.4. as follows:

4. To approve self-dealing loans except approval shall be restricted to those involving individuals with less than an aggregate amount of 5 percent interest in an SBIC, and an aggregate amount of less than 10 percent of the small business concern.

Effective date: February 28, 1962.

PHIL DAVID FINE,
Deputy Administrator, Investment Division.

[F.R. Doc. 62–2689; Filed, Mar. 20, 1962; 8:47 a.m.]

ELECTRODYNE INDUSTRIES, INC.

Notice of Withdrawal of Request To Operate and Participate in Small Business Defense Production Pool

The request to Electrodyne Industries, Inc., to operate as a small business defense production pool, and to certain companies to participate in the operations of said pool, and the approval of the voluntary program submitted for the operation of said pool, as set forth in 24 F.R. 632 (January 28, 1959), are hereby withdrawn.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, which was also granted, is terminated, except that nothing stated herein shall affect the immunity of said production pool and its participating members for those acts performed or omitted during the period when such request and approval of said pool were in effect.

Dated: March 12, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–2690; Filed, Mar. 20, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 430]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 16, 1962.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 388), filed February 26, 1962. 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: (1) *Trailers, semitrailers, boat trailers, trailer chassis, and semitrailer chassis* (excluding house trailers and mobile homes), in initial truckaway and driveaway service, from Riverside, Calif., to points in the United States (except Hawaii). (2) *Tractors* (other than farm tractors), in secondary driveaway service but only when drawing trailers moving in initial driveaway service, from Riverside, Calif., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

HEARING: April 16, 1962, in the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 7060 (Sub-No. 3), filed January 2, 1962. Applicant: FRANK NEIDERLANDER, doing business as BURGESS TRANSFER, 522 North Westnedge Avenue, Kalamazoo, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* and *packinghouse products*, on a reshipment basis, from Kalamazoo, Mich., to Mason (Ingham County), Mich., and *damaged* and *defective shipments* of the above-specified commodities, on return.

NOTE: Applicant states the proposed operations are to be conducted under continuing contracts with Swift and Company, Agar Packing Company and Marhoefer Packing Company.

HEARING: May 4, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 9895 (Sub-No. 121), filed December 8, 1961. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Al-

vin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid Caustic Soda (sodium hydroxide), and solutions thereof*, in bulk, in tank vehicles, from Kimball, Nebr., to Harrisburg, Nebr., and points within 15 miles thereof.

NOTE: Applicant states, "it is a subsidiary of, and controlled by, Denver Chicago Trucking, Co., Inc."

HEARING: May 18, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 10183 (Sub-No. 3), filed January 29, 1962. Applicant: SALLY BRAZDON, Rosenhayn (Cumberland County), N.J. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal food*, in bags, and (2) *foodstuffs*, canned, preserved, and prepared, from points in Mercer, Burlington, Atlantic, Cumberland, Salem, Gloucester, and Camden Counties, N.J., to Baltimore, Md.

NOTE: Applicant states the proposed operation will be limited to that performed under a continuing contract or contracts with the American Stores Company.

HEARING: April 23, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 283.

No. MC 21623 (Sub-No. 81), filed October 23, 1961. Applicant: W. J. DILLNER TRANSFER COMPANY, a corporation, 601 Melwood Street, Pittsburgh 13, Pa. Applicant's attorney: Ernie Adamson, Box 62, Middleburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Firebrick on pallets and ferro alloys, and steel mill supplies*, between points in Pennsylvania, Ohio, West Virginia, Delaware, New York, and New Jersey, including all Commercial Zones on Pennsylvania State Borders.

HEARING: May 3, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank R. Saltzman.

No. MC 25476 (Sub-No. 1), filed February 26, 1962. Applicant: GERTRUDE V. MALLARD, doing business as MALLARD TRUCKING COMPANY, 295 Van Horne Street, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calendar pads*, from Jersey City, N.J., to New York, N.Y., and points in Nassau, Rockland, and Westchester Counties, N.Y.

HEARING: May 9, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 25476 (Sub-No. 2), filed February 26, 1962. Applicant: GERTRUDE V. MALLARD, doing business as MALLARD TRUCKING COMPANY, 295 Van Horne Street, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed telephone records, telephone directories, magazines*, and *paper, materials, equipment*, and *supplies used by and incident to printing establishments*, between Yeadon, Pa., on the one hand, and, on the other, New York, N.Y., points in Nassau, Rockland and Westchester Counties, N.Y., and points in New Jersey.

HEARING: May 4, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Harold P. Boss.

No. MC 29079 (Sub-No. 11), filed March 13, 1962. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1200 Home Avenue, P.O. Box 935, Kokomo, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC–45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: March 23, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 30451 (Sub-No. 20), filed February 9, 1962. Applicant: THE LUPER TRANSPORTATION COMPANY, a corporation, 350 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections (a), (b), and (c) of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Wichita, Kans., to points in New Mexico and Arizona and (2) from Arkansas City, Kans., to points in Arizona, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states it holds authority to transport the same commodities from Wichita, Kans., to a portion of New Mexico under MC 30451 (Sub-No. 14). No duplicating authority is sought herein.

HEARING: May 14, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner William J. Cave.

No. MC 31600 (Sub-No. 524), filed February 27, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper-type vehicles, from Boston, Mass., to points in Massachusetts, Rhode Island, New Hampshire, points in Tolland, Windham, and New London Counties, Conn., and points in York, Oxford, Cumberland, and Androscoggin Counties, Maine.

HEARING: April 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 36746 (Sub-No. 10), filed February 27, 1962. Applicant: THE AMERICAN TRANSFER COMPANY, a corporation, 1112 Race Street, Baltimore, Md. Applicant's attorney: William J. Torrington, 1003 Maryland Building, Baltimore 2, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pineapples, at the same time and in the same vehicles with bananas*, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities in (1) above, between points in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia.

HEARING: April 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 42614 (Sub-No. 31), filed January 5, 1962. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a Wisconsin corporation, 400 West Madison Street, Chicago 6, Ill. Applicant's attorney: Charles H. Dickman, 400 West Madison Street, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, petroleum products in bulk, and Classes A and B explosives). (1) Between New Sharon, Iowa, and Newton, Iowa: From New Sharon over unnumbered highway northwesterly to Taintor, Iowa, thence northerly over unnumbered highway to Lynville, Iowa, thence westerly over Iowa Highway 225 to Sully, Iowa, thence northerly over unnumbered highway via Killduff, Iowa, to U.S. Highway 6, thence westerly over U.S. Highway 6 to Newton, Iowa, and return, serving the intermediate points of Taintor, Lynville, Sully, and Killduff, Iowa. (2) Between New Sharon and Newton, Iowa: From New Sharon over Iowa Highway 146 northerly to Iowa Highway 225, thence westerly over Iowa Highway 225 via Lynville, Iowa, to Sully, Iowa, thence northerly over unnumbered highway via Killduff, Iowa to U.S. Highway 6, thence westerly over U.S. Highway 6 to Newton, Iowa, and return, serving the intermediate points of Lynville, Sully, and Killduff, Iowa. (3) Between Newton and Marshalltown, Iowa: From Newton via Iowa Highway 14 northeasterly to Marshalltown, Iowa, and return, serving no intermediate points. (4) Between New Sharon and Marshalltown, Iowa: From New Sharon over Iowa Highway 146 to U.S. Highway 30, thence westerly over U.S. Highway 30 to Marshalltown, Iowa, and return, serving no intermediate points. RESTRICTION: Applicant states the authority sought is limited to shipments having

prior or subsequent rail movement via lines of the Chicago and North Western Railway Company.

HEARING: May 9, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 51012 (Sub-No. 17), filed February 23, 1962. Applicant: JIMMIE THOMAS BRYANT, doing business as J. T. BRYANT, 822 East Washington Street, P.O. Box 745, Suffolk, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible nuts, candy, peanut butter sandwiches, peanut products, cream-filled sandwiches, and such advertising materials, store equipment and fixtures as are used in the sale and distribution of such products*, from Suffolk, Va., to Charleston and Huntington, W. Va.

HEARING: April 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 56388 (Sub-No. 20), filed January 31, 1962. Applicant: JAMES R. HAHN, New Market, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground burnt lime*, in bulk, in dump type vehicles, from Martinsburg, W. Va., to Frederick, Md.

HEARING: April 26, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 113.

No. MC 59272 (Sub-No. 30), filed February 9, 1962. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, Pa. Applicant's attorney: William J. Wilcox, Sixth Floor, Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinker*, from Martinsburg (Berkeley County), W. Va., to the borough of Northampton (Northampton County), Pa.

HEARING: April 26, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 206.

No. MC 59396 (Sub-No. 10), filed February 14, 1962. Applicant: BUILDERS EXPRESS, INC., Central Avenue, Fenderne, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soaps and detergents, and ingredients used in the manufacture thereof*, in bulk, between Marcus Hook, Pa., Havre de Grace, Md., and Paterson, N.J.

HEARING: May 3, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 61403 (Sub-No. 77), filed February 23, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorneys: S. S. Eisen and W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank and hopper type vehicles, from the plant site of the Archer-Daniels Midland Co., located at or near Mapleton, Ill., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Virginia.

NOTE: Applicant states it is under control of the Mason & Dixon Lines, Inc.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 64932 (Sub-No. 309), filed February 26, 1962. Applicant: ROGERS CARTAGE CO., a corporation, 1934 S. Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, from the plant site of the Archer-Daniels-Midland Company, located at or near Mapleton, Ill., to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 76065 (Sub-No. 11), filed March 5, 1962. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 248 West 35th Street, New York 1, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments*, on hangers, and *materials* and *supplies used in the manufacture of garments*, between points in Atlantic and Cumberland Counties, N.J., on the one hand, and, on the other, Baltimore, Md.

