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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11048

ADMINISTRATION OF WAKE ISLAND AND MIDWAY ISLAND

By virtue of the authority vested in me by section 48 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 86-624) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Part I—Wake Island

SECTION 101. The Secretary of the Interior shall be responsible for the civil administration of Wake Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Wake Island other than the authority contained in the act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

SEC. 102. The executive, legislative, and judicial authority provided for in section 101 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, or through such officers or employees of the United States not under the administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 103. Executive Order No. 6935 of December 29, 1934, to the extent that it pertains to Wake Island, is hereby superseded.

Part II—Midway Island

SECTION 201. The Secretary of the Navy shall be responsible for the civil administration of Midway Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Midway Island other than the authority contained in the act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Navy.

SEC. 202. The executive, legislative, and judicial authority provided for in section 201 of this order shall be exercised through such agency or agencies of the Navy Department, or through such officers or employees under the jurisdiction of the Secretary of the Navy, as the Secretary may direct or authorize, and shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 203. Such public lands on the Midway Islands, Hawaiian group, between the parallels of 28°5' and 28°25' North latitude, and between the meridians of 177°10' and 177°30' West longitude, as were placed under the jurisdiction and control of the Navy Department by the provisions of Executive Order No. 199-A of January 20, 1903, are hereby continued under the jurisdiction and control of that Department. Executive Order No. 199-A is hereby superseded.

Part III—Miscellaneous Provisions

SECTION 301. The provisions of each of the foregoing Parts of this order shall continue in force until the Congress shall provide for the civil administration of the affected Island or until such earlier time as the President may specify.

THE PRESIDENT

SEC. 302. As used herein, the terms "Wake Island" and "Midway Island" include the reefs appurtenant to, and the territorial waters of, Wake Island and Midway Island, respectively.

SEC. 303. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

SEC. 304. This order shall not be deemed to affect Executive Order No. 9709 of March 29, 1946, or Executive Order No. 9797 of November 6, 1946.

SEC. 305. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the legal interests of the United States in civil or criminal cases arising under the provisions of the act of June 15, 1950.

JOHN F. KENNEDY

THE WHITE HOUSE,
September 4, 1962.

[F.R. Doc. 62-8983; Filed, Sept. 5, 1962; 10:06 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (a) of § 6.114 as set out below.

§ 6.114 Department of Health, Education, and Welfare.

(a) *St. Elizabeths Hospital.* * * *

(9) Not to exceed 22 positions of Chaplain Residents; provided, that employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(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. 62-8915; Filed, Sept. 5, 1962; 8:51 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (45) is added to paragraph (a) of § 6.304 as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(45) One Private Secretary to the Chairman, Joint Chiefs of Staff.

(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. 62-8917; Filed, Sept. 5, 1962; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (f) of § 6.311 is amended as set out below.

§ 6.311 Department of Agriculture.

(f) *Farmers Home Administration.* * * *

(2) One Assistant Administrator.

(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. 62-8916; Filed, Sept. 5, 1962; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (40) is added to paragraph (a) of § 6.342 as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(40) One Secretary and Confidential Assistant to the Assistant Administrator for Public Affairs.

(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. 62-8918; Filed, Sept. 5, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 27, Amdt. No. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia 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 recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that

the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this 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 restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 908.327 (Valencia Orange Regulation 27, 27 F.R. 8531) are hereby amended to read as follows:

(ii) District 2: 500,000 cartons.

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

Dated: August 31, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8895; Filed, Sept. 5, 1962; 8:48 a.m.]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Determination Relative to Expenses and Fixing of Rate of Assessment for 1962-63 Season

Pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, 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 proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 926.201 Expenses and rate of assessment for the 1962-63 season.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1962, and ending on

March 31, 1963, both dates inclusive, will amount to \$43,011.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at twelve mills (\$0.012) per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that (1) shipments of the current crop of Tokay grapes grown in San Joaquin County, California, are now being made; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular season shall be applicable to all assessable Tokay grapes from the beginning of such season; and (3) the current season began April 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable Tokay grapes beginning with such date.

As used herein, the terms "handler," "ships," "shipped," "season," and "standard package" shall have the same meaning as when used in said amended marketing agreement and order and Industry Committee rules and regulations (7 C.F.R. 926.103).

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

Dated: August 31, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8894; Filed, Sept. 5, 1962; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), Part 74 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby amended in the following respects:

1. Section 74.7a is deleted.

2. The introductory paragraph of § 74.9 is amended by deleting after the words "public stockyard" and before the word "or," the words "other than the Denver Union Stockyards, Denver, Colorado."

3. Paragraph (a) of § 74.12 is amended by deleting after the words "public stockyard" and before the word "or," the words "other than the Denver Union Stockyards, Denver, Colorado."

4. The introductory paragraph of § 74.13 is amended by deleting after the words "public stockyard" and before the word "or," the words "other than the Denver Union Stockyards, Denver, Colorado."

5. Paragraphs (a) and (b), respectively, of § 74.22 are amended by deleting after the words "public stockyard" and before the word "or," the words "other than the Denver Union Stockyards, Denver, Colorado."

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 38 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 19 F.R. 74, as amended)

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

Since October 18, 1961, sheep shipped interstate from the infected or the eradication areas, to the Denver Union Stockyards, have been subject to the same requirements as sheep moved interstate from such areas to points other than public stockyards or recognized slaughtering centers. These requirements were imposed because such animals are handled in great volume at the Denver Union Stockyards, and it was impossible with the facilities formerly available at these stockyards, to maintain the segregation of sheep from different areas required at public stockyards generally, without at the same time disrupting the normal marketing of such animals at these stockyards and also interfering with the implementation of the sheep scabies eradication program. In view of the fact that facilities at the Denver Union Stockyards have been expanded and improved, the foregoing amendments provide that hereafter sheep may be shipped to these stockyards under the same conditions as apply to their movement to other public stockyards in the free areas.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 30th day of August 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-8921; Filed, Sept. 5, 1962; 8:52 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

Office of the Controller

The Commission, this 29th day of August 1962, is amending Part 1 of its regulations by redefining the responsibilities of the Office of the Controller. 10 CFR § 1.42 is amended by deleting paragraph (j) and redesignating paragraphs (k), (l), (m), and (n) as (j), (k), (l), and (m) respectively. Redesignated paragraph (l) is revised.

Because this amendment relates to matters of agency management, notice of proposed rule making and public procedure thereon are unnecessary.

Pursuant to the Administrative Procedure Act, 1 CFR 13.2, and the Atomic Energy Act of 1954, as amended, the following amendment of Part 1 of the Commission's regulations is published as a document subject to codification, effective upon publication in the *FEDERAL REGISTER*.

As amended, 10 CFR § 1.42 reads as follows:

§ 1.42 Office of the Controller.

The Controller reports to the General Manager but also has direct responsibilities to the Commission for advice and counsel on financial matters. The Office of the Controller: (a) Develops and maintains the policies, procedures, and standards of accounting, auditing, budgeting, pricing, insurance, contract finance, records and personal property and supply management, and related reporting that are essential to the financial integrity and efficient management of the Atomic Energy Commission's direct and contract operations and to the safeguarding of AEC funds and property; (b) provides technical guidance to field staffs performing such functions; (c) reviews activities on an AEC-wide basis to evaluate the adequacy of established policies, procedures, and standards governing functions for which the Office of the Controller has responsibility and to evaluate the performance of such functions; (d) develops an internal audit program covering activities of Headquarters, field offices, and their contractors, that have an impact upon the financial interests of AEC; (e) coordinates, reviews and recommends action on budget and financial plan proposals; and provides central administration of AEC-wide budgets and appropriations; (f) serves as liaison with the General Accounting Office, Bureau of the Budget, Treasury Department, General Services Administration, other agencies and Congressional committees and industry in areas of the Controller's responsibility; (g) approves contractors' insurance programs and negotiates settlements with insurance companies; (h) performs accounting, auditing, budgeting, insurance and certain statistical functions for the Headquarters office, and to the extent that such financial activities are central-

ized, for the AEC as a whole; (i) reports the financial status of the agency and the results of its operations; (j) develops, interprets, and modifies contract cost principles; (k) maintains accounting for the Combined Development Agency, and reviews financial and accounting aspects of proposed CDA contracts and other agreements; (l) provides staff advice and assistance on automatic data processing systems and equipment for all AEC operations, and at Headquarters adapts data-handling systems to automation and operates the Headquarters ADP installation; and (m) provides staff advice and assistance on and conducts AEC-wide programs for personal property and supply management.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 29th day of August 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 62-8877; Filed, Sept. 5, 1962; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 10]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Aggregate Limitation on Investments and Loans

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, § 107.708 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232-8242 and amended.

Information and effective date. The subject amendment increases the amount that may be provided by participation or otherwise under § 107.708(b). Since the subject amendment is a relaxation of the former limitation and is therefore exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232-8242), as amended, is hereby further amended by:

1. Deleting the figure \$300,000 as it appears in § 107.708(b) and inserting in lieu thereof the figure \$500,000.

As amended § 107.708(b) reads as follows:

§ 107.708 Aggregate limitation on investments and loans.

* * * * *

(b) Without the prior written approval of SBA, no more than five li-

censees may, by participation or otherwise, provide Equity Capital or long-term loans to any single small business concern unless the total financing involved is \$500,000 or less.

Dated: August 29, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-8906; Filed, Sept. 5, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER I—AIRPORTS [NEW]

[Reg. Docket No. 1374]

PART 165—WAKE ISLAND CODE [NEW]

Pursuant to section 48 of the Hawaii Omnibus Act (74 Stat. 411, 424) the President has by Executive Order¹ named the Secretary of the Interior as responsible for the civil administration of Wake Island, and has vested in him all executive and legislative authority necessary for that administration and all judicial authority respecting Wake Island other than the authority contained in the Act of June 15, 1950, as amended (48 U.S.C. 644a), to be exercised through such agency, officers and employees of the Government as may be agreed upon by such agency and the Secretary of the Interior. The Secretary of the Interior and the Administrator of the Federal Aviation Agency have entered into an Agreement² providing that all executive, legislative and judicial authority vested in the Secretary of the Interior shall be exercised by such persons as may be designated by the Administrator of the Federal Aviation Agency.

This part, to be known as the Wake Island Code, provides a scheme for the civil administration of Wake Island. Civil and criminal laws to be applied in the administration of the Island are included.

Prior to the publication of this part, civil acts and deeds taking place on Wake Island were determined and adjudicated as provided in the Act of June 15, 1950 (64 Stat. 217; 48 U.S.C. 644a) according to the laws of the United States relating to such acts as if occurring on board a merchant vessel or other vessel belonging to the United States on the high seas. This part is not intended to diminish the application of those laws, and they continue to apply as fully as before. This part adds to the substantive civil law applicable to Wake Island by a recital of further specific civil provisions in the part itself, and by providing that where the civil rights, powers, and duties of any person on Wake are not otherwise prescribed by the civil maritime laws or this part, the civil rights, powers and duties as they obtain under the laws of

the State of Hawaii shall apply. Thus, where the effect of a civil act on Wake cannot be determined by reference to the maritime laws or this part, the laws of Hawaii will determine the effect.

Similarly, prior to the publication of this part, as provided in the Act of June 15, 1950, offenses and crimes committed on Wake Island were deemed to have been committed on the high seas on board a merchant vessel or other vessel belonging to the United States and were adjudged and punished according to the laws of the United States relating to such offenses on such vessels on the high seas. In addition, certain other criminal statutes of the United States applied to acts committed on Wake, included among them the provisions of Title 18 of the United States Code relating to the special maritime and territorial jurisdiction of the United States.

The provisions of this part are not intended to disturb the application of United States criminal laws at Wake as they applied before the publication of this part. This part is designed to incorporate and apply all criminal laws of the United States as they applied previously, so far as that is deemed necessary to continue the applicability of those laws, and, in addition, includes a list of Petty Offenses and other minor criminal provisions for Wake and penalties therefor.

The jurisdiction of the United States District Court for the District of Hawaii remains the same as prior to the publication of this part.

The civil jurisdiction of the local court created by this part, the Wake Island Justice Court, extends to actions where the claimed amount is \$1000 and less. It is thus intended to serve as a court for the adjudication of small claims.

The criminal jurisdiction of the Wake Island Justice Court extends to violations of Subparts E, I, J, K, and L of this part. The regulations in Subpart M are promulgated under Section 10 of the International Aviation Facilities Act (62 Stat. 453; 49 U.S.C. 1159) and are federal offenses cognizable in the U.S. District Court for the District of Hawaii or before the U.S. Commissioner for Wake Island.

Subparts N, O, and P relating to landing charges, utility service, and medical and hospital services on Wake Island are based on present Parts 575, 576, and 577 of the Regulations of the Administrator. Their applicability to Canton Island will be recodified in proposed Part 163 [New] in Subchapter I "Airports" [New].

In order to avoid its issuance, and then immediate reissuance in a recodified form, this amendment is issued as a part of the program of the Federal Aviation Agency to recodify its regulatory material. In the "Outline and Analysis" for the proposed recodification, contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698), provision is made for a new subchapter I "Airports" [New] in Chapter I of Title 14. This amendment, as the first final rule to be published in that subchapter, adds the new subchapter I "Airports" [New] to Chapter I of Title 14. Other new parts will be added to the subchapter at a later date, in conformity with the "Outline and Analysis".

¹ See E.O. 11048, Title 3, *supra*.

² See F.R. Doc. 62-8984, Notices Section, *infra*.

The definitions in Part 1, "Definitions and Abbreviations" [New] apply to the new subchapter I.

Since FAA management and public property are involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedures Act is not required.

In consideration of the foregoing, effective September 4, 1962, Chapter I of Title 14 is amended by adding a Subchapter I, "Airports" [New], as set forth below.

Issued in Washington, D.C., on September 4, 1962.

N. E. HALABY,
Administrator.

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Subpart A—General

AUTHORITY: Subpart A issued under sec. 10, 62 Stat. 453; 49 U.S.C. 1159; sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of the Interior, Feb. 5, 1962.

§ 165.1 Applicability.

(a) The local civil and criminal laws of Wake Island consist of this part and applicable provisions of the laws of the United States.

(b) For the purposes of this part, Wake Island includes Wake, Peale, and Wilkes Islands, and the appurtenant reefs, shoals, shores, bays, lagoons, keys, territorial waters, and superadjacent airspace of them.

§ 165.3 Purpose.

The purpose of this part is to provide—

(a) For the civil administration of Wake Island;

(b) Rules applicable to the Wake Island Airport, prescribed under section 10 of the International Facilities Act (49 U.S.C. 1159);

(c) For vesting powers and duties in appropriate officials of the United States for the civil administration of Wake Island, including judicial and executive functions;

(d) Civil laws for Wake Island; and

(e) Certain criminal provisions applicable to Wake Island, and penalties for their violation.

Subpart B—The Island Governor

AUTHORITY: Subpart B issued under sec. 10, 62 Stat. 453; 49 U.S.C. 1159; sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.11 Appointment and removal.

The executive authority at Wake Island is vested in the Island Governor. The Governor is appointed from among Federal Aviation Agency employees, and is subject to removal, by the FAA Assistant Administrator for the Pacific Region. The Assistant Administrator may designate a person to serve as Acting Island Governor in the event of the absence, disability, or death of the Island Governor. While so serving, the Acting Governor is vested with the authority prescribed in this part for the Island Governor.

§ 165.13 Permits.

Subject to reasonable restrictions and conditions that he considers appropriate, the Island Governor may issue Island permits for the following:

(a) Businesses, including any trade, profession, calling, or occupation, and any establishment where food or beverages are prepared, offered, or sold for human consumption.

(b) Self-propelled motor vehicles, except aircraft; including attached trailers.

(c) Vehicle operators.

- (d) Boats.
- (e) Dogs.
- (f) Food handlers.
- (g) Explosives and guns and pistols (including those operated by air, gas, or spring).
- (h) Drugs, narcotics, and poisons.
- (i) Construction.
- (j) Burials.

§ 165.15 Authorized functions, powers, and duties.

The Island Governor may, personally or through his official staff—

- (a) Issue citations for violations of Subpart I of this part (the Motor Vehicle Code).
- (b) Abate any public nuisance upon the failure of the person concerned to comply with a removal notice.
- (c) Make sanitation and fire prevention inspections.
- (d) Perform marriages, and maintain records of vital statistics.
- (e) Inspect motor vehicles for roadworthiness, and boats for seaworthiness.
- (f) Confiscate property used in committing a crime.
- (g) Investigate accidents and suspected crimes.
- (h) Control the use of the Island airport and the assigned area used for its immediate support.
- (i) Deputize any person to serve as a Peace Officer.
- (j) Move unlawfully parked vehicles, boats, or aircraft.
- (k) Take possession of lost or abandoned property and dispose of it in accordance with law.

- (l) Delay or restrict the departure of any aircraft for reasonable cause.
- (m) Impose quarantines.
- (n) Impound and destroy unsanitary food, fish, or beverages.
- (o) Evacuate any person from a hazardous area.
- (p) Issue arms and ammunition to Peace Officers.
- (q) Commission notaries public, as required.
- (r) Establish and maintain a facility for the lawful restraint or confinement of persons and provide for their care.
- (s) Remove any person from Wake Island for cause.
- (t) Issue traffic regulations that are not inconsistent with this part, and post traffic signs.
- (u) Perform any other acts, not inconsistent with this part or other applicable laws or regulations, that he considers necessary for protecting the health and safety of persons and property on Wake Island.
- (v) Issue any order or notice necessary to implement this section.

(l) Delay or restrict the departure of any aircraft for reasonable cause.

(m) Impose quarantines.

(n) Impound and destroy unsanitary food, fish, or beverages.

(o) Evacuate any person from a hazardous area.

(p) Issue arms and ammunition to Peace Officers.

(q) Commission notaries public, as required.

(r) Establish and maintain a facility for the lawful restraint or confinement of persons and provide for their care.

(s) Remove any person from Wake Island for cause.

(t) Issue traffic regulations that are not inconsistent with this part, and post traffic signs.

(u) Perform any other acts, not inconsistent with this part or other applicable laws or regulations, that he considers necessary for protecting the health and safety of persons and property on Wake Island.

(v) Issue any order or notice necessary to implement this section.

§ 165.17 Emergency authority.

During the imminence and duration of any major emergency, the Island Governor may perform any acts necessary to protect life and property.

Subpart C—Civil Law

AUTHORITY: Subpart C issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.21 Applicable law.

Civil acts and deeds taking place on Wake Island shall be determined and adjudicated as provided in this part; and otherwise, as provided in the Act of June 15, 1950 (64 Stat. 217) (48 U.S.C. 644a), according to the laws of the United States relating to such an act or deed taking place, on the high seas, on board a merchant vessel or other vessel belonging to the United States.

§ 165.23 Civil rights, powers, and duties.

In any case in which the civil rights, powers, and duties of any person on Wake Island are not otherwise prescribed by the laws of the United States or this part, the civil rights, powers, and duties as they obtain under the laws of Hawaii apply to persons on Wake Island.

Subpart D—Criminal Law

AUTHORITY: Subpart D issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.31 General.

In addition to any act made criminal in this part, any act committed on Wake Island that would be criminal if committed on board a merchant vessel or other vessel belonging to the United States is a criminal offense and shall be adjudged and punished according to the laws applicable on board those vessels on the high seas.

Subpart E—Petty Offenses

AUTHORITY: Subpart E issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.41 General criminal offenses.

No person may, while on Wake Island—

(a) By design or any false pretense, and with intent to defraud, obtain any money, goods, or other things of value from any other person;

(b) Possess, sell, give away, or transport any narcotic or dangerous drug named in § 165.45 unless it is prescribed or administered by a licensed physician or with the specific permission of the Island Governor;

(c) Carry on his person any weapon or explosive unless he is a member of the armed forces on active duty, a peace officer, or is otherwise authorized to do so by law, or holds an Island permit therefor;

(d) Store, carry, or use any explosive, hazardous material, or dangerous weapon (including any device or instrument primarily designed for the purpose of inflicting bodily injury, and including guns and pistols, whether fired by air, gas, spring, or other means), except at places, and under conditions, prescribed by the Island Governor;

(e) Sell or give an alcoholic beverage manufactured for consumption (including beer, ale, or wine) to any person who is not at least 18 years of age, without the permission of that person's parent or guardian;

(f) Procure for, engage in, aid or abet in, or solicit for prostitution;

(g) Use any building, structure, vehicle, or public lands for the purposes of lewdness, assignation, or prostitution;

(h) Possess or display (publicly or privately) any pornographic literature, film, device, or any matter containing obscene language, that tends to corrupt morals;

(i) Make any obscene or indecent exposure of his person;

(j) Commit any disorderly, obscene, or indecent act;

(k) Commit any act of voyeurism (Peeping Tom) or perversion;

(l) Enter upon any assigned residential quarter or areas immediately adjacent thereto, without permission of the assigned occupant;

(m) Mischievously destroy, deface, or damage the property of any other person or of the United States;

(n) Throw away any paper, debris, refuse, garbage, litter, bottle, or can, except into a receptacle or area designated for that purpose;

(o) Commit any act of nuisance;

(p) With intent to provoke a breach of the peace or under such circumstances that a breach of the peace may be occasioned thereby, act in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to any other person;

(q) Be drunk in any public place;

(r) Use any profane or vulgar language in a public place;

(s) Loiter or roam about Wake Island, without any lawful purpose, at late and unusual hours of the night;

(t) Lodge or sleep in any place without the consent of the person in legal possession of that place;

(u) Corruptly give or promise to any employee or officer of the United States any gift, gratuity, service, or benefit, with intent to influence his official judgment or action;

(v) If he is an officer or employee of the United States, accept any gift, gratuity, service or benefit, the giving of which is prohibited by subparagraph (u) of this section;

(w) Impersonate or improperly assume the prerogatives of any Peace Officer, civil officer of the United States, or officer of the armed forces;

(x) Interfere, or attempt to interfere, with any Peace Officer during an arrest or official investigation, or with any personnel while engaged in crash, firefighting, or emergency activities.

(y) Instigate, conspire in, willfully attempt, cause, or participate in, any riot;

(z) Grossly waste any potable water;

(aa) Contribute to the delinquency of any person who is less than 18 years of age, or by force, persuasion, or demonstration induce such a person to violate any provision of this part, or any applicable criminal statute;

(bb) Assist, aid, abet, or give comfort to any other person who is committing a crime, or before or after that person has committed a crime;

(cc) Temporarily appropriate and drive or use any boat, aircraft, motor vehicle, or bicycle of any other person without his consent;

(dd) Knowingly participate in any action prohibited by subparagraph (cc) of this section;

(ee) Wrongfully issue a personal check against any bank account knowingly without sufficient funds on deposit therein, or forge or alter a check of any other person with intent to deceive to the detriment of another;

(ff) Being a male, knowingly enter any area, building, or quarter reserved for women, except in accordance with established visiting procedures;

(gg) Use or attempt to use a coin-operated machine that requires the deposit of a coin for its use without first depositing the coins required by the instructions on the machine;

(hh) Place or attempt to place, in a coin-operated machine, a slug, foreign coin, or object other than the coin required by the instructions on the machine;

(ii) Knowingly and falsely impart or convey information that any aircraft has been sabotaged, is unairworthy, or carries or may carry a bomb or other device hazardous to the safety of flight; or

(jj) Having taken an oath or affirmation before a competent tribunal, officer, or person, in any case in which the law authorizes such an oath or affirmation to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to that oath or affirmation state or subscribe to any material matter that he does not believe is true.

§ 165.43 Criminal offenses on the airport.

No person may, while on the airport (including the assigned area used for its immediate support)—

(a) Consume or carry any alcoholic beverage manufactured for consumption (including beer, ale, and wine) in an unsealed container without an Island permit;

(b) Smoke or ignite any fire in any designated and posted "No Smoking" area, or in the immediate proximity of any aircraft or fueling pit;

(c) Enter any airplane parking area or ramp, unless he is on duty therein, is a passenger under appropriate supervision, or is authorized by the Island Governor to enter that place;

(d) Interfere or tamper with any aircraft or servicing equipment or facility, or put in motion the engine of any aircraft without the permission of its operator;

(e) Spit, or deposit human waste, anywhere on the airport, except directly into a fixture designed for that purpose;

(f) Place any fabric, food, trash, or any other foreign object in any plumbing fixture on the airport;

(g) Gamble, wager, operate, or participate in a lottery;

(h) Loiter or loaf, or fail to leave the airport premises when directed by authorized personnel;

(i) Solicit alms, funds, or fares except by permission of the Island Governor;

(j) Engage in any sport or play in which a ball, stone, or other firm substance is thrown or propelled through the air;

(k) Bring onto the airport any animal, except by permission of the Island Governor, and then only if the animal is restrained by a leash or other adequate means of control;

(l) Post, distribute, or publicly display advertisements, signs, circulars, or similar materials, except by permission of the Island Governor; or

(m) Participate in any picket activity except at an area that is specifically assigned for that purpose by the Island Governor.

§ 165.45 Narcotics and dangerous drugs.

(a) For the purposes of this part, narcotic drugs include opium, cocoa leaves, cocaine, isonipecaine, opiate, diethyl barbituric acid (barbital), marijuana, or any compound, manufacture, salt, or derivative, whether produced from vegetable origin or through chemical synthesis.

(b) For the purposes of this part, dangerous drugs are any drugs that are unsafe for self-medication, including—

(1) Any hypnotic drugs, including acetyluric acid derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfonmethane derivatives, or any compound, mixture, or preparation that may be used for producing hypnotic effects;

(2) Aminopyrine, or compounds or mixtures thereof;

(3) Amphetamine, desoxyephedrine, or compounds or mixtures thereof, except preparations for use in the nose and unfit for internal use;

(4) Cinchophen, neocinchophen, or compounds or mixtures thereof;

(5) Diethyl-stilbestrol, or compounds or mixtures thereof;

(6) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof;

(7) Oils of croton, rue, saving, or tansy, or their contained or derived compounds or mixtures thereof;

(8) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent strength;

(9) Thyroid and its contained or derived active compounds or mixtures thereof;

(10) Phenylhydantoin derivatives;

(11) Any drug that bears the legend: "Caution: Federal law prohibits dispensing without prescription";

(12) Hypnotic drugs that are combined and compounded with nonhypnotic drugs.

However, preparations of drugs named in subparagraphs (5), (6), (8), and (9) of paragraph (b) of this section, designed for the purpose of feeding or treating animals (other than man) or poultry, and are so labeled, are not dangerous drugs for the purposes of this part.

Subpart F—Penalties

AUTHORITY: Subpart F issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.51 Petty offenses.

Whoever is found guilty of a violation of any provision of Subpart E of this

part is subject to a fine of not more than \$500 or imprisonment of not more than six months, or both.

§ 165.53 Motor vehicle violations.

Whoever is found guilty of a violation of Subpart I of this part is subject to a fine of not more than \$100, imprisonment of not more than 30 days, or suspension or revocation of his motor vehicle operator's permit, or any combination or all of these punishments.

§ 165.55 Violations of Subparts J, K, or L of this part.

(a) Whoever is found guilty of a violation of Subparts J, K, or L of this part is subject to a fine of not more than \$100, or imprisonment of not more than 30 days, or both.

(b) The penalties prescribed in paragraph (a) of this section are in addition to and do not take the place of any criminal penalty otherwise applicable and currently provided by the laws of the United States.

§ 165.57 Contempt.

Justices of the Wake Island Justice Court may, in any civil or criminal case or proceeding, punish any person for disobedience of any order of the court, or for any contempt committed in the presence of the court, by a fine of not more than \$100, or imprisonment of not more than 30 days, or both.

§ 165.59 Substitution of penalty.

Whenever the sentence imposed includes a fine, the sentence may further provide that, if the fine is not paid, the person fined shall, in addition to any other period of confinement adjudged be further confined one day for each \$10 of the unpaid fine.

Subpart G—Justice Court and Rules of Procedure

AUTHORITY: Subpart G issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.60 Establishment; employees; sessions.

(a) There is created a "Wake Island Justice Court" which is vested with the judicial authority provided in this Part. The Court consists of a Chief Justice and such number of Associate Justices as are considered advisable. The Justices are appointed by the FAA Assistant Administrator for the Pacific Region. The Chief Justice shall assign matters to Justices of the court, and shall determine whether the Justices will sit individually or en banc.

(b) A Clerk of the Court shall be appointed by the FAA Assistant Administrator for the Pacific Region. The Clerk shall maintain a public docket containing such information as the Chief Justice may prescribe.

(c) Sessions of the Court are held on Wake Island at times and places designated by the Chief Justice.

§ 165.61 Island Attorney.

The FAA Assistant Administrator for the Pacific Region shall appoint an Island Attorney to represent the United

States in any civil or criminal case in the Wake Island Justice Court, and before the Assistant Administrator.

§ 165.63 Jurisdiction.

(a) The Wake Island Justice Court has jurisdiction over all actions of a civil nature, whether cognizable as cases at law or in equity, where the amount claimed or involved is not more than \$1000, exclusive of interest and costs, and all petty offenses and other violations of this Part, except violations of subpart M of this Part that are under the jurisdiction of the United States District Court for the District of Hawaii.

(b) The Justice Court does not have jurisdiction over divorce actions.

§ 165.65 Rules of Civil Procedure; general.

(a) The Federal Rules of Civil Procedure apply to civil actions in the Justice Court to the extent the Presiding Justice considers applicable under the circumstances.

(b) There is one form of action called the "Civil Action".

(c) Except as otherwise provided in this part, there is not trial by jury.

(d) A civil action begins with the filing of a complaint with the Justice Court. The form of the complaint is as follows except as it may be modified to conform as appropriate to the particular action:

IN THE WAKE ISLAND JUSTICE COURT
Civil Action No. -----

(Plaintiff)
vs.
(Defendant)
Complaint

----- plaintiff alleges that the defendant is indebted to plaintiff in the sum of \$-----; that plaintiff has demanded payment of said sum; that defendant has refused to pay; that defendant resides at ----- on Wake Island; that plaintiff resides at -----

(Plaintiff)

§ 165.67 Summons.