HEARING: April 27, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 283.

No. MC 88621 (Sub-No. 13), filed February 7, 1962. Applicant: H. G. STAUFFER TRUCKING COMPANY, INC., Route No. 2, P.O. Box 283, Wooster, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, and *equipment, materials and supplies used in the manufacture, design, transportation and sale of paper and paper products*, between points in Sewickley Township, Pa., on the one hand, and, on the other, points in New York, Ohio, West Virginia, Pennsylvania, New Jersey, Kentucky, Maryland, Virginia, Indiana, and the District of Columbia.

NOTE: Applicant indicates that the service as proposed would be under a continuing contract with International Paper Company, 220 East 42nd Street, New York 17, N.Y.

HEARING: April 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 89497 (Sub-No. 5), filed October 27, 1961. Applicant: DOWD AND STOLZ TRANSFER CO., INC., 716 Norfolk Avenue, Norfolk, Nebr. Applicant's representative: C. A. Ross, 1004–1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt compounds*, in bulk, and in bags, packages and other containers, in straight or mixed truckloads; (1) from Omaha, Nebr., and points within 10 miles thereof, to points in Iowa and South Dakota; and (2) from Council Bluffs, Iowa, and points within 10 miles thereof, to points in Nebraska and South Dakota; and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return, in connection with (1) and (2) above.

NOTE: Applicant indicates it will also transport exempt commodities on return trips.

HEARING: May 16, 1962, at the Nebraska State Railway Commission Capitol Building, Lincoln, Nebr., before Joint Board No. 185.

No. MC 93980 (Sub-No. 35), filed February 28, 1962. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, P.O. Box 336, Raleigh Road, Henderson, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building board, wallboard, insulating board, fiberboard*, and *pulpboard*, on flatbed trailers, from Sunbury, Pa., to points in North Carolina and South Carolina; and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from points in North Carolina and South Carolina to Sunbury, Pa.

HEARING: April 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 94265 (Sub-No. 81), filed February 19, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible nuts, candy, peanut butter sandwiches, peanut products, cream-filled sandwiches, and such advertising materials, store equipment and fixtures, as are used in the sale and distribution of such products*, from Suffolk, Va., to Charleston and Huntington, W. Va.

HEARING: April 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 96324 (Sub-No. 6), filed September 1, 1961. Applicant: GENERAL DELIVERY, INC., 36 East Grafton Road, Fairmont, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from New York City, N.Y., to Clarksburg, W. Va.; (2) *glassware*, from Clarksburg, W. Va., to points in New York and New Jersey; (3) *fiberboard boxes and milk cartons*, from Fulton, N.Y., to Elkins, W. Va.; (4) *fiberboard boxes, partitions and sheets*, (a) from Bradford, Pa., and Cleveland, Ohio, to Star City, Morgantown, Fairmont, and Parkersburg, W. Va., (b) from Bristol, Pa., to points in West Virginia and (c) from Cleveland, Ohio, New York, N.Y., Boundbrook, N.J., Philadelphia, Pa., and East Landsdown, Pa., to Fairmont, W. Va.; (5) *molds and machine parts used in the manufacture of glassware*, (a) from Bridgeton, N.J., to Fairmont and Charleston, W. Va., and (b) between Fairmont and Star City, W. Va., on the one hand, and, on the other, points in Illinois and Indiana; (6) *pulpboard or fiberboard*, in rolls, from Jaite, Ohio, Hopewell, Va., and Baltimore, Md., to Fairmont, W. Va., and (7) *glass containers, fiberboard boxes, wooden bottle carriers, and closures for glass containers*, (a) from Star City, W. Va., to points in Pennsylvania, Ohio, Kentucky, Maryland, Virginia, New Jersey, New York, Illinois, and Indiana, and (b) from Fairmont, W. Va., to points in Illinois and Indiana.

NOTE: Applicant states *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, will be transported on return.

HEARING: May 16, 1962, at Room 103, U.S. Court House, Charleston, W. Va., before Examiner Frank R. Saltzman.

No. MC 103647 (Sub-No. 1) (AMENDMENT), filed December 4, 1961, published in FEDERAL REGISTER issue of February 14, 1962, republished this issue, as amended March 9, 1962. Applicant: OWL TRANSFER & STORAGE CO., INC., 3623 Sixth Avenue, South, Seattle, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Theatrical equipment*, including *scenery, wardrobes, properties*, and *electrical supplies used for theatrical productions*, from points in the State of Washington to points in California, Nevada, Utah, Montana, Arizona, Wyoming, Colorado, New Mexico, Oregon, Idaho, and Washington.

NOTE: The purpose of this republication is to change the proposed operation from "between" to "from and to," to indicate the State of Washington as the origin State, and add Idaho, Oregon and Washington as destination states.

HEARING: Remains as assigned April 10, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 103880 (Sub-No. 247), filed February 5, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the site of the Northern Natural Gas Products Company terminal of the Great Lakes Pipeline located at or near Coralville (Iowa City, Johnson County) Iowa, to points in that part of Illinois on and west of U.S. Highway 51, and on and north of U.S. Highway 24, and (2) from the site of the Northern Natural Gas Products Company terminal of the Great Lakes Pipeline located at or near Amboy (Lee County), Ill., to points in Wisconsin.

HEARING: May 8, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 111.

No. MC 107107 (Sub-No. 199), filed February 21, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Aplicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients, food materials, advertising, promotional and display materials*, and *premiums*, from points in Massachusetts to points in Florida.

HEARING: May 9, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Samuel Horwich.

No. MC 107403 (Sub-No. 369), filed December 1, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils*, from Delphos, Ohio, to Toledo, Ohio, for water movement beyond and (2) from Delphos, Ohio, to Louisville, Ky.

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

HEARING: May 9, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 107403 (Sub-No. 390), filed February 20, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, from points in Kent County, Md., to points in Delaware and points in Berks and Lancaster Counties, Pa. (2) *Crushed stone*, from points in Cecil County, Md., to points in Delaware.

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

HEARING: April 25, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 199.

No. MC 107403 (Sub-No. 391), filed February 23, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, from the site of the Archer-Daniels Midland Company plant located at or near Mapleton, Ill., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant states it is authorized to control Reader Brothers, Inc., in Docket No. MC–F 6886 and Edwin E. Clarke, doing business as Clarke Bulk Transfer in Docket MC–F 7909.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 107496 (Sub-No. 226), filed February 5, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from the pipeline terminal site of the Texas Eastern Transmission Corporation located at or near Oakland City, Ind., to points in Illinois and Kentucky.

NOTE: Applicant has contract carrier authority under MC 119136 and Subs thereunder, therefore, dual operations may be involved. It is further noted that common control may be involved.

HEARING: May 7, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 1.

No. MC 107496 (Sub-No. 234), filed February 21, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, from the plant site of the Archer-Daniels Midland Company located at or near Mapleton, Ill., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Utah, Wisconsin, and Wyoming.

NOTE: Applicant states it is wholly owned by John Ruan, applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois Corporation; also, applicant holds contract authority in MC 119136 and subs thereunder, therefore, dual operations may be involved.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 107515 (Sub-No. 382), filed February 6, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, 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: *Meats, meat products and packinghouse products* as described by the Commission in Ex Parte MC 43, from Booneville, Miss., to points in Alabama, Florida, Georgia (except Atlanta, Macon, Griffin, Albany, Columbus, and Montezuma, Ga.), Connecticut, Delaware, District of Columbia,

Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, West Virginia, Virginia, and Rhode Island.

NOTE: Applicant states J. L. Lawhon, President of Refrigerated Transport Co., Inc., and owner of ½ of its common stock holds permits as a contract carrier (MC 104589 and subs thereunder).

HEARING: April 27, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner William J. Cave.

No. MC 107871 (Sub-No. 10), filed January 25, 1962. Applicant: BONDED FREIGHTWAYS, INC., P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Weiler Building, 407 South Warren Street, Syracuse, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Calcium chloride,* in bulk, from Syracuse, N.Y., to points in Ohio.

HEARING: April 27, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 107871 (Sub-No. 11), filed February 2, 1962. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Molasses,* in bulk, (a) from Albany, N.Y., to points in Vermont, Massachusetts, Connecticut, and New Hampshire, and (b) from Buffalo, N.Y., to points in Pennsylvania and Ohio; and (2) *contaminated, refused and rejected shipments of the above commodity,* on return.

HEARING: April 27, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 108409 (Sub-No. 12), filed February 8, 1962. Applicant: J. V. GRIM, E. GLENN GRIM, and RICHARD R. GRIM, doing business as, GRIM BROS. TRUCKING COMPANY, 997 Loucks Mill Road, York, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pulpwood and wood chips, bark and shavings,* and *empty containers or other such incidental facilities* used in transporting the above described commodities, between points in Maryland, Pennsylvania, and Virginia.

HEARING: April 25, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 250.

No. MC 108428 (Sub-No. 8) filed February 15, 1962. Applicant: DINO D'AGATA, Northeast corner 25th and Dickinson Streets, Philadelphia 45, Pa. Applicant's representative: G. Donald Bullock, P.O. Box 146, Wyncote, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from points in the Baltimore, Md., Commercial Zone, as defined by the Commission, to Philadelphia, Pa., and points in Pennsylvania within 25 miles of Philadelphia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: April 30, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Harold P. Boss.

No. MC 109637 (Sub-No. 194), filed December 8, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally, 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Specially denatured rum,* in bulk, in tank vehicles, from Covington, Ky., to St. Louis, Mo.

NOTE: Applicant states that it is "under common control with Alabama Tank Lines, Inc., Louisville, Ky. (MC–116387). J. F. Beaird, Stockholder and Director of Applicant is also President, Stockholder, and Director of Alabama Tank Lines, Inc. J. A. Gammon, Stockholder, President, and Director of Applicant is also Executive Vice-President and Director of Alabama Tank Lines, Inc." (MC–F–6282)

HEARING: May 8, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 109637 (Sub-No. 202), filed March 8, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Grain neutral spirits,* in bulk, in tank vehicles, from Lawrenceburg, Ind., to Chicago, Ill., and Detroit, Mich.

HEARING: April 11, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 110525 (Sub-No. 490), filed February 7, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jackiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil products, and blends thereof, and chemicals,* in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan and Wisconsin.

NOTE: Applicant has contract carrier authority under MC 117507 and Subs thereunder, therefore, dual operations may be involved.

HEARING: April 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 110698 (Sub-No. 206), filed February 21, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. 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: *General commodities,* in bulk, from the plant site of the Archer-Daniels Midland Company, located at or near Mapleton, Ill., to points in Alabama, Arizona, California, Delaware, Florida, Georgia, Maryland, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, West Virginia, and the District of Columbia.

NOTE: Applicant states that its capital stock is owned by the Ryder System, Inc., which also controls Ryder Truck Line and other motor carriers.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 111812 (Sub-No. 147), filed January 2, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy products, and articles distributed by meatpacking houses,* as described in Appendix I of the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Esterville, Iowa, to Peoria and Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission.

NOTE: Applicant states "Mrs. Jane A. Lewis, wife of applicant's president, holds a 50 percent interest in Express, Inc."

HEARING: May 10, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 53.

No. MC 111862 (Sub-No. 3), filed October 13, 1961. Applicant: HENNES TRUCKING CO., a corporation, P.O. Box 562, Zanesville, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cement* (portland and mortar) in bulk, in packages and in bags, (a) from the plant site of Dundee Cement Company in Monroe County, Mich., to points in Michigan, Ohio, and Indiana, and (b) from the plant site of Dundee Cement Company in Butler County, Ohio, to points in Indiana, Kentucky, and Ohio.

HEARING: May 10, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 112020 (Sub-No. 153), filed February 23, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bulk commodities,* from the plant site of the Archer-Daniels-Midland Company located at or near Mapleton, Ill., to points in Arizona, Arkansas, California, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, and Utah.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 113950 (Sub-No. 6), filed February 15, 1962. Applicant: FIRST NATIONAL HAULING CO., INC., 215 North

Ninth Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, television sets, radios, phonographs, household kitchen equipment* and *new furniture*, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, New York, and New Jersey within 75 miles of New York, N.Y., including New York, N.Y.

HEARING: May 8, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 114045 (Sub-No. 81), filed March 8, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Louisiana and Mississippi to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnestota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virgina, Wisconsin, and the District of Columbia.

HEARING: March 21, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 114239 (Sub-No. 5), filed December 12, 1961. Applicant: GENNIE FARRIS, doing business as FARRIS TRUCK LINE, Faucett, Mo. Applicant's attorney: Carl V. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides and ingredients thereof*, and *chemicals*, dry and liquid, in bulk, bags and drums (other than tank vehicles), between St. Joseph, Mo., and Denver, Colo., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Mississippi, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: May 8, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 114608 (Sub-No. 10), filed January 29, 1962. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dehumidifiers*, from Columbus, Ohio, to Grand Rapids, Mich.

NOTE: Applicant states the proposed operation will be under a continuing contract, and contracts, with Kelvinator Division of American Motors Corporation.

HEARING: May 2, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 114608 (Sub-No. 11), filed January 29, 1962. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters*, from Grand Rapids, Mich., to points in Illinois, Indiana, and Ohio, when moving in mixed loads with other appliances applicant is authorized to transport.

NOTE: Applicant states the proposed operation will be performed under a continuing contract, or contracts, with Kelvinator Division of American Motors Corporation.

HEARING: April 23, 1962, at the Federal Building, Lansing, Mich., before Examiner Frank J. Mahoney.

No. MC 114608 (Sub-No. 12), filed January 29, 1962. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters*, from Chicago, Ill., to Grand Rapids, Mich.

NOTE: Applicant states the proposed operation will be performed under a continuing contract, or contracts, with Kelvinator Division of American Motors Corporation.

HEARING: May 2, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 73.

No. MC 114939 (Sub-No. 21), filed December 18, 1961. Applicant: BULK CARRIERS LIMITED, Box 10 Dixie P.O., Ontario, Canada. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry bulk commodities*, in dump, hopper or tank type equipment, restricted to traffic destined to points in Canada, from points in Michigan to ports of entry on the International Boundary line between the United States and Canada located at or near Port Huron or Detroit, Mich., and (2) *petroleum and petroleum products* as described by the Commission in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, restricted to traffic destined to points in Canada, from Tonawanda, N.Y., to ports of entry on the International Boundary line between the United States and Canada in New York on or near the Niagara and St. Lawrence Rivers.

RESTRICTION: The grant of the above-described authority from Tonawanda, N.Y., shall create no duplicating operating rights and applicant is willing to surrender existing authority from Tonawanda, N.Y., covering the transportation of petroleum solvents having a flash point of 80 degrees Fahrenheit or lower, and gasoline, in bulk, in tank vehicles.

HEARING: May 3, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 347.

No. MC 115601 (Sub-No. 15), filed February 27, 1962. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., 1401 Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Interoffice records and memoranda, and accounting and billing records and documents of public utilities and other commercial and industrial entities and businesses*, (1) between points in Delaware, on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., and points in New Jersey, and (2) between points in Maryland, and Philadelphia, Pa., and New York, N.Y., on the one hand, and, on the other, points in New Jersey.

HEARING: April 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 115841 (Sub-No. 100) (AMENDMENT), filed February 7, 1962, published in FEDERAL REGISTER, issue of February 28, 1962, republished this issue as amended March 9, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* from points in Louisiana to Springdale, Ark.

NOTE: The purpose of this republication is to substitute "from points in Louisiana" for "from New Orleans, La."

HEARING: Remains as assigned, April 18, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 218, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 115841 (Sub-No. 104), filed March 8, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Easton, Maine, to points in Alabama, Louisiana, Arkansas, Tennessee, Mississippi, Texas, and Georgia.

HEARING: April 18, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

No. MC 115915 (Sub-No. 7), filed October 23, 1961. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, I B M Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as described in Appendix I to *Descriptions in Motor*

Carrier Certificates, 61 M.C.C. 209, from Omaha, Nebr., to points in that part of Minnesota bounded by a line beginning at the Minnesota-North Dakota State line near Moorhead, Minn., at U.S. Highway 10, and extending along U.S. Highway 10 to junction U.S. Highway 210, thence along U.S. Highway 210 to junction U.S. Highway 371, thence south along U.S. Highway 371 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-Wisconsin State line, and thence along the Minnesota-Wisconsin, Minnesota-Iowa, Minnesota-South Dakota, and Minnesota-North Dakota State lines to point of beginning, including all points in Minnesota on said Highway boundaries.

NOTE: Applicant states that all service is to be limited to a transportation service to be performed under a continuing contract with Armour & Company, Omaha, Nebr. Applicant further states that he is a partner of Dahl Truck Lines, Sioux City, Iowa, which company holds contract carrier authority from the Commission under MC 109749 and Subs thereunder; therefore common control may be involved.

HEARING: May 18, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 182.

No. MC 115915 (Sub-No. 10), filed December 12, 1961. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINE, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Sioux Falls, S. Dak., to points in Nebraska and Wyoming; and (2) *Empty containers or other such incidental facilities (not specified) and rejected shipments of the above-specified commodities*, from points in Nebraska and Wyoming to Sioux Falls, S. Dak.

NOTE: Applicant states that all operations are to be performed under a continuing contract with John Morrell & Co., Sioux Falls, S. Dak. Applicant further states that he is a partner of Dahl Truck Lines, Sioux City, Iowa, a motor contract carrier operating under MC 109749 and Subs thereunder. By order entered September 5, 1961 in MC-F-7911, the Commission found applicant and Dahl to be under Common Control but that such control was under the exemption under section 5(10) of the Act.

HEARING: May 17, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 233.

No. MC 116038 (Sub-No. 17), filed February 28, 1962. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 1624 I Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Troy, N.Y., to points in New Jersey and Pennsylvania.

NOTE: Applicant holds contract carrier authority under MC 117561 and subs thereunder, therefore dual operations may be involved.

HEARING: April 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 116725 (Sub-No. 6), filed February 12, 1962. Applicant: JOHN S. KELLER, Keller's Creamery Road, R.D. No. 2, Telford, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products* from Edgely, Pa., to Minneapolis and St. Paul, Minn.

HEARING: April 26, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Harold P. Boss.

No. MC 117119 (Sub-No. 34), filed November 6, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Wichita, and Topeka, Kans., and St. Joseph and Kansas City, Mo., to points in Wisconsin and Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting frozen foods, on return.

HEARING: May 3, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 117547 (Sub-No. 10), filed February 1, 1962. Applicant: BELL TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx 52, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles*, owned by persons traveling under military orders, between the United States and points beyond, which are moving under commercial bills of lading, in drive-away service, between McGuire Air Force Base, Fort Dix, and Wrightstown, N.J., on the one hand, and on the other, commercial piers in the New York, N.Y., commercial zone, as defined by the Commission, Caven Point Army Terminal, Jersey City, N.J., and Bayonne Naval Base, Bayonne, N.J.

NOTE: Applicant indicates the movements will be limited to shipments having prior or subsequent movement to or from points beyond the United States. Applicant further states that the stockholders of Salem Transportation Co. and Central Stages, Inc. (both passenger carriers only), are the same as the stockholders of applicant, Jack Mirow and George H. Rosen.