Upon the filing of a complaint, a Justice or Clerk of the Court shall issue a summons in the following form and deliver it for service to a peace officer or other person specifically designated by the court to serve it:

IN THE WAKE ISLAND JUSTICE COURT
Civil Action No. -----

(Plaintiff)
vs.
(Defendant)
Summons

To the above named Defendant:
You are hereby directed to appear and answer the attached cause at ----- on ----- day of ----- 19-- at ----- p.m. and to have with you all books, papers and witnesses needed by you to establish any defense you have to said claim.

You are further notified that in case you do not appear, judgment will be given against you, for the amount of said claim,

together with cost of this suit and the service of this order.

Dated: ----- 19--

(Clerk, Wake Island Justice Court)

§ 165.69 Service of complaint.

(a) A peace officer or other person designated by the Justice Court to make service shall serve the summons and a copy of the complaint at Wake Island upon the defendant personally, or by leaving them at his usual place of abode with any adult residing or employed there.

(b) In the case of a corporation, partnership, joint stock company, trading association, or other unincorporated association, service may be made at Wake Island by delivering a copy of the summons and complaint to any of its officers, a managing or general agent, or any other agent authorized by appointment or by law to receive service.

§ 165.71 Delivery of summons to plaintiff.

The Clerk of the Court shall promptly provide a copy of the summons to the plaintiff, together with notice that if the plaintiff fails to appear at the Court at the time set for the trial, the case will be dismissed. The trial shall be set at a date that will allow each party at least seven days, after the pleadings are closed, to prepare.

§ 165.73 Answer.

(a) The defendant may, at his election, file an answer to the complaint.

(b) The defendant may file a counterclaim, set-off, or any reasonable affirmative defense.

(c) If the defendant elects to file a counterclaim, set-off, or affirmative defense, the Court shall promptly send a copy of it to the plaintiff and shall allow him enough time to prepare his position with regard thereto.

§ 165.75 Proceedings; record; judgment.

(a) The presiding Justice is responsible for the making of an appropriate record of each civil action.

(b) All persons shall give their testimony under oath or affirmation. The Chief Justice shall prescribe the oath and affirmation that may be administered by any Justice or the Clerk of the Court.

(c) Each party may present witnesses and other forms of evidence. In addition, the presiding Justice may informally investigate any controversy, in or out of the Court, if the evidence obtained as a result is adequately disclosed to all parties. Witnesses, books, papers, documents or other objects may be subpoenaed as provided in § 165.97 for criminal cases.

(d) The Court may issue its judgment in writing or orally from the bench. However, if an appeal is taken from the judgment, the presiding Justice shall, within 10 days after it is filed, file a memorandum of decision as a part of the record. The Justice shall place in the memorandum findings of fact, conclusions of law, and any comments that he

considers will be helpful to a thorough understanding and just determination of the case on appeal.

§ 165.77 Appeals.

(a) Any party to a civil action may, within 15 days after judgment, appeal to the FAA Assistant Administrator for the Pacific Region, by filing a notice of appeal with the Clerk of the Wake Island Justice Court and serving a copy on the opposing party. The judgment is stayed while the appeal is pending.

(b) Upon receiving a notice of appeal, with proof of service on the opposing party, the Clerk shall forward the record of the action to the Assistant Administrator.

(c) The appellant shall serve and file a memorandum setting forth his grounds of appeal with the Assistant Administrator within 10 days after the date of the Court's memorandum of opinion. The appellee may serve and file a reply memorandum within 10 days thereafter.

(d) After expiration of the date for filing memoranda under paragraph (c) of this section, the Assistant Administrator shall render his decision.

(e) The decision of the Assistant Administrator shall be in writing and based on the record prepared at Wake Island Justice Court and any memoranda that are filed. If the Assistant Administrator considers that the record is incomplete, he may remand the case to the court for supplemental proceedings. The decision of the Assistant Administrator is final.

§ 165.79 Execution of judgment.

(a) If, after 60 days after the date of entry of judgment (or such other period as the court may prescribe), the judgment debtor has not satisfied the judgment, the judgment creditor may apply to the court for grant of execution on the property of the judgment debtor.

(b) Upon a writ issued by the court, any peace officer may levy execution on any property of the judgment debtor except—

(1) His wearing apparel up to \$300 in value;

(2) His beds, bedding, household furniture and furnishings, stoves and cooking utensils, up to \$300 in value; and

(3) Mechanics tools and implements of the debtor's trade up to \$200 in value.

(c) Within 60 days after levy of execution, a peace officer shall sell the seized property at public sale and shall pay the proceeds to the Clerk of the court. The Clerk shall apply the proceeds as follows:

(1) First, to the reasonable costs of execution and sale and court costs.

(2) Second, to the judgment.

(3) Third, the residue (if any) to the debtor.

(d) In any case in which property has been seized under a writ of execution, but not yet sold, the property seized shall be released upon payment of the judgment, court costs, and the costs of execution.

§ 165.81 Garnishment.

(a) If a judgment debtor fails to satisfy a judgment in full within 60 days

after the entry of judgment (or such other period as the court may prescribe, the court may, upon the application of the judgment creditor issue a writ of garnishment directed to any person having money or property in his possession belonging to the judgment debtor or owing money to the judgment debtor. The following are exempt from judgment:

(1) 90 percent of so much of the gross wages as does not exceed \$200 due to the judgment debtor from his employer.

(2) 80 percent of so much of the gross wages as exceeds \$200 but does not exceed \$500 due to the judgment debtor from his employer;

(3) 50 percent of so much of the gross wages as exceeds \$500 due to the judgment debtor from his employer.

(b) The writ of garnishment shall be served on the judgment debtor and the garnishee and shall direct the garnishee to pay or deliver from the money or property owing to the judgment debtor such money or property as the court may prescribe.

(c) The garnished amount shall be paid to the Clerk of the court, who shall apply it as follows:

(1) First, to satisfy the costs of garnishment and court costs.

(2) Second, to satisfy the judgment.

(3) Third, the residue (if any) to the judgment debtor.

(d) Funds of the debtor held by the United States are not subject to garnishment.

§ 165.83 Rules of criminal procedure; general.

(a) Sections 165.83 through 165.101 govern the procedure in criminal proceedings in the Wake Island Justice Court. They shall be construed to secure simplicity in procedure, fairness in administration, and to eliminate unjustifiable expense and delay.

(b) Before proceeding with the hearing of any criminal matter the Justice Court shall satisfy itself that it has jurisdiction to try the accused as charged.

(c) The Justice of the court who presides at any trial or other criminal proceeding is responsible for the making of an appropriate record of the proceeding.

(d) Due to the location of Wake Island, there is no public defender to be made available to an accused.

§ 165.85 Bail.

(a) A person who is arrested on Wake Island for a violation of this Part is entitled to be released on bail in an amount set by a Justice or Clerk of the Justice Court or by the Governor. The court or Governor may refuse to set bail if, in his judgment, the release of the defendant would not be in the public interest. On payment of the amount, in cash, to the Clerk of the court, the accused is entitled to be released from detention. If the accused fails to appear for arraignment, for trial, or for sentencing, or otherwise breaches any condition of bail, the court may direct a forfeiture of the whole or part of the bail and may on motion after notice to the surety or sureties, if any, enter a

judgment for the amount of the forfeiture.

(b) When an offense has been charged by a citation issued by a peace officer, bail shall be in the amount prescribed by the Chief Justice for the violation. The bail shall be paid in cash to the Clerk of the Court and may be forfeited by the accused. Such a forfeiture terminates the proceeding.

§ 165.87 Seizure of property.

Any property seized in connection with an alleged offense (unless the property is perishable) is retained pending trial in accordance with the orders of the Court. The property must be produced in Court, if practicable. At the termination of the trial, the Court shall restore the property or the funds resulting from the sale of the property to the owner, or make such other proper order as may be required and incorporate its order in the record of the case.

§ 165.89 Information.

(a) Any offense may be prosecuted by a written information signed by the Island Attorney. However, if the offense is one for which a peace officer is entitled to issue citations and a citation for the offense has been issued, the citation serves as an information.

(b) A copy of the information shall be delivered to the accused, or his counsel, as soon as practicable after it is filed.

(c) Each count of an information may charge one offense only and must be particularized sufficiently to identify the place, the time, and the subject matter of the alleged offense. It shall refer to the provision of law under which the offense is charged, but any error in this reference or its omission may be corrected by leave of Court at any time before sentence and is not grounds for reversal of a conviction if the error or omission did not mislead the accused to his prejudice.

§ 165.91 Motions and pleas.

(a) Upon motion of the accused at any time after filing of the information or copy of citation, the Court may order the prosecutor to allow the accused to inspect and copy or photograph designated books, papers, documents, or tangible objects obtained from or belonging to the accused, or obtain from others by seizure or process, upon a showing that the items sought may be material to the preparation of his defense and that the request is reasonable.

(b) When the Court is satisfied that it has jurisdiction to try the accused as charged, it shall require the accused to identify himself and state whether or not he has counsel. If he has no counsel, but desires counsel, the Court shall give him a reasonable opportunity to procure counsel.

(c) When both sides are ready for arraignment, or when the Court determines that both sides have had adequate opportunity to prepare for arraignment, the Court shall read the charges to the accused, explain them (if necessary), and, after the reading or stating of each charge in Court, ask the accused whether he pleads "guilty" or "not guilty". The

Court shall enter in the record of the case the plea made to each charge.

(d) The accused may plead "guilty" to any or all of the charges against him, except that the Court may at its discretion refuse to accept a plea of guilty, and may not accept a plea without first determining that the plea is made voluntarily with understanding of the nature of the charge.

(e) The accused may plead "not guilty" to any or all of the charges against him. The Court shall enter a plea of not guilty if the answer of the accused to any charge is such that it does not clearly amount to a plea of guilty or not guilty.

(f) The accused may, at any stage of the trial, with the consent of the Court, change a plea of not guilty to one of guilty. The Court shall then proceed as if the accused had originally pleaded guilty.

§ 165.93 Sentence after plea of guilty.

If the Court accepts a plea of guilty to any charge or charges, it shall make a finding of guilty on that charge. Before imposing sentence, the Court shall hear such statements for the prosecution and defense, if any, as it requires to enable it to determine the sentence to be imposed. The accused or his counsel may make any reasonable statement he wishes in mitigation or of previous good character. The prosecution may introduce evidence in aggravation, or of bad character if the accused has introduced evidence of good character. The Court shall then impose any lawful sentence that it considers proper.

§ 165.95 Trial.

(a) If the accused pleads not guilty, he is entitled to a trial on the charges in accordance with procedures prescribed in the Rules of Criminal Procedure for the United States District Courts, except as otherwise provided in this Part, to the extent the Presiding Justice considers practicable and necessary to the ends of justice. There is not trial by jury.

(b) All persons shall give their testimony under oath or affirmation. The Chief Justice shall prescribe the oath and affirmation that may be administered by any Justice or the Clerk of the Court.

(c) Upon completion of the trial, the Court shall enter a judgment consisting of a finding or findings and sentence or sentences, or discharge of the accused.

(d) The Court may suspend any sentence imposed, may order the revocation of any automobile Island permit in motor vehicle cases, and may place the accused on probation. It may delay sentencing pending the receipt of any pre-sentencing report ordered by it.

§ 165.97 Subpoenas.

(a) The Clerk of the Court shall issue subpoenas for the attendance of witnesses. The subpoena must include the name of the Court and the title, if any, of the proceeding; and shall command each person to whom it is directed to attend and give testimony at the time and place specified therein. The Clerk shall

issue a subpoena to a party requesting it, setting forth the name of the witness subpoenaed.

(b) The Clerk may also issue a subpoena commanding the person to whom it is directed to produce the books, papers, documents, or other objects designated therein. The Court may direct that books, papers, and documents designated in the subpoena be produced before the Court at a time before the trial or before the time when they are to be offered in evidence. It may, upon their production, allow the books, papers, documents, or objects or portions thereof to be inspected by the parties and their representatives.

(c) Any Peace Officer or any other person who is not a party and who is at least 18 years of age may serve a subpoena. Service of a subpoena shall be made by delivering a copy thereof to the person named.

§ 165.99 Appeals.

(a) The defendant in any criminal case may appeal from any judgment of the Wake Island Justice Court to the FAA Assistant Administrator for the Pacific Region by filing a notice of appeal with the Clerk of the Wake Island Justice Court, and serving a copy on the Island Attorney. The United States may not appeal.

(b) The notice must be served and filed within 15 days after the judgment of the Court.

(c) Upon receiving a notice of appeal, with proof of service on the Island Attorney, the Clerk shall forward the record of the case to the Assistant Administrator.

(d) The appellant must serve and file a memorandum with the Assistant Administrator within 10 days after filing notice of appeal setting forth the grounds for appeal. The Island Attorney may file a reply memorandum within 10 days thereafter.

(e) The Assistant Administrator may affirm, dismiss, or modify the order of the Court, or exercise any of the other powers of the Justice Court. The judgment of the Assistant Administrator is final.

§ 165.101 New trial.

A justice of the Court may order a new trial as required in the interest of justice, or vacate any judgment and enter a new one, on motion made within a reasonable time after discovery by the moving party of matters constituting the grounds upon which the motion for new trial or vacation of judgment is made.

Subpart H—Special Procedures

AUTHORITY: Subpart H issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.111 Revocation or suspension of permits.

(a) The Island Governor may, after notifying the holder of an Island permit and giving him an opportunity to be heard, order the permit suspended or revoked for cause, including—

(1) Lack of physical fitness required to hold the permit;

(2) Lack of roadworthiness of a vehicle, or of seaworthiness of a boat;

(3) Lack of need for the permit;

(4) Breach of any term or condition of the permit; and

(5) Conviction for violation of any regulation of this part where the violation is related to activities conducted under the permit.

(b) In any case in which he determines that an emergency exists requiring immediate action, the Governor may issue an order of suspension or revocation, effective immediately, without notice. However, the Permit holder may, within 10 days after the suspension or revocation, request a hearing. If he so requests a hearing he is entitled to it. The emergency order is not stayed pending the hearing.

§ 165.113 Disposition of confiscated, lost, or abandoned property.

Whenever the Island Governor confiscates property under this Part, or takes custody of lost or abandoned property (and is unable to ascertain the owner), he shall hold it for at least 30 days before disposing of it by auction, destruction, or donation for civic benefit, or in the case of lost or abandoned property, return it to the finder, as he considers appropriate.

§ 165.115 Abatement of nuisance.

Whenever the Island Governor determines that, on any premises on Wake Island, a condition exists that is unsanitary or hazardous, that may be injurious to the public, or is otherwise a nuisance, he may order the condition abated. If the legal custodian of the premises concerned does not take action to abate the nuisance within 30 days after the order is issued, the Governor may enter on the premises and abate the nuisance for, and at the expense of, the custodian.

§ 165.117 Vital statistics.

(a) The Island Governor shall maintain a Register of Vital Statistics on Wake Island, with a duplicate copy in the FAA Regional Office in Honolulu, Hawaii.

(b) Upon application and payment of a reasonable fee prescribed by the Governor, any person may obtain a copy of any Certificate of Birth, Marriage, or Death on Wake Island.

§ 165.119 Service of civil process.

Any peace officer may serve any civil process on Wake Island that is allowed to be served under a Federal or State law. The officer serving the process shall execute any required affidavit of service.

§ 165.121 Marriage ceremonies.

The Island Governor, or any clergyman authorized by him, may perform marriage ceremonies on Wake Island. The person performing the marriage shall execute a Certificate of Marriage for each marriage that he performs.

§ 165.123 Autopsies.

The medical officer on Wake Island, or any other qualified person under his supervision, may perform autopsies upon the authorization of the Island Governor, or a Justice of the Wake Island Justice Court.

§ 165.125 Arrests.

(a) Any person may make an arrest on Wake Island, without a warrant, for any crime (including a petty offense) that is committed in his presence.

(b) Any Peace Officer may, without a warrant, arrest any person on Wake Island who violates any provision of this part or commits a crime that is not a violation of this part, in his presence, or that he reasonably believes that person to have committed.

(c) In making an arrest, a Peace Officer must display a warrant, if he has one, or otherwise clearly advise the person arrested of the violation alleged, and thereafter require him to submit and be taken before the appropriate official on Wake Island.

(d) In making an arrest, a Peace Officer may use only the degree of force needed to effect submission, and may remove any weapon in the possession of the person arrested.

(e) A Peace Officer may, whenever necessary to enter any building, vehicle, or aircraft to execute a warrant of arrest, force an entry after verbal warning.

(f) A Peace Officer may force an entry into any building, vehicle or aircraft whenever—

(1) It appears necessary to prevent serious injury to persons or damage to property and time does not permit the obtaining of a warrant;

(2) To effect an arrest when in hot pursuit; or

(3) To prevent the commission of a crime which he reasonably believes is being committed or is about to be committed.

§ 165.127 Warrants.

(a) The Island Governor or any Justice of the Wake Island Justice Court may issue a warrant for arrest if, upon complaint, it appears that there is probable cause to believe an offense has been committed and that the person named in the warrant has committed it. The issuing officer shall—

(1) Place the name of the person charged with the offense in the warrant, or if his name is not known, any name or description by which he can be identified with reasonable certainty;

(2) Sign the warrant;

(3) Describe in the warrant the offense charged;

(4) Issue the warrant to a peace officer for execution; and

(5) Place in the warrant a command that the person charged with the offense be arrested and brought before him.

(b) Each person making an arrest on Wake Island shall take the arrested person, without unnecessary delay, before the Island Governor, a Justice of the Wake Island Justice Court, or the United States Commissioner on Wake Island, as appropriate.

(c) The official before whom an arrested person is brought shall inform him of the complaint against him and his right to counsel. The official shall also advise the arrested person that he is not required to make a statement and that any statement made by him may be used against him. If the arrested person requests it, the official shall allow

him reasonable time to consult counsel and shall admit him to bail as provided in § 165.85.

§ 165.129 Citation in place of arrest.

In any case in which he may make an arrest without a warrant, a peace officer may, under such limitations as the Island Governor may impose, issue and serve a citation to a person in place of arresting him if the officer considers that the public interest does not require an arrest. The citation must briefly describe the offense charged and direct the accused to appear before the Wake Island Justice Court at a designated time and place.

§ 165.130 Notaries public.

(a) Each notary public commissioned by the Island Governor shall file his signature and deposit an impression of his seal in the office of the Clerk of the Wake Island Justice Court.

(b) Each notary public may take and certify acknowledgments or proof of powers of attorney, mortgages, deeds, and other instruments in writing; may take depositions and administer oaths and affirmations; and may take affidavits to be used before any justice or other official on Wake Island. Each notary public may also perform such other acts, for use and effect beyond Wake Island, as may be performed by notaries public according to the laws of the United States, any State or Possession, the District of Columbia, or any foreign government in amity with the United States.

(c) In any case in which a prothonotarial certificate is required, the Clerk of the Court shall issue it.

Subpart I—Motor Vehicle Code

AUTHORITY: Subpart I issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.131 Applicability.

This subpart applies to self-propelled motor vehicles (except aircraft), including attached trailers.

§ 165.133 Right-hand side of road.

Each person driving a motor vehicle on Wake Island shall drive on the right-hand side of the road, except where necessary to pass or where a sign declaring one-way traffic is posted.

§ 165.135 Speed limits.

Each person operating a motor vehicle on Wake Island shall operate it at a speed—

(a) That is reasonable, safe, and proper, considering road and weather conditions, the kind of motor vehicle, and the proximity to persons or buildings, or both; and

(b) That does not exceed 40 miles an hour or such lesser speed limit as may be posted.

§ 165.137 Right-of-way.

(a) A pedestrian has the right-of-way over vehicular traffic when in the vicinity of a building, school, or residential area, or when on the airport.

(b) In any case in which two motor vehicles have entered an intersection at

the same time, the vehicle on the right has the right-of-way.

(c) If the driver of a motor vehicle enters an intersection with the intent of making a left turn, he shall yield the right-of-way to any other motor vehicle that has previously entered the intersection or is within hazardous proximity.

(d) When being overtaken by another motor vehicle, the driver of the slower vehicle shall move it to the right to allow safe passing.

(e) Each driver of a motor vehicle shall yield the right-of-way to an emergency vehicle on an emergency run.

§ 165.139 Arm signals.

(a) A signal for a turn or stop is made by fully extending the left arm as follows:

(1) Left turn—extend left arm horizontally.

(2) Right turn—extend left arm upward.

(3) Stop or decrease speed—extend left arm downward.

(b) A signal light or other device may be used in place of an arm signal prescribed in paragraph (a) of this section if it is visible and intelligible.

§ 165.141 Making turns.

(a) Each person making a right turn in a motor vehicle shall make the approach and turn as close as practicable to the right hand curb or road edge.

(b) Each person making a left turn in a motor vehicle shall make the approach and turn immediately to the right of the center of the road, except that on multi-lane roads of one-way traffic flow he may make the turn only from the left lane.

(c) No person may make a U-turn in a motor vehicle if he cannot be seen by the driver of each approaching vehicle within a distance of 500 feet.

(d) No person may place a vehicle in motion from a stopped position, or change from or merge into a lane of traffic, until he can safely make that movement.

§ 165.143 General operating rules.

No person may, while on Wake Island—

(a) Operate a motor vehicle in a careless or reckless manner;

(b) Operate or occupy a motor vehicle while he is under the influence of a drug or intoxicant;

(c) Consume an alcoholic beverage (including beer, ale, or wine) while he is in a motor vehicle;

(d) Operate a motor vehicle that is overloaded or is carrying more passengers than it was designed to carry;

(e) Ride on the running board, step, or outside of the body of a moving motor vehicle;

(f) Ride a moving motor vehicle with his arm or leg protruding;

(g) Operate a motor vehicle in a speed contest or drag race;

(h) Park a motor vehicle for a period longer than the posted time limit;

(i) Stop, park, or operate a motor vehicle in a manner that impedes or blocks traffic;

(j) Park a motor vehicle in an unposted area, except adjacent to the right-hand curb or edge of the road;

(k) Park a motor vehicle in a reserved or restricted parking area that is not assigned to him;

(l) Sound the horn of a motor vehicle, except as a warning signal;

(m) Operate a tracked or clefted vehicle in a manner that damages a paved or compacted surface, except with the permission of the Island Governor;

(n) Operate any motor vehicle contrary to a posted traffic sign;

(o) Operate a motor vehicle as to follow any other vehicle closer than is safe under the circumstances;

(p) Operate a motor vehicle off of established roads, or in a cross-country manner, except when necessary in conducting business; or

(q) Operate a motor vehicle at night on the traveled part of a street or road, without using operating headlights.

§ 165.145 Operating requirements.

(a) Each person operating a motor vehicle on Wake Island shall—

(1) Dim the headlights of his vehicle when approaching an oncoming vehicle at night; and

(2) Comply with any special traffic instruction given by an authorized person.

(b) Each person operating a motor vehicle that is involved in an accident or collision on Wake Island shall immediately report it to the Island Governor. In addition, if the Governor so requests, the operator of such a motor vehicle shall send a written report of the accident to the Governor.

(c) Each person operating a bicycle, mechanized crane, item of heavy motorized equipment, or item of self propelled ramp equipment on Wake Island shall conform as nearly as practicable to the rules applicable to motor vehicles.

§ 165.147 Motor bus operation.

Each person operating a motor bus on Wake Island shall—

(a) Keep its doors closed while the bus is moving with passengers on board; and

(b) Refuse to allow any person to board or alight from the bus while it is moving.

§ 165.149 Motor vehicle operator qualifications.

(a) No person may operate a privately-owned motor vehicle on Wake Island unless he has an Island operator's permit.

(b) The Island Governor may issue—

(1) A student operator's permit to any person who is at least 14 years of age, to be exercised only when the holder is accompanied by a qualified operator who assumes full responsibility for operating the vehicle; and

(2) An unlimited operator's permit to any person who is at least 16 years of age and satisfactorily demonstrates safe-driving knowledge, ability, and physical fitness.

(c) No person may operate, on Wake Island, a motor vehicle owned by the United States unless he holds a current operator's permit issued by the United States.

(d) Each person operating a motor vehicle on Wake Island shall present

his operator's permit to any peace officer, for inspection, upon request.

§ 165.151 Motor vehicle maintenance and equipment.

(a) Each person who has custody of a motor vehicle on Wake Island shall present that vehicle for periodic safety inspection, as required by the Island Governor.

(b) No person may operate a motor vehicle on Wake Island unless it is in a condition that the Island Governor considers to be safe and operable.

(c) No person may operate a motor vehicle on Wake Island unless it is equipped with—

- (1) A horn;
- (2) A wiper, for any windshield;
- (3) A rear vision mirror;
- (4) Head lights and tail lights;
- (5) A muffler; and
- (6) Properly functioning spark or ignition noise suppressors.

(d) No person may operate a motor vehicle on Wake Island if that vehicle is equipped with a straight exhaust or muffler cutoff.

§ 165.153 Motor vehicle operations on the airport.

(a) No person operating a motor bus may load or unload passengers on the airport except at designated locations.

(b) No person may park a motor vehicle on the airport (except in the public airport parking lot) unless that vehicle is secured by handbrakes.

(c) No person may operate a privately-owned motor vehicle on a ramp, taxiway, or runway of the airport, unless authorized by the Island Governor.

(d) No person may operate a motor vehicle on a ramp, taxiway, or runway of the airport unless it is required in performing official or tenant business.

Subpart J—Registration and Island Permits

AUTHORITY: Subpart J issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.161 Registration of certain property.

(a) Each person who has custody of any of the following on Wake Island shall register it with the Island Governor:

- (1) A privately-owned motor vehicle as described in § 165.131.
- (2) A privately-owned boat.
- (3) An animal.
- (4) Any device or instrument primarily designed for inflicting bodily injury, including a gun, pistol, or other firearm operated by air, gas, spring, or otherwise.
- (5) A narcotic or dangerous drug described in § 165.45, or any poison.
- (6) Any known explosive.

(b) Each person who obtains custody of an article described in subparagraphs (4), (5), or (6) of paragraph (a) of this section shall register it immediately upon obtaining custody. Each person who obtains custody of any other article described in paragraph (a) of this section shall register it within 10 days after obtaining custody.

§ 165.163 Island permit for boat, vehicle, or firearm.

(a) No person may use a privately-owned motor vehicle, boat, or a firearm, gun, or pistol operated by air, gas, or spring, or otherwise, on Wake Island unless he has an Island Permit for it.

(b) The operator of a motor vehicle shall display its registration number on the vehicle in a place and manner prescribed by the Island Governor.

§ 165.165 Activities for which permit is required.

No person may engage in any of the following on Wake Island unless he has an Island Permit:

(a) Any business, commercial, or recreational activity conducted for profit, including a trade, profession, calling, or occupation, or an establishment where food or beverage is prepared, offered, or sold for human consumption (except for personal or family use).

(b) The practice of any medical profession, including dentistry, surgery, osteopathy, and chiropractic.

(c) The erection of any structure or sign, including a major alteration or enlargement of an existing structure.

(d) The discharge of explosives or fireworks or of firearms, guns, or pistols operated by air, gas, spring or otherwise.

(e) The burial of any human or animal remains, except that fish and ball scrap may be buried at beaches where fishing is permitted, without obtaining a permit.

(f) Keeping or maintaining an animal.

§ 165.167 Expiration of permits.

(a) Each Island permit expires on the earliest of the following dates:

- (1) Two years after the date it is issued.
- (2) The date specified on the permit.
- (3) In the case of a motor vehicle, boat, or firearms, the date its custody is transferred to any person other than the holder of the permit therefor.
- (4) The date it is revoked by the Island Governor.

(b) Notwithstanding subparagraph (1) of paragraph (a) of this section, the Island Governor may issue a permit for a period longer than two years to coincide with the terms of any agreement between the FAA Pacific Region and the permit holder, applicable to Wake Island.

Subpart K—Health and Sanitation

AUTHORITY: Subpart K issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.171 Inspections.

The following areas of Wake Island are subject to sanitation and health inspection by the Island Governor:

(a) Any place or building (except residential quarters) where food or beverages are stored or dispensed, or any equipment therein for handling or processing food or beverages.

(b) Any facility available to the public or to business visitors of a tenant.

(c) Any residential quarters where there is reason to believe that an infec-

tious, communicable, or loathsome disease or unsanitary condition may exist.

(d) Any potable water storage area or distribution or dispensing facility or equipment.

(e) Any area where there is reason to believe that there are rodents, pests, or infected animals.

§ 165.173 Reporting of diseases.

The head of any household shall immediately report, to the Island Governor, any infectious, communicable, or loathsome disease in that household.

Subpart L—Public Safety

AUTHORITY: Subpart L issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.181 Emergency requirements and restrictions.

In the event of any fire, crash, search and rescue, natural disaster, national peril, radiological hazard, or other calamitous emergency—

(a) No person may impede or hamper any officer or employee of the United States or any other person who has emergency authority;

(b) No unauthorized persons may congregate at the scene of the emergency; and

(c) Each person present shall promptly obey the instructions, signals, or alarms of any peace officer, fire or crash crew, or other authorized person, and any orders of the Island Governor.

§ 165.183 Fire hazards.

(a) Each person engaged in a business or other non-FAA activity on Wake Island shall, at his expense, provide and maintain (in an accessible location) fire extinguishers of the type, capacity, and quantity that the Island Governor considers satisfactory for protecting life and property in the areas under that person's control.

(b) To minimize fire hazards, no person may store any waste or inflammable fluids or materials except in a manner and at a place prescribed by the Island Governor.

§ 165.185 Use of special areas.

The Island Governor may regulate the use of designated or posted areas on Wake Island, as follows:

(a) Restricted areas—which no person may enter without lawful permission.

(b) Prohibited activities areas—in which no person may engage in any activity that is specifically prohibited.

(c) Special purpose areas—in which no person may engage in any activity other than that for which the area is reserved.

§ 165.187 Unexploded ordnance material.

Any person who discovers any unexploded ordnance material on Wake Island shall refrain from tampering with it and shall immediately report its site to the Island Governor.

§ 165.189 Boat operations.

The operator of each boat used at Wake Island shall conform to the limitations on its operations as the Island

Governor may prescribe in the public interest.

§ 165.191 Floating objects.

No person may anchor, moor, or beach any boat, barge, or other floating object on Wake Island in any location or manner other than as prescribed by the Island Governor.

Subpart M—Airport Rules

AUTHORITY: Subpart M issued under sec. 10, 62 Stat. 453, 49 U.S.C. 1159.

§ 165.201 Tenants; cleaning of premises.

(a) Each person engaged in a business or other non-FAA activity on the airport shall—

(1) Keep the surface of the premises assigned to him (including ramp areas) free and clear of oil, grease, and other inflammable materials;

(2) Clear and clean any joint-use area promptly after using it; and

(3) Remove any potentially injurious spillage immediately.

(b) In any case in which a person covered by this section neglects or refuses to clean and clear the premises assigned to him, the Island Governor may perform the necessary work and assess a charge against the tenant for that service.

§ 165.203 Tenants; unlawful activities.

No person engaged in a business or other non-FAA activity on the airport may knowingly allow property under his control to be used or occupied for an unlawful purpose or activity.

§ 165.205 Tenants and other users; property and equipment.

(a) Each person engaged in a business or other non-FAA activity on the airport and each other user of facilities at the airport shall stow all materials, supplies, tools, and equipment in a neat, safe, and workmanlike manner satisfactory to the Island Governor.

(b) Each person using ramp servicing shall return the equipment to its assigned location or area promptly after using it.

§ 165.207 Notice of accidents.

(a) Each person concerned shall immediately notify the Island Governor of—

(1) Any personal injury on the airport;

(2) Any property damage to the airport; and

(3) Any accident on the airport involving property damage of more than \$50.

(b) Subparagraph (3) of paragraph (a) of this section does not apply to motor vehicle accidents required to be reported under § 165.145(b).

§ 165.209 Discrimination.

All services performed in operating a facility at the airport must be without discrimination or segregation as to race, creed, color or national origin.

§ 165.211 Parked aircraft; responsibility.

The United States is not responsible for the care or protection of any aircraft parked at the airport.

§ 165.213 General operating rules.

No person on the airport may—

(a) Leave an aircraft unattended unless it is properly secured;

(b) Park an aircraft in an improper place or obstruct ground traffic;

(c) Run-up an aircraft engine except in a designated area;

(d) Start or run-up an aircraft unless a certificated pilot or knowledgeable mechanic is at the controls;

(e) Start an aircraft unless its main landing wheels are firmly secured by blocks or adequate locking brakes; or

(f) Taxi or operate any aircraft on the ground so as to allow the propeller wash or engine exhaust to endanger persons or property.

§ 165.215 Disabled aircraft.

(a) Each person who is in command of an aircraft that becomes disabled on the airport shall immediately notify the Island Governor. The operator of the aircraft shall, if so directed by the Governor, promptly move it to a safer area.

(b) If the operator of a disabled aircraft neglects or refuses to comply promptly with a removal order, the Governor may, without liability for any damage thereto, move the aircraft as he considers necessary for aviation safety and may assess a charge for the service.

§ 165.217 Fueling operations.

(a) No person may fuel or defuel an aircraft on the airport while—

(1) Its engine is running or is being warmed by applying external heat;

(2) It is in a hangar or enclosed space;

(3) It is within 50 feet of any hangar or other building on the airport; or

(4) Passengers are in the aircraft, unless a passenger loading ramp is in place at the cabin door, that door is open, and a cabin attendant is at or near that door.

(b) No person other than those covered by subparagraph (4) of paragraph (a) of this section and those persons necessarily engaged in the fueling or defueling may be within 100 feet of an aircraft that is being fueled or defueled.

(c) No person may smoke within 100 feet of an aircraft that is being fueled or defueled on the airport.

(d) No person may operate a radio transmitter or receiver, or switch electrical appliances on or off, in an aircraft on the airport, while it is being fueled or defueled.

(e) During the fueling of an aircraft, on the airport, the dispensing apparatus and the aircraft must both be grounded to a point of zero electrical potential.

(f) Each person engaged in fueling or defueling, on the airport, shall exercise care to prevent the overflow of fuel, and must have adequate fire extinguishers within ready reach.

(g) During the fueling or defueling of an aircraft, on the airport, no person may use any material that is likely to cause a spark or be a source of ignition, or start the engine if there is any gasoline on the ground underneath it.

(h) Each hose, funnel, or appurtenance used in fueling or defueling an aircraft on the airport must be maintained in a safe, sound, and nonleaking condition and must have a grounding device to prevent ignition of volatile liquids.

§ 165.219 Fire hazards.

(a) Each person engaged in a business or other non-FAA activity on the airport shall provide suitable metal receptacles, with self-closing covers, for storing waste, rags, and other rubbish, and shall remove all rubbish from its premises each day.

(b) No person may conduct an open-flame operation on the airport without the specific permission of the Island Governor.

(c) No person may store an inflammable, explosive, or hazardous liquid, gas, flare, or material on the airport except in proper receptacles and in areas designated by the Island Governor.

(d) No person may store any material on the airport in a manner that constitutes a fire hazard.

(e) No person may clean an aircraft, engine, or appliance on the airport with an inflammable volatile liquid having a flash point of less than 110 degrees Fahrenheit, except in designated open-air areas.

(f) No person may use a portable aircraft ground-power unit, operated by an internal combustion engine, on the airport, unless it has a muffler and a proper spark arresting device on the exhaust system.

§ 165.221 Operation of motor vehicles in air traffic areas.

(a) No person may operate a motor vehicle on any surface on the airport that is under air traffic control, unless he has a tower clearance.

Subpart N—Airport Charges

AUTHORITY: Subpart N issued under sec. 10, 62 Stat. 453; 49 U.S.C. 1159.

§ 165.231 Landing charges.

The charge for each landing of an aircraft at the airport is 30 cents for each 1,000 pounds of aircraft weight. There is no additional charge for takeoffs. In addition, there is no landing charge for—

(a) A civil or public aircraft that is not engaged in commercial operations;

(b) An aircraft engaged in a test flight, not including a survey or proving run; or

(c) An aircraft compelled to return after takeoff.

§ 165.233 Parking charges.

(a) The charge for parking an aircraft in a hangar at the airport is 5 cents for each 1,000 pounds of aircraft weight for each 6-hour period, or fraction thereof.

(b) The charge for parking an aircraft on the airport, other than in a hangar, is two and one-half cents for each 1,000 pounds of aircraft weight for each 6-hour period, or fraction thereof, beginning 6 hours after the aircraft lands.

(c) The FAA official in charge of the airport may assess excess parking fees of \$5 an hour, or fraction thereof, for aircraft that fails to conform to assignments of space on the airport.

§ 165.235 Computation of weight for payment of charges.

For the purposes of §§ 165.231 and 165.233, the weight of an aircraft is the maximum takeoff weight permitted for that aircraft by the appropriate aero-

nautical authority of the country in which it was made, computed to the nearest 1,000 pounds.

§ 165.237 Charges for aircraft based at the airport.

The Assistant Administrator of the Pacific Region fixes charges for aircraft based at the airport without regard to the charges prescribed in §§ 165.231 and 165.233.

§ 165.239 Payment of charges.

Charges due under this subpart must be paid in United States currency at the time the airport is used. However, scheduled air carriers and other aircraft operators may make prior financial arrangements with the FAA official in charge of the airport, including provision to pay on a monthly or other suitable basis.

Subpart O—Utility Services

AUTHORITY: Subpart O issued under sec. 10, 62 Stat. 453; 49 U.S.C. 1159.

§ 165.241 Applicability.

This subpart prescribes the conditions under which the Administrator provides water, electric power, sewerage, and communications service at Wake Island to persons and organizations engaged directly or indirectly in aeronautical activity, except agencies of the United States.

§ 165.243 Services available.

The services available under this subpart are limited to those that are excess to the needs of the FAA and are within the capacities of installed facilities. If additional services are desired, permission may be given to build additional complementary facilities or extensions to the system involved.

§ 165.245 Applications.

A person desiring service under this subpart must apply in writing to the Assistant Administrator, FAA Pacific Region, P.O. Box 4009, Honolulu, Hawaii, setting forth in detail the type, location, and amount of service desired, the maximum demand, and other pertinent information, including, for electric power applications, information on all motor loads of more than two horsepower.

§ 165.247 Connections to sewer and water systems.

(a) A connection to an existing sewer and water system (other than an extension of the system) is made by the user, with the written approval of the Chief of the Facilities Division of the FAA Pacific Region (in this subpart called the "Facilities Chief"). The method of connection and workmanship are subject to inspection and approval of the Island Structural Maintenance Engineer.

(b) For the purpose of this section, an extension to an existing sewer or water system includes additional lateral or trunk sewers, manholes, or sewerage disposal facilities, water mains, and water collection, production, storage or pumping facilities, as distinguished from a connection to the system to provide service to an individual user.

(c) When necessary, meters are furnished, installed, and serviced by FAA. In addition, FAA maintains the fresh water connection between the main and the building of the user, but the user shall maintain the sewer connection between the building and the lateral sewer, subject to the inspection and approval of the Island Structural Maintenance Engineer.

§ 165.249 Connections to electric power systems.

(a) A connection to existing electric power systems is made by and at the expense of the FAA.

(b) For the purposes of this section, a connection is limited to providing a meter, installing and connecting the meter to the service drop, and connecting the service drop to the power supply line. Any other work is considered to be an extension to the existing system.

(c) The user shall provide, install, and maintain a safety switch, a meter socket, a one-span service drop, and the work and materials necessary to distribute the power from the service drop.

(d) The workmanship, materials, and equipment provided by the user under this section must conform to FAA Technical Standard Order N 17A.

§ 165.251 Connections to communications systems.

(a) Only the FAA makes connections to the existing communications system.

(b) For the purposes of this section, a connection is limited to providing and installing telephones and lines from the service drop, adding or removing telephone extensions on either private or party lines, and changing the location of an authorized telephone. Any other work or materials that are necessary to provide the user with communications services is considered to be an extension to an existing system.

(c) Title to the communication system is in the United States. The system is maintained by the FAA.

§ 165.253 Extensions to systems.

(a) An extension to an existing water, sewerage, electric power, or communications system may be made only with the written approval of the Facilities Chief.

(b) Based on circumstances, as determined by the Facilities Chief, an extension to a facility is made by the user at his expense, or by the FAA.

(c) An extension made by the user becomes the property of the United States upon being incorporated into the system.

§ 165.255 Rates of payment; electric power.

The charge for electric power is \$0.060 a kilowatt-hour.

§ 165.257 Rates of payment: water and sewerage.

(a) The charge for fresh water at Wake Island is \$0.02 a gallon, and for brackish water is \$150 a year for each building connection. However, the Chief of the Facilities Division of the FAA Pacific Region may set a higher rate for

brackish water, based on the number of exterior hose bibbs, water closets, and use, for a building with more than two exterior hose bibbs or more than one water closet.

(b) The charge for sewerage at Wake Island is \$60 a year for a family residence and \$210 a year for any other building. However, the Facilities Chief may set a higher rate, based on the number of connections, for the service to a building with more than 10 sewerage fixture connections.

§ 165.259 Rates of payment: communications.

(a) The charge for individual line service for telephones is \$8.75 a month and for two-party service is \$7.75 a month, plus \$5 a month for each additional instrument connection.

(b) The charge for an extension to an existing telephone system or for relocating an existing telephone connection is \$10.

§ 165.261 Rates of payment: measurement, adjustment, and billing.

(a) Fresh water and electric power use are measured by meter. However, in an exceptional circumstance, use may be based on estimates agreed to by the user and the Facilities Chief.

(b) Rates prescribed in this subpart may be adjusted equitably as circumstances warrant. However, each user shall be notified at least 30 days before any rate is adjusted.

(c) Each utility user is billed monthly for services used. Each user shall pay his bill as previously arranged between the user and the FAA Assistant Administrator for the Pacific Region.

§ 165.263 Liability of the United States.

The United States is not liable for any loss, damage, or injury of any user of the utility services authorized by this subpart, or of any third party, because of a part or complete failure or shutdown of a utility, unless the loss, damage, or injury was caused by a negligent or wrongful act or omission of an employee of the United States acting within the scope of his employment, under circumstances where the United States would, if it were a private person, be liable to the claimant for the loss, damage, or injury under the law of the place where it occurred.

Subpart P—Medical and Hospital Services

AUTHORITY: Subpart P issued under sec. 10, 62 Stat. 453, 49 U.S.C. 1159.

§ 165.271 Applicability.

This subpart prescribes the conditions under which the Administrator provides medical services, medical supplies, and hospitalization at Wake Island.

§ 165.273 Supervision.

The medical services, medical supplies, and hospitalization furnished by the FAA at Wake Island are under the administrative control of the Island Governor and the professional direction of the designated Island Medical Officer.

§ 165.275 Transportation for treatment purposes.

In any case in which the Island Medical Officer determines that the medical services or facilities on the Island are inadequate, an FAA employee who is under the jurisdiction of the Bureau of Employees' Compensation is entitled to transportation, without cost to him, to adequate services or facilities in Honolulu, Hawaii, or to the closest place where they are adequate. The employing agency must provide transportation in similar cases for persons other than FAA employees.

§ 165.277 Treatment in non-compensation cases.

(a) Subject to the charges prescribed in §§ 165.279, 165.281, and 165.283, general treatment of injury or disease, other than that authorized by § 165.279, is provided for—

(1) Civilian employees of the United States;

(2) Members of the armed forces on active duty;

(3) Employees of a non-United States agency that is engaged in aeronautical activity who are at an Island location under temporary or permanent assignment;

(4) The spouse, child (including an unmarried stepchild or adopted children) under 21 years of age or mentally or physically incapable of supporting himself, or parent, of a person covered by subparagraph (1), (2), or (3) of this paragraph, who receives more than one-half of his support from that person; and

(5) Transient persons, not otherwise covered by this section, who are on the Island for a period of less than one month in connection with an aeronautical activity.

(b) In any case in which the Island Medical Officer determines that the medical services or facilities on the Island cannot provide proper treatment for an FAA employee covered by this section, or his dependent covered by subparagraph (4) of paragraph (a) of this section, the employee or dependent shall be sent without cost to him, to Honolulu, Hawaii, or to the closest other place, where proper treatment can be provided. Transportation in similar cases for other persons must be provided by the employing agency, or by the patient if he is a transient covered by subparagraph (5) of paragraph (a) of this section.

§ 165.279 Charges for medical services and supplies.

(a) Charges for medical services at Wake Island are as follows:

(1) For civilian employees of the United States who are under the jurisdiction of the Bureau of Employees' Compensation, and members of the armed forces on active duty—no charge for treatment of injury incurred while performing their duties or disease proximately caused by conditions of their employment.

(2) For civilian employees of the United States, members of the armed forces on active duty, and the dependents of either of them—

(i) For each call at the FAA dispensary during regular hours—\$0.50 for the services of a technician; \$1 for the services of a nurse; and \$3 for the services of a doctor; and

(ii) For each call at the dispensary outside of regular hours or at a place other than the dispensary—\$1 for the services of a technician; \$2 for the services of a nurse; and \$5 for the services of a doctor.

(3) For employees of a non-United States agency and their dependents—an apportionment of all items of cost involved in the furnishing of supplies and services as fixed in written agreements with the employing agency.

(4) For transients—an apportionment of all items of cost involved in the furnishing of services and supplies.

(b) The charge for medical supplies not administered by the medical staff at Wake Island is determined administratively but may not be more than \$3 for any one supply furnished.

§ 165.281 Charges for hospitalization.

(a) Except as provided in paragraph (b) of this section, the charge for hospital services is \$7.50 a calendar day, or fraction thereof, for each person, not including meals (which must be otherwise provided and charged for), but including the services of the doctor and nurse, medical supplies, drugs, X-rays, and other medical services and supplies available on the Island that the doctor considers necessary for treating the patient.

(b) The charge for maternity care is \$125, including prenatal, delivery, and postnatal care and attendance, and hospitalization, for a period of not more than 3 days, but not including meals (which must be otherwise provided and charged for).

§ 165.283 Charges for miscellaneous services.

(a) Except where required in connection with employment by the United States, the charge for each immunization (including vaccine and administering it) is not more than \$3 if the cost of the vaccine is not more than \$3. However, if the cost of the vaccine is more than \$3, the charge is the cost of the vaccine.

(b) The following laboratory or special treatment charges apply to all persons:

(1) Diathermy treatments—\$1 each.

(2) X-rays—\$3 each.

(3) Complete blood count—\$3 each.

(4) Wassermann—\$3 each.

(5) Urinalysis—\$1 each.

(c) The charge for each physical examination not required in connection with employment by the United States is \$10.

(d) The charge for services and treatment not otherwise covered by this section or §§ 165.279 or 165.281 are as prescribed by the FAA Assistant Administrator for the Pacific Region.

(e) A list of the charges authorized by or under this subpart is posted in a prominent place in each Island Dispensary.

§ 165.285 Method of payment.

(a) Amounts due from civilian employees of the United States, members of the armed forces, and the dependents of either of them, shall be paid as administratively determined. However, in the case of an FAA employee, amounts due under this subpart may not be deducted from his pay.

(b) Amounts due from employees of a non-United States agency must be paid at the time the service is performed, unless the employing agency has made a written arrangement with the FAA for payment on a periodic basis or unless immediate payment is not practicable in a particular case.

(c) Amounts due from transients must be paid at the time the service is performed unless immediate payment is not practicable in a particular case. If not paid immediately, the transient's home or business address must be noted before he leaves the Island so that he may be contacted later to pay the charges.

§ 165.287 Processing of payments.

Payments for medical and hospital services at Wake Island shall be collected as provided in this subpart and sent promptly to the Island Governor. The Island Governor schedules them and sends them to the FAA Assistant Administrator for the Pacific Region, in accordance with prescribed procedure.

§ 165.289 Exceptions.

The Island Governor may waive any requirement of this subpart when he determines that it is appropriate in an emergency case or is required for humanitarian reasons. The Island Governor shall report once each year to the Administrator, through the FAA Assistant Administrator for the Pacific Region, on the waivers granted by him under this section during the preceding fiscal year.

[F.R. Doc. 62-8985; Filed, Sept. 5, 1962; 10:12 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-155 etc.]

PART 13—PROHIBITED TRADE PRACTICES

Williams Press, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 Allowances for services or facilities.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpretations or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Williams Press, Inc., Albany, N.Y., Docket C-155, June 28, 1962; Johnson Publishing Co., Inc., Chicago, Ill., D. C-157, July 10, 1962; Gernsback Publications, Inc., New York, N.Y., Docket C-158, July 10, 1962; Mercury Press, Inc., New York, N.Y., Docket C-159, July 10, 1962; Feature Publications, Inc., New York, N.Y., Docket C-160, July 10, 1962; Ballantine Books, Inc., New York, N.Y., Docket C-161,

July 11, 1962; Ideal Publishing Corp., New York, N.Y., Docket C-162, July 11, 1962; Flying Eagle Publications, Inc., et al., New York, N.Y., Docket C-163, July 11, 1962; Paperback Library, Inc., New York, N.Y., Docket C-164, July 13, 1962; The Ring, Inc., New York, N.Y., Docket C-165, July 13, 1962; Berkley Publishing Corp., New York, N.Y., Docket C-166, July 13, 1962; Belmont Productions, Inc., New York, N.Y., Docket C-173, July 17, 1962; Sterling Group, Inc., et al., New York, N.Y., Docket C-174, July 18, 1962; Kable News Co., Mount Morris, Ill., Docket C-175, July 18, 1962; Archie Comic Publications, Inc., et al., New York, N.Y., Docket C-176, July 18, 1962; By-Line Publications, Inc., et al., New York, N.Y., Docket C-177, July 18, 1962; Stanley Publications, Inc., et al., New York, N.Y.; Docket C-178, July 18, 1962; Petersen Publishing Company et al., Los Angeles, Calif., Docket C-179, July 18, 1962; E. C. Publications, Inc., New York, N.Y., Docket C-180, July 18, 1962; Publication Management Corporation et al., New York, N.Y., Docket C-181, July 18, 1962; Harvey Publications, Inc., et al., New York, N.Y., Docket C-182, July 18, 1962; Popular Publications, Inc., New York, N.Y., Docket C-183, July 18, 1962; Publishers Distributing Corporation, New York, N.Y., Docket C-184, July 18, 1962; Pyramid Publications, Inc., New York, N.Y., Docket C-187, July 18, 1962; and Male Publishing Corp. et al., New York, N.Y., Docket C-200, July 26, 1962]

In the Matters of: Docket C-155: *Williams Press, Inc., a Corporation* Docket C-157: *Johnson Publishing Company, Inc., a Corporation;* Docket C-158: *Gernsback Publications, Inc., a Corporation;* Docket C-159: *Mercury Press, Inc., a Corporation;* Docket C-160: *Feature Publications, Inc., a Corporation;* and *Paul Epstein, Individually and as an Officer of Feature Publications, Inc.;* Docket C-161: *Ballantine Books, Inc., a Corporation;* Docket C-162: *Ideal Publishing Corporation, a Corporation;* Docket C-163: *Flying Eagle Publications, Inc., a Corporation;* and *Michael St. John, Individually and as an Officer of Flying Eagle Publications, Inc.;* Docket C-164: *Paperback Library, Inc., a Corporation;* Docket C-165: *The Ring, Inc., a Corporation;* Docket C-166: *Berkley Publishing Corporation, a Corporation;* Docket C-173: *Belmont Productions, Inc., a Corporation;* Docket C-174: *Sterling Group, Inc., a Corporation;* *Publication House, Inc., a Corporation;* and *Morris S. Latzen, Individually and as an Officer of Sterling Group, Inc., and Publication House, Inc.;* Docket C-175: *Kable News Company, a Corporation;* Docket C-176: *Archie Comic Publications, Inc., a Corporation;* *Close Up, Inc., a Corporation;* *Radio Comics, Inc., a Corporation;* and *Louis H. Silberkleit, John L. Goldwater and Maurice Coyne, Individually and as Officers of Said Corporations;* Docket C-177: *By-Line Publications, Inc., a Corporation;* and *Hy Steirman, Individually and as an Officer of By-Line Publications, Inc.;* Docket C-178: *Stanley Publications, Inc., a Corporation;* and *Stanley P. Morse and Michael Morse, Individually and as Officers of Stanley Publications, Inc.;* Docket C-179: *Petersen Publishing Company, a Corporation;* *Trend Books,*

Inc., a Corporation; *Quinn Publications, Inc., a Corporation;* *'Teen Publications, Inc., a Corporation;* and *Robert E. Petersen, Individually and as an Officer of Petersen Publishing Company, Trend Books, Inc., Quinn Publications, Inc., and 'Teen Publications, Inc.;* Docket C-180: *E. C. Publications, Inc., a Corporation;* Docket C-181: *Publication Management Corporation, a Corporation;* and *Jules J. Warshaw and Arthur Warshaw Individually and as Officers of Publication Management Corporation;* Docket C-182: *Harvey Publications Inc., a Corporation;* *Harvey Hits, Inc., a Corporation;* *Illustrated Humor, Inc., a Corporation;* *Harvey Enterprises, Inc. a Corporation;* *Harvey Picture Magazines, Inc., a Corporation;* and *Alfred Harvey, Leon Harvey, and Robert Harvey, Individually and as Officers of Said Corporations;* Docket C-183: *Popular Publications, Inc., a Corporation;* Docket C-184: *Publishers Distributing Corporation, a Corporation;* Docket C-187: *Pyramid Publications, Inc., a Corporation;* and Docket C-200: *Male Publishing Corp., a Corporation,* *Atlas Magazines, Inc., a Corporation;* *Official Magazine Corp., a Corporation;* *Canam Publishers Sales Corp., a Corporation;* *Bard Publishing Corp., a Corporation;* *Interstate Publishing Corp., a Corporation;* *Hercules Publishing Corp., a Corporation;* *Leading Magazine Corp., a Corporation;* *Zenith Publishing Corp., a Corporation;* *Atlas Publications, Inc., a Corporation;* and *Martin Goodman, Individually, and as Controlling Member of a Partnership Doing Business Under the Trade Name and Style of Magazine Management Company, and as an Officer of Male Publishing Corp., Atlas Magazines, Inc., Official Magazine Corp., Canam Publishers Sales Corp., Bard Publishing Corp., Interstate Publishing Corp., Hercules Publishing Corp., Leading Magazine Corp., Zenith Publishing Corp., and Vista Publications, Inc.*

Consent orders requiring publishers and national distributors of magazines, comic books, and paperback books to cease discriminating in price in violation of section 2(d) of the Clayton Act by paying promotional allowances to certain retail customers—some of whom operated chain retail outlets in railroad, airport, and bus terminals, and outlets in hotels and office buildings, and others of whom furnished services in connection with the handling of respondents' publications such as the taking of purchase orders and distributing, billing, and collecting—while not making such payments available on proportionally equal terms to their competitors, including drug chains, grocery chains, and other newsstands.

Combining all respondents in the 25 captioned cases, the basically identical orders to cease and desist, together with further orders requiring reports of compliance therewith, are as follows:

It is ordered, That respondents (named in the captions of these 25 cases) and

respondents' employees, agents and representatives, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications including magazines, paperback books, and comic books in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications including magazines, paperback books, and comic books published, sold or offered for sale by respondents, unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of their other customers competing with such favored customer in the distribution of such publications including magazines, paperback books, and comic books.

The word "customer" as used above shall be deemed to mean anyone who purchases from a respondent, acting either as principal or agent, or from a distributor or wholesaler where such transaction with such purchaser is essentially a sale by such respondent, acting either as principal or agent.

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

The following additional paragraph was included as part of the order in Docket C-200, applicable only to the individual respondent named therein:

For purposes of this order, the individual respondent named herein shall be presumed to formulate, direct and control the policies, acts and practices of any corporation or other business enterprise in which his beneficial interest exceeds fifty percent (50%) of the total. The "beneficial interest" of said respondent, within the meaning of the foregoing, shall be deemed to include the beneficial interest of any and all members of his immediate family by blood or marriage. Nothing contained herein shall be construed to prevent a due showing by said respondent that he does not in fact formulate, direct and control the policies, acts and practices of any corporation or other business enterprise.

Issued: June 28, 1962 (D. C-155), July 10, 1962 (D. C-157, C-158, C-159, C-160), July 11, 1962 (D. C-161, C-162, C-163), July 13, 1962 (D. C-164, C-165, C-166), July 17, 1962 (D. C-173), July 18, 1962 (D. C-174, C-175, C-176, C-177, C-178, C-179, C-180, C-181, C-182, C-183, C-184, C-187), July 26, 1962 (D. C-200).

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8884; Filed, Sept. 5, 1962; 8:46 a.m.]

Title 25—INDIANS

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

SUBCHAPTER R—IRRIGATION PROJECTS

PART 197—FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Revision

There was published in the FEDERAL REGISTER on May 24, 1962, (27 F.R. 4885-4886) notice to revise Part 197 of the Code of Federal Regulations, Title 25, Indians, dealing with the rules and regulations governing the management of the Fort Hall Indian Irrigation Project, Idaho, as set forth below. The purpose of the revision is to make applicable the provisions of Part 197 to the Michaud Division, eliminate provisions no longer applicable to the project operations, improve editorial construction, and adjust the organizational arrangement of the sections.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(34 Stat. 1024, 38 Stat. 583, 68 Stat. 1026)

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

AUGUST 30, 1962.

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197.3	Farm units defined.
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197.5	Methods of irrigation.
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§ 197.1 Organization.

The Fort Hall Indian Irrigation Project which consists of the Fort Hall Project proper, Michaud Division and Minor Units on the Fort Hall Indian Reservation is under the charge of an engineer of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him such as watermasters, ditchriders, foremen, and other assistants. The project engineer, or his representative, is fully authorized to refuse or discontinue delivery of water to any person

who willfully disregards the rules and regulations in this part.

§ 197.2 Irrigation season.

Water will be available for irrigation purposes from April 1 to September 30 of each year. These dates may be varied by 15 days depending on weather conditions and the necessity for doing maintenance work.

§ 197.3 Farm units defined.

For the purpose of the rules and regulations in this part and the delivery of water, a farm unit on the Fort Hall Indian Irrigation Project shall consist of:

(a) Twenty or more contiguous acres of land in single ownership covered by one or more water right contracts.

(b) Twenty or more contiguous acres of Indian-owned land under lease to the same party or being farmed by the same Indian.

(c) A minimum of 20 contiguous acres of land in multiple ownership.

§ 197.4 Delivery points and maintenance.

(a) Except as provided hereafter, the project will deliver water to one point on the boundary of each farm unit on the project, except that where the cost or topography makes it impractical for the landowner to irrigate the entire irrigable area of his unit from one delivery point, the Project Engineer may establish additional delivery points if the landowner cannot, at a reasonable expense, provide for the delivery by construction of suitable head ditches.

(b) The project will maintain canals, laterals and necessary appurtenances in proper condition to make deliveries of water at such elevation as is necessary to serve each farm unit by gravity flow. Where portions of a farm unit lie at an elevation too high to be watered by gravity flow from the present normal elevation of water level in the canal system, no change will be made in the water level elevation of the canal system so as to place water on such land. Where such land has been included in the project the landowner may install and operate pumping equipment at his own expense to raise water to such included land at a point on the canal system designated by the Project Engineer and in accordance with his specifications. If the landowner so installs pumping equipment and pays the established project charges, the project will deliver in its canal at such point of installation the same amount of water per acre for his land as the project delivers at the delivery point for other lands on the project.

(c) In those areas of the project in which irrigation water is supplied from wells, the delivery point may, at the discretion of the Project Engineer, be made either at the wellhead or at the boundary of the farm unit.

(d) Where under the system as presently constructed there has been established a point of delivery for a farm unit and this unit is subsequently subdivided into smaller units by ownership, no further extensions will be made to the project canal system to deliver to the subdivided units. Any additional

canals necessary to deliver water to such subdivided units shall be constructed by the landowner, at his expense, so as to receive the water from the delivery point established for the original farm unit and such canals shall at all times be maintained and operated by the owner or owners benefited.

§ 197.5 Methods of irrigation.

Where soil, topography, and other physical conditions are unfavorable for surface irrigation and the project facilities are designed to deliver water to farm units for sprinkler irrigation, the Project Engineer may limit deliveries to this type of irrigation.

§ 197.6 Delivery.

Water for irrigation purposes will be delivered throughout the irrigation season, at the discretion of the Project Engineer, by either the continuous flow or rotation method. If during a time when delivery is by the rotation method, a wateruser desires to loan his turn to another eligible wateruser he shall notify either the Watermaster or the Ditchrider who will permit such loan, if possible.