HEARING: April 25, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 117820 (Sub-No. 1), filed January 29, 1962. Applicant: MICHIGAN FISH TRANSPORT, INC., 1246 Water Street, Port Huron, Mich. Applicant's attorney: Larry A. Esckilsen, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Maumee, Ohio, to Detroit, Pontiac, Flint, Saginaw, and Bay City, Mich., and points in Michigan east of U.S. Highway 10 and south of Michigan Highways 20 and 25.

NOTE: Applicant states it proposes to transport *exempt fish*, on return.

HEARING: April 30, 1962, at 1:00 p.m., at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 118034 (Sub-No. 4), filed February 7, 1962. Applicant: MILLER TRUCK LINE, INC., 901 Northeast 28th Street, Fort Worth, Tex. Applicant's attorney: T. S. Christopher, 807 Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as described in sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Jetero, Harris County, Tex., to points in Louisiana, and Clarksdale, Greenville, Gulfport, Hattiesburg, Jackson, Meridian, Natchez, Vicksburg, and Camp Shelby (near Hattiesburg), Miss., and *rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant states the transportation proposed herein will be to or from the plant of Armour & Co. at Jetero, Tex. Applicant further states that its president J. Tom Miller, owns 25 percent of the capital stock of Refrigerated Transport of Texas, Inc.

HEARING: April 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 118196 (Sub-No. 2), filed November 19, 1961. Applicant: RAYE & COMPANY TRANSPORTS, INC., Box 163, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the *Commission in Descriptions in Motor Carrier Certificates*, Appendix I, 61 M.C.C. 209, in mechanically refrigerated equipment, *in mixed shipments and lots in the same vehicles with exempt commodities*, from points in Missouri, Kansas, Oklahoma, and Arkansas to points in Washington, Oregon, Idaho, Montana, Nevada, Utah, and Wyoming, and *exempt commodities* on return.

HEARING: May 4 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 118876 (Sub-No. 9), filed February 6, 1962. Applicant: GRAVES TRANSFER CO., a corporation, Gravel Hill, R.D., Georgetown, Del. Applicant's attorney: H. James Conaway, Jr., Wilmington, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scrap*, in bulk, in special blower-type equipment, from Bristol and

Philadelphia, Pa., and Baltimore, Md., to the plants of Ralston Purina Company in Wilmington, and Delmar, Del.

HEARING: April 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 118876 (Sub-No. 10), February 6, 1962. Applicant: GRAVES TRANSFER CO., a corporation, Gravel Hill, R.D., Georgetown, Del. Applicant's attorney: H. James Conaway, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil, fish solubles*, in drums and in bulk, in tank vehicles, and *fish scrap and fish meal*, in bulk, and in bag, and *meat scrap and other feed ingredients*, in bulk, and in bag, for use and consumption only in animal and poultry feeds and in fertilizer, from Lewes, Del., to points in Cecil, Kent, Wicomico, Dorchester, Queen Annes, Talbot, Caroline, Worcester, and Somerset Counties, Md., and to points in Accomack and Northampton Counties, Va., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: April 24, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 278.

No. MC 119211 (Sub-No. 3), filed December 19, 1961. Applicant: RUFUX MAU, P.O. Box 223, Early, Iowa. Applicant's attorney: William B. Jensen, 222 Davidson Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All types of animal and poultry feeds, ingredients and materials, in bags and in bulk, manufactured, processed or handled by Consumers Cooperative Association of Ida Grove, Iowa, for use in feeding livestock and poultry (except liquid commodities, or any named commodity, in bulk, in tank vehicles)*, between Ida Grove, Iowa, on the one hand, and, on the other, points in South Dakota, beginning at the intersection of U.S. Highway 183 and the South Dakota and Nebraska State lines, thence north on and along U.S. Highway 183 in South Dakota to the intersection of U.S. Highway 183 and 18, thence west on and along U.S. Highway 183 and 18 to the intersection of U.S. Highway 183 and 18 at Jordan, S. Dak., thence north on and along U.S. Highway 183 to the intersection of U.S. Highway 183 and 16 near Presho, S. Dak., thence west on and along U.S. Highway 16 and 83 to the intersection of U.S. Highway 16 and 83 immediately west of Vivian, S. Dak., thence north on and along U.S. Highway 83 to the intersection of U.S. Highway 83 and 14 approximately 2 miles north of Fort Pierce, S. Dak., then northeasterly on and along U.S. Highway 83 and 14 to the intersection of U.S. Highway 83 and 14 approximately four (4) miles west of Blunt, S. Dak., thence north on and along U.S. Highway 83 to the intersection of U.S. Highway 83 and 212 approximately six (6) miles west of Gettysburg, S. Dak., thence east on and along U.S. Highway 212 to the intersection of U.S. Highway 212 and the South Dakota and Minnesota State lines, thence south along the South Dakota and Minnesota State lines to the intersection of the South Dakota, Minnesota, and Iowa State lines, thence south along the South Dakota and Iowa State lines to the intersection of the South Dakota, Iowa, and Nebraska State lines, thence west along the South Dakota and Nebraska State lines to the place of beginning.

HEARING: May 14, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 148.

No. MC 119399 (Sub-No. 13), filed November 30, 1961. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* and *feed ingredients* and *supplements*, between Joplin, Mo., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: May 9, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 119655 (Sub-No. 3), filed February 14, 1962. Applicant: MORRIS H. APPLEBAUM, 2101 South Throop Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority south to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Room conditioners, air conditioners, humidifiers, fans, lamps, lanterns, circuit breakers, switches, lighting fixtures, bulbs*, and *parts of and for the foregoing commodities*, from points in New Jersey to points in Illinois and Indiana.

HEARING: May 7, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 119873 (Sub-No. 2), filed January 8, 1962. Applicant: FRANCIA AND FRANCIA, INC., 57 East Donner Avenue, Monessen, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals* (other than when moving in containers), from points in Michigan, to Monongahela, Pa.

NOTE: Applicant states the proposed service as shown above will be under a continuing contract with Monongahela Iron and Metal Co.

HEARING: April 20, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 244, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 123190 (Sub-No. 42), filed October 23, 1961. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils;* from Delphos, Ohio, to Toledo, Ohio, and Louisville, Ky.

NOTE: Applicant has pending contract carrier applications in MC 101126 (Sub-Nos. 112, 116, 117, and 121); dual operations may be involved.

HEARING: May 9, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 123375 (Sub-No. 5), filed December 26, 1961. Applicant: KIRK TRUCKING SERVICE, INC., 918 Sawmill Run Boulevard, Pittsburgh 20, Pa. Applicant's attorney: Paul F. Berry, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such of the commodities which are contained in applicant's lead Certificate No. MC 123375 which are *boilers, boiler parts, economizers, water walls, headers, stokers, powerhouse installation materials, steel and steel products, machinery, contractor's tools, equipment and supplies, office equipment, architect's supplies, nonferrous castings, bronze and bronze products, metal in bulk, lumber and lumber patterns, mill equipment* and *building and construction materials, supplies and equipment*, which applicant states may be transported under the description in its Certificate No. MC 123375 (Sub-No. 1) first paragraph, which reads as follows: "Such commodities, as contractor's equipment, heavy and bulky articles, machinery and machine parts, and articles, requiring specialized handling and rigging, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey, Delaware, and Maryland."; to tack for the above-described commodities at Harrisburg, Pa. in lieu of Philadelphia, Pa.

NOTE: Applicant states it may now tack for the above-described commodities at Philadelphia, Pa. In its operations east and west it operates its vehicles through Harrisburg enroute to Philadelphia where tacking is now permitted between the lead Certificate No. MC 123375 and Certificate No. MC 123375 (Sub-No. 1) operating authorities. Applicant desires to tack at Harrisburg so that operations may be conducted over U.S. Highway 22, now a limited access super highway, and obviate the necessity of operating through Philadelphia in order to insure a more safe operation.

HEARING: April 30, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank R. Saltzman.

No. MC 123408 (Sub-No. 6), filed February 5, 1962. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in refrigerated equipment, between Jersey City, N.J., on the one hand, and on the other, Florida and Vails Gate, N.Y., New Haven, Bristol, Wilson, East Hartford, and Hartford, Conn., Bristol and Fairless Hills, Pa., and Bellefonte and Wilmington, Del.; and (2) *equipment, materials* and *supplies*, used in connection with the above commodities, between Jersey City, N.J., on the one hand, and on the other, the same points as indicated above.

NOTE: Applicant states that the authority sought is to cover transportation for the account of Wakefern Food Corporation.

HEARING: May 1, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 123408 (Sub-No. 7), filed February 23, 1962. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *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, between Elizabeth, Jersey City, Newark, Linden, and Plainfield, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, Rockland, Putnam and Sullivan Counties, N.Y.; Bucks, Northampton, Lehigh, Berks, Chester, Montgomery, Philadelphia, and Delaware Counties, Pa., and New Castle County, Del.

HEARING: May 11, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 123467 (Sub-No. 2), filed December 8, 1961. Applicant: H. L. MANESS, doing business as H. L. MANESS TRUCK LINE, 233 Wisconsin, Neodesha, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in Memphis, Tenn., Commercial Zone, points in Arkansas lying on and north of a line beginning at West Memphis, Ark., thence southwest along U.S. Highway 70 to Little Rock, Ark., thence west along U.S. Highway 65 to Conway, Ark., thence northwest along U.S. Highway 64 to the Arkansas and Oklahoma State line, points in Missouri lying on and south of U.S. Highway 60 on the one hand, and, on the other, points in Kansas lying on and east of U.S. Highway 81.