§ 197.7 Division of water.

The division of water in all cases will be made or authorized by a Watermaster or Ditchrider and any person, who in any manner interferes with the flow of water in or from a project canal or who opens, closes or in any manner changes the position of a control structure in a project canal without specific authority to do so will be liable to prosecution. The cutting of a canal bank for the purpose of diverting water from the canal or the placing of an obstruction in a canal for the purpose of increasing or decreasing the flow through a project control structure will be considered a violation of this section.

§ 197.8 Preparation and submission of a water schedule.

If the decision of the Project Engineer is to deliver water by the rotation method, the Watermaster will assist the waterusers on each lateral in preparing a rotation schedule should they choose to get together and prepare the schedule. In cases where the waterusers fail to exercise this right before March 1, a schedule will be prepared by the Watermaster which shall be final for the season. Owners of 120 acres or more in one farm unit may elect between the continuous flow and rotation method of delivery, provided such choice does not interfere with delivery to other lands served by the canal.

§ 197.9 Record of deliveries.

A careful record of water deliveries will be kept by the ditchrider, on forms furnished for that purpose, such records to state the time of beginning and ending and the amount of each delivery.

§ 197.10 Duty of water.

Dependent upon available supplies of water for the various units of the project the duty of water is based on the delivery of 3.5 acre feet of water per acre per irrigation season to the farm unit. This duty of water may be varied at the dis-

cretion of the Project Engineer dependent on water supplies available to the particular unit of the project but in all cases each irrigable acre shall be entitled to its pro-rata share of the total water supply available to the particular unit.

§ 197.11 Waste water.

In all cases waste water must be kept to a minimum consistent with good irrigation practice and the wateruser will be held responsible for the disposal of all waste water coming from his fields, in such a manner that no injury is done to his or other land by flooding or "subbing". Waste water may be emptied into project canals or drain ditches only at points designated by the Project Engineer. The project management shall have the right to cease delivery to any lands where water is being unnecessarily wasted or where the provisions of this section are being violated by the landowner or other person who may be in charge of such land under authority of the landowner.

§ 197.12 Structures.

(a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the Project Engineer a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structure shall be the duty of the permittee or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the Project Engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the Project Engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure. All persons or corporations are warned against the violation of this section.

(b) When a new irrigation division or minor unit is developed, or the existing project is extended to an area without roads, and the construction of roads, bridges or culverts are necessary, the Project Engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

§ 197.13 Head or service ditches.

The farm unit or service ditch into which water is delivered from the project canals must have ample capacity and be maintained by the wateruser in proper condition to receive water and convey it to its place of use with a minimum of loss.

§ 197.14 Right-of-way.

For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment making repairs and improvements, and travel by the project ditchriders.

§ 197.15 Obstructions; their removal.

No trees, buildings, fences, head or service ditches, hay or straw stacks or other obstructions are to be placed upon reserved right-of-way by any adjacent landowners or others. Any obstructions of any kind located upon said right-of-way may be ordered removed by the Project Engineer, and if not removed by the person or persons placing them thereon, they shall be removed under the supervision of the Project Engineer at his discretion and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obstruction to be placed thereon.

§ 197.16 Fencing.

No fences shall be placed within the right-of-way excepting those crossing a canal or lateral, and in such cases a gate of approved type shall be installed and maintained by the property owner, on each side of the canal or lateral, of sufficient width to permit the operation of maintenance equipment and travel on the banks of the canal or lateral by the ditchriders. Such gates must be provided with some approved convenient type of fastening which will permit the ditchrider to open and close them with a minimum loss of time. Any wire or timbers used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 197.17 Charges.

Bills covering irrigation charges will be issued to the owner of record taken from the Bannock, Bingham or Power County records as of January 31, preceding the due date. In the case of Indian-owned land leased to a non-Indian where an approved lease contract is on file with the Superintendent of the Fort Hall Indian Agency bills for operation and maintenance charges will be issued to the lessee of record.

§ 197.18 Charges for small acreages.

Any owner of a small tract of irrigable land may take advantage of the same per acre rate charged owners of farm units by joining in a written contract with other owners of small tracts under which an agent is appointed in whom shall be vested full power and authority to enter into a contract on their behalf with the Superintendent of the Fort Hall Indian Agency covering the water rights for the entire involved area of their several

small acreages which total area, however, shall be not less than 10 contiguous acres. Such contract between the agent of the owners of the small tracts and the Superintendent shall be executed on or before February 1 of the year preceding the next irrigation season. The agent shall, at the time of executing the contract with the Superintendent on the form approved by the Secretary of the Interior, furnish a certified copy of the contract executed by the several landowners appointing the agent to act in their stead.

§ 197.19 Crop and statistical report.

A crop and statistical report on forms furnished for that purpose will be taken each year by the ditchriders, or some person authorized to do so. This report will show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 197.20 Complaints.

All complaints must be made in writing to the Project Engineer.

§ 197.21 Disputes.

In case of any dispute between a wateruser and the Project Engineer concerning the application of the regulations of this part, an appeal may be taken through the Superintendent of the Reservation to the Area Director. If the Area Director cannot satisfactorily adjust the dispute, he shall refer the same to the Commissioner of Indian Affairs.

[F.R. Doc. 62-8888; Filed, Sept. 5, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260) as amended, and 10 U.S.C. 2202, and have the concurrence of the military departments.

PART 1—GENERAL PROVISIONS

§§ 1.110, 1.308, 1.702, 1.803 [Amendment]

1. Reference to "Subpart I, Part 16 of this chapter," appearing in §§ 1.110, 1.308(b) (17), 1.702(c), and 1.803(b), is deleted.

2. New §§ 1.302-6 and 1.317 are added, as follows:

§ 1.302-6 Contracts between the government and its employees or business organizations substantially owned or controlled by government employees.

(a) Contracts shall not knowingly be entered into between the Government

and employees of the Government or business organizations which are substantially owned or controlled by Government employees, except for the most compelling reasons, such as cases where the needs of the Government cannot reasonably be otherwise supplied.

(b) When a contracting officer has reason to believe that an exception as described in paragraph (a) of this section should be made, approval of the Head of a Procuring Activity shall be obtained prior to entering into any such contract.

§ 1.317 Rental in lieu of purchase.

There are many situations in which the Government's equipment requirements may be more economically filled by rental than by purchase. This is particularly true in the case of certain expensive commercial equipments. The decision to rent rather than purchase must be made on a case-by-case basis, and rental should be used where it is in the Government's interest. The criteria to be considered in each case include the following:

(a) the Government requirement is of short duration, and purchase would be costlier than rental (generally, long-term rentals should be avoided in the absence of compelling circumstances);

(b) the probability that the equipment will become obsolete and that replacement within a short period will be necessary;

(c) the equipment is special or technical, and the lessor will provide the equipment, as well as maintenance and repair services, at a lower cost than would otherwise be available to the Government.

3. New material is added to § 1.603(a), as follows:

§ 1.603 Grounds for listing and treatment to be accorded listed concerns.

(a) * * *

Type F includes concerns which have been reported by the appropriate Secretary or the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity as ineligible for Government contracts for noncompliance with the Nondiscrimination in Employment clause. Concerns under Type F listing may not be awarded contracts or be solicited for bids.

4. Sections 1.604-2 and 1.701-1(a) (2) (iv) and (3) are revised to read as follows:

§ 1.604-2 Period of debarment.

All debarments shall be for a reasonable definitely stated period of time, commensurate with the seriousness of the cause therefor. As a general rule, a period of debarment should not exceed 5 years following the date of conviction for fraud or other criminal offense, or 3 years following the date of debarment for any other cause. In the event debarment is preceded by suspension, consideration shall be given to such period of suspension in determining the period of debarment.

§ 1.701-1 Small business concern.

(a) * * *

(2) *Special industry definitions.* * * *

(iv) *Certain industries employing not more than 1,000 employees.* In the following industries the number of employees of the concern and its affiliates must not exceed 1,000 employees:

(a) *Aircraft equipment and parts industry.* This special definition for the aircraft equipment and parts industry applies in the procurement of the following items, except that this subparagraph shall not be applicable to the size classification of subcontractors as provided for in paragraph (b) of the Small Business Subcontracting Program Clause (see § 1.707-3(b)) until January 2, 1963:

Airframes and structural components.
Aircraft propellers and hubs.
Wheel and brake systems.
Jet engines.
Fuel tanks.
Aircraft hydraulic systems.
Aircraft vacuum systems.
Aircraft air-conditioning.
Heating and pressurizing equipment.
Fire control systems.
Flight instruments.
Flight simulators (except small cockpit trainers).
Aircraft deicing systems.

(b) *Petroleum refining industry.* This special definition for the petroleum refining industry, excepting procurement of lubricants and miscellaneous petroleum products, applies to a concern and its affiliates which have a capacity of not more than 30,000 barrels per day crude oil capacity from owned or leased facilities. ("Crude oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.)

(c) *Air transportation industry.*

(d) *Rubber footwear industry.*

(e) *Tire and inner tube industry.*

(f) *Small arms industry.* This special definition for the small arms industry applies to the procurement of small firearms having a bore of 30-mm (or 1.18 inches) and below.

(g) *Small arms ammunition.* This special definition applies to the procurement of ammunition for small arms having a bore of 30-mm (or 1.18 inches) and below.

(3) *Labor surplus area small business concerns.* If a concern qualifies as a labor surplus area concern (see § 1.801-1), the pertinent size standard (i.e., number of employees or annual receipts) shall be deemed to be increased by 25 percent, except that this paragraph shall not be applicable to the size classification of subcontractors as provided for in paragraph (b) of the Small Business Subcontracting Program (see § 1.707-3(b)).

5. Sections 1.701-4, 1.1003-1(d), 1.1003-5, and 1.1003-9(a) are revised to read as follows:

§ 1.701-4 Regular dealer (nonmanufacturer) as small business concern.

One who submits bids or offers in his own name, but who proposes to furnish a product not manufactured by himself,

shall be deemed to be a small business concern only if (a) he is a small business concern within the meaning of § 1.701-1; (b) he is a regular dealer (nonmanufacturer) (see § 1.201-18(a)); and (c) in the case of a procurement set aside for small business (see § 1.706) or involving equal low bids (see § 2.407-6 of this chapter) or otherwise involving the preferential treatment of small business, he agrees to furnish in the performance of the contract and items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided, that this section does not apply to construction or services, and provided further that this section shall not be applicable to the size classification of subcontractors as provided for in paragraph (b) of the Small Business Subcontracting Program Clause (see § 1.707-3(b)) until 2 January 1963. However, if the goods to be furnished are wool, worsted, knitwear, duck, webbing and thread (spinning and finishing), nonmanufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

§ 1.1003-1 General.

(d) Procurement (whether advertised or negotiated) which is of such urgency that the Government would be seriously injured by the delay involved in permitting the date set for receipt of bids, proposals, or quotations to be more than 15 calendar days from the date of transmittal of the synopsis or the date of issuance of the solicitation, whichever is earlier.

§ 1.1003-5 Publication of procurements of less than \$10,000.

When recommended by procurement personnel or the small business specialist, and approved by the contracting officer, proposed procurements of less than \$10,000 may be publicized in the Commerce Business Daily.

§ 1.1003-9 Preparation and transmittal.

(a) Each purchasing office shall transmit a synopsis of proposed procurements as follows:

(1) When teletypewriter service is available, all synopses shall be forwarded daily as soon as practical via teletypewriter covering invitations for bids, requests for proposals or quotations issued on that day, or at the earliest practical time prior to issuance of the invitation for bids, requests for proposals or quotations, as is deemed appropriate, to the following address:

Synopsis, U.S. Department of Commerce, Administrative Service Office, Chicago, Ill.

(2) When teletypewriter service is not available, synopses shall be dispatched by airmail or ordinary mail, whichever is considered most expeditious, addressed as follows:

U.S. Department of Commerce, Administrative Service Office, 433 West Van Buren Street, Chicago 7, Ill.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

6. In § 2.201, new subparagraph (28) is added to paragraph (a), as follows:

§ 2.201 Preparation of invitation for bids.

(a) * * *

(28) A statement that the Nondiscrimination in Employment clause is not applicable to contracts (i) not involving the employment of persons, (ii) not exceeding \$10,000, (iii) where work is to be performed entirely outside the United States and no recruitment of workers within the United States is involved, (iv) standard commercial supplies or raw materials not exceeding \$100,000, or (v) specifically exempt by the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity.

PART 3—PROCUREMENT BY NEGOTIATION

7. Section 3.103 is revised to read as follows:

§ 3.103 Records and reports of negotiated contracts.

In addition to the records and reports described in §§ 1.308, 3.211-4, and 3.216-4 of this chapter, each military department is required to maintain a record of the total value of all contracts negotiated by it during each fiscal year under each of the circumstances permitting negotiation enumerated in Subpart B of this part. These records and reports based thereon, are maintained through the Department of Defense procurement reporting system described in § 1.110 of this chapter.

§§ 3.211-4, 3.216-4 [Amendment]

8. Reference to "Subpart I, Part 16 of this chapter," appearing in §§ 3.211-4 and 3.216-4, is deleted.

9. In § 3.501, paragraph (b) (23) is revised and new paragraph (b) (39) is added, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

(b) * * *

(23) a provision for late proposals as set forth in § 3.804-2(d) in the case of request for quotations, the provision in § 3.804-2(d) will be appropriately modified and, in addition, the following notice shall be prominently set forth in the request for proposals:

CAUTION—LATE PROPOSALS. See the special provision entitled "Late Proposals" which provides that late proposals sent through the mails will be considered ONLY IF SENT BY REGISTERED MAIL, OR BY CERTIFIED MAIL FOR WHICH A POST-MARKED RECEIPT HAS BEEN OBTAINED, AS SPECIFIED IN SUCH PROVISION.

* * *

(39) a statement that the Nondiscrimination in Employment clause is not applicable to contracts (i) not involving the employment of persons, (ii) not exceeding \$10,000, (iii) where work is to be performed entirely outside the United

States is involved, (iv) for standard commercial supplies or raw materials not exceeding \$100,000, or (v) specifically exempt by the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity.

10. Sections 3.804-2 and 3.805-1(b) are revised to read as follows:

§ 3.804-2 Late proposals.

(a) Proposals which are received in the office designated in the requests for proposals after the date specified for their submission are "Late Proposals." Late Proposals shall not be considered for award, except under the circumstances set forth in § 2.303 of this chapter relating to late bids and § 2.305 of this chapter relating to late modifications, or where only one proposal is received. (For the purpose of applying the late bid rules to late proposals, unless a specific time for receipt of proposals is stated in the request for proposals, the time for such receipt shall be deemed to be the time for close of business of the office designated for receipt of proposals on the date stated in the request for proposals.) Notwithstanding the provisions of § 1.109 of this chapter, exceptions may be authorized only by the Secretary concerned, and only where consideration of a late proposal is of extreme importance to the Government, as for example where it offers some important technical or scientific breakthrough.

(b) In the exceptional circumstances where the Secretary concerned authorizes an exception from paragraph (a) of this section, the contracting officer shall resolicit all firms (including late offerors) which have submitted proposals and are determined to be capable of meeting current requirements. Such resolicitation shall specify a date for submission of new proposals and include the "Late Proposals" provision set forth in paragraph (d) of this section.

(c) The normal revisions of proposals by selected offerors occurring during the usual conduct of negotiations with such offerors are not to be considered as late proposals but shall be handled in accordance with § 3.805-1(b).

(d) Written requests for proposals shall contain the following provisions:

Late proposals. In accordance with § 3.804 of the Armed Services Procurement Regulation, proposals received at the office designated in the Request for Proposals after the close of business on the date set for receipt thereof (or after the time set for receipt if a particular time is specified) will not be considered unless:

(a) They are received before award is made;

(b) They are sent by registered mail or by certified mail for which an official post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph; and

(c) It is determined by the Government that late receipt was due solely to either:

(i) Delay in the mails, or delay by the telegraph company, for which the offeror was not responsible; or

(ii) Mishandling by the Government after receipt at the Government installation.

Offerors using certified mail are cautioned to obtain a legibly postmarked Receipt for Certified Mail and retain it against the

chance that the postmark thereon will be required as evidence that a late proposal was timely mailed. If the postmark on such receipt, or on the registered mail wrapper shows the hour of mailing as well as the date, the time of mailing shall be established accordingly; if it shows the date but not the hour, the time of mailing shall be deemed to be the last minute of the date shown, unless the offeror furnishes evidence from the post office of mailing which, in the case of registered mail, establishes an earlier time; or in the case of certified mail where the Receipt for Certified Mail identifies the post office station of mailing, the time of mailing shall be deemed to be the last minute of the business day of that station. (Jun 1962)

(e) Offerors submitting late proposals shall be notified in accordance with § 2.303-6 of this chapter, except that the notices provided for therein shall be appropriately modified to relate to the request for proposals and the proposal thereunder.

§ 3.805-1 General.

(b) Whenever negotiations are conducted with more than one offeror, no indication shall be made to any offeror of a price which must be met to obtain further consideration since such practice constitutes an auction technique which must be avoided. After receipt of proposals, no information regarding the number or identity of the offeror's participating in the negotiations shall be made available to the public or to any one whose official duties do not require such knowledge. Whenever negotiations are conducted with several offerors, while such negotiations may be conducted successively, all offerors selected to participate in such negotiations (see paragraph (a) of this section) shall be offered an equitable opportunity to submit such price, technical, or other revisions in their proposals as may result from the negotiations. All such offerors shall be informed of the specified date (and time if desired) of the closing of negotiations and that any revisions to their proposals must be submitted by that date. All such offerors shall be informed that any revision received after such date shall be treated as a late proposal in accordance with the "Late Proposals" provisions of the request for proposals. (In the exceptional circumstance where the Secretary concerned authorizes consideration of such a late proposal, resolicitation shall be limited to the selected offerors with whom negotiations have been conducted.) In addition, all such offerors shall also be informed that after the specified date for the closing of negotiation no information will be furnished to any offeror until award has been made.

11. The section heading of § 3.808-4 and all of § 3.808-6 are revised to read as follows:

§ 3.808-4 Minimal fees or cost sharing arrangements.

§ 3.808-6 Renegotiation information.

The purchasing activity will document the contract file in sufficient detail to indicate those factors considered under §§ 3.808 to 3.808-6, so that appropriate information can be supplied to the Renegotiation Board.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

12. Section 4.107 is revised to read as follows:

§ 4.107 Expediting, construction contracts.

No expediting action involving additional costs under a construction contract which involves funds appropriated under the Military Construction Appropriations Act (Public Law 87-302) or any substantially identical law shall be taken without the prior approval of the Assistant Secretary of Defense (Installations and Logistics). For the purpose of requesting such approval, expediting action shall be construed to include only an action which advances a completion date established in the contract.

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

13. Section 5.907 is revised to read as follows:

§ 5.907 Contract clause.

Insert the following clause in all cost-reimbursement type contracts under which the contractor may acquire supplies for the account of the Government.

GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES (JUL. 1962)

The Contracting Officer may issue the Contractor an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired under such an authorization shall be in the Government. All property acquired under such an authorization shall be subject to the provisions of paragraphs (b) through (k) of the clause of this contract entitled "Government Property," unless this contract is for research and development with a nonprofit institution executed on a no-fee basis, in which case paragraphs (c) through (n) shall apply.

PART 6—FOREIGN PURCHASES

14. Revise § 6.000; change heading of Subpart G; revise the introductory portion of § 6.701-1; and revise § 6.701-3, as follows:

§ 6.000 Scope of part.

This part deals with (a) restrictions upon the procurement, or the use in construction, of supplies originating in foreign countries, (b) purchases from Soviet-controlled countries or areas, (c) purchases from Canadian sources, (d) duty and customs, and (e) certain Military Assistance Act procurements.

Subpart G—Military Assistance Program**§ 6.701-1 General.**

With respect to purchases authorized to be made outside the United States under the Military Assistance Program authorized by the Foreign Assistance Act of 1961 (Public Law 87-195), Executive Order No. 10784, dated October 1, 1958, as amended by Executive Order No. 10845, dated October 12, 1959 exempts:

§ 6.701-3 Contracts with other foreign contractors.

In any particular contract within the scope of § 6.701-1(a) which is made with a foreign contractor other than a foreign government, the Examination of Records clause set forth in § 7.104-15 of this chapter may be omitted (in the case of a fixed-price contract) and the Records clause set forth in § 7.203-7 of this chapter may be modified as indicated in § 6.701-2(b) (in the case of a cost-reimbursement type contract) if such omission or modification is approved by the contracting activity concerned in accordance with Departmental procedures, following a determination that such omission or modification will further the purposes of the Foreign Assistance Act of 1961.

PART 7—CONTRACT CLAUSES

15. A new clause paragraph (i) is added to clause in § 7.203-8; and new clause paragraph (i) is added to clause in § 7.402-8(a), as follows:

§ 7.203-8 Subcontracts.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-priced types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

§ 7.402-8 Subcontracts.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

PART 8—TERMINATION OF CONTRACTS

16. In § 8.702, revise clause heading and clause paragraph (a); and revise § 8.707, as follows:

§ 8.702 Termination clause for cost-reimbursement type contracts.**TERMINATION (JUL. 1962)**

(a) The performance of work under the contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part:

(i) Whenever the Contractor shall default in performance of this contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such per-

formance), and shall fail to cure default within a period of ten days (or such longer periods as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default; or

(ii) Whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government.

Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective. If, after notice of termination of this contract for default under (i) above, it is determined for any reason that the Contractor was not in default pursuant to (i), or that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the clause of this contract relating to excusable delays, the Notice of Termination shall be deemed to have been issued under (ii) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

§ 8.707 Default clause for fixed-price supply contracts.

(a) Except as provided in (b) below, insert the following clause:

DEFAULT (JUL. 1962)

(a) The Government may, subject to the provisions of paragraph (c) below, by written notice of default to the Contractor, terminate the whole or any part of this contract in any one of the following circumstances:

(i) If the Contractor fails to make delivery of the supplies or to perform the services within the time specified herein or any extension thereof; or

(ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, supplies or services similar to those so terminated, and the Contractor shall be liable to the Government for any excess costs for such similar supplies or services; provided, that the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the

Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government in the manner and to the extent directed by the Contracting Officer, (i) any completed supplies, and (ii) such partially completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (hereinafter called "manufacturing materials") as the Contractor has specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon direction of the Contracting Officer, protect and preserve property in possession of the Contractor in which the Government has an interest. Payment for completed supplies delivered to and accepted by the Government shall be at the contract price. Payment for manufacturing materials delivered to and accepted by the Government and for the protection and preservation of property shall be in the amount agreed upon by the Contractor and Contracting Officer; failure to agree to such amount shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(e) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause.

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(b) In contracts which do not contain a clause providing for termination for convenience of the Government, add the following sentence to subparagraph (e) of the clause set forth in paragraph (a) of this section:

If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

17. In § 8.709, revise the introductory portion of paragraph (a) and the clause heading; revise clause paragraph (e); and add new paragraph (c), as follows:

§ 8.709 Default clause for fixed-price construction contracts.

(a) Except as provided in paragraph (c) of this section insert the following clause:

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS (JUL. 1962)

(e) If, after notice of termination of the Contractor's right to proceed under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the delay was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause.

(c) In contracts which do not contain a clause providing for termination for convenience of the Government, add the following sentence to paragraph (e) of the clause set forth in paragraph (a) of this section:

If, in the foregoing circumstances, this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

18. Section 8.710 is revised to read as follows:

§ 8.710 Default clause for fixed-price research and development contracts.

(a) The following clause shall be used in all fixed-price research and development contracts as defined in § 7.301 of this chapter, except:

(1) As provided in paragraph (b) of this section; and

(2) Contracts with educational or nonprofit institutions which are awarded on the basis of no profit.

DEFAULT (JUL. 1962)

(a) The Government may, subject to the provisions of paragraph (c) of this clause, by written Notice of Default to the Contractor terminate the whole or any part of this contract in any one of the following circumstances:

(i) If the Contractor fails to perform the work called for by this contract within the time(s) specified herein or any extension thereof; or

(ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to prosecute the work as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, work similar to the work so terminated and the Contractor shall be liable to the Government for any excess costs for such similar work; provided, that the Contractor shall continue

the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the supplies or service to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule or other performance requirements.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer any of the completed or partially completed work not theretofore delivered to, and accepted by, the Government and any other property, including contract rights, specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon the direction of the Contracting Officer, protect and preserve property in the possession of the Contractor in which the Government has an interest. The Government shall pay to the Contractor the contract price, if separately stated, for completed work accepted by the Government and the amount agreed upon by the Contractor and the Contracting Officer for (i) completed work for which no separate price is stated, (ii) partially completed work, (iii) other property described above which is accepted by the Government and, (iv) the protection and preservation of property. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(e) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination has been issued pursuant to such clause.

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(b) In contracts which do not contain a clause providing for termination for convenience of the Government, add the following sentence to subparagraph (e)

of the clause set forth in paragraph (a) of this section:

If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

PART 9—PATENTS, DATA, AND COPYRIGHTS

§ 9.107 [Amendment]

19. Reference to "Mutual Security Program", in paragraph (b) of § 9.107, is changed to "Military Assistance Program."

20. Section 9.304-1 is revised to read as follows:

§ 9.304-1 International Traffic in Arms Regulations.

Pursuant to Section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1934), the Department of State controls the exportation of data relating to articles designated in the United States Munitions List as arms, ammunition, or munitions of war. (The Munitions List and pertinent procedures are set forth in the International Traffic in Arms Regulations, 22 CFR 121 et seq.) Before authorizing such exportation, the Department of State generally requests comments from the Department of Defense. Each Military Department will, on request of the Office of the Assistant Secretary of Defense (International Security Affairs), submit comments thereon as the basis for a Department of Defense reply to the Department of State. Such comments will be prepared in the light of the following excerpt from the International Traffic in Arms Regulations.

§ 124.04 *Required provisions in agreements.* (a) Manufacturing license or technical assistance agreements should define in precise terms the following:

- (1) The equipment and technology involved;
- (2) The scope of the information to be furnished;
- (3) The period of duration of the agreement;
- (4) Statement of ownership of equipment and special tools involved which would be made available in connection with the agreement. In lieu of inclusion as an integral part of the agreement, the applicant may submit this information in the form of an attachment or enclosure to the agreement submitted for review.

(b)(1) It is the policy of the United States Government not to pay or allow to be paid in connection with purchases made with Mutual Security Program funds, a charge for patent rights in which it holds a royalty-free license, or for technical data which it has a right to use and disclose to others for purposes of the Mutual Security Program, or which are in the public domain, or with respect to which it has been placed in possession without restriction upon their use and disclosure to others. Reasonable charges for reproduction, handling, mailing,

and other similar administrative costs do not fall within this policy.

(2) Pursuant to the above policy (subparagraph (1) of this paragraph) agreements shall be written in such a way as to provide that (i) purchases of items by or for the United States Government, or with funds derived through the Mutual Security Program, will not include a charge (a) for technical data in the possession of the United States Government, or in which the United States Government has a right to possession, and regarding which there is no prohibition against use by the United States Government and disclosure to others and (b) for royalties or amortization for patents or inventions in which the United States Government holds a royalty-free license; and (ii) the license rights transferred by such agreements will be subject to existing rights of the United States Government.

§ 9.304-2 [Amendment]

21. References to "§ 124.3" and "§ 124.3(b)," appearing in § 9.302-2(a), (b)(1), and (c)(2), are changed to "§ 124.04" and "§ 124.04(b)."

PART 10—BONDS AND INSURANCE

22. Section 10.202-2 is revised to read as follows:

§ 10.202-2 Certified or cashier's checks, bank drafts, money orders, or currency.

Any person required to furnish a bond has the option, in lieu of furnishing surety or sureties thereon, of depositing a certified or cashier's check, a bank draft, a Post Office money order, or currency, in an amount equal to the penal sum of the bond. Certified or cashier's checks, bank drafts, or Post Office money orders shall be drawn to the order of the Treasurer of the United States.

§ 10.403 [Amendment]

23. Reference to "Mutual Security Act as amended (22 U.S.C. 1871 et seq.)", appearing in § 10.403(a), is changed to read "Foreign Assistance Act of 1961."

PART 11—FEDERAL, STATE, AND LOCAL TAXES

24. In § 11.403-1, paragraph (a) is revised to read as follows:

§ 11.403-1 General.

(a) *Use of clauses.* Tax agreements have been made with Belgium, Denmark, France, Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, Norway, the Philippines, Portugal, Spain, Turkey, the United Kingdom, and Yugoslavia, under which the United States expenditures for the common defense are exempt from certain specified taxes of the countries in which these expenditures are made. The clauses in § 11.403-2 shall be included in all contracts to be performed by contractors or by foreign governments in those foreign countries with which such tax agreements have been made. However, such clauses need not be included in contracts under \$1,000 if the contracting officer determines that the administrative burden of securing relief from such taxes would be out of proportion to the relief obtained; provided, that such clauses

shall be included in all contracts in support of NATO infrastructure programs involving the expenditure of funds under section 503(b) of the Foreign Assistance Act of 1961, as amended.

PART 12—LABOR

25. Section 12.401(d) is revised, and new sentence is added to § 12.402, as follows:

§ 12.401 Statutes and regulations.

(d) *Department of Labor regulations.* Pursuant to the foregoing statutes and Reorganization Plan No. 14 of 1950 (15 F.R. 3176), the Secretary of Labor has issued Regulations, Part 3, Title 29, Subtitle A, Code of Federal Regulations (7 F.R. 686, as amended) and Regulations, Part 5, Title 29, Subtitle A, Code of Federal Regulations (16 F.R. 4430 as amended), providing for the administration and enforcement of these statutes in construction contracts. Each Department shall comply with the regulations, rulings, interpretations and decisions of the Department of Labor issued pursuant to the above provisions unless other action is specifically authorized in advance by OASD (Manpower). In any case where resolution of a question by higher authority is deemed appropriate, such question shall be submitted, in the case of the Army to the Deputy Chief of Staff for Logistics, ATTN: Labor Advisor; in the case of the Navy to the Office of Naval Material, ATTN: Code MOOF; in the case of the Air Force to the Deputy Chief of Staff, Systems and Logistics, ATTN: AFSPM; and, in the case of the Defense Supply Agency to the Executive Director for Procurement and Production, ATTN: DSAH-PL.