HEARING: May 7, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 123604 (Sub-No. 3), filed November 24, 1961. Applicant: ALFRED R. DUSABLON, doing business as DUSABLON TRUCKING SERVICE, R.F.D. No. 2, Centerville, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Haydite*, in bulk (not in tank type equipment), from points within five (5) miles of Centerville, Iowa, including Centerville, to points in Missouri south of the Iowa-Missouri State line and on and east of U.S. Highway 65 near Mercer, Mo., and extending along said U.S. Highway 65 to junction U.S. Highway 50, thence on and north of U.S. Highway 50 to junction U.S. Highway 54, thence on and north of U.S. Highway 54 to the Missouri-Illinois State line, and points in Illinois east of the Missouri-Illinois State line and north of U.S. Highway 54 in Illinois to junction U.S. Highway 67, and thence points on and west of U.S. Highway 67 to the Iowa-Illinois State line near Rock Island, Ill., and Davenport, Iowa, including points on the indicated portions of the highways specified; and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting Haydite from the above-specified destination points to points within five (5) miles of Centerville, Iowa, including Centerville.

HEARING: May 11, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 46.

No. MC 123904 (Sub-No. 1), filed February 16, 1962. Applicant: FRED GAES, JR., doing business as GAES TRUCK LINE, 419 Russell Street, Storm Lake, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Raw hides*, from Storm Lake, Iowa, to Omaha, Nebr., and (2) *raw tankage*, from Omaha, Nebr., to Storm Lake, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: May 14, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138.

No. MC 123976, filed October 9, 1961. Applicant: DANIEL E. BUOP, doing business as DAN BUOP SERVICE, 10100 Springfield Pike, Woodlawn, Ohio. Applicant's attorney: William T. Sheffield, 808 Second National Building, Ninth and Main Streets, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, damaged, and disabled motor vehicles* (except new trailers designed to be drawn by passenger vehicles), by use of wrecker only, from points in Indiana, Kentucky, and Tennessee, to Cincinnati, Ohio; and (2) *replacement vehicles for wrecked, damaged, and disabled motor vehicles*, in secondary movements, by the truckaway method with wrecker equipment, from Cincinnati, Ohio, to points in Indiana, Kentucky, and Tennessee.

HEARING: May 11, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 124053 (Sub-No. 1), filed December 11, 1961. Applicant: SCOVERA CARTAGE COMPANY, a corporation, 12300 Visger Road, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar* and *tar products*, in tank vehicles, between points in Michigan, on the one hand, and, on the other, points in Ohio.

HEARING: May 1, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 124104, filed December 18, 1961. Applicant: GEORGE E. BEDILLION AND PAUL K. BEDILLION doing business as, BEDILLION AUTO WRECKING 36 Race Avenue, Washington, Pa. Applicant's attorney: Stephen I. Richman, Washington Trust Building, Washington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and abandoned motor vehicles* by towing, and in the transportation of *operable motor vehicles* to the location of such wrecked, disabled, and abandoned motor vehicle for the purpose of effecting substitution and replacement of such wrecked, disabled, and abandoned motor vehicle to be towed, between points in Pennsylvania, Indiana, Ohio, West Virginia, Maryland, Virginia, Delaware, New Jersey, New York, and the District of Columbia.

HEARING: May 1, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank R. Saltzman.

No. MC 124129, filed January 4, 1962. Applicant: S. M. S. TRUCKING CO., a corporation, P.O. Box 572, Valley, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk and in bags, from Omaha, Nebr., to points in South Dakota, Iowa, and Nebraska, and *rejected shipments* of the above-specified commodity, on return.

HEARING: May 16, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 185.

No. MC 124129 (Sub-No. 1), filed January 4, 1962. Applicant: S. M. S. TRUCKING CO., a corporation, P.O. Box 572, Valley, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk and in sacks, from Fort Dodge, Des Moines, and Sioux City, Iowa, to points in Nebraska, and *rejected shipments* of the above-specified commodity, on return.

HEARING: May 17, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 185.

No. MC 124168, filed January 24, 1962. Applicant: CARL PUGH, Route 6, Box 446, Morgantown, W. Va. Applicant's representative: D. L. Bennett, 309 Methodist Building, Wheeling, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1. Coal, from the sites of Strip Mine Operations at or near Fairchance and Smithfield, Pa., to Buckeystown, Union Bridge, Hagerstown, and Williamsport, Md., Martinsburg, W. Va., and Harrisburg, Pa. 2. *Stone and sand*, from the sites of Strip Mine Operations at or near Fairchance and Smithfield, Pa., to Fairmont, W. Va. 3. *Mine dust and stone*, from Pinesburg, Md., to the sites of Vesco Corporation plant near Fairchance, Finleyville, and Washington, Pa.

NOTE: Applicant states the proposed operations are under continuing contract with Fry Coal and Stone Co., Division of American Marietta Company, Mercerburg, Pa.

HEARING: May 17, 1962, at Room 103, U.S. Court House, Charleston, W. Va., before Joint Board No. 206, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 124172, (CORRECTION), filed January 25, 1962, published FEDERAL REGISTER, issue of March 7, 1962, and republished as corrected this issue. Applicant: M. BRUENGER & CO., INC., 400 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as described in paragraphs (a) and (c) of the Appendix I to the Report in *Description in Motor Carrier Certificates* (61 M.C.C. 209 and 766), from Arkansas City, Kans., to points in Arizona and California, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant has common carrier authority under MC 118142 and Sub 3 thereunder, therefore, dual operations may be involved. The purpose of this republication is to show that applicant proposes to conduct operations as a *contract carrier* in lieu of *common carrier*, erroneously shown in previous publication.

HEARING: Remains as assigned April 26, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner Joseph A. Reilly.

No. MC 124184, filed February 1, 1962. Applicant: MAY & HALLY, INC., Court Street, Groton, Mass. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides and fungicides*, in bulk, in tank vehicles, and in drums, cans, barrels, and bottles, from Ayer, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York; and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states that if the authority as contract carrier is granted, "it is respectfully requested, that concurrently with the issuance of the new authority, Certificate of Public Convenience and Necessity No. MC 9142, issued to this company, be revoked." The common carrier authority authorizes transportation of leatherboard from Townsend and Groton, Mass., to Boston, Mass.

HEARING: May 7, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Samuel Horwich.

No. MC 124192, filed February 5, 1962. Applicant: BARTON TRUCKING CORPORATION, 254 West 35th Street, New York, N.Y. Applicant's attorney: Jerome Turner, 371 South Long Beach Road, Oceanside, L.I., N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in seasonal operations, during the months of June through August of each year, transporting: *Baggage (such as camp trunks and duffel bags)*, between New York, N.Y., and points in Westchester and Nassau Counties, N.Y., on the one hand, and, on the other, Flatbrookville, N.J.

HEARING: April 30, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 124193, filed February 5, 1962. Applicant: JOSEPH BENNETT, doing business as BENNETT TRUCKING CO., 1172 East 96th Street, Brooklyn, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mattresses, box springs, convertible beds and upholstered chairs and couches*, loose, unwrapped and in cartons, from Brooklyn, N.Y., to points in Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia, and, *rejected, damaged, and returned shipments*, on return. (2) *Wire*, in coils, from Trenton, N.J., to Brooklyn, N.Y.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Eclipse Sleep Products, Inc., of Brooklyn, N.Y.

HEARING: April 30, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 124195, filed February 6, 1962. Applicant: JOSEPH F. SACKETT, doing business as JOSEPHS TRUCKING, 10 Carpenter Avenue, Sea Cliff, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acoustical materials, movable walls*, and *equipment, supplies*, and *tools* used in the installation thereof, between New York, N.Y., and points in Fairfield County, Conn., and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, and Union Counties, N.J.

NOTE: Applicant states that the operation will be confined to service for the Johns-Manville Sales Corporation, New York, N.Y.

HEARING: May 3, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 124198, filed February 7, 1962. Applicant: EDWARD P. DUNN, JR., doing business as DUNN'S, 425 10th Street, Carlstadt, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Disabled trucks, disabled tractors, disabled busses*, and *disabled cars*, in driveaway or towaway service, using wrecker vehicles, between points in New York and New Jersey on the one hand, and, on the other, points in New York, New Jersey, Rhode Island, Massachusetts, Connecticut, Pennsylvania, and Delaware.

HEARING: May 4, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Harold P. Boss.

No. MC 124209, filed February 12, 1962. Applicant: ROBERT H. DINEHART, doing business as D & D TRUCKING, 675½ Main Street, Tullytown, Pa. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete conduits and materials used or useful in the installation of concrete conduits*, between points in the United States east of the Mississippi River, namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states the proposed operations herein are limited to a transportation service to be performed under a continuing contract or contracts with Eastern Pre-Cast Corporation, of Tullytown, Bucks County, Pa.

HEARING: April 27, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Harold P. Boss.

No. MC 124219, filed February 16, 1962. Applicant: CARL L. SCHMATJEN, doing business as CARL'S LIQUID FEED SERVICE, 301 Military, Dodge City, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds* (except liquid animal feeds produced from vegetable or animal fats and oils), between points in Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: May 15, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner William J. Cave.

No. MC 124220, filed February 16, 1962. Applicant: BRICE B. STANTON, 47 Bank Street, Sussex, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, fertilizer, lime, farm equipment*, and *supplies*, between points in Sussex County, N.J., on the one hand, and, on the other, points in Orange County, N.Y., and points in Pike County, Pa.

NOTE: Applicant states the proposed operations will be under a continuing contract with G. L. F., Inc. of Sussex, N.J.

HEARING: May 9, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 124254, filed March 6, 1962. Applicant: R. MURRAY BRIGGS, doing business as NORTHERN MAINE TRANSPORT, 79 Industrial Street, Presque Isle, Maine. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising material when moving in connection therewith*, from Washington, D.C., Baltimore, Md., Newark, N.J., Philadelphia, Pa., Albany, Utica, Rochester, and New York, N.Y., Cranston, R.I., Springfield, Lawrence, Natick, New Bedford and Boston, Mass., to Bangor, Brewer, Caribou, and Presque Isle, Maine, and (2) *empty malt beverage containers and pallets*, from the above-

described destination points to the above-described origin points.