§ 12.402 Applicability.

The requirements under the Davis-Bacon Act and the Copeland Act apply only to the United States while the Eight-Hour Laws apply also to other areas over which the United States has direct legislative control.

26. Subpart H is revised to read as follows:

Subpart H—Nondiscrimination in Employment

Sec.	
12.801	Policy.
12.802	Basic requirement.
12.803	Applicability and exemptions.
12.804	Requests for exemptions.
12.805	Interpretations.
12.806	Administration.
12.806-1	General.
12.806-2	Educational responsibility.
12.806-3	Posting of notices.
12.806-4	Compliance reports.
12.806-5	Compliance reviews.
12.806-6	Complaints.
12.806-7	Processing of complaints.
12.806-8	Sanctions.
12.807	Contact with President's Committee.
12.808	Hearings.
12.808-1	General.
12.808-2	Delegation of authority.
12.808-3	Notice and contents.
12.808-4	Continuance and delays.
12.808-5	Parties.
12.808-6	Representation and hearing assistants.

Sec.	
12.808-7	Transcript.
12.808-8	Conduct of hearings.
12.808-9	Depositions.
12.808-10	Absence of parties.
12.808-11	Argument.
12.808-12	Findings and recommendations.
12.809	Certificates of merit.

AUTHORITY: §§ 12.801 to 12.809 issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

Subpart H—Nondiscrimination in Employment

§ 12.801 Policy.

Executive Order 10925, dated March 6, 1961, states that discrimination because of race, creed, color or national origin is contrary to the Constitutional principles and policies of the United States, and that it is the plain and positive obligation of the U.S. Government to promote and insure equal opportunity for all qualified persons, without regard to race, creed, color or national origin, employed by, or seeking employment with, Government contractors. To carry out this policy, the President's Committee on Equal Employment Opportunity was created by the Executive Order to provide regulations, guide lines and instructions to Government agencies. The head of each contracting agency was made primarily responsible for obtaining compliance by any contractor or subcontractor with the provisions of the Executive Order and the rules, regulations and orders of the President's Committee. Although initial emphasis for obtaining compliance should be placed upon methods of conference, conciliation, mediation and persuasion, if such measures do not succeed in obtaining the necessary degree of progress, consideration will be given to invoking the appropriate sanctions as set forth in § 12.806-8.

§ 12.802 Basic requirement.

(a) Each Department shall include in each of its contracts the following clause, unless the contract is exempt under § 12.803:

NONDISCRIMINATION IN EMPLOYMENT (JUL. 1962)

In connection with the performance of work under this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Nondiscrimination in Employment clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive considera-

tion for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity in effect as of the date of this contract.

(e) The Contractor will furnish all information and reports required by Executive Order 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereof, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's non-compliance with the Nondiscrimination in Employment clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(g) The Contractor will include the provisions of the foregoing paragraphs (a) through (f) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor.* The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) Supplemental agreements that increase the scope of the contract work shall include the clause set forth in paragraph (a) of this section, unless exempt in accordance with § 12.803 or unless the clause is contained in the ex-

*The President's Committee on Equal Employment Opportunity interprets the first sentence of paragraph (g) to mean that the Contractor will include the provisions of the foregoing paragraphs (a) through (f) in every first-tier subcontract or purchase order, so that such provisions will be binding upon each such subcontractor or vendor, and will require each first-tier subcontractor or vendor similarly to include the provisions of paragraphs (a) through (f) in any subcontract or purchase order which he places, unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order 10925 of March 6, 1961.

isting contract. Change orders, price redeterminations, and unilateral contract modifications are not included in this requirement.

(c) Prime contractors and first-tier subcontractors may make necessary modifications in language in the clause as shall be appropriate to identify properly the parties and their undertakings. Subcontractors below the first-tier shall not be required to insert the contract clause in contracts which they may make in connection with the performance of the prime contract except upon special order of the Secretary of the Department or of the Executive Vice Chairman of the President's Committee. Subcontractors may incorporate by reference the above contract clause.

§ 12.803 Applicability and exemptions.

(a) The clause set forth in § 12.802 shall not be included in the following:

(1) Contracts or subcontracts not involving the employment of persons;

(2) Contracts, or subcontracts for \$10,000 or less, except Government bills of lading which are required to contain the clause or a reference to the Executive Order, regardless of their amount: *Provided however*, That with respect to Government bills of lading carriers are exempt from complying with paragraphs (c) through (g) of the clause unless otherwise specifically ordered by the Department or the Executive Vice Chairman of the President's Committee.

(3) contracts or subcontracts for standard commercial supplies or raw materials not in excess of \$100,000;

(4) contracts or subcontracts to be performed outside the United States where no recruitment of workers within the United States is involved (where a contract involves performance of work or recruitment of workers both within and outside the United States, the Nondiscrimination in Employment clause will be included in the contract but will be applicable only to work and recruitment within the United States); United States as used herein includes the Commonwealth of Puerto Rico, the Panama Canal Zone and the possessions of the United States;

(5) contracts for the sale of Government property, where supplies are not furnished nor services rendered to the Government; or

(6) contracts or subcontracts exempt under § 12.804.

§ 12.804 Requests for exemptions.

Where special circumstances indicate that use of the clause set forth in § 12.802 in a contract, subcontract or purchase order would not be in the national interest, the contracting officer should submit a request to the Secretary of the Department for authority to omit or modify the clause. The Secretary of the Department may request an exemption of any specific contract, subcontract or purchase order from the requirements of the clause. Such requests will be directed through the Office of the Department of Defense Coordinator to the Executive Vice Chairman of the President's Committee, who will rule upon the request in accordance with the Commit-

tee's regulations. Prior to the submission of such requests, the Secretary or his designee for the purpose will, in appropriate cases, personally discuss with head of the company concerned the inclusion of the clause in the pending contract, subcontract, or purchase order.

§ 12.805 Interpretations.

In the application and enforcement of the provisions of Executive Order 10925 and of the rules and regulations of the President's Committee, the following interpretations are applicable:

(a) Standard commercial supplies means an article:

(1) which in the normal course of business is customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial dealer for the marketing of such article; or

(2) which is manufactured and sold by two or more persons for general commercial or industrial use or which is identical in every material respect with an article so manufactured and sold.

(b) A bidder or prospective contractor, and any contractor or subcontractor holding a contract or subcontract containing the Nondiscrimination in Employment clause, who owns, operates or controls one or more plants or facilities in addition to those engaged in the performance of work upon such contract or subcontract may request a ruling by the Executive Vice Chairman as to the applicability of the clause to any plant or facility which he deems to be outside the scope of the clause.

(c) The obligation to include the Nondiscrimination in Employment clause exists even though the contract is required to be awarded to the lowest responsible bidder.

(d) The obligation to include the Nondiscrimination in Employment clause exists even though the contract is between the Federal Government and a State, or a subdivision or agency thereof.

§ 12.806 Administration.

§ 12.806-1 General.

(a) The Secretary of each Department shall be primarily responsible for obtaining compliance with the provisions of the Nondiscrimination in Employment clause set forth in § 12.802, and the rules and regulations and order promulgated by the President's Committee. Each Department shall furnish the Committee such information and assistance as it may require in the performance of its functions under the Executive Order.

(b) Committee Guidance Manual. (Reserved.)

§ 12.806-2 Educational responsibility.

(a) Contracting officers and other personnel concerned with procurement shall be apprised of their responsibility in obtaining compliance with the clause.

(b) The Departments shall publicize the nondiscrimination policy to prospective bidders and contractors, and shall make available to contractors information concerning their responsibilities under the Nondiscrimination in Employment clause.

§ 12.806-3 Posting of notices.

In the case of each contract containing the clause, the contracting officer shall furnish to contractors an appropriate number of copies of the notice entitled "Equal Employment Opportunity" (listed in the GSA Stores Stock Catalog as Item No. 7530-338-5437 for the 12½- x 18¼-inch size, and as Item No. 7530-338-5448 for the 8½- x 12-inch size) and Standard Form 38, June 1961, entitled "Nondiscrimination in Employment" for notification to labor unions or other organizations of workers. Contracting officers shall obtain these documents in accordance with Departmental procedures; contractors shall obtain from the contracting officers, copies for first- and second-tier subcontractors.

§ 12.806-4 Compliance reports.

(a) The contracting officer shall require each contractor having a contract subject to the provisions of Section 301 of Executive Order 10925 to file, and each contractor shall cause each of his first-tier subcontractors not exempted under the provisions of § 12.803 to file, compliance reports in accordance with instructions attached to the official Compliance Report, Standard Form 40. Subsequent reporting shall be accomplished as indicated in those instructions. Whenever a contractor or subcontractor is currently engaged in the performance of any part or all of another contract or subcontract subject to the nondiscrimination clause with any Government agency, and has filed within a current reporting period, a compliance report covering the plants, facilities, and activities which will be involved in the performance of a new contract, this requirement shall be satisfied by the filing, with the contracting officer, of the Certificate of Submission of Current Compliance Report, Standard Form 40A.

(b) The contracting officer shall furnish the contractor a sufficient number of report forms (Standard Forms 40 and 40A) to satisfy the requirements of paragraph (a) of this section.

(c) The designated time for filing compliance reports may be extended with the approval of the Executive Vice Chairman. Requests by contractors or subcontractors for such an extension should be directed to the contracting officer for forwarding to the Executive Vice Chairman in accordance with Departmental procedures.

(d) The contracting officer shall require any bidder or prospective contractor, or any of their proposed subcontractors, to state as an initial part of the bid or negotiations of the contract whether they have participated in any previous contract subject to the provisions of Section 301 of the Executive Order. Upon the direction of the Executive Vice Chairman, the contracting officer shall require the submission of a compliance report by any bidder or prospective contractor prior to the award of the contract upon which the contractor has bid.

(e) Whenever directed by the Executive Vice Chairman, the contracting officer will, as a part of the bid or nego-

tiation of a contract, direct a bidder, proposed contractor, or any proposed subcontractor to file a statement in writing (signed by an authorized officer or agent of any labor union or other worker's representative with which the bidder or prospective contractor or subcontractor deals or has reason to believe he will deal in connection with performance of the proposed contract), together with supporting information, to the effect that the said labor union's or other workers' representative's practices and policies do not discriminate on the grounds of race, color, creed or national origin, and that the labor union or other worker's representative either will affirmatively cooperate, within the limits of its legal and contractual authority, in the implementation of the policy and provisions of the Executive Order, or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Executive Order. If the union or other worker's representative fails or refuses to execute such a statement, the bidder or proposed contractor or subcontractor shall so certify, and state what efforts have been made to obtain such a statement. Upon receipt of such certification, the Executive Vice Chairman will be notified in accordance with Departmental procedures. However, non-receipt of such certification shall not be a ground for withholding an award.

§ 12.806-5 Compliance reviews.

(a) Both routine and special compliance reviews shall be conducted to ascertain the extent to which contractors and subcontractors are complying with the provisions of the Nondiscrimination in Employment clause and to furnish educational data in connection with the program.

(b) A routine compliance review consists of a general review of the practices of the contractor or subcontractor to ascertain compliance with the requirements of the clause. This type of review shall include a verification that the notices are appropriately posted and that the clause is included in subcontracts where required. A routine compliance review shall be considered a normal part of contract administration.

(c) A special compliance review consists of a comprehensive review of the employment practices of the contractor or subcontractor with respect to the requirements of the clause. In addition to discussions with management, personnel conducting special compliance reviews should, when appropriate, discuss the contractor's or subcontractor's employment practices with employment sources, minority groups, and interested civic groups. Special compliance reviews shall be conducted (1) from time to time, (2) when special circumstances, including complaints which are processed under § 12.806-6, warrant, and (3) when requested by proper authority. The Department shall report the results of any special compliance reviews to the Executive Vice Chairman in accordance with Departmental procedures.

§ 12.806-6 Complaints.

(a) Complaints may be submitted in writing to the President's Committee, the Secretary of Defense, or the Departments. The Departments will investigate promptly complaints based upon alleged noncompliance with the provisions of the Nondiscrimination in Employment clause. Where a complaint is filed directly with a Department, it will be forwarded in accordance with Departmental procedures to the Departmental Contracts Compliance Officer, who will transmit a copy of the complaint directly to the Executive Vice Chairman within ten days after receipt thereof. The Department shall proceed with a prompt investigation of the complaint, provided the complaint is submitted not later than 90 days from the date of the alleged discrimination, unless the time is extended by the Department or the Executive Vice Chairman for good cause shown.

(b) Complaints will be required to be signed by the complainants and to contain the following information:

- (1) Name and address (including telephone number) of the complainant.
- (2) Name and address of the contractor or subcontractor who committed the alleged act of discrimination.
- (3) A description of the act or acts considered to be discriminatory.
- (4) Other pertinent information which will assist in the investigation and resolution of the complaint.

(c) Where a complaint contains incomplete information, the Department will request promptly the needed information from the complainant. In the event such information is not furnished within 60 days of the date of such request, the case may be closed.

§ 12.806-7 Processing of complaints.

Complaints submitted or referred to a Department and determined to involve a Government contract or subcontract, shall be processed in accordance with Departmental procedures which will assure:

(a) Prompt investigation of statements and allegations contained in the complaint. Such investigation should include, where necessary, (1) a review of the pertinent personnel practice of the contractor or subcontractor concerned, (2) the circumstance under which the discriminatory action is alleged to have taken place, and (3) other factors which may determine whether the contractor or subcontractor in the particular case complied with the provisions of the nondiscrimination clause set forth in the contract or subcontract concerned;

(b) Resolution of complaints by conciliatory means whenever possible;

(c) The preparation and submission, within 30 days of the completion of the case processing, of a summary report to the Executive Vice Chairman setting forth (1) the name and address of the complainant, (2) a brief summary of the findings, (3) a statement of the disposition of the case, including any corrective action taken or sanction imposed, or (4) whenever appropriate, the recom-

mended corrective action and sanctions or penalties; and

(d) Prompt notification to the appropriate contractor or subcontractor, of the closing of the case in those cases wherein the investigative findings by the Department concerned, upon review and concurrence by the Executive Vice Chairman, show no violation of the Nondiscrimination in Employment clause.

§ 12.806-8 Sanctions.

(a) *General.* In every case where investigation indicates the existence of an apparent violation of the provisions of the clause, the matter should be resolved by informal means whenever possible. This will include, where appropriate, establishing a program for future compliance approved by the Secretary of the Department. If a contractor or subcontractor, without a hearing, has complied with the recommendations or orders of a Department and believes such orders or recommendations to be erroneous, he shall, upon request, be accorded a hearing and review of the alleged erroneous action under § 12.808.

(b) *Termination.* No contract or subcontract will be terminated in whole or in part for failure to comply with the provisions of the Nondiscrimination in Employment clause, without the approval of the Secretary. Whenever it is proposed to terminate a contract or a subcontract, the contractor or subcontractor will be notified in writing of such proposed action and given ten days (or such longer period as the Secretary, with the approval of the Executive Vice Chairman, may consider appropriate) from the receipt of the notice either to comply with the provisions of the contract or to mail a request for a hearing under § 12.808.

(c) *Debarment and suspension.* No contractor or subcontractor will be debarred or suspended from receiving Government contracts for failure to comply with the provisions of the clause except under the recommendations of the Secretary and the approval of the Executive Vice Chairman. In every case where debarment or suspension is being proposed, the contractor or subcontractor will be notified by the Secretary, in writing, of the proposed recommendation and given ten days from the receipt of such notice in which to mail a request for a hearing under § 12.808 or for one before the President's Committee.

(d) *Referral to the Department of Justice.* Each Department, after coordination with the Special Assistant to the Secretary of Defense, and with the approval of the Executive Vice Chairman, may recommend to the Department of Justice that, in cases where there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in § 12.802, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals, or groups which prevent directly or indirectly, compliance with the aforesaid provisions. The Department may also recommend to the Department of Justice that criminal pro-

ceedings be brought for the furnishing of false information to the Department. Provided, however, that no case shall be referred to the Department of Justice until the expiration of 10 days (unless a longer period is fixed by the Department with the approval of the Executive Vice Chairman) from the mailing of notice of such proposed referral by the Department to the contractor or subcontractor involved, affording him an opportunity to comply with the provisions of the Order.

§ 12.807 Contact with the President's Committee.

Contact with the President's Committee on Equal Employment Opportunity concerning the conduct of investigations or any other matters shall not be undertaken without the approval of the Departmental Contracts Compliance Officer.

§ 12.808 Hearings.**§ 12.808-1 General.**

Hearings may be held by a Department when an apparent act, or acts, of discrimination, as shown by investigation, are not resolved informally by conference, conciliation, mediation, or persuasion. Hearings shall be held by a Department when:

(a) A contractor or subcontractor who has complied with the recommendations or orders of the Department, but believes such recommendations or orders to be erroneous, and requests a hearing thereon; or

(b) A Department proposes to debar a contractor or subcontractor, or to terminate a contract or subcontract.

§ 12.808-2 Delegation of authority.

The Secretary may delegate to any person, military or civilian, or board of such persons within his Department, all the authority of the Secretary conferred by the Order or the rules and regulations of the President's Committee to give notice of hearings, to conduct hearings, and to make findings of fact and recommendations with respect to determining whether a contractor or subcontractor is or has been in violation of the contract clause. If the Secretary delegates his authority to a board, one of the members thereof shall be a person trained in the law, and the Secretary shall designate one member to be the presiding officer of the board.

§ 12.808-3 Notice and contents.

(a) Whenever a hearing is to be held, the Department shall cause a written notice to be served upon the contractor or subcontractor in the manner hereinafter provided. The notice shall be signed by the Secretary or his designee and dated, and shall include the following items:

(1) A statement of the time, place, and purpose of the hearing, and the authority and jurisdiction under which it will be held. The statement as to purpose need only identify the contract clause, the contracts or subcontracts involved, and the ultimate facts to be determined. The time of the hearings

shall not be less than 10 days after service of the notice.

(2) Brief allegations in reasonable detail setting forth the circumstances surrounding the act or acts of discrimination, the name(s) of the complainant(s), and the approximate date and place of each alleged discriminatory act. Such allegations need be only sufficient to apprise the contractor or subcontractor reasonably of the issues involved in the hearing.

(3) A request that the contractor or subcontractor answer in writing the allegations of the notice, including in his answer such facts or arguments as he may wish, and that he attend the hearings to adduce such evidence with respect to the alleged discrimination as he may desire.

(b) *Service of notice.* Service shall be made by mailing by registered mail, return receipt requested, a copy of the notice to the contractor or subcontractor.

§ 12.808-4 Continuances and delays.

The authority to grant continuances or to adjourn the hearing shall rest with the person presiding at the hearing. Continuances will only be allowed for the most compelling reasons.

§ 12.808-5 Parties.

The parties to the hearing will be the contractor or subcontractor concerned and the Government.

§ 12.808-6 Representation and hearing assistants.

The parties may be represented at the hearing and proceedings incident thereto by legal counsel. Upon the appearance of record of legal counsel of the contractor or subcontractor in the proceedings, service of papers as may thereafter be required may be made upon such legal counsel. The Department will make available such technical assistants, including a reporter, secretary or notary, as may be required.

§ 12.808-7 Transcript.

Testimony and arguments shall be reported verbatim. The reporter or secretary shall make available to the contractor or subcontractor and to the Government transcripts of the proceedings, including all testimony and copies of all documentary exhibits upon the payment of the reasonable costs thereof as the Department may by order fix.

§ 12.808-8 Conduct of hearings.

Hearings shall be conducted by the Secretary or his designee. Hearings will be as informal as may be reasonably appropriate under all the circumstances. Evidence and testimony, although not ordinarily admissible under legal rules of evidence, may be received subject to the discretion of the person presiding at the hearing. Immaterial irrelevant, or unduly repetitious evidence shall be excluded. The parties may stipulate as to any facts or testimony. The testimony of witnesses shall be under oath and witnesses shall be subject to cross-examination. The hearing officer shall make such rulings with respect to the conduct of hearings as circumstances may require to ensure the orderly and

expeditious presentation of evidence in a manner fair to the parties and consistent with this part and requirements of due process of law.

§ 12.808-9 Depositions.

Following service of the notice of hearing, a deposition may be taken as herein provided, and placed in evidence whenever the ends of justice will be served thereby.

(a) *Notice to take.* When either party desires to take a deposition, unless the parties stipulate as to the time when, and place where, the deposition is to be taken, the name of the officer before whom it is to be taken, and the names and addresses of the witnesses, the moving party shall give to the opposite party at least ten days' notice of the time when and the place where such deposition will be taken; the name and address and official title of the officer before whom it is proposed to take the deposition, and the names of the witnesses. A deposition may be taken either upon written interrogatories or upon oral examination, as may be specified in the notice. If the deposition is to be taken upon written interrogatories, copies thereof must accompany the notice to take depositions; if the opposite party desires to submit cross-interrogatories, written cross-interrogatories should be served upon the party giving the notice within 5 days from the receipt of the notice to take the deposition. Notices may be served upon the contractor or subcontractor as provided in § 12.808-3 or upon his legal counsel of record. Service upon the Government may be made upon the person signing the notice of hearing or the Government representative of record. If service is made by mail, the mail shall be registered and service will be complete upon mailing.

(b) *Taking depositions.* Depositions may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken, to administer oaths. Witnesses shall be under oath and shall be subject to cross-examination as at the hearing. Objections will be reserved for determination at the hearing: Provided, however, Objections as to the form of questions shall be made and noted in the deposition. Each deposition shall show the caption of the proceeding, the place and date of taking, the names of the witnesses, and the party by whom called. The officer taking a deposition shall enclose the original deposition and exhibits, in a sealed packet, with postage or other transportation prepaid, and forward the same to the Secretary or his designee.

(c) *Use of deposition.* Testimony taken by deposition will not be considered until offered in whole or in part and received in evidence. A deposition taken by one party may be offered by the opposite party.

§ 12.808-10 Absence of parties.

If the contractor or subcontractor fails or refuses to appear, the hearing shall proceed upon such evidence as the Government may offer. The unexcused

absence of any party shall not be occasion for delay of the hearing.

§ 12.808-11 Argument.

Within the discretion of the person presiding at the hearing, limited oral argument may be presented by the parties upon the completion of the hearing.

§ 12.808-12 Findings and recommendations.

As soon as practicable after completion of the hearing, the person or board that conducted the hearing shall make written findings and recommendations with respect to all material issues; reasons for the findings will be included at such length as may be appropriate. The findings and recommendations shall be forwarded in accordance with Departmental procedures to the President's Committee for approval.

§ 12.809 Certificates of Merit.

(a) Certificates of Merit may be awarded:

(1) By the Committee on its own initiative. The Committee acting through the Chairman or Vice Chairman may award United States Government Certificates of Merit to employers or employee organizations which are or may hereafter be engaged in work under Government contracts, if the Committee is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the employee organization conform to the purposes and provisions of the Order.

(2) By the Executive Vice Chairman upon the recommendation of a Department. The Committee, acting through the Executive Vice Chairman, may award a United States Government Certificate of Merit upon the recommendation of the Department. The recommendation should include a statement in sufficient detail to inform the Executive Vice Chairman of the basis for the recommended award.

(b) *Benefits.* A United States Government Certificate of Merit shall entitle the recipient to an exemption from the submission of the reports otherwise required by § 12.806-4. Before allowing such exemption, contracting officers will require holders of Certificates of Merit to clearly identify the certificate by number or otherwise.

(c) *Suspension or revocation.* The Committee, acting through the Chairman or Vice Chairman, may at any time review the continued entitlement of any employer or employee organization to a Certificate of Merit, and may suspend or revoke the Certificate.

PART 13—GOVERNMENT PROPERTY

27. Sections 13.102-3(a)(2) and 13.701(b) are revised to read as follows:

§ 13.102-3 Facilities.

(a) * * *

(2) Industrial facilities may be provided by the Government only when it is determined that:

(i) It is not possible to obtain contract performance without Government-owned industrial facilities; or

(ii) Contractor-furnished industrial facilities would likely result in allocations of costs to the contract in excess of reasonable depreciation costs; or

(iii) Furnishing of existing Government-owned industrial facilities will most likely result in substantially lower cost to the Government of the items produced, after taking into account transportation costs, maintenance costs, reactivation costs, and any other costs for the furnishing of such facilities; and that it is otherwise in the best interest of the Government. Before the Government agrees to provide industrial facilities, the contractor shall be required to show that subcontractors possessing adequate and available capacity to meet military production requirements have been or will be appropriately and fully utilized. The appropriateness of meeting requirements by means of rental of the facilities at economical rates should likewise be considered.

§ 13.701 Use without charge.

(b) the foreign government would be authorized to place the contract with a Department concerned under the Foreign Assistance Act of 1961 as amended or such use is legally authorized by an agreement with the foreign government;

PART 14—INSPECTION AND ACCEPTANCE

§ 14.109 [Amendment]

28. Reference to "mutual security programs", in § 14.109, is changed to "military assistance programs".

PART 16—PROCUREMENT FORMS

29. A new paragraph (e) is added to §§ 16.101-2 and 16.102-2; §§ 16.202(c) (1) and 16.203-2(d) are revised; and new § 16.203-3 is added, as follows:

§ 16.101-2 Conditions for use.

(e) Where the Nondiscrimination in Employment clause in § 12.802 of this chapter is required to be used by that section, the clause set forth therein including the footnote thereto, shall be substituted for the Nondiscrimination in Employment clause in Standard Form 32.

§ 16.102-2 Conditions for use.

(e) Where the Nondiscrimination in Employment clause in § 12.802 of this chapter is required to be used by that section, the clause set forth therein including the footnote thereto, shall be substituted for the Nondiscrimination in Employment clause in Standard Form 32.

§ 16.202 Negotiated contract forms (DD Forms 1261 and 1270).

(c) Long form negotiated supply contracts. (1) Except as provided in para-

graphs (a) (3) and (b) of this section, DD Form 1261 (Negotiated Contract) shall be used with Standard Form 32 (General Provisions (Supply Contract)), any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures, and Standard Form 36 (Continuation Sheet) for entering into negotiated fixed-price type supply contracts to which Subpart A, Part 7 of this chapter, is applicable. (Where the Nondiscrimination in Employment clause in § 12.802 of this chapter is required to be used by that section, the clause set forth therein including the footnote thereto, shall be substituted for the Nondiscrimination in Employment clause in Standard Form 32.)

§ 16.203-2 Conditions for use.

(d) Standard Form 32, if applicable, and any other general provisions may be attached to each copy of the Request for Proposals. Alternatively, one copy only of Standard Form 32 and any other general provisions need be furnished to each supplier, for retention, if such provisions are specifically incorporated by reference, including each form name, number and date, in DD Form 746-1. Provisions which are inapplicable to a particular procurement, or to military procurements generally, may be deleted by appropriate reference in an "Alterations in Contract" clause. (Where the Nondiscrimination in Employment clause in § 12.802 of this chapter is required to be used by that section, the clause set forth therein including the footnote thereto, shall be substituted for the Nondiscrimination in Employment clause in Standard Form 32.)

§ 16.203-3 Instructions regarding late proposals.

(a) Pending revision of DD Form 746 (1958 edition) paragraph 9(c) of the terms and conditions on the back of the form shall be deleted and the request for proposals shall contain, in lieu thereof, the provisions set forth in § 3.804-2(d) of this chapter.

(b) The Request for Proposals block on the face of DD Form 746 may be modified so as to specify a time, as well as a date, by which proposals are to be received at the issuing office.

30. Paragraph (h) is added to § 16.401-4 and §§ 16.801, 16.803-1(b), and 16.803-2(c) are revised to read as follows:

§ 16.401-4 Terms, conditions, and provisions.

(h) Where the Nondiscrimination in Employment clause in § 12.802 of this chapter is required to be used by that section, the clause set forth therein including the footnote thereto, shall be substituted for the nondiscrimination in Employment clause in Standard Form 23A.

§ 16.801 Statement and Certificate of Award (Standard Form 1036).

(a) Standard Form 1036 (Statement and Certificate of Award), which briefly

recites the circumstances relating to contract awards, shall be prepared and executed by the contracting officer in connection with all contracts entered into after formal advertising, as required by § 2.407-7 of this chapter.

(b) At the option of the contracting officer, a Standard Form 1036 may be prepared either:

(1) For each individual award, in which case the Standard Form 1036 will be attached to the copy of the award which is forwarded to the General Accounting Office; or

(2) For each invitation for bids which results in multiple awards, provided:

(i) An original Standard Form 1036 is signed by the contracting officer;

(ii) The invitation number is shown in the upper right corner of the Standard Form 1036 in lieu of a contract number;

(iii) The Standard Form 1036 identifies each contract awarded under that invitation, as well as including information required by § 2.407-7 of this chapter.

(iv) The signed Standard Form 1036 is attached to the copy of the first contract awarded under the invitation when forwarded to the General Accounting Office; and

(v) The other contracts forwarded to the General Accounting Office and the copies retained in the Contract Files contain on their face the words "Standard Form 1036 filed with Contract Number _____"

§ 16.803-1 Construction contracts.

(b) Standard Form 1093 (Schedule of Withholdings under the Davis-Bacon Act) shall be used, in accordance with the provisions of § 12.404-9 of this chapter, to report deductions against payment vouchers of contractors on account of failure to comply with labor laws, regulations and clauses. To facilitate the work of contracting agencies in computing underpayments (and, where applicable, Eight-Hour Laws penalties) in investigation reports involving apparent violations of the Davis-Bacon and related Acts, the Department of Labor has developed and will furnish, on request, Form SOL-164 "Wage Computation and Transcription Sheet." Use of this form is optional; its use will also facilitate review of investigation reports.

§ 16.803-2 Supply contracts.

(c) DD Form 350 shall be used in accordance with the provisions of § 12.603 of this chapter to furnish the Department of Labor with certain information in lieu of utilizing the Standard Form 99 as required by administrative regulations of the Secretary of Labor.

[ASPR, Rev. 10, 30 July 1962] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. 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. 62-8878; Filed, Sept. 5, 1962; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

DELETION OF CHAPTER

AUGUST 29, 1962.