NOTE: Applicant states the proposed operation will be performed under continuing contracts with Bangor Bottling Co. (a corporation), Bangor, Maine; Briggs, Inc., Brewer, Maine; Aroostook Beverage Co. (a corporation), Caribou, Maine; and Northern Maine Distributors (a corporation), Presque Isle, Maine.

HEARING: May 8, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Samuel Horwich.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 34), filed February 14, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, during the season extending from June 20th to September 15th of each year, inclusive, (1) between Barryville, N.Y., and Narrowsburg, N.Y.; from Barryville over New York Highway 97 to its junction with U.S. Highway 106, thence over U.S. Highway 106 to Narrowsburg, and return over the same route, serving all intermediate points, (2) between junction New York Highway 97 and New York Highway 52, in the Town of Tusten, N.Y., on the one hand, and, on the other, junction New York Highway 52 and unnumbered highway leading to Lake Huntington, in the Town of Cochecton, N.Y.; from junction New York Highway 97 and New York Highway 52, in the Town of Tusten, over New York Highway 52 to its junction with unnumbered highway leading to Lake Huntington, in the Town of Cochecton, N.Y. (a point on applicant's present route), and return over the same route, serving all intermediate points, and (3) between Yulan, N.Y., on the one hand, and, on the other, junction New York Highway 97 and unnumbered highway, in the Town of Tusten, N.Y.; from Yulan, over unnumbered highway, via Neweiden, N.Y., to junction with New York Highway 97, in the Town of Tusten, and return over the same route, serving all intermediate points.

NOTE: Applicant states that David Rukin, who manages and controls applicant, also manages and controls West Fordham Transportation Corp., MC 116921 and Limousine Rental Service Inc., MC 115456.

HEARING: May 4, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 228 (Sub-No. 35), filed February 19, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Goshen, N.Y., and the Town of Chester, N.Y., as follows: From junction of New York Highway 17 and access roads leading to New York Highway 17A, in Goshen, N.Y., over access roads to junction with New York Highway 17A, thence over New York Highway 17A to Florida, N.Y., thence from Florida, N.Y., over New York Highway 94 to its junction with access roads leading to New York Highway 17 in the Town of Chester, N.Y., thence over access roads to junction with New York Highway 17, serving all intermediate points; and return over the same route EXCEPT using access roads leading from New York Highway 17 to New York Highway 94 in the Town of Chester, N.Y., and access roads leading from New York Highway 17A to junction with New York Highway 17 in Goshen, N.Y.

NOTE: Applicant states that David Rukin, who manages and controls it, also manages and controls West Fordham Transportation Corp. and Limousine Rental Service, Inc.

HEARING: May 10, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 63390 (Sub-No. 7), filed February 9, 1962. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, Pa. Applicant's attorney: William J. Wilcox, Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Reading, Kutztown, and Allentown, Pa., and points within fifteen (15) miles of Reading and Allentown, and points on and within fifteen (15) miles of either side of U.S. Highway 222 between Reading and Allentown, and extending to points in Connecticut.

NOTE: Applicant also holds common carrier authority to transport property under MC-59272.

HEARING: April 25, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Harold P. Boss.

No. MC 107583 (Sub-No. 14), filed January 25, 1962. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, a corporation, 1222 Jerome Avenue, Bronx 52, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than eight passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats, between Philadelphia, Pa., and New York International Airport and La Guardia Airport, New York, N.Y.

NOTE: Common control may be involved.

HEARING: April 24, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Joint Board No. 42, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 110306 (Sub-No. 4), filed February 14, 1962. Applicant: BLUE BUS LINES, a corporation, 50 North Johnston Avenue, Trenton, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, (1) between Trenton, N.J., and Yardley, Pa.; from Trenton over U.S. Highway 1 to Morrisville, Pa., thence over Pennsylvania Highway 732 to Yardley, and return over the same route, serving all intermediate points; (2) between junction South Pennsylvania Avenue and Tyburn Road, in Falls Township, Pa., and the site of the United States Steel Company plant in Falls Township, Pa.; from junction South Pennsylvania Avenue and Tyburn Road over Tyburn Road to junction Ford Mill Road, thence over Ford Mill Road to junction Tullytown-Bordentown Road, and thence over Tullytown-Bordentown Road to the site of the United States Steel Company plant, and return over the same route, serving all intermediate points; (3) between junction Pennsylvania Avenue and Philadelphia Avenue, in Morrisville, Pa., and junction Ford Mill Road and Tyburn Road, in Falls Township, Pa., restricted against the transportation of passengers between points on U.S. Highway 13 in Falls Township, Pa., on the one hand, and, on the other, Trenton, N.J.; from junction Pennsylvania and Philadelphia Avenue over Philadelphia Avenue to boundary of Falls Township, thence over Ford Mill Road to junction Tyburn Road, and return over the same route, serving all intermediate points; (4) between junction Ford Mill Road and Lower Penn Valley Road, in Falls Township, Pa., and the site of the United States Steel Company plant in Falls Township, Pa.; from junction Ford Mill Road and Lower Penn Valley Road over Lower Penn Valley Road to the site of the United States Steel Company plant, and return over the same route, serving all intermediate points; (5) between junction Pennsylvania Highway 732 and Arborlea Avenue, in Lower Makefield Township, Pa., and junction Pennsylvania Highway 732 and Makefield Road; from junction Pennsylvania Highway 732 and Arborlea Avenue, over Arborlea Avenue to Pine Grove Road, thence over Pine Grove Road to Big Oak Road, thence over Big Oak Road to Makefield Road, and thence over Makefield Road to Pennsylvania Highway 732, and return over the same route, serving all intermediate points, and (6) between junction Pennsylvania Highway 732 and Afton Avenue, in Yardley, Pa., and junction Upper River Road and Pennsylvania Highway 732; from junction Pennsylvania Highway 732 and Afton Avenue, over Afton Avenue to River Road, thence over River Road to Lower Makefield Township, Pa., thence along River Road to Mount Airy Road, thence over Mount Airy Road to Upper River Road, and thence over Upper River Road to junction Pennsylvania Highway 732,

and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to tack and combine operations over the above-described segments of routes for the purpose of providing transportation between Trenton, N.J., on the one hand, and, on the other, involved service points in Pennsylvania. Applicant also states it is under common control and management with Starr Transit Co., Inc.

HEARING: May 1, 1962, at the U.S. Court Rooms, Trenton, N.J., before Examiner Harold P. Boss.

No. MC 118848 (Sub-No. 1), filed January 5, 1962. Applicant: DOMENICO BUS SERVICE, INC., 764 Boulevard, Bayonne, N.J. Applicant's attorney: Jacob Drogin, 868 Broadway, Bayonne, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, on pleasure trip excursions, beginning and ending at Bayonne, N.Y., and extending to Miami Beach, Fla.

HEARING: May 3, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Harold P. Boss.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12787, filed December 29, 1961. Applicant: WHEELING AUTOMOBILE CLUB, INC., 836 Market Street, Wheeling, W. Va. For a license (BMC 5) to engage in operations as a *broker* at Wheeling, W. Va., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in sightseeing and educational tours, between points in Pennsylvania, Maryland, Virginia, West Virginia, New York, New Jersey, and the District of Columbia.

HEARING: May 14, 1962, at Room 103, U.S. Court House, Charleston, W. Va., before Joint Board No. 118, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 12792, filed February 1, 1962. Applicant: ARROW STAGE LINES, INC., 1113 McDonald Street, Sioux City 3, Iowa. For a license (BMC 5) to engage in operations as a *broker* at Sioux City, Iowa and Norfolk, Nebr., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, from points in Iowa and Nebraska, to points in the United States, including Ports of Entry on the International Boundary between the United States and Canada, and return.

NOTE: Applicant is presently authorized to conduct passenger operations in interstate or foreign commerce under Certificate No.'s MC 29592 and Subs 9 and 12.

HEARING: May 15, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 809 (Sub-No. 87), filed March 9, 1962. Applicant: ANCHOR MOTOR FREIGHT, a corporation, 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, bodies and chassis, and automobile parts and accessories, when moving as part of the original equipment of new vehicles*, in initial movements by truck-a-way and drive-a-way methods, from Framingham, Mass., to points in Maryland, Virginia, Delaware, Ohio, West Virginia, and the District of Columbia, and *rejected shipments* of the above specified commodities, on return.

NOTE: Common control may be involved. Applicant states the proposed service will be under a continuing contract wtih Chevrolet Motor Division of General Motors Corporation.

No. MC 10169 (Sub-No. 1), filed March 8, 1962. Applicant: HATCHER TRUCKING COMPANY, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Roanoke, Va., and points within 5 miles thereof, and Huntington and Kenova, W. Va., as follows: From Roanoke over U.S. Highways 11, 100 and 460 to Princeton, W. Va.; thence over U.S. Highways 19, 21 and 60 to Huntington and Kenova, W. Va., with alternate route from Roanoke over U.S. Highway 220 to Clifton Forge, Va.; thence over U.S. Highway 60 to Huntington and Kenova, W. Va.; and returning over the same routes, serving all intermediate points in West Virginia located on said highways in both directions.

NOTE: Applicant states that all *irregular* rights in West Virginia which duplicate *regular route* rights are to be cancelled upon the effective date of the foregoing regular rights now sought.