All regulations heretofore contained in Chapter XIV are hereby deleted from the Code of Federal Regulations as being obsolete.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-8885; Filed, Sept. 5, 1962;
8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART I—GENERAL RULES AND REGULATIONS

General Provisions and Definitions

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), §§ 1.0 and 1.1(e) of Title 36, Code of Federal Regulations, are amended as set forth below. The purpose of these amendments is to indicate which regulations of the National Park Service are to apply to Cape Cod National Seashore and other areas which are, or hereafter may be, under the administrative jurisdiction of the National Park Service of the Department of the Interior.

The following amendments shall become effective upon publication in the FEDERAL REGISTER in order that the public will have advantage of special hunting regulations to be promulgated by the superintendent of Cape Cod National Seashore, under authority provided in Part 1, 36 CFR and pursuant to Public Law 87-126 (75 Stat. 284).

Section 1.0 is amended to read as follows:

§ 1.0 General provisions.

Except as otherwise provided in special regulations found in Part 7 of this chapter, the following regulations are hereby made and prescribed for the proper use, management, government, and protection of, and maintenance of good order in, all the national parks, national monuments, national military parks, national battlefield parks, na-

tional historical parks, national historic sites, national parkways and connected recreational areas, battlefield sites, miscellaneous memorials, national seashores, and other areas which are, or hereafter may be, under administrative jurisdiction of the National Park Service of the Department of the Interior. The rules and regulations of this part shall not apply to national cemeteries, National Capital Parks, or national recreation areas.

Paragraph (e) of § 1.1 is amended to read as follows:

§ 1.1. Definitions.

(e) The term "park" includes national parks, national military parks, national battlefield parks, national historical parks, national parkways and connected recreational areas as well as Cape Hatteras National Seashore Recreational Area and Cape Cod National Seashore.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

AUGUST 30, 1962.

[F.R. Doc. 62-8891; Filed, Sept. 5, 1962;
8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Charles Sheldon Antelope Range, Nevada

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

Charles Sheldon Antelope Range

Public hunting of Upland Game on the Charles Sheldon Antelope Range, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 365,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 N. E. Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Sage Grouse, Chukar Partridge, Hungarian Partridge, Quail (all species) and Cottontail Rabbits.

(b) Open season: Sage grouse—September 8 through 10, 1962; Quail, Chukar, and Hungarian Partridge—September 29 through December 9, 1962; Cottontail Rabbits—September 8 through December 9, 1962. Shooting hours—sunrise to sunset.

(c) Bag limits: As prescribed by State regulations.

(d) Methods of hunting:

(1) Weapons—shotguns only, not to exceed 10 gauge, may be used for taking upland game birds. Rabbits may be taken with shotguns or .22 cal. rifles.

(2) Dogs: Dogs, not to exceed two in number may be used for hunting upland game.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping: Camping will be permitted at designated areas.

(3) A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established, when entering or leaving the area.

(4) The provisions of this special regulation are effective to December 10, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bu-
reau of Sport Fisheries and
Wildlife.

AUGUST 29, 1962.

[F.R. Doc. 62-8887; Filed, Sept. 5, 1962;
8:46 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

PART 99—STOCK PILING OF STRA- TEGIC AND CRITICAL MATERIAL

Deletion of Part

AUGUST 29, 1962.

All purchase programs heretofore contained in Part 99 are hereby deleted from the Code of Federal Regulations as being obsolete.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-8886; Filed, Sept. 5, 1962;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE Agricultural Marketing Service

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given that the Secretary is proposing to amend the Subpart—Administrative Rules and Regulations (27 F.R. 3158; 27 F.R. 7539) by the addition of new § 990.162 (b) and (c) defining the limits of normal outlets for concentrate, high proof, and dessert wine, thereby also defining limits of non-normal outlets for these setaside products. The subpart is under the marketing agreement and Order No. 990 (7 CFR Part 990) regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal would implement the provisions of § 990.62 (b) and (c). Section 990.62(b) provides, in part, that, for the purpose of disposition of setaside, normal outlets mean the established trade channels for wine, brandy, high proof, grape juice, concentrate, and wine vinegar, and that the limits of any normal outlets may be defined by administrative rules to effectuate other provisions of the program. Section 990.62(c) provides, in part, that the Grape Crush Administrative Committee may sell or dispose of setaside in the non-normal outlets (those other than normal). Since the marketing agreement and order define non-normal outlets as being those other than normal outlets, any definition of the limits of normal outlets perforce defines the limits of non-normal outlets.

Concentrate, high proof, and dessert wine are now set aside for the account of the Committee and available for disposition in non-normal outlets. It is necessary to define the geographical and usage limits of normal outlets for these items, and thus the limits of their non-normal outlets, to assure disposition of setaside for uses and in areas consistent with the attainment of program objectives. Moreover, handlers, by having knowledge of such delineations of normal and non-normal outlets, would be in a better position to find and develop outlets for surplus set aside for the account of the Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 15 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 990.162 Disposition.

(b) *Normal outlets.* (1) *Concentrate.* The established trade channels (i.e., normal outlets) for concentrate mean the sale for use within the United States in the production of wine, brandy, grape beverages, high proof, jams, or jellies.

(2) *High proof.* The established trade channels (i.e., normal outlets) for high proof mean the sale for use within the United States, Canada, or Mexico in the production of wine and other alcoholic beverages.

(3) *Dessert wine.* The established trade channels (i.e., normal outlets) for dessert wine mean the sale for use within the United States, Canada, or Mexico as a beverage or for distillation.

(c) *Nonnormal outlets.* Nonnormal outlets for concentrate, high proof, and dessert wine, respectively, mean all outlets not specifically set forth in paragraph (b) of this section for each of those setaside items.

Dated: August 30, 1962.

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

[F.R. Doc. 62-8893; Filed, Sept. 5, 1962;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 208]

[Docket No. 13984]

TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO EN- GAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Notice of Proposed Rule Making

SEPTEMBER 4, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 208 of the Economic Regulations which would contain the Board's substantive regulations implementing paragraphs (1), (2), and (3) of section 401(n) of the Federal Aviation Act of 1958, as amended, and make these requirements applicable to authority issued under section 417 of the Act and sections 7 and 9 of Public Law 87-528.

This regulation is proposed under the authority of sections 204(a), 401(n), and 417 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 76 Stat. 144, 145; 49 U.S.C. 1324, 1371, 1387) and sections 7 and 9 of P.L. 87-528, 76 Stat. 146, 148. The principal features of the proposed regulation are explained in the Explanatory Statement below, and the proposed new Part 208 is set forth below.

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining

hereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 17, 1962, will be considered by the Board before taking final action on the Proposed Rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory Statement. Public Law 87-528, of July 10, 1962, amends the Federal Aviation Act of 1958 to authorize the Board to issue certificates of public convenience and necessity for supplemental air transportation under new section 401(d)(3) of the Act. In addition, new section 401(n) gives the Board express statutory authority to impose certain requirements upon supplemental carriers that will assure the public of financially responsible and safe transportation. Maintenance of liability insurance, in such amount as prescribed by the Board, is made mandatory, as is the requirement that a supplemental carrier be and continue to be fit, willing and able to perform the services authorized and to conform to the provisions of the Act and the requirements of the Board thereunder. The Board has discretionary authority to require performance bonds conditioned upon the carrier's making appropriate compensation to shippers and travelers, as prescribed by the Board, for nonperformance of contracts for air transportation services, and also to impose minimum requirements as to the extent to which the authorized services must be performed. The regulations proposed herein implement the insurance, performance of contracts, and minimum operations provisions of the statute.

To implement section 401(n)(1), the Board proposes to adopt, with clarifications and some changes, the liability insurance requirements now set forth in Policy Statement No. 13, § 399.37 of the Board's Policy Statements, as the insurance requirements which the Board would impose under this legislation. The permissible exclusion relating to aircraft of a type not declared to the insurer is omitted; the exclusion relating to liability assumed by contract is reworded for clarification; and the exclusion relating to the carrier's own property is also clarified. The Board believes that these requirements provide adequate protection to the public and do not constitute an undue burden on the supplemental carriers because most of them now have such insurance in force.

Section 401(n)(2) authorizes the Board to require supplemental air carriers to make appropriate compensation, pre-

scribed by it, to travelers and shippers for failure on their part to perform air transportation services in accordance with agreements therefor. The Board is also authorized to require supplemental carriers to file performance bonds or equivalent security arrangements to secure the payment of such compensation. In light of the fact that under the new legislation supplemental air carriers will be required to demonstrate their continuing financial and managerial fitness, and in light of the considerable expense of securing performance bonds, it appears to the Board that it may be sufficient to require these carriers to assume the obligation vis-a-vis their passengers contemplated by this statutory provision. A requirement that the obligation be secured by performance bonds may be added later if experience shows that it is needed. The Board therefore proposes to require that supplemental carriers provide alternate transportation or promptly refund the value of the transportation not furnished in case of delayed or canceled charter and individually-ticketed passenger flights in interstate or overseas transportation, and that these carriers expressly assume and define such obligations in their tariffs filed with the Board. As of this time, it also does not appear necessary to the Board to impose similar performance requirements applicable to cargo transportation.

However, for the protection of both passengers and shippers, the proposed regulation provides that supplemental air carriers may subcontract services which they have obligated themselves to perform, only to air carriers which themselves are authorized to perform such services. For instance, a passenger charter could not be subcontracted to an operator not an air carrier (e.g., a so-called "Part 45 operator") or to an air carrier not authorized to perform such passenger charters.

Extended periods during which a carrier does not operate unavoidably impair the efficiency of the carrier's organization and thus its fitness to operate. Experience with the previous class of supplemental air carriers also indicated that dormant certificates might lead to trafficking in such certificates or to seizure of control by incompetent management or by persons previously responsible for violations of the Act or the Board's regulations. After careful consideration of the various criteria that could be applied to all supplemental air carriers regardless of the kind of services authorized by the certificate, the Board has decided that a requirement based on the number of operating hours per quarter is the fairest and most reasonable measure of minimum services to be performed. The Board therefore proposes to adopt a standard of 250 operating hours of revenue flight per calendar quarter as the minimum extent of service that will assure continued operational proficiency and actual performance of the services authorized by the certificate.

The Board proposes that the requirements to be imposed on certificated supplemental air carriers, as contained in this Notice, will also be attached as terms, conditions and limitations of in-

terim certificates or interim authorizations issued under section 7 of Public Law 87-528, pending issuance or denial of certificates to engage in supplemental air transportation under section 401(d)(3) of the Act. Therefore, it is proposed that a final rule will be adopted before October 8, 1962, the day on which the statutory operating authority granted by section 8 of Public Law 87-528 will terminate. The requirements of the regulation would further apply to authorizations issued under section 417 of the Act and section 9 of Public Law 87-528.

The proposed new Part 208 is set forth as follows:

GENERAL PROVISIONS

§ 208.1 Applicability.

This part contains the Board's substantive regulations implementing paragraphs (1), (2), and (3) of section 401 (n) of the Act. The requirements of this part shall constitute terms, conditions, and limitations attached to certificates issued pursuant to section 401(d)(3) of the Act. The requirements shall also attach to special operating authorizations issued under section 417 of the Act, and to interim certificates or authorizations issued pursuant to section 7, and to authority issued pursuant to section 9, of Public Law 87-528.

§ 208.2 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstances is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

§ 208.3 Definitions.

For the purposes of this part, supplemental air carrier shall mean any air carrier holding a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act, or operating authority issued pursuant to section 7 or 9 of Public Law 87-528.

LIABILITY INSURANCE REQUIREMENTS

§ 208.10 Liability insurance requirements.

(a) On or before October 8, 1962, as a condition precedent to beginning operations in air transportation, each supplemental air carrier shall file an affidavit with the Board that such carrier has in effect liability insurance coverage that substantially complies with the requirements of this part. On or before November 8, 1962, each such air carrier shall file a copy of the insurance policy required by this part and the certificate of insurance issued by the insurer stating that such policy complies with all the requirements of this part in accordance with § 208.14. The Board will review the policy and certificate for compliance; if the policy or certificate does not comply with the requirements of this part, the Board will notify the air carrier and the insurer by registered mail stating the deficiencies of the policy or the certifi-

cate of insurance. If no objections are raised by the Board within 30 days after receipt of the policy and the certificate of insurance, such policy and certificate shall be deemed filed with and approved by the Board as complying with the requirements of this part.

(b) On and after February 1, 1963, no supplemental air carrier shall perform any service unless the carrier maintains a currently effective policy (or policies) of liability insurance filed with and approved by the Board as complying with the requirements of this part.

(c) Such insurance policy shall be issued by a reputable and financially responsible insurance company which is legally authorized to issue policies of that type in any state, territory or possession of the United States, or the District of Columbia.

§ 208.11 Minimum limits of liability.

(a) Except as provided in paragraph (b) of this section, the minimum limits of liability insurance carried by a supplemental air carrier shall be as follows:

(1) Liability for bodily injury to or death of aircraft passengers: A minimum of \$50,000 for any one passenger, and a minimum total amount for each accident in any one aircraft equal to the sum produced by multiplying \$50,000 by 75 percent of the total number of seats.

(2) Liability for bodily injury to or death of non-passengers: A minimum of \$50,000 for one person in any one accident, and a minimum of \$500,000 for each accident.

(3) Liability for loss of or damage to property: A minimum of \$500,000 for each accident.

(b) Liability insurance applicable to circumstances in which the amount of recovery is limited by the Warsaw Convention, 49 Stat. 3000, T.S. 876, or treaties amendatory thereof, need not exceed such limits.

§ 208.12 Terms and conditions of insurance coverage.

(a) Insurance contracts shall provide for payment, within the specified minimum limits of liability, by the insurer of any final judgments recovered against the insured for bodily injury to or death of any person, or loss of or damage to property of others, resulting from negligence of the insured, or his duly authorized agent, in the operation, maintenance, or use of any aircraft on a flight conducted by a supplemental air carrier pursuant to authority granted by the Civil Aeronautics Board, or under an invalid claim of such authority.

(b) The liability of the insurer shall apply to any and all such flights conducted by the insured air carrier, irrespective of whether the aircraft involved in such liability are specifically described in the policy, and shall not be subject to any exclusion by virtue of violations, by said carrier, of any applicable safety provisions of the Federal Aviation Act of 1958, as amended, or of any rule, regulation, order or other legally imposed safety requirement prescribed by the Federal Aviation Agency.

(c) Such liability shall not be contingent upon the financial condition, solvency or freedom from bankruptcy of

the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each accident, and any payment under the policy because of any one accident shall not reduce the liability of the insurer for payment of final judgments resulting from any other accident.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be individually approved by the Board. Such policy shall not be subject to cancellation, change or suspension, by either party, on less than 30 days' notice, by registered mail, to both the other party to the insurance contract and the Board.

§ 208.13 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, any insurance policy or policies may contain only one or more of the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(1) Any loss against which the named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance but in no event exceeding the limits of liability expressed elsewhere in this policy;

(2) Liability, beyond or in addition to liability imposed by law, assumed by the Insured under any contract or agreement;

(3) Bodily injury, sickness, disease, mental anguish or death of any employee of the Insured while engaged in the duties of his employment, or any obligation for which the Insured or any Company as his Insurer may be held liable under any Workmen's Compensation or occupational disease law;

(4) Damage to or destruction of property owned, rented, occupied or used by, or in the care, custody or control of the Insured;

(5) Personal injuries or death or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radio-active materials; insurrection, rebellion, revolution, civil war or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

§ 208.14 Filing of policy and certificate of insurance.

(a) Each supplemental air carrier shall file with the Board a copy of the policy or policies of insurance and all endorsements thereof and a duly executed certificate of insurance, signed by an authorized representative of the insurer. Whenever any change is made in

a previously issued policy, a new certificate of insurance shall be filed with the Board at least 30 days prior to the proposed effective date of the change, and such certificate shall be accompanied by a copy of the new endorsement or endorsements made to such policy.

(b) Each certificate of insurance shall expressly certify that the insurance company has issued to the insured air carrier a policy (or policies) which:

(1) Incorporates the minimum limits of liability set forth in § 208.11;

(2) Contains the specific terms and conditions of coverage set forth in § 208.12; and

(3) Incorporates only exclusions which have been specifically authorized in § 208.13 or individually approved by the Board.

PERFORMANCE REQUIREMENTS

§ 208.20 Assumption of performance obligations in tariffs.

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in interstate and overseas air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) In case of flight delays of more than four hours beyond the departure time stated in the charter contract or time of departure stated on an individual flight ticket, the carrier must provide alternate air transportation at no additional cost to the passenger or charterer, or immediately refund the full value of the unused ticket or the unperformed charter contract.

(b) In case of unscheduled flight delays enroute exceeding two hours, the carrier must, upon request and at the passenger's or charterer's option, furnish alternate transportation to the specified destination, or immediately refund the full value of unperformed transportation.

(c) In case of flight cancellations or flight delays, refunds shall be paid immediately upon presentation of an unused flight coupon or upon demand of the charterer to the air carrier or its agent.

§ 208.21 Substitution or subcontracting.

Supplemental air carriers may subcontract the performance of services which they have contracted to perform, only to air carriers authorized by the Board to perform such services.

MINIMUM EXTENT OF SERVICE

§ 208.25 Minimum service requirements.

Each supplemental air carrier shall perform services authorized by the Board for at least 250 hours of revenue flight in each calendar quarter, and shall file the reports of such operations required by the Board to determine compliance with this requirement.

[F.R. Doc. 62-8976; Filed, Sept. 5, 1962; 8:54 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 1339; Draft Release No. 62-37]

TECHNICAL STANDARD ORDERS; AIR-CRAFT MATERIALS PARTS AND APPLIANCES

Correction

In F.R. Doc. 62-8073 appearing at page 8077 of the issue for Tuesday, August 14, 1962, the following note should be added to § 514.83 *Gas Turbine Auxiliary Power Units—TSO-C77* after the last sentence in paragraph (a):

¹ Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

Issued in Washington, D.C., on August 30, 1962.

G. S. MOORE,
Acting Director,

Flight Standards Service.

[F.R. Doc. 62-8879; Filed, Sept. 5, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13852; RM-102; RM-183]

TELEVISION BROADCAST STATIONS, AUGUSTA, BANGOR, CALAIS AND PRESQUE ISLE, MAINE; TABLE OF ASSIGNMENTS

Order Extending Time for Filing Comments and Reply Comments

1. On July 30, 1962, the Commission released a further notice of proposed rule making in this proceeding in which comments and reply comments were invited to be submitted by August 31, 1962, and September 10, 1962, respectively.

2. On August 29, 1962, counsel for Community Telecasting, Inc., filed with the Commission a request for extension of time in which to file comments. It is stated therein that the request is occasioned by the fact that, because of the press and timing of other Commission business, half of the legal staff of that firm found it necessary to take vacations at the same time; that the firm is therefore presently shorthanded; and that therefore, in order to prepare and file full and responsive comments, an extension of two weeks is required.

3. We are of the opinion that good cause has been shown and that an extension of time for filing comments should be granted together with a requisite extension of time for filing reply comments.

4. In view of the foregoing: *It is ordered*, This 30th day of August, 1962, That the request for extension of time

PROPOSED RULE MAKING

for filing comments filed by counsel for Community Telecasting Service, Inc., is granted and that the time for filing comments and reply comments in this proceeding is extended from August 31, 1962, and September 10, 1962, to September 14, 1962, and September 24, 1962, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.241(d)(8) of the Commission's rules.

Released: August 31, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8911; Filed, Sept. 5, 1962;
8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962, Rev. No. 7]

NATIONWIDE MUTUAL INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

AUGUST 30, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of \$8,769,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in which Incorporated; Name of Company; and Location of Principal Executive Office

Ohio; Nationwide Mutual Insurance Company; Columbus, Ohio.

[SEAL]

J. K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-8908; Filed, Sept. 5, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 072838 for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a winter sports area located in the Gunnison National Forest.

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, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

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:

SIXTH PRINCIPAL MERIDIAN

GUNNISON NATIONAL FOREST

Crested Butte Winter Sports Area

T. 13 S., R. 85 W.,
Sec. 19, Lot 4;
Sec. 30, Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 13 S., R. 86 W.,
Sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 25, All;
Sec. 36, N $\frac{1}{2}$ NE $\frac{1}{4}$.

The above described areas in the Gunnison National Forest aggregate approximately 1300.87 acres.

HAROLD T. TYSK,
Chief,

Division of Lands and Minerals.

[F.R. Doc. 62-8889; Filed, Sept. 5, 1962; 8:47 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 069941 for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a recreation area extension located in the Roosevelt National Forest.

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, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

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:

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

Dowdy Lake Recreation Area Extension

T. 9 N., R. 73 W.,
Sec. 2, Lot 1, S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3, Lots 1, 2 and 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 10 N., R. 73 W.,
Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ (that part south of Redfeather Road only);
Sec. 35, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (less 1050' x 500' tract in northwest corner containing 12.05 acres), and N $\frac{1}{2}$ SE $\frac{1}{4}$.

The above described area in Roosevelt National Forest aggregates approximately 772.66 acres.

HAROLD T. TYSK,
Chief, Division of
Lands and Minerals.

[F.R. Doc. 62-8890; Filed, Sept. 5, 1962; 8:47 a.m.]

Office of the Secretary CIVIL ADMINISTRATION OF WAKE ISLAND

Agreement Between the Federal Aviation Agency and the United States Department of the Interior

CROSS REFERENCE: For a joint agreement of the Federal Aviation Agency and the Department of the Interior respecting the civil administration of Wake Island, see F.R. Doc. 62-8984, *infra*.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

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

MISSISSIPPI

Clarke	Newton
Copiah	Rankin
Jasper	Scott
Lawrence	Smith
Neshoba	Wayne

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, 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 28th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8897; Filed, Sept. 5, 1962; 8:48 a.m.]

NORTH DAKOTA

Designation of Areas for Emergency Loans

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

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, 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 30th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8898; Filed, Sept. 5, 1962;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Provisional Operating License

Please take notice that pursuant to an Initial Decision of the Hearing Examiner dated August 17, 1962, the Director of the Division of Licensing and Regulation has issued Provisional Operating License No. DPR-7 to Pacific Gas and Electric Company for its boiling water nuclear reactor located in Humboldt County, Calif.

The license authorizes the loading of the reactor, the conduct of tests and the operation of the reactor up to and including steady-state power levels of 165 megawatts thermal but specifies that the core may not be loaded and operation of the facility may not begin until the Director of the Division of Licensing and Regulation has found that construction of the facility has been completed in conformity with Construction Permit No. CPPR-10, as amended, and the Application.

The license will expire eighteen months after the date of its issuance (unless extended for good cause shown), or upon the earlier issuance of a superseding operating license.

Copies of the Initial Decision and the license are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C.

Dated at Germantown, Maryland this 28th day of August, 1962.

For the Atomic Energy Commission.

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

[F.R. Doc. 62-8876; Filed, Sept. 5, 1962;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13939; Order No. E-18759]

CONTINENTAL AIR LINES, INC., ET AL.

Order Denying Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August, 1962.

By Order E-18706, August 15, 1962, the Board ordered an investigation of Continental Air Lines' tariff proposing new jet business and jet economy fares between Chicago, Denver, Kansas City, and Los Angeles, as well as similar defensive tariffs of American Airlines, Braniff Airways, Trans World Airlines, and United Air Lines. American, Braniff, Delta Air Lines, Eastern Air Lines, National Airlines, Northwest Airlines, Trans World and United filed complaints requesting that Continental's proposed fares be investigated and suspended. These complaints were denied insofar as they requested suspension, and the fares became effective on August 24, 1962.

By telegram, dated August 20, 1962, Delta informed the Board that it intended to file a timely petition for reconsideration, and urged the Board to take immediate action to amend Order E-18706 so as to preclude the combination of the special business and economy fares with other existing standard fares and through bookings. Delta alleged that such combinations would result in a frustration of the experiment intended to be conducted with respect to the stimulative impact of the new fares. On August 22, 1962, Delta filed its petition for reconsideration seeking the relief requested in its telegram of August 20, 1962. Delta argues, essentially, that the combination of the new business and economy fares with existing standard fares must be prohibited if the Board's desire for a controlled experiment is to be realized, since these combinations, if permitted, would inflate local traffic movements. Such inflation, contends Delta, would be occasioned through combination of the experimental fares with existing fares so as to undercut through-fares in markets far removed from those directly involved, and result in diversion from the distant markets of traffic which would not normally move over the subject routings. Delta maintains that this is precisely what Continental and Trans World intend to do in various domestic markets as evidenced by their advertisements, and states further that Continental would also stand in a position to combine its economy fares with existing Chicago-Europe fares so as to undercut the IATA fares between the west coast and Europe.

The petition of Delta is supported by National, United, and Braniff on basically the same grounds raised by Delta. American, Northwest, and Eastern urge the impracticability of Delta's suggestion, and oppose the imposition of a restriction as suggested, primarily on the basis that off-line advertising and promotion should not be inhibited. Trans World "sympathizes" with Delta, but also

points out the practical difficulties involved in Delta's proposal and requests that any limitation imposed by the Board be directed only to carrier promotion and advertising.

Continental has answered Delta's petition stating, in part, that 36 percent of its total traffic in the markets involved is connecting traffic and that any restriction as proposed by Delta would render the traffic results under the experiment noncomparable to historic results, thus impairing the validity of the experiment. Continental also argues that advance bookings indicate that its connecting traffic under the new fares will be no greater than that experienced historically; that imposition of the restriction would seriously jeopardize the financial results of the operation in light of the high percentage of historical connecting traffic in the subject markets; and that it cannot conduct the experiment if the restriction is imposed.

We are not persuaded that restrictions urged by Delta should be imposed as a condition upon our permitting these fares to become effective for a period of about five months. No judgments have been advanced as to the likely volumes of traffic subject to this type of routing diversion. We are not now prepared, just as these fares become effective, to impose restrictions which might have most serious and far-reaching effects on the carriers and the traveling public without a more compelling showing than has here been made.¹ In any event, restrictions which would interfere with the flow of traffic in accordance with the free choices of the traveling public are more likely to impair than to enhance the validity of this experiment. Moreover, to the extent that passengers seek to circumvent such restrictions by purchasing two local tickets instead of one through ticket, the traffic statistics would not reflect the true movements. Accordingly, Delta's petition will be denied.

Accordingly, it is ordered that:

1. The petition for reconsideration of Delta Air Lines, Inc. is denied.
2. All other requests filed subsequent to Order E-18706 (August 15, 1962) by American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., in this proceeding are denied except insofar as they may be granted by paragraph 1 of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.²

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-8909; Filed, Sept. 5, 1962;
8:50 a.m.]

¹ Although several of the complainants in this matter based their complaints in part on alleged diversion from other markets, no carrier proposed restrictions at that time of the type now before us.

² Member Gurney would grant the petition for reconsideration and member Gilliland did not participate.

[Docket 11879; Order No. E-18753]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of August, 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate, as follows:

Item 0007—Fruits and/or Vegetables

Rate 22 cents per kilogram, minimum weight 500 kilograms, from Santo Domingo to New York City.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R-109, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-8910; Filed, Sept. 5, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

CIVIL ADMINISTRATION OF WAKE ISLAND

Agreement Between the Federal Aviation Agency and the United States Department of the Interior

This Agreement is entered into by and between the United States Department of the Interior (hereinafter referred to

as Interior), and the Federal Aviation Agency (hereinafter referred to as FAA).

Whereas it is contemplated that Interior will be vested with executive and legislative authority necessary for the civil administration of Wake Island, and all judicial authority respecting that Island other than that contained in the Act of June 15, 1950, as amended (48 U.S.C. 644(a)), and

Whereas the FAA has primary use, jurisdiction, control, responsibility and interest in the facilities on Wake Island;

Now, therefore, in consideration of the above, Interior and FAA hereby covenant and agree as follows:

(a) *Exercise of authority.* All executive, legislative and judicial authority for the civil administration of Wake Island, now or hereafter vested by law in the Secretary of the Interior, shall be exercised by such person or persons (which shall include a position or positions) as may be designated by the Administrator of the FAA. This authority shall be exercised in accordance with such directives as may be prescribed by the Secretary of the Interior.

(b) *Rules and regulations.* All authority invested by law in Interior to make necessary rules and regulations for the orderly maintenance and the civil administration of Wake Island shall be exercised by the person or persons designated pursuant to paragraph (a), and in accordance with such directives as may be prescribed by the Secretary of the Interior.

(c) *Reports.* The FAA shall submit annual reports to Interior outlining the rules and regulations adopted pursuant to this Agreement and covering administrative action with respect to such rules and regulations.

(d) *Funding.* The FAA assumes responsibility for the administration of Wake Island and assumes the necessary funding obligations for such purposes. It is further agreed that the administration of and operation on Wake Island shall be without expense to Interior, except that expenses incurred by Interior in discharging functions not delegated pursuant to this Agreement shall be at Interior's expense.

(e) *Facilities.* Since, under the International Aviation Facilities Act, as amended, 49 U.S.C. 1151, et seq., FAA possesses exclusive authority in all matters relating to the installation, consolidation, operation, protection, maintenance, improvement, and administration over all facilities, structures and equipment on Wake Island, which are or may hereafter become the property of FAA, it is hereby agreed that Interior will take no action that may be in derogation of this authority, and no action or directive of Interior will be construed to be in derogation of this authority.

(f) *Support.* Interior will provide such assistance to FAA as may be mutually determined upon in the future.

(g) *Law enforcement.* Interior and FAA shall cooperate to obtain the appointment of persons to such positions as United States Commissioner, and Deputy United States Marshal, and to other positions as may be necessary at

Wake Island not within the appointing authority of Interior or FAA.

(h) *Duration.* This Agreement shall become effective upon the vesting of the authority for the civil administration of Wake Island in the Secretary of the Interior, and shall continue in force for five years following such date. This Agreement may be renewed or modified thereafter, as Interior and FAA may mutually agree.

Dated: December 22, 1961.

N. E. HALABY,
Administrator,
Federal Aviation Agency.

Dated: February 5, 1962.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-8984; Filed, Sept. 5, 1962; 10:11 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14721, 14722; FCC 62M-1166]

GENERAL COMMUNICATIONS, INC. AND SOUTH MISSISSIPPI BROADCASTING CO.