No. MC 30605 (Sub-No. 125), filed July 13, 1961, published FEDERAL REGISTER, issue of September 27, 1961. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, 30 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Amarillo, and Higgins, Tex.; from Amarillo, over U.S. Highway 60 to Higgins, and return over the same route serving the intermediate points of Higgins, Glazier, Canadian, and Miami, Tex.

NOTE: Common control may be involved.

No. MC 35358 (Sub-No. 14), filed March 8, 1962. Applicant: BERGER TRANSFER & STORAGE, INC., 3109 37th Avenue NE., Minneapolis, Minn. Applicant's attorney: Donald A. Morken, One Thousand First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated furniture, uncrated household furnishings and appliances, uncrated store and office fixtures, and uncrated kitchen equipment*, between Chicago, Ill., on the one hand, and, on the other, points in Iowa, Nebraska, South Dakota, and those in Wisconsin on and west of U.S. Highway 51.

No. MC 107403 (Sub-No. 394), filed March 13, 1962. Applicant: E. BROOKE-MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylonitrile*, in bulk, in tank vehicles, from Lima, Ohio, to Bromley, Ky.

NOTE: Applicant states it is authorized to control Reader Brothers, Inc.

No. MC 113336 (Sub-No. 50) (AS AMENDED), filed August 2, 1961, published FEDERAL REGISTER issue of August 16, 1961 and republished as amended this issue. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from New York, N.Y., to points in Tennessee, Kentucky, South Carolina, and Georgia.

NOTE: The amendment deletes the States of Virginia and North Carolina.

No. MC 124078 (Sub-No. 7), filed March 12, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from the terminal site of the Lone Star Cement Corporation located in or near Bainbridge, Ga., to points in Georgia, points in Barbour, Coffee, Dale, Geneva, Henry, Houston, and Russell Counties, Ala., and points north of the following counties in Florida: Manatee, Hardee, Highlands, Okeechobee, and Saint Lucie, Fla., and (2) from the terminal site of the Lone Star Cement Corporation located in or near Atlanta, Ga., to points in Georgia and South Carolina.

NOTE: Applicant states it has contract carrier authority involving the transportation of petroleum products under Docket MC 113832, it also has common carrier ce-

ment and concrete conduit applications pending under Docket MC 124078, therefore, dual operations may be involved. Common control may also be involved.

No. MC 124120 (Sub-No. 1), filed March 9, 1962. Applicant: WILLARD NEWBERRY, Prater, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished or rough lumber*, from Birchleaf, Va., to points in that part of North Carolina, Tennessee, Kentucky, West Virginia, and Ohio bounded by a line beginning at the Virginia-North Carolina State line and extending over U.S. Highway 29 to Kings Mountain, N.C., thence over U.S. Highway 74 to Bat Cave, N.C., thence over U.S. Highway 64 to Hendersonville, N.C., thence over U.S. Highway 25 to Asheville, N.C., thence over U.S. Highway 19 to Cherokee, N.C., thence over U.S. Highway 441 to Knoxville, Tenn., thence over U.S: Highway 70 to junction U.S. Highway 27, thence over U.S. Highway 27 to Somerset, Ky., thence over Kentucky Highway 80 to Glasgow, Ky., thence over U.S. Highway 31–E to junction of unnumbered highway, thence over said unnumbered highway to Horse Cave, Ky., thence over U.S. Highway 31–W to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio, thence over U.S. Highway 52 to Huntington, W. Va., thence over U.S. Highway to Charleston, W. Va., thence over West Virginia Turnpike to junction of U.S. Highway 219, thence over U.S. Highway 219, to junction U.S. Highway 19, thence over U.S. Highway 19 to West Virginia-Virginia State line, thence along West Virginia-Virginia State line to the Kentucky-Virginia State line, thence along the Kentucky-Virginia State line to the Tennessee-Virginia State line, thence along the Tennessee-Virginia State line to the North Carolina-Virginia State line, and thence along the Virginia-North Carolina State line to the point of beginning, including points on the portions of the highways and State lines indicated.

Motor Carriers of Passengers

No. MC 1501 (Sub-No. 258) (CORRECTION), filed January 2, 1962, published Federal Register issue January 24, 1962, republished as corrected this issue. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard, The Greyhound Corporation, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between Covington, Ky., and junction Kentucky Highway 36 and U.S. Highway 25 at or near Williamstown, Ky., from Covington over Interstate Highway 75 to the Interchange, thence over unnumbered access road to junction U.S. Highway 25 at or near Williamstown, and return over the same route, serving all intermediate points; (2) between junction Interstate Highway 75 and Kentucky Highway 338 and junction Kentucky 338 and U.S. Highway 25 near Richwood, Ky., over Kentucky Highway 338, serving all intermediate points; (3) between junction Interstate Highway 75 and Kentucky Highways 14 and 16 and junction Kentucky Highways 14 and 16 and U.S. Highway 25 at Walton, Ky., over Kentucky Highways 14 and 16, serving all intermediate points; (4) between junction Interstate Highway 75 and Kentucky Highway 491 and junction Kentucky Highway 491 and U.S. Highway 25 at Crittenden, Ky., over Kentucky Highway 491, serving all intermediate points; and (5) between junction interstate Highway 75 and Kentucky Highway 22 and junction Kentucky Highway 22 and U.S. Highway 25 at Dry Ridge, Ky., over Kentucky Highway 22, serving all intermediate points.

Note: The purpose of this republication is to include routes 2, 4, and 5, inadvertently omitted from the previous publication.

No. MC 111143 (Sub-No. 6), filed March 5, 1962. Applicant: J. I. DeNURE (CHATHAM) LIMITED, doing business as CHATHAM COACH LINES, 165 King Street East, Chatham, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada boundary located in the States of Michigan and New York, and extending to points in Alabama, Arizona, Arkansas, California, Delaware, Florida, Idaho, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Jersey, New Mexico, Oklahoma, Oregon, Rhode Island, Texas, Utah, and West Virginia. RESTRICTION: Applicant states that the proposed transportation service to be performed by this carrier "shall be in foreign commerce only".

No. MC 113430 (Sub-No. 9), filed March 9, 1962. Applicant: ARROW TRAILWAYS, INC., Room 2211, 625 Eighth Avenue, New York 18, N.Y. Applicant's attorney: John R. Sims, Jr., 804 Ridge Place, Falls Church, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, and *newspapers*, in the same vehicle with passengers, between Armonk, town of New Castle, N.Y., and Sandy Hook, Conn.; from the intersection of New York Highway 22 and New York Highway 128 in Armonk, thence over New York Highway 128 to its junction with New York Highway 117, thence over New York Highway 117 to its intersection with New York Highway 35 at or near Katonah, N.Y., thence over New York Highway 35 to its intersection with New York Highway 100 at or near Whitehall Corners, N.Y., thence over New York Highway 100 to its intersection with U.S. Highway 202 and New York Highway 22 at or near Croton Falls, N.Y., thence over U.S. Highway 202 and New York Highway 22 to the intersection with U.S. Highway 6 at or near Sodom, N.Y., thence over U.S. Highways 6 and 202 to the intersection at Interstate Highway 84 at or near the New York-Connecticut State line, thence over Interstate Highway 84 to Sandy Hook, and return over the same route, serving all intermediate points.

Note: Applicant states it is controlled by Super Service Bus Co., and is affiliated with Providence Arrow Line.

Applications for Certificates or Permits Which Are To Be Processed Concurrently With Applications Under Section 5, Governed by Special Rule 1.240 to the Extent Applicable

No. MC 69224 (Sub-No. 30), filed March 12, 1962. Applicant: H. & W. MOTOR EXPRESS COMPANY, a corporation, 3000 Elm Street, Dubuque, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment), (1) Between Dubuque, Iowa, and Waterloo, Iowa; from Dubuque over Iowa Highway 3 to Iowa Highway 150, thence over Iowa Highway 150 to junction U.S. Highway 20, thence over U.S. Highway 20 to Waterloo, and return over the same route, serving the intermediate points of Durango, Rickardsville, Holy Cross, Luxemburg, Colesburg, Edgewood, Strawberry Point, and Oelwein, Iowa, located on Iowa Highway 3, the intermediate points of Independence and Jesup, Iowa, located on U.S. Highway 20, and the off-route point of Greeley, Iowa, located on Iowa Highway 38 and the off-route point of Arlington, Iowa, located on Iowa Highway 154; (2) Between Independence, Iowa, and New Albin, Iowa; from Independence over Iowa Highway 150 to Iowa Highway 3, thence over Iowa Highway 3 to Iowa Highway 13, thence over Iowa Highway 13 to U.S. Highway 18, thence over U.S. Highway 18 to Iowa Highway 51, thence over Iowa Highway 51 to Iowa Highway 9, thence over Iowa Highway 9 to Iowa Highway 182, thence over Iowa Highway 182 to New Albin, and return over the same route, serving the intermediate points of Bryantsburg, Hazelton, and Oelwin, Iowa, located on Iowa Highway 150, the intermediate points of Strawberry Point, Osborne, and Elkader, Iowa, located on Iowa Highway 13, the intermediate points of Froelich, Monona, and Luana, Iowa, located on U.S. Highway 18, the intermediate points of Waukon, Church, and Lansing, Iowa, located on Iowa Highway 9, and the off-route point of St. Olaf, Iowa, located on unnumbered Iowa Highway off Iowa Highway 13, and the off-route point of Farmersburg, Iowa, located on Iowa Highway 290; (3) Between Decorah, Iowa, and Waukon, Iowa; from Decorah over Iowa Highway 9 to Waukon, and return over the same route, serving no intermediate points; and (4) Between Chester, Iowa, and Junction Iowa Highway 193 and U.S. Highway 18; from Chester over U.S. Highway 63 to Iowa Highway 9, thence over Iowa Highway 9 to Iowa Highway 139, thence over Iowa Highway 139 to Iowa Highway 325, thence over Iowa Highway 325 to Iowa Highway 24, thence over Iowa Highway

24 to Iowa Highway 193, thence over Iowa Highway 193, to junction with U.S. Highway 18, and return over the same route, serving the intermediate point of Lime Springs, Iowa, located on U.S. Highway 63, the intermediate point of Protivin, Iowa, located on Iowa Highway 139, the intermediate point of Spillville, Iowa, located on Iowa Highway 325, the intermediate point of Fort Atkinson, Iowa, located on Iowa Highway 24, the intermediate point of Waucoma, Iowa, located on Iowa Highway 193, and the off-route point of St. Lucas, Iowa, located on unnumbered Iowa highway off Iowa Highway 24, and the off-route point of Alpha, Iowa, located on unnumbered highway off Iowa Highway 193.