Order Continuing Prehearing Conference

In re applications of General Communications, Incorporated (KXKW), Lafayette, La., Docket No. 14721, File No. BMP-9060; Holton D. Turnbrough and George J. Sliman, d/b as South Mississippi Broadcasting Company, Mississippi City, Miss., Docket No. 14722, File No. BP-14865; for construction permits.

On the oral request of counsel for General Communications, Incorporated (KXKW), and without objection by counsel for the other parties:

It is ordered, This 30th day of August 1962, that:

(1) The time for filing a response to the petition for leave to amend, filed by South Mississippi Broadcasting Company on August 9, 1962, is further extended from August 30 to October 1, 1962.

(2) The prehearing conference is rescheduled from September 12 to Friday, October 12, 1962, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: August 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8913; Filed, Sept. 5, 1962; 8:51 a.m.]

[Docket Nos. 14269, 14270; FCC 62M-1165]

HERSHEY BROADCASTING CO., INC. AND READING RADIO, INC.

Order Continuing Hearing

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322; for construction permits.

The Hearing Examiner having under consideration a Motion For Continuance Of Hearing filed jointly by the applicants in the above-entitled matter on August 28, 1962, and

It appearing, that all parties agree to the continuance and that good cause therefor has been shown:

It is ordered, This 30th day of August 1962, that the aforesaid motion is granted and that, accordingly, the hearing now scheduled for September 4, 1962 is rescheduled to commence at 10 a.m., November 5, 1962, in the Commission's offices in Washington, D.C.

Released: August 30, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8914; Filed, Sept. 5, 1962;
8:51 a.m.]

[Docket No. 13085 etc.; FCC 62M-1168]

**NATIONAL BROADCASTING CO.,
INC., ET AL.**

**Order Continuing Prehearing
Conference**

In re applications of:

I. (a) National Broadcasting Company, Inc., Philadelphia, Pa., Docket No. 13085, File Nos. BR-562, BRCT-4; for renewal of licenses of stations WRCV, WRCV-TV, KA-4465, KA-7914, KC-8393 and KGC-93 for the period 1957-1960. (b) National Broadcasting Company, Inc., Docket No. 14091, File No. BR-562; Docket No. 14092, File No. BRCT-4; for renewal of licenses of stations WRCV and WRCV-TV (Channel 3), Philadelphia, Pa. (including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGG-593). (c) Philco Broadcasting Company, Docket No. 14054, File No. BPCT-2774; for a permit to construct a new television station on Channel 3, Philadelphia, Pa. (d) National Broadcasting Company, Inc., Assignor, Docket No. 14055, File No. BAL-3911; RKO General, Inc., Assignee, Docket No. 14056, File No. BALCT-122; for consent to assign the licenses of stations WRCV and WRCV-TV, Philadelphia, Pa. (including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGG-593).

II. (a) RKO General, Inc., Docket No. 14057, File No. BR-953; for renewal of license of station WNAC, Boston, Mass. (including AM auxiliary stations KA-5617 and KCB-87). (b) RKO General, Inc., Assignor, Docket No. 14058, File No. BAL-3912; National Broadcasting Company, Inc., Assignee, Docket No. 14059, File No. BALH-423; Docket No. 14060, File No. BASCA-47; Docket No. 14061, File No. BALCT-123; for consent to assign and licenses of Stations WNAC, WRKO-FM and SCA, WNAC-TV, Boston, Mass. (including AM auxiliary stations KA-5617, KCB-87; and TV auxiliary station KA-4866).

The Hearing Examiner having under consideration a petition in behalf of the

Commission's Broadcast Bureau, filed August 29, 1962, as amended by document filed August 30, 1962, requesting that the prehearing conference in the above-entitled proceeding, which was originally scheduled to commence September 10, 1962, be continued to September 17, 1962;

It appearing, that all other parties to the proceeding consent to the continuance sought and to a waiver of the provisions of § 1.43 of the rules to permit immediate consideration of the matter:

It is ordered, This 30th day of August, 1962, that the amended petition is granted and that the prehearing conference in the above-entitled proceeding is hereby continued from September 10 to September 17, 1962.

Released: August 31, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8912; Filed, Sept. 5, 1962;
8:51 a.m.]

FEDERAL MARITIME COMMISSION

[First Supp. Order No. 1068]

**ATLANTIC/GULF U.S. VIRGIN
ISLANDS TRADE**

General Increase in Rates

It appearing, that there is currently pending in this proceeding an investigation into and a hearing concerning increased rates from Atlantic and Gulf ports in the United States to ports in the U.S. Virgin Islands which became effective August 20, 1962; and

It further appearing, that Leeward & Windward Islands & Guianas Conference, C. D. Marshall, Agent has been named a respondent in these proceedings; and

It further appearing, that there has been filed with the Federal Maritime Commission by Chester, Blackburn & Roder, Inc., Agent for Atlantic Lines, Ltd., certain revised pages naming increases in freight rates and charges from U.S. Atlantic and Gulf ports to ports in the U.S. Virgin Islands, to become effective August 30, 1962, designated as follows:

Southbound Freight Tariff 2, FMC-F NO. 2
First Revised Page No. 5.
First Revised Page No. 9.
First Revised Page No. 10.
First Revised Page No. 11.
First Revised Page No. 12.
First Revised Page No. 13.
First Revised Page No. 14.
First Revised Page No. 15.
First Revised Page No. 16.
Original Page No. 16A.
First Revised Page No. 17.
First Revised Page No. 18.
First Revised Page No. 19.

and

It further appearing, that upon consideration of the said schedules, there is reason to believe that the increased rates and charges named thereon, if permitted to become effective, would result in rates and charges which would be un-

just, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the new increased rates and charges should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said increases should be suspended pending such investigation;

Now, therefore, it is ordered, That the proceeding in Docket No. 1068 be, and it is hereby, expanded to include, in addition to the matters now under investigation, an investigation into and concerning the lawfulness of the increased rates and charges contained in the said tariff schedules with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and:

It is further ordered, That said increased rates and charges be, and they are hereby, suspended and that the use of the said rates be, and is hereby, deferred to and including December 29, 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension; and:

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless authorized by the Commission; and:

It is further ordered, That there shall be filed immediately with the Commission by Chester, Blackburn & Roder, Inc., Agent, a consecutively numbered supplement to the aforesaid tariff schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until December 30, 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and:

It is further ordered, That all revisions of the said tariff schedules subsequently filed by the respondent in this proceeding, shall be, and they are hereby, placed under investigation in this proceeding; and:

It is further ordered, That copies of this order shall be filed with the said tariff in the Bureau of Domestic Regulation of the Federal Maritime Commission; and:

It is further ordered, That, (I) the investigation herein ordered in Docket No. 1068 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, to receive evidence in this consolidated proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon Atlantic Lines, Ltd., Chester, Blackburn & Roder, Inc., Agent (who are hereby named respondents herein), and upon Leeward & Windward Islands & Guianas Conference, C. D. Marshall, Agent; (III) the said respondents be duly notified of the time and place of the hearing ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

By order of the Commission; August 28, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8920; Filed, Sept. 5, 1962;
8:52 a.m.]

STOCKARD STEAMSHIP CORP., ET AL.

Notice of Agreement Filed for Approval

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

Agreement 7812-7, between Stockard Steamship Corporation, Atlantic Ocean Transport Corporation and Mediterranean Transport Corporation, the carriers comprising the Levant Line joint service, modifies the approved joint service Agreement 7812, as amended, which covers the trade between Canadian and United States Atlantic and Gulf ports on the one hand, and ports of Portugal, Spain, France, Italy, Yugoslavia, Albania, Greece, Bulgaria, Rumania, Union of Soviet Socialist Republics, Turkey, Cyprus, Lebanon, Israel (Palestine), Suez, United Arab Republic (Egypt and Syria), Libya, Tunisia, Algeria, Morocco and the various islands in the Mediterranean, ports of the Red Sea and Persian Gulf, India, Pakistan, Ceylon, Burma, Federation of Malaya, Colony of Singapore, the United States of Indonesia, British North Borneo and to also include ports in Mexico, Central America and the islands of the West Indies. This modification provides for the substitution of the Estate of Lester N. Stockard for Stockard Steamship Corporation, one of the carriers comprising the joint service, which carrier shall have all the rights and be subject to all the obligations of Stockard Steamship Corporation. This action was contemplated by the parties and provision made therefor by prior approved modification of Article 20 of the basic Agreement (7812-5).

No. 173—6

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

By order of the Federal Maritime Commission.

Dated: August 31, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8919; Filed, Sept. 5, 1962;
8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7051]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

AUGUST 29, 1962.

Take notice that on August 24, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at 831 Second Avenue South, Minneapolis 2, Minn., seeking authorization to issue unsecured Promissory Notes in the aggregate principal amount of \$3,000,000 in addition to the presently authorized aggregate principal amount of \$12,000,000 (Docket No. E-7027). Applicant proposes to issue the additional Notes to the First National City Bank of New York City. The additional Notes will be dated as of the dates of their respective issuances, which will be not later than December 31, 1962, and will become due not more than one year after the dates of their respective issuances and not later than December 31, 1963. The interest rate on the additional Notes will be the prime commercial rate in effect at the time of each borrowing. The Northwestern Bank of Minneapolis and the First National Bank of Minneapolis will each have a 25 percent participation in each Note. Applicant states that the additional Promissory Notes will be issued and sold from time to time during the balance of the year 1962 to provide additional funds as they are required for Applicant's construction program. Applicant states that it had planned to sell First Mortgage Bonds in the fall of 1962, to provide funds for payment of the \$12,000,000 aggregate principal amount of unsecured Promissory Notes issuance of which was authorized in Docket No. E-7027, but it now appears that Applicant may not sell those Bonds until after December 1, 1962, the plan being to sell the Bonds either in December 1962 or early in 1963. The reason for the delay in selling the Bonds, accord-

ing to the application, is that Applicant plans first to call for redemption the balance of its outstanding 4 $\frac{7}{8}$ percent Debentures due June 1, 1977, which are convertible into common stock, thereby inducing the holders to convert those Debentures into common stock. Applicant believes that the conversion of the aforementioned Debentures into common stock will provide a broader equity base and improve the capital ratio, as a result of which Applicant will obtain more favorable terms for the sale of its Bonds.

Applicant states that the proceeds to be obtained from the proposed issuance of Notes will be used to provide temporary financing for part of the cost of Applicant's 1962 construction program, estimated at \$18,000,000, which is approximately equally divided between additions to Applicant's electric facilities and additions to Applicant's gas facilities. The principal item in the electrical program is \$6,000,000 for the 66,000 kw generating unit addition to the R. M. Heskett station near Mandan, North Dakota, scheduled to be completed in late 1963 at a total cost of \$10,425,000. The principal items in Applicant's gas program are: \$4,425,000 for 106 miles of twelve inch natural gas pipeline between Minot and Bismarck, North Dakota, with laterals to and distribution systems in six contiguous communities; \$715,000 for 29 miles of 6- and 4-inch pipeline between Williston and Watford City, N. Dak.; and \$1,382,000 for 26 miles of 12-inch pipeline loop between the Little Beaver, Mont., and Belle Fourche, S. Dak., compressor plants and one 880-hp compressor unit at each plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 18th day of September 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8880; Filed, Sept. 5, 1962;
8:45 a.m.]

[Docket No. RI63-59]

H. H. BLAIR

Order Providing for Hearing on and Suspension of Proposed Rate Schedule and Related Changes in Rates

AUGUST 29, 1962.

On April 3, 1962, H. H. Blair (Blair)¹ tendered for filing a proposed rate schedule consisting of a contract dated November 17, 1958, which is designated as Blair's FPC Gas Rate Schedule No. 3,² with Colorado Interstate Gas Company covering Blair's interest in the sale of gas or near the wellhead from the Ingle No. 1 and Denny A-1 Gas Units, in the Greenwood Field, Morton County, Kans.

¹ Address P.O. Box 93, Atlanta, Kansas.

² See footnote on page 8890.

Blair's interests in the Denny A-1 and Ingle No. 1 Gas Units were previously covered, prior to November 17, 1958, the date of his contract filed herein, under Cities Service Oil Company (Operator), et al., (Cities Service) FPC Gas Rate Schedule No. 87² and Champlin Oil and Refining Company (Operator), et al., (Champlin), FPC Gas Rate Schedule No. 59, respectively. Cities Service is operator of the Denny A-1 Unit and Champlin is operator of the Ingle No. 1 Unit. Service under the related rate schedules of Cities Service and Champlin was started prior to September 28, 1960.

On July 30, 1962, Blair filed a notice of change in rate for the Denny A-1 Unit of 4.0 cents per Mcf from 12.0 cents to 16.0 cents³ per Mcf which is designated as Supplement No. 1⁴ to Blair's FPC Gas Rate Schedule No. 3, and a notice of change in rate for the Ingle No. 1 Unit of 1.0 cent per Mcf from 15.0 cents to 16.0 cents³ per Mcf which is designated as Supplement No. 2⁴ to Blair's FPC Gas Rate Schedule No. 3. The notices of change in rates reflect an annual increase of \$3,562.

As of the date of Blair's contract the rates being paid under the rate schedules of Cities Service and Champlin were 12.0 cents per Mcf (Denny A-1 Unit) and 15.0 cents per Mcf (Ingle No. 1 Unit), respectively. The current rate being paid for the subject gas from the Denny A-1 Unit under Cities Service's superseding rate schedule is 16.0 cents per Mcf subject to Btu adjustment which rate is in effect subject to refund in Docket No. G-17313. The current rate being paid for the subject gas from the Ingle No. 1 Unit under Champlin's rate schedule is 16.0 cents per Mcf, which rate was approved by the Commission via Champlin's offer of settlement.

Blair's proposed renegotiated rates exceed the applicable 11.0 cents per Mcf ceiling for increased rates in Kansas as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Blair's FPC Gas Rate Schedule No. 3 and Supplement Nos. 1 and 2 related thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

² Superseded by Cities Service Petroleum Company FPC Gas Rate Schedule No. 126 insofar as it pertains to the Greenwood Field which includes the Denny A-1 Gas Unit.

³ Pressure base of 14.65 psia.

⁴ The effective date is August 30, 1962, which is the first day after expiration of the required statutory notice.

of practice and procedure, and the regulations under the Natural Gas Act (18 CFR (Ch. I)), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Blair's FPC Gas Rate Schedule No. 3 and Supplement Nos. 1 and 2 related thereto.

(B) Pending such hearing and decision thereon, said rate schedule and supplements be and they are suspended and the use thereof deferred until January 30, 1963, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule nor the supplements hereby suspended shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 15, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8881; Filed, Sept. 5, 1962;
8:45 a.m.]

[Docket No. G-19983]

TENNESSEE GAS TRANSMISSION CO.

Order Fixing Date for Oral Argument

AUGUST 29, 1962.

Exceptions to the initial decision of the Presiding Examiner issued on May 28, 1962, were filed in the above-captioned proceeding, together with a motion by Tennessee Gas Transmission Company that it be granted an opportunity to present oral argument before the Commission sitting en banc in support of its exceptions. It is appropriate that oral argument be held concerning the matters involved in and the issues presented in the above-captioned proceeding.

The Commission orders:

(A) Oral argument be had before the Commission on October 15, 1962, at 10 a.m., e.d.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 the exceptions to the aforesaid decision.

(B) Parties to these proceedings intending to participate in the oral argument shall notify the Secretary of the Commission in writing on or before September 21, 1962, of such intention and of the length of time requested for presentation of their arguments.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8882; Filed, Sept. 5, 1962;
8:45 a.m.]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Forms

The Board of Governors of the Federal Reserve System is considering the adoption of Form F.R. Y-1¹ to be used by a company in making application, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (70 Stat. 133), for prior approval by the Board of action resulting in such company's becoming a bank holding company. The Board is also considering the adoption of a revised Form F.R. Y-2¹ to be used by an existing bank holding company in making application for prior approval of the acquisition of bank shares pursuant to section 3(a)(2) of such Act.

These forms are designed to provide for the submission of information regarding the factors set forth in section 3(c) of the Bank Holding Company Act of 1956 which are required to be considered by the Board in passing upon any such applications.

This notice is published pursuant to section 4 of the Administrative Procedure Act and the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1).

To aid in the consideration of this matter, the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board it is preferable that it be sent to the Federal Reserve Bank of the District which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than September 21, 1962.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-8883; Filed, Sept. 5, 1962;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2235]

JONATHAN LOGAN, INC.

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

AUGUST 30, 1962.

In the matter of application of the Philadelphia-Baltimore stock exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Jonathan Logan, Incorporated, File 7-2235.

Upon receipt of a request, on or before September 14, 1962, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 62-8892; Filed, Sept. 5, 1962;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 225]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 31, 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 8999 (Deviation No. 3), ZENO FREIGHTWAYS, INC., Rt. No. 5, Irwin, Pa., filed August 22, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh, 22, Pa. Carrier proposes to

operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Massillon, Ohio over U.S. Highway 21 to junction Ohio Highway 5 and thence over Ohio Highway 5 to Akron, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Massillon over Ohio Highway 241 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 8, and thence over Ohio Highway 8 to Akron, and return over the same route.

No. MC 8999 (Deviation No. 4), ZENO FREIGHTWAYS, INC., Rt. No. 5, Irwin, Pa., filed August 22, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh, 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Twinsburg over Ohio Highway 82 to Brecksville, and thence over U.S. Highway 21 to Cleveland, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Twinsburg over Ohio Highway 91 to junction U.S. Highway 422 and thence over U.S. Highway 422 to Cleveland, and return over the same route.

No. MC 111594 (Deviation No. 4), CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, P.O. Box 200, Wisconsin Rapids, Wis., filed August 24, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: From (A) Milwaukee, Wis. over Wisconsin Highway 32 to junction Wisconsin Highway 31, thence over Wisconsin Highway 31 to the Wisconsin-Illinois State Line, (B) From junction Interstate Highway 94 and Wisconsin Highway 20 over Wisconsin Highway 20 to Racine, Wis., (C) From junction Interstate Highway 94 and Wisconsin Highway 43 over Wisconsin Highway 43 to Kenosha, Wis. (D) From junction Interstate Highway 94 and Wisconsin Highway 50 over Wisconsin Highway 50 to Kenosha, and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Milwaukee, Wis. over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to Wisconsin-Illinois State Line; From Milwaukee, Wis. over the Wisconsin Highway 32 to the Wisconsin-Illinois State Line, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-8900; Filed, Sept. 5, 1962;
8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 31, 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. 37910: *Joint motor-rail rates from and to southern territory*. Filed by Pre-Fab Transit Co., a corporation, (No. 2), for itself and interested carriers. Rates on various commodities moving on commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroad, from points in Louisiana and Mississippi, on the one hand, to points in Arkansas and official (including Illinois) territory, on the other, also between points in official (including Illinois), southern, southwestern, and western trunk-line territories, via interchange points named in the application.

Grounds for relief: Motor-truck competition.

Tariffs: Pre-Fab Transit Co., tariffs M.F.-I.C.C. 82, 84 and 86.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-8901; Filed, Sept. 5, 1962;
8:49 a.m.]

[Notice 474]

MOTOR CARRIER APPLICATIONS

Call of the Docket

AUGUST 31, 1962.

Opposition to the following applications noticed herein, may be accomplished (1) by filing a protest in accordance with Rule 1.40 of the Commission's general rules of practice within 30 days from the date of this publication in the FEDERAL REGISTER, or (2) by filing a notice of intention to protest in accordance with the provisions of Special Rule 1.241(c) (1) when the date and place of hearing of these applications are subsequently published in the FEDERAL REGISTER.

Notice to the parties. A number of applications filed by passenger carriers, in which oral hearings appear to be required, are pending for motor carrier operating rights in Connecticut, New York, and New Jersey. In addition a broker application involving the transportation of passengers in the same area is also pending. The applications and the authority sought are listed in the Appendix to this Notice.

The Commission has become increasingly aware that some of the delays encountered in disposing of proceedings before it, are attributable to a traditional liberality in granting requests for postponement of hearings. Such delays lead to additional expense and inconvenience to the other parties in such proceedings as well as to the Government.

Hearings in connection with the applications listed in the Appendix will be

assigned so as to give sufficient time to all parties to prepare their respective presentations. Accordingly, those participating in these proceedings will be expected to be ready for the hearing on the dates that are assigned and to refrain from requesting any postponement.

Those interested are requested to appear at a Calling of the Docket by Chief Examiner James C. Cheseldine, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., on September 18, 1962, at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight savings time, if that time is observed). When the docket is called, an effort will be made with the aid of applicants or their representatives to arrive at dates and places of hearing which the parties will be expected to observe in order that all of the proceedings listed herein can be heard promptly and expeditiously.

No. MC 12813, filed July 2, 1962. Applicant: SNOW EAGLE TOURS, LTD., a corporation, 277 Broadway, c/o Mr. David Edelman, New York 7, N.Y. Applicant's attorney: David Edelman, 277 Broadway, New York 7, N.Y. For a license (BMC 5) authorizing operations as a broker at New York, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of passengers and their baggage, both as individuals and groups, in round-trip all-expense package tours, beginning and ending at New York, N.Y., and extending to points in New York, Vermont, Massachusetts, New Hampshire, Connecticut, Pennsylvania, and New Jersey.

No. MC 66582 (Sub-No. 26), filed August 23, 1962. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's attorney: William E. Rubin (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, between Cliffside Park, N.J. and Manhattan, New York, N.Y. The purpose of this application is to change the present New York City Terminus stated in applicant's present Certificate as "Manhattan, New York, N.Y." to read "New York, N.Y.", serving all intermediate points.

No. MC 66582 (Sub-No. 27), filed August 28, 1962. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's attorney: William E. Rubin, 419 Anderson Avenue, Fairview, 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 with passengers, between Fort Lee, N.J., and New York, N.Y.: from the junction of LeMoine Avenue and George Washington Bridge Plaza Access Road in Fort Lee, N.J., along George Washington Bridge Plaza Access Road, George Washington Bridge Plaza and George Washington Bridge to New York, N.Y., and return over the same route, serving all intermediate points.

No. MC 108136 (Sub-No. 13), filed August 28, 1962. Applicant: VALLEY CAB COMPANY, INCORPORATED, Main

Street, Moodus, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223-410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, in charter operations, in limousine-type vehicles, limited to the transportation of not more than nine (9) passengers in any one vehicle, not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, between points in Middlesex and New London Counties, Conn. and Branford and Madison, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, and New Jersey.

No. MC 111504 (Sub-No. 5), filed August 21, 1962. Applicant: STAR TRANSIT CO., INC., 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 irregular routes, transporting: Passengers and their baggage, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Bucks County, Pa., and extending to points in Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8902; Filed, Sept. 5, 1962;
8:49 a.m.]

[Notice 475]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 31, 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 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE MOTOR CARRIERS OF PROPERTY

No. MC 19 (Sub-No. 17), filed July 30, 1962. Applicant: BINGAMAN MOTOR EXPRESS CO., INC., Fifth and Vine Streets, Box 738, Sunbury, Pa. Applicant's attorney: John E. Fullerton, 131 State Street, Harrisburg, Pa. 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 Philadelphia, Pa., and Albany, N.Y.; from Philadelphia over Pennsylvania Highway 73 and continuing over New Jersey Highway 73 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to New Jersey Highway 17, thence over New Jersey Highway 17 to junction Interstate Highway 87, thence over Interstate Highway 87 to junction U.S. Highway 9, thence over U.S. Highway 9 to Albany, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states that all of its outstanding capital stock is owned by Hall's Motor Transit Company, (MC 67646).

HEARING: October 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 1968 (Sub-No. 76), filed August 29, 1962. Applicant: BRASWELL FREIGHT LINES, INC., 301 Reynolds Street (P.O. Box 9518), El Paso, Tex. Applicant's attorney: M. Ward Bailey, 2412 Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the National Aeronautics and Space Administration Centralized Testing Site and the easements thereto and a part thereof located in Hancock County, Miss., and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., as off-route points in connection with applicant's regular-route operations to and from New Orleans, La.

NOTE: Applicant states that it is a wholly owned subsidiary of Braswell Motor Freight Lines, Inc., and is under common control and management with Braswell Motor Freight Lines, Inc.

HEARING: September 25, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 2202 (Sub-No. 227), filed April 2, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from the North Carolina-Virginia State line near Price, N.C., over U.S. Highway 220 to Martinsville, Va., and return over the same route, (2) from Martinsville, Va., over U.S. Highway 58 to Danville, Va. and return over the same route, (3) from the junc-

tion of U.S. Highway 220 and Virginia Highway 87 over Virginia Highway 87 to the North Carolina-Virginia State line and return over the same route with service at the junction of U.S. Highway 220 and U.S. Highway 87 for the purpose of joinder only, and (4) from the junction of U.S. Highway 58 and Virginia Highway 863 over Virginia Highway 863 to the North Carolina State line and return over the same route with service at the junction of U.S. Highway 58 and Virginia Highway 863 for the purpose of joinder only, serving no intermediate points on any of the four routes described above, as alternate routes for operating convenience only in connection with applicant's regular-route operations.

NOTE: Applicant states it is opening a new terminal at Leaksville, N.C. It is proposed to serve both Martinsville, Va. and Danville, Va. through this terminal. Less truckload inbound and outbound service will be by shuttle runs in connection with service at other points in North Carolina.

HEARING: October 18, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board, No. 7.

No. MC 2202 (Sub-No. 230), filed May 16, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Gadsden, Ala., and Decatur, Ala., as follows: From Gadsden over U.S. Highway 278 to junction with U.S. Highway 231, thence over U.S. Highway 231 to junction with Alabama Highway 67, thence over Alabama Highway 67 to Decatur, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (1) between Athens, Ala., and Gadsden, Ala., and (b) between Nashville, Tenn., and Birmingham, Ala.

HEARING: October 31, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 10761 (Sub-No. 125), filed August 17, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210-12, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving LeRoy and Victor, N.Y., as off-route points in connection with applicant's presently authorized regular-route operation between Buffalo and Rochester, N.Y.

HEARING: October 17, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner Wm. N. Culbertson.

No. MC 29566 (Sub-No. 73), filed August 22, 1962. Applicant: SOUTH-WEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving ballistic missile and launching sites, and supply points therefor, located in the Whiteman Air Force Base Complex located in Barton, Vernon, Bates, Cass, Jackson, Dade, Cedar, St. Clair, Henry, Johnson, Lafayette, Polk, Hickory, Benton, Pettis, Saline, Dallas, Camden, Morgan, Cooper, Miller, Moniteau, and Morgan Counties, Mo., as off-route points in connection with applicant's authorized regular route operations.

HEARING: September 27, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 30844 (Sub-No. 71), filed May 10, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, frozen and unfrozen, from Lawton, Mich., to points in Illinois, Indiana, Missouri, Ohio, Wisconsin, and points in the Upper Peninsula of Michigan.

HEARING: October 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 30844 (Sub-No. 77), filed August 1, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1560 Grant Street Building, Denver 3, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boyertown, Downingtown, Morgantown, Philadelphia and Pottstown, Pa., to points in Colorado, Kansas, Iowa, Minnesota, Missouri, Nebraska, Oklahoma, and Texas.

HEARING: October 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 30844 (Sub-No. 78), filed August 1, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in New Jersey, to Pittsburgh, Pa.

HEARING: October 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 35508 (Sub-No. 7), filed May 25, 1962. Applicant: C. MILLS, INC., Laurel, Md. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over ir-

regular routes, transporting: *Livestock*, other than ordinary livestock, and, in connection therewith, *personal effects of attendants*, and *supplies and equipment*, including *mascoats*, used in the care and exhibition of such livestock, between points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Ohio, Illinois, Virginia, West Virginia, Greensboro, N.C., South Carolina, Florida, Kentucky, Indiana, Michigan, and Washington, D.C.

HEARING: October 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC-52629 (Sub-No. 49), filed August 24, 1962. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky. 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 No. MC-45, including but not limited to corrugated sheet steel, steel wire in bales, wire fencing in rolls, boxes of nails, wire mesh in rolls, from Kokomo, Ind., to points in Kentucky and Tennessee.

HEARING: September 17, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 264.

No. MC 56679 (Sub-No. 11), filed August 16, 1962. Applicant: BROWN TRANSPORT CORP., Manau Lane, P.O. Box 551, Waynesboro, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving the plant site of A. M. Karagheusian, Inc., located near U.S. Highway 301 at a point between Statesboro and Dover, Ga., and approximately eight miles from Statesboro, as an off-route point in connection with applicant's regular-route operations between Athens and Statesboro, Ga., and between Savannah and Augusta, Ga.

HEARING: October 22, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 57880 (Sub-No. 5), filed July 23, 1962. Applicant: JAMES E. ASHTON, doing business as JIM ASHTON TRUCK LINE, 1201 North Broadway, Monte Vista, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Potato starch*, from Monte Vista, Colo., to Carlsbad, N. Mex., and points within 25 miles of Carlsbad, N. Mex., and *empty containers or other such incidental facilities* (not

specified) used in transporting the above described commodity, on return.

NOTE: Dual operations may be involved.

HEARING: October 18, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 125.

No. MC 64806 (Sub-No. 8), filed August 6, 1962. Applicant: R. P. THOMAS TRUCKING COMPANY, INCORPORATED, Danville Road, Martinsville, Va. Applicant's representative: Thaxton Richardson, P.O. Box 612, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, from Norfolk and Portsmouth, Va., to Martinsville, Va.

HEARING: October 19, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 108.

No. MC 64994 (Sub-No. 43), filed August 8, 1962. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tire fabric and tire cord*, from Scottsville, Va., to Chicago, Ill.

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

No. MC 66562 (Sub-No. 1908), filed July 17, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Rochester, N.Y. and Albany, N.Y.; (1) from Rochester over U.S. Highway 15 to junction with Interstate Highway 90 at West Henrietta, N.Y.; thence over Interstate Highway 90 to Albany, and return over the same route, serving the intermediate point of Syracuse, N.Y., and (2) from Rochester over U.S. Highway 15 to junction of New York Highway 5 at East Avon, thence over New York Highway 5 to Albany, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations in MC 66562 Subs 947 (Geneva-Syracuse, N.Y.), 1793 (Buffalo-Rochester, N.Y.), and others. Restriction: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and shipments to be transported will be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air.

HEARING: October 12, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Wm. N. Culbertson.

No. MC 70451 (Sub-No. 243), filed August 17, 1962. Applicant: WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 Harney Street, Omaha,

Nebr. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, 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 Monroe, and Winder, Ga., from Monroe, over Georgia Highway 11, to Winder, and return over the same route serving all intermediate points.

HEARING: October 19, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 80430 (Sub-No. 104), filed August 29, 1962. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130-2150 South Avenue, La Crosse, Wis. Applicant's attorney: Charles L. Redel (same address as applicant). 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*, 61 M.C.C. 209, 294, from points in Kankakee County, Ill., to points in Ohio, Wisconsin, New York, Iowa, Michigan, Pennsylvania, Indiana, Minnesota, and Missouri.

HEARING: September 9, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 83360 (Sub-No. 3), filed August 6, 1962. Applicant: T. M. McLAUGHLIN, doing business as MACK BROTHERS, Victoria, Va. Applicant's attorney: Lionel Moses, 1116 Mutual Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in containers and loose, from Kenbridge, Va., to points in Maryland (except Baltimore), Pennsylvania (except Hanover), New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Delaware and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: October 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 94201 (Sub-No. 51), filed August 8, 1962. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. Applicant's attorney: Donald L. Morris, 325-29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, staple fiber, thread, tire cord yarn, synthetic plastic, nylon flake, and synthetic fiber yarns*, on beams, bobbins, cones, cores, tubes, in hank and tow, in bales, bags, boxes, cases crates, cradles, and on wrapped beams loose, and (2) *empty warp beams, empty bobbins, and empty containers therefor*, between Pensacola and Gonzales, Fla., on the one hand, and, on the other, points in Georgia.

NOTE: Common control may be involved.

HEARING: October 18, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 95540 (Sub-No. 446), filed July 23, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, articles distributed by meat-packing houses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as defined in sections A, B, C, and D of Appendix I to the Commission's decision in *Descriptions in Motor Carrier Certificates*, 61 M.C. 209, 272-273, from Fort Worth, Tex., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: Common control may be involved.

HEARING: October 24, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Samuel C. Shoup.

No. MC 95540 (Sub-No. 448), filed August 2, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Elmira, New York to points in Indiana, Illinois, Michigan, Missouri, Pennsylvania, Ohio, Virginia, Maryland, and the District of Columbia.

HEARING: October 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 95540 (Sub-No. 452), filed August 8, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs, frozen*, from Pittsburgh and Saltsburg, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky (except Louisville), Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and the District of Columbia.

HEARING: October 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 95540 (Sub-No. 453), filed August 8, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs, frozen*, from Lake City, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky (except Louisville), Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and the District of Columbia.

HEARING: October 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 100666 (Sub-No. 43), filed February 19, 1962. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7295, Shreveport, La. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Crossett, Ark., to points in Georgia, Alabama, and Florida.

HEARING: October 15, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Samuel C. Shoup.

No. MC 100666 (Sub-No. 46), filed August 13, 1962. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7295, Shreveport, La. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition or prepared roofing, including composition shingles, asbestos siding and (2) materials used in the installation thereof* (when moving at the same time and in the same vehicle), from Shreveport, La., to points in Alabama, Mississippi, and Colorado.

HEARING: October 16, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Samuel C. Shoup.

No. MC 103051 (Sub-No. 135), filed August 9, 1962. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Montgomery County, Ala., to points in Muscogee, Chattahoochee, and Marion Counties, Ga.

HEARING: October 23, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 103378 (Sub-No. 238), filed June 22, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed acids (sulphuric acid and nitric acid)*, in bulk, in tank vehicles, from McAdory, Ala., to points in South Carolina.

HEARING: October 23, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 339.

No. MC 104123 (Sub-No. 66), filed August 3, 1962. Applicant: JOHN SCHUTT, JR., INC., 4361 River Road, Tonawanda, N.Y. Applicant's attorney: Robert G. Gawley, 631 Nlagara Street, Buffalo 1, N.Y. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chloride*, in bulk, in sealed tank vehicles with pneumatic unloading devices, from Lockport, N.Y., to Institute, W. Va.

HEARING: October 19, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Wm. N. Culbertson.

No. MC 104149 (Sub-No. 169), filed July 25, 1962. Applicant: LEROY OSBORNE, doing business as OSBORNE & COMPANY, 520 North 31st Street, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325-29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, machinery and machinery parts, contractors' equipment, materials and supplies, commodities which by reason of size or weight, require the use of special equipment or special handling, and related contractors' materials and supplies* when transported in connection with commodities, which, by reason of size or weight, require the use of special equipment or special handling, (1) from points in Alabama to railheads in Alabama for subsequent movement by rail and (2) from railheads in Alabama, after prior transportation by rail to points in Alabama and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 26, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 105461 (Sub-No. 46), filed July 31, 1962. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and pulpboard packing materials and containers*, from Bayonne, Bound Brook, Delair, Hackensack, North Bergen, and Riegelsville, N.J., and Lancaster, Philadelphia, Pittsburgh, and Valley Forge, Pa., to Elmira and Horseheads, N.Y.

HEARING: October 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 106398 (Sub-No. 197), filed June 4, 1962. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Wm. R. Privitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Arkansas (except Camden) to points in the United States including Alaska but excluding Hawaii, and (2) camper bodies and camper coaches, in initial movement, in truckaway service, from points in Arkansas to points in the United States including Alaska but excluding Hawaii, and empty containers or other such incidental facilities* (not specified) used in transporting the com-

modities specified in (1) and (2) above, on return.

HEARING: October 19, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Samuel C. Shoup.

No. MC 106398 (Sub-No. 201), filed July 23, 1962. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Street, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 711 Fourteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles (including but not limited to utility trailers, camp trailers, mobile homes, and commercial or other adaptations of the foregoing)*, in initial movements, by truckaway service, from points in New York (except Buffalo and Latham), to points in the United States, including Alaska but excluding Hawaii, and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, on return.

HEARING: October 11, 1962, at the Federal Building, Albany, N.Y., before Examiner Wm. N. Culbertson.

No. MC 107515 (Sub-No. 405), filed August 1, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214-217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food dressing, in vehicles equipped with mechanical refrigeration, from Dallas, Fort Worth, Houston, Sherman, San Antonio, Tyler and Abilene, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, and Tennessee (except Memphis).*

NOTE: Common control may be involved.

HEARING: October 25, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Samuel C. Shoup.

No. MC 107544 (Sub-No. 50), filed June 6, 1962. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, (except liquid chemicals), in bulk, in tank vehicles, from Friendship, N.C., to points in West Virginia (except points in Mercer, McDowell and Wyoming Counties, W. Va.).*

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 113959 and Subs; therefore dual operations may be involved.

HEARING: October 15, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 292.

No. MC 107871 (Sub-No. 16), filed August 16, 1962. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Fifth Floor, Weiler Building, 407

South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, and (2) *contaminated, refused, rejected, and returned shipments* of petroleum products, between New Windsor and Newburgh, N.Y., on the one hand, and, on the other, points in Pennsylvania, New Jersey, and New York.

HEARING: September 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 108207 (Sub-No. 97), filed July 31, 1962. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, in vehicles equipped with mechanical refrigeration, (1) from points in Arkansas, Louisiana, Missouri, and Oklahoma, to Dallas, Tex., and (2) from points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, to points in California.

HEARING: October 23, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Samuel C. Shoup.

No. MC 109478 (Sub-No. 52), filed July 31, 1962. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Indiana, Illinois, Ohio, Pennsylvania, Maryland, New Jersey, New York, Delaware, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, West Virginia, and points in Maine on and south of U.S. Highway 2 from the New Hampshire State line to Bangor, Maine, thence over U.S. Highway 1 to Ellsworth, Maine, and thence over Maine Highway 3 to Bar Harbor, Maine, including all points on the highways specified.

NOTE: Common control may be involved.

HEARING: October 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D Moran.

No. MC 109637 (Sub-No. 211), filed August 24, 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: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the terminal of Mid-American Pipe Line Company, near Farmington, Ill., to points in Indiana, Kentucky, Michigan, Ohio, and Tennessee.

HEARING: September 21, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Louis G. LaVecchia.

No. MC 110284 (Sub-No. 16), filed March 23, 1962. Applicant: H. W. MILLER TRUCKING COMPANY, a corporation, P.O. Box 126 East Durham Station, Durham, N.C. Applicant's at-

torney: 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: *Fertilizer and fertilizer materials*, from Norfolk, Va., and points within ten (10) miles thereof, Danville, Va., and Hopewell, Va., to points in North Carolina.

NOTE: Applicant holds contract authority in MC 118864 Sub. No. 1; therefore, dual operations may be involved.

HEARING: October 17, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 7.

No. MC 110193 (Sub-No. 48), filed August 23, 1962. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's attorney: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing-houses*, from Denison, Iowa, to points in Connecticut, Massachusetts, Rhode Island, New Jersey, and New York.

HEARING: September 19, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D Moran.

No. MC 110698 (Sub-No. 214), filed June 1, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Charlotte, N.C., to Charleston, S.C.

NOTE: Common control may be involved.

HEARING: October 23, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 110698 (Sub-No. 215), filed June 8, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road, P.O. Box 457, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except liquid chemicals), in bulk, in tank vehicles, from Friendship, N.C., to points in West Virginia.

NOTE: Applicant states the proposed service will be restricted against serving points in McDowell, Mercer, and Wyoming Counties, W. Va. It is further noted that common control may be involved.

HEARING: October 15, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 292.

No. MC 110789 (Sub-No. 2) (AMENDMENT), filed December 12, 1961, published FEDERAL REGISTER issue August 15, 1962, amended August 29, 1962, and republished as amended this issue. Applicant: JOHN MARSHALL PHILLIPS, doing business as J. MARSHALL PHILLIPS, R.D. No. 3, Laurel, Del. Applicant's attorney: Paul R. Reed, George-

town, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, herbicides, pesticides and fertilizer spreaders* (except in bulk, in tank vehicles), from the site of the Armour & Co. plant located at Baltimore, Md., to points in Delaware and Maryland east of the Susquehanna River and Chesapeake Bay including points in Delaware and points in Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, and Worcester Counties, Md.

NOTE: The purpose of this republication is to add "except in bulk, in tank vehicles" to the proposed authority.

HEARING: Remains as assigned September 26, 1962, at the Court Room County Court House, Salisbury, Md., before Joint Board No. 40, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 111045 (Sub-No. 27), filed May 21, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Tampa, Fla., to points in Georgia.

HEARING: October 16, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 111812 (Sub-No. 171), filed July 9, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, and including *compound oils or greases and lubricating greases* in packages or containers, (1) from Rouseville, Oil City, Reno, Franklin, Emlenton, Farmers Valley and Bradford, Pa., St. Mary's, W. Va., and Buffalo, N.Y. (Buffalo, N.Y., to be restricted to partial loading with stop-off to complete loading at Pennsylvania origins), to points in Kentucky, Tennessee and Michigan, (2) from Rouseville, Oil City, Reno, Franklin and Bradford, Pa., St. Mary's, W. Va., and Buffalo, N.Y. (Buffalo, N.Y., to be restricted to partial loading with stop-off to complete loading at Pennsylvania origins), to points in Iowa, Tennessee, Kentucky, Michigan, Minnesota, Missouri, Kansas, Nebraska, North Dakota, South Dakota, and Wisconsin, and (3) from Rouseville, Oil City, Reno, Franklin, Farmers Valley, and Bradford, Pa., and Buffalo, N.Y. (Buffalo, N.Y., to be restricted to partial loading with stop-off to complete loading at Pennsylvania origins), to points in Arkansas, and (4) from Emlenton and Farmers Valley, Pa., to Chicago, Ill., and points in the Chicago, Ill., commercial zone.

NOTE: Common control may be involved.

HEARING: October 22, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Wm. N. Culbertson.

No. MC 111871 (Sub-No. 5), filed July 25, 1962. Applicant: SOUTHEASTERN FREIGHT LINES, Highway 378, West Columbia, S.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except petroleum products, in bulk, in tank trucks, commodities requiring special equipment, high explosives and other dangerous commodities, office furniture and household goods), (1) between points in Charleston County, S.C., and (2) between points in Charleston County, S.C., on the one hand, and, on the other, points in South Carolina (except points in Chesterfield, Darlington, Dillon and Marlboro Counties).

HEARING: November 2, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 112020 (Sub-No. 171), filed August 2, 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: (1) *Vegetable oil products, detergents, cleaning compounds, and chemicals*, in bulk, from points in California, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, New Mexico, and Oklahoma, and (2) *vegetable oil products, detergents, and cleaning compounds*, in bulk, from points in California, to points in Texas.

NOTE: Common control may be involved.

HEARING: October 26, 1962, at the Baker Hotel, Dallas, Texas, before Examiner Samuel C. Shoup.

No. MC 113267 (Sub-No. 74), filed May 27, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packing houses; frozen and prepared foods* in vehicles equipped with mechanically temperature controlled units, between points in South Carolina.

NOTE: Applicant states that its officers are officers and stockholders in the following motor carriers of passengers, their baggage and express, Industrial Bus Lines, Inc., MC 114168, Vandalla Bus Lines, Inc., MC 2698. In addition thereto Oliver Anderson and Kathryn Anderson are officers and stockholders in Caseyville Bus Line, Inc., MC 110845.

HEARING: November 1, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 113267 (Sub-No. 75), filed May 27, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packing houses, frozen and prepared foods* in vehicles equipped with mechanically temperature controlled units, and (b) *canned and preserved foods*, between points in North Carolina.

NOTE: Applicant states that its officers are officers and stockholders in the following motor carriers of passengers, their baggage, newspapers and express, Industrial Bus Lines, Inc., MC 114168, Vandalla Bus Lines, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Line, Inc., MC 110845.

HEARING: October 22, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 113828 (Sub-No. 17), filed June 6, 1962. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except liquid chemicals), in bulk, in tank vehicles, from Friendship, N.C. to points in West Virginia except those in Mercer, McDowell and Wyoming Counties, W. Va.

NOTE: Applicant states that it is under common control and management with M. I. O'Boyle & Son, Inc.

HEARING: October 15, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 292.

No. MC 114019 (Sub-No. 97), filed June 14, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, including *compounded oils and greases*, in containers, from Rouseville, Oil City, Reno, Emlenton, Franklin, Farmers Valley and Bradford, Pa., St. Marys, W. Va., and Buffalo, N.Y. (Buffalo, N.Y., to be restricted to partial loading with stop-offs to complete loading at Pennsylvania origins), to points in Iowa, Minnesota, Missouri, Kansas, Arkansas, Nebraska, North Dakota, South Dakota, Wisconsin, Tennessee and Kentucky.

NOTE: Applicant states it controls Little Audrey's Transportation, Inc.

HEARING: October 22, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Wm. N. Culbertson.

No. MC 114920 (Sub-No. 2), filed June 25, 1962. Applicant: GEORGE W. STARLING, INC., 545 West Avenue, Lockport, N.Y. Applicant's attorney: Norman M. Pinsky, 407 South Warren Street, Syracuse, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary live-

stock), *equipment and paraphernalia*, incidental to the transportation and display as such horses, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, between points in New York, on the one hand, and, on the other, points in Florida, Maine, and Vermont.

HEARING: October 18, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Wm. N. Culbertson.

No. MC 114301 (Sub-No. 10), filed August 20, 1962. Applicant: DELAWARE EXPRESS CO., a corporation, P.O. Box 141, Elkton, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Port Deposit and Havre de Grace, Md., and points within twenty (20) miles of each to points in Delaware and Maryland, those in New Jersey, on and south of New Jersey Highway 33, and those in Pennsylvania on and east of U.S. Highway 219.

HEARING: September 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 115496 (Sub-No. 7), filed April 26, 1962. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Savannah, Ga. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Savannah, Ga.; to points in South Carolina, and *empty containers or other such incidental facilities* used in transporting the above described commodities, on return.

HEARING: October 30, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131.

No. MC 115841 (Sub-No. 116), filed August 20, 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: (1) *Frozen foods*, from points in Cuyahoga County, Ohio, to points in Alabama, Georgia (except Atlanta), Kentucky, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, and (2) *advertising, promotional and display materials*, when shipped with the said frozen foods, from points in Cuyahoga County, Ohio, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Tennessee, Virginia, South Carolina and West Virginia.

HEARING: September 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 115946 (Sub-No. 19), filed May 16, 1962. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Savannah, Ga. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Tampa, Fla., to points in Georgia.

HEARING: October 16, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 115946 (Sub-No. 21), filed August 14, 1962. Applicant: GAY TRUCKING COMPANY, a corporation 4800 Augusta Road, Savannah, Ga. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Savannah, Ga., to points in South Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 31, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131.

No. MC 116514 (Sub-No. 15), filed June 21, 1962. Applicant: EDWARDS TRUCKING, INC., Main Street, Hemingway, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool and synthetic fibre*, between Wilmington, N.C. and Charleston, S.C. and points in North Carolina and South Carolina.

HEARING: October 30, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 2.

No. MC 117119 (Sub-No. 56), filed May 21, 1962. 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: *Pickled cucumbers, okra, peppers, tomatoes, onions*, in glass and wooden containers, from Atkins, Ark., to points in California, Illinois, Ohio, Michigan, New York, Missouri, Colorado, New Jersey, Maryland and Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 18, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Samuel C. Shoup.

No. MC 117119 (Sub-No. 57), filed May 21, 1962. 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 Marshall, Moberly, Macon, Milan, Carrollton, and St. Joseph, Mo., to points in Texas.

HEARING: October 18, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Samuel C. Shoup.

No. MC 118130 (Sub-No. 8) (AMENDMENT), filed July 23, 1962, published in FEDERAL REGISTER issue of August 8, 1962, republished this issue as amended August 20, 1962. Applicant: BENJAMIN M. HAMRICK, doing business as BEN HAMRICK, 1208 Jones Street, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, potatoes and potato products, frozen and unfrozen, cooked, uncooked and blanched, from points in North Dakota and Minnesota to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Tennessee, Louisiana, Missouri, Nebraska, Kansas, Oklahoma, and Texas and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: The purpose of this republication is to substitute "points in North Dakota" for the points in that state named in original publication.

HEARING: Remains as assigned, September 28, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Dallas B. Russell.

No. MC 119778 (Sub-No. 7), filed May 18, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry crude sulphate of soda*, better known as salt cake, in bulk, in hopper and tank vehicles, from Coosa Pines, Ala., and the plant of the Reichold Chemical Company located at or near Tuscaloosa, Ala., to points in Georgia and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Common control may be involved.

HEARING: November 1, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99.

No. MC 119778 (Sub-No. 8), filed May 18, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tall oil*, in bulk, in tank vehicles, from points in Georgia and Florida, to Fox, Ala.; (2) *tall oil*, in bulk, in tank vehicles, from Tuscaloosa, Ala. and Fox, Ala., to Savannah, Ga.; and (3) *petroleum and petroleum products*, in bulk, in tank vehicles, between points in Alabama.

NOTE: Common control may be involved.

HEARING: November 1, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99.

No. MC 119778 (Sub-No. 10), filed June 11, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell

Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alum*, liquid and dry, from Counce, Tenn., to points in Alabama and Mississippi, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Common control may be involved.

HEARING: October 31, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 110.

No. MC 119778 (Sub-No. 15), filed July 30, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Montgomery and Lee Counties, Ala., to points in Georgia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Common control may be involved.

HEARING: October 30, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 157.

No. MC 123674 (Sub-No. 1), filed July 20, 1962. Applicant: ARCTIC STORAGE OF UTICA, INC., Truck Route 5-A, Yorkville (Oneida County), N.Y. Applicant's attorney: Norman M. Pinsky, Fifth Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the site of carrier's and shipper's warehouse in the Town of Whitestown, Oneida County, N.Y., to customers of the "Rich Plan" at points in Vermont, and *exempt commodities*, on return.

NOTE: Applicant states the proposed operations will be under continuing contract or contracts with Rich Plan of Utica, Inc., of Truck Route 5-A, Yorkville (Oneida County), N.Y.

HEARING: October 15, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Wm. N. Culbertson.

No. MC 124212 (Sub-No. 11), filed August 2, 1962. Applicant: MITCHELL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (1) from the plant site of the Lehigh Portland Cement Company located at Richmond, Va., to points in North Carolina, (2) from the plant site of the Lehigh Portland Cement Company located at Portsmouth, Va., to points in North Carolina and Delaware, and points in Maryland on the Delaware-Maryland-Virginia peninsula, (3) from the plant site of the Lehigh Portland Cement Company located at or near Waynesboro (Augusta County), Va., to points in West Virginia, and (4) from the plant site of

the Lehigh Portland Cement Company located at Durham, N.C., to points in Virginia, and *rejected and returned shipments* in connection with the commodities specified in (1) through (4) above, on return.

HEARING: October 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 124237, filed February 26, 1962. Applicant: J. A. WHITE COMPANY, INC., 224 Jordan Street, Danville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* in bulk and in bags, from Danville, Va., to points in that part of North Carolina beginning at the North Carolina-Virginia line and extending along U.S. Highway 301 to the North Carolina-South Carolina line thence along the North Carolina-South Carolina line to U.S. Highway 25, thence along U.S. Highway 25 to junction of U.S. Highways 25 and 23, thence along U.S. Highway 23 to the North Carolina-Tennessee line to the North Carolina-Virginia line and thence along the North Carolina-Virginia line to the point of beginning, including points on the highways specified, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 19, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 7.

No. MC 124391 (Sub-No. 2), filed August 20, 1962. Applicant: JAMES R. HUNTINGTON AND HELEN F. HUNTINGTON, a partnership, Westford (Otsego County), N.Y. Applicant's attorney: Warren G. Farrington, 10 Ford Avenue, Oneonta, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Concrete stave silos and component parts thereof*, from Ravena, N.Y., to points in Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts (except points in Barnstable, Dukes and Nantucket Counties), points in Maine (except points in Aroostook, Somerset, Piscataquis, Washington, Hancock, and Penobscot Counties), points in Pike, Wayne, and Susquehanna Counties, Pa., and points in Sussex and Morris Counties, N.J.; (B) *wood products of dimension stock*, from Worcester, N.Y., to Winooski and East Arlington, Vt., points in Worcester County, Mass., Nashua and Laconia, N.H., York, Pa., and points in the New York, N.Y. Commercial Zone; (C) *new and used metals, and scrap metals*, from points in the Boston, Mass. Commercial Zone, points in the New York, N.Y. Commercial Zone, points in the Philadelphia, Pa. Commercial Zone, and Bayonne and Newark, N.J., to Warnerville, N.Y.; and (D) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (A), (B), and (C) above, on return.

HEARING: October 10, 1962, at the Federal Building, Albany, N.Y., before Examiner Wm. N. Culbertson.

No. MC 124429 (Sub-No. 2), filed July 25, 1962. Applicant: SULLIVAN CONSTRUCTION & RIGGING CO., INC., 146 West Main Street, Watertown, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts and related contractors' material and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Lewis, Clinton, St. Lawrence, Jefferson and Franklin Counties, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Michigan and the District of Columbia. (2) *Snow and ice removal equipment and snow and ice control equipment*, from Watertown, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Michigan and the District of Columbia.

HEARING: October 16, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Wm. N. Culbertson.

No. MC 124610, filed July 25, 1962. Applicant: LAYTON LEE VERPLANK, 1302 12th Avenue, Sidney, Nebr. Applicant's attorney: J. H. McNish, 842 Eleventh Avenue, Box 611, Sidney, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Safflower meal and soybean meal*, from the site Pacific Vegetable Oil Mill, approximately one mile east of Sidney, Nebr., to the Colorado boundary line over U.S. Highway 30 and Nebraska State Highway 19 and thence to points in Sedgwick, Phillips, Logan, Weld, Boulder, Yuma, Washington, Morgan, Adams, Denver, Jefferson, Arapahoe, Kit Carson, Lincoln, Elbert, Douglas, Cheyenne, El Paso, Kiowa, Crowley, Prowers, Bent, Otero, Pueblo, and Larimer Counties, Colo., and *exempt agricultural commodities*, on return.

HEARING: October 18, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 31.

No. MC 124641, filed July 25, 1962. Applicant: AMERIGO BOCCHI, 371 South Main Street, Mechanicville, N.Y. Applicant's attorney: Thomas D. Nolan, 116 Park Avenue, Mechanicville, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, (1) from Coeyman's, N.Y., to points in Vermont, Massachusetts, New Hampshire and Connecticut, and (2) from East Windsor, Conn., to points in Saratoga, Albany, Washington and Greene Counties, N.Y.

NOTE: Applicant holds contract carrier authority in MC 110691; therefore dual operations may be involved.

HEARING: October 10, 1962, at the Federal Building, Albany, N.Y., before Examiner Wm. N. Culbertson.

No. MC 124642, filed July 25, 1962. Applicant: S. A. LEICESTER, Windsor, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips, farm produce, lumber, veneer, and other manufactured forest products*, Highway No. 1 in Virginia, (2) *fertilizer, materials*, in bags, from points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C. to points on and east of Highway No. 1 in Virginia, (2) *fertilizer, and fertilizer materials* in bags, from Norfolk, Va. to points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C., (3) *crushed rock* from Skippers, Va. to points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C., and (4) *fertilizer and fertilizer materials* in bags, from Norfolk, Va. to points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C.

HEARING: October 25, 1962, at the U.S. Court Rooms, Uptown, P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 124644, filed July 24, 1962. Applicant: WAINER CONSTRUCTION COMPANY, INC., 110 South Fry Street, Valdosta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Highway construction machinery and equipment, and mining equipment and machinery*, between points in Georgia and Florida.

HEARING: October 17, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 124645, filed July 25, 1962. Applicant: KENAN TRANSPORT COMPANY, a corporation, 2907 Hillsboro Road, Durham, N.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35, C & S National Bank Building, Durham, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the Dixie Pipe Line Terminal at or near Cheraw, S.C., to points in North Carolina, and (2) from the Dixie Pipe Line Terminal at or near Apex, N.C., to points in Virginia.

NOTE: Applicant states the above operations will be performed subject to a restriction that the same will be limited to a transportation service to be performed under a continuing contract or contracts with Phillips Petroleum Corporation of Bartlesville, Okla.

HEARING: October 24, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 124496, filed May 25, 1962. Applicant: WILLIAM J. TORRINGTON, doing business as THE SURVEY COMPANY, 1003 Maryland Trust Building, Baltimore 2, Md. Applicant's attorney: William J. Torrington, 1003 Maryland Trust Building, Baltimore 2, Md. Au-

thority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the United States.

NOTE: Applicant states restricted to those movements being conducted in connection with and incidental to transportation surveys. Applicant further states that it proposes to conduct transport studies and surveys under written contracts with shippers, carriers and interested persons. As a necessary incident to such consulting services applicant proposes to conduct wholly independent testing operations as a common, contract or private carrier of the relevant commodities in the study area to assist in making determinations of feasibility, efficiency and economy of existing and proposed operations. The above application was accompanied by a Motion to Dismiss which was denied July 19, 1962.

HEARING: October 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

MOTOR CARRIERS OF PASSENGERS

No. MC 13300 (Sub-No. 74), filed June 8, 1962. Applicant: CAROLINA COACH COMPANY, doing business as CAROLINA TRAILWAYS, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in same vehicle with passengers, between Raleigh, and Charlotte, N.C., from Raleigh, over U.S. Highway 64, to junction North Carolina Highway 49 thence over North Carolina Highway 49 and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Common control may be involved.

HEARING: October 26, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 61599 (Sub-No. 127), filed March 30, 1962. Applicant: QUEEN CITY COACH COMPANY, a corporation, 417 West Fifth Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers and baggage* of passengers, in the same vehicle with passengers, between the junction of South Carolina Highway 51 and U.S. Highway 301, south of Florence, S.C., and the junction of South Carolina Highway 51 and U.S. Highway 378 west of Kingsburg, S.C.; from the junction of South Carolina Highway 51 and U.S. Highway 301 south of Florence, over South Carolina Highway 51 via Evergreen, Pamplico and Blossom, to the junction of South Carolina Highway 51 and U.S. Highway 378 west of Kingsburg, and return over the same route, serving all intermediate points.

NOTE: Applicant states it "is a member of the National Trailways Bus System. It owns 50 percent of the stock of Smoky Mountain Stages, Inc.; 66 2/3 percent of the stock of

Georgia-Florida Coaches, Inc., and 100 percent of the stock of Fort Bragg Coach Company."

HEARING: October 29, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 114271 (Sub-No. 8), filed July 19, 1962. Applicant: CONTINENTAL CRESCENT LINES, INC., 425 Bolton Avenue, Box 4407, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage of passengers* in the same vehicle with passengers or in a separate vehicle, and in the same vehicle with passengers, *express and newspapers*, between Anniston, Ala. and Austell, Ga.; from Anniston over U.S. Highway 431 to Junction U.S. Highways 431 and 78, thence over U.S. Highway 78 to Austell, and return over the same route, for operating convenience only, serving no intermediate points.

NOTE: Applicant states that it is owned by Transcontinental Bus System, Inc.

HEARING: October 29, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 157.

No. MC 124599, filed July 5, 1962. Applicant: PHILIP L. GUIFFRE AND ANTON J. GUIFFRE, doing business as GUIFFRE BROTHERS, R.D. No. 5, Amsterdam, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in one way and round-trip charter service beginning and ending at points in Fulton, Hamilton, Montgomery and Schoharie Counties, N.Y. and extending to points in the United States including ports of entry on the International Boundary line between the United States and Canada and the United States and Mexico.

HEARING: October 8, 1962, at the Federal Building, Albany, N.Y., before Examiner Wm. N. Culbertson.

No. MC 124689, filed August 9, 1962. Applicant: WILLIAM H. STEVENS, doing business as BILL'S TAXI, Greensboro Road, Hanover, N.H. Applicant's attorney: Peter P. Plante, Municipal Building, White River Junction, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and chartered party service, between points in New Hampshire, Vermont, Maine, Massachusetts, Connecticut, New York, and New Jersey, restricted to transportation in vehicles of seating capacity not in excess of nine passengers.

HEARING: October 11, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Armin G. Clement.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12811, filed June 22, 1962. Applicant: LINCOLN TOUR & TRAVEL AGENCY, INC., 204 South 13th Street, Lincoln