NOTE: This application is directly related to MC-F 8086, published FEDERAL REGISTER issue February 28, 1962.

No. MC 99798 (Sub-No. 2), filed March 6, 1962. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) Between St. Louis, Mo., and Thayer, Mo.; from St. Louis over U.S. Highway 66 and Interstate Highway 44 to Rolla, Mo., thence over U.S. Highway 63 to Thayer, and return over the same routes, serving to and from the intermediate and off-route points of Cuba, Rolla, Licking, Houston, Cabool, Willow Springs, West Plains, and Koshkonong, Mo. Subject to the restriction that no service will be rendered between Rolla, on the one hand, and, St. Louis or Springfield, Mo., on the other. (2) Between the intersection of U.S. Highway 66 and Missouri Highway 19 and Thayer, Mo., from the intersection of U.S. Highway 66 and Missouri Highway 19 over Missouri Highway 19 to Thayer, Mo., and return over the same route, serving the intermediate points of Cuba, Steelville, Salem, Eminence, Winona, and Alton, Mo., and serving the intersection of Missouri Highway 19 and U.S. Highway 60 for purposes of joinder. (3) Between Houston, Mo., and Mountain View, Mo.; from Houston over U.S. Highway 63 to junction Missouri Highway 137 thence over Missouri Highway 137 to its intersection with Missouri Highway 17, thence over Missouri Highway 17 to its intersection with U.S. Highway 60, thence over U.S. Highway 60 to Mountain View, and return over the same route, serving the intermediate point of Summersville, Mo., and serving the intersection of Missouri Highway 17 and U.S. Highway 60 for the purposes of joinder. (4) Between Willow Springs, Mo., and St. Louis, Mo.; from Willow Springs over U.S. Highway 60 to its intersection with Missouri Highway 21, thence over Missouri Highway 21 to its intersection with Missouri Highway 34, thence over Missouri Highway 34 to its intersection with U.S. Highway 6, thence over U.S. Highway 67 to St. Louis, and return over the same routes, serving the intermediate and off-route points of Mountain View, Birch Tree, Fremont, Van Buren, South Van Buren, Garwood, Leeper, and Mill Spring, Mo., serving the intersection of U.S. Highway 60 and Missouri Highway 19 for purposes of joinder. (5) Between Springfield, Mo., and Cabool, Mo.; from Springfield over U.S. Highway 60 to Cabool, and return over the same route, serving the intermediate and off-route points of Rogersville, Fordland, Diggins, Seymour, Mansfield, Norwood, and Mountain Grove, Mo., and serving the intersection of Missouri Highway 5 and U.S. Highway 60 for purposes of joinder. (6) Between Gainesville, Mo., and Doniphan, Mo.; from Gainesville over U.S. Highway 160 to Doniphan, and return over the same route, serving the intermediate and off-route points of West Plains, Alton, Riverton, and Briar, Mo., and the intersection of Missouri Highway 101 and U.S. Highway 160 for purposes of joinder. (7) Between Ava, Mo., and Hartville, Mo.; from Ava over Missouri Highway 5 to Hartville, and return over the same route, serving the intersections of Missouri Highway 5 and U.S. Highway 60 for purposes of joinder. (8) Between Bakersfield, Mo., and the intersection of Missouri Highway 101 and U.S. Highway 160; from Bakersfield over Missouri Highway 101 to its intersection with U.S. Highway 160, and return over the same route, serving no intermediate points. (9) Between Birch Tree, Mo., and Thomasville, Mo.; from Birch Tree over Missouri Highway 99 to Thomasville, and return over the same route, serving no intermediate points. (10) Between Salem, Mo., and the intersection of Missouri Highway 32 and U.S. Highway 63; from Salem over Missouri Highway 32 to its intersection with U.S. Highway 63, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (11) Between Salem, Mo., and Rolla, Mo.; from Salem over Missouri Highway 72 to Rolla, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. IRREGULAR ROUTES: (12) Between points in Phelps, Dent, Crawford, Shannon, Texas, and Reynolds Counties, Mo., over irregular routes.

NOTE: Applicant states it presently conducts operations under the second proviso of section 206(a)(1) by virtue of a Form BMC 75 Statement filed and assigned Docket No. 99798. This application is directly related to MC-F-8101, published FEDERAL REGISTER issue March 14, 1962.

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 sections 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-8065 (TRUCKING ENTERPRISES, INC.—CONTROL—TREDWAY'S EXPRESS, INC.), published in the February 7, 1962, issue of the FEDERAL REGISTER on page 1146. Supplement filed March 12, 1962, to show joinder of JOSEPH E. SALDUTTI, 15 Melrose Drive, Mountain Lakes, N.J., RALPH SALDUTTI, 171 South Orange Avenue, South Orange, N.J., and ALBERT SALDUTTI, 124 Fairfield Drive, Milburn, N.J., as persons in control of TRUCKING ENTERPRISES, INC.

No. MC-F-8084 (HENNIS FREIGHT LINES, INC.—LEASE—HANCOCK TRUCKING, INC.), published in the February 28, 1962, issue of the FEDERAL REGISTER on page 1945. Affidavit filed March 9, 1962, to show joinder of SHELDON A. KEY, Trustee, for HANCOCK TRUCKING, INCORPORATED, as a party applicant.

No. MC-F-8183. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids 2, Mich., of the operating rights of A. C. RICE STORAGE CORPORATION, 503 Railroad Avenue, Elmira, N.Y. Applicants' attorneys: Leonard D. Verdier, Jr., Warner, Norcross & Judd, 300 Michigan Trust Building, Grand Rapids 2, Mich. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods but not excepting commodities in bulk, as a *common carrier* over irregular routes, between Elmira, N.Y., on the one hand, and, on the other, points in New York and Pennsylvania within 65 miles of Elmira. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, Illinois, Minnesota, Wisconsin, Iowa, Missouri, Indiana, Michigan, Kentucky, West Virginia, Maryland, New York, New Jersey, Massachusetts, Colorado, Nebraska, Wyoming, Connecticut, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 62-2701; Filed, Mar. 20, 1962; 8:49 a.m.]

[Notice 202]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 16, 1962.

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

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

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any

should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–78632 (Deviation No. 7), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed March 12, 1962. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, as follows: Between Knoxville and Kingston, Tenn., over Interstate Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route, as follows: From Nashville, Tenn., over U.S. Highway 70S to Crossville, Tenn. (also from Nashville over U.S. Highway 70N to Crossville), thence over U.S. Highway 70 to Knoxville, and return over the same route.

By the Commission.

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

[F.R. Doc. 62–2699; Filed, Mar. 20, 1962; 8:49 a.m.]

[Notice 429]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 16, 1962.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

No. MC 50069 (Sub-No. 253), filed March 9, 1962. 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: *Anhydrous ammonia, fertilizers, fertilizer compounds, urea, ammonium nitrate, nitrogen solutions* and *urea feed mixtures* from Fort Madison, Iowa, and Meredosia, Ill., and points within five (5) miles of each, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 103880 (Sub-No. 252), filed March 7, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney; David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer compounds, fertilizer ingredients, urea, urea feed mixtures, ammonium nitrate* and *nitrogen solutions*, in bulk, in tank vehicles, and in bags and packages, from Meredosia, Ill., to points in Indiana, Iowa, Illinois, Kentucky, Missouri, Minnesota, Michigan, Ohio, Wisconsin, Kansas, Nebraska, South Dakota, and North Dakota.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 123475 (Sub-No. 2), filed March 7, 1962. Applicant: LIGHTNING TRANSPORTATION CO., INC., U.S. Highway 50, West (P.O. Box 333), Salem, Ill. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Fort Madison, Iowa, and Meredosia, Ill., and points within five (5) miles of each, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Kentucky, and Ohio.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

By the Commission.

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

[F.R. Doc. 61–2700; Filed, Mar. 20, 1962; 8:49 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order No. 142, Amdt. 1]

ANN ARBOR RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 142 (The Ann Arbor Railroad Company) and good cause appearing therefor:

It is ordered, That: Taylor's I.C.C. Order No. 142 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 23, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m. March 16, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 15, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 62–2702; Filed, Mar. 20, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 16, 1962.

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

LONG-AND-SHORT HAUL

FSA No. 37603: *T.O.F.C.—Class rates from and to Clarksville and Springfield, Tenn., and Fayetteville, Ark.* Filed by Southwestern Freight Bureau, Agent (No. B–8166), for interested rail carriers. Rates on various commodities moving on class rates loaded in trailers or demountable trailer bodies and transported on railroad flat or open-top cars, (a) between Clarksville and Springfield, Tenn., on the one hand, and points in southwestern territory, on the other; also, (b) between Fayetteville, Ark., on the one hand, and points in official (including Illinois), southern, southwestern, and western trunk-line territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Southwestern Freight Bureau tariff I.C.C. 4464, and other schedules named in the application.

By the Commission.

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

[F.R. Doc. 62–2698; Filed, Mar. 20, 1962; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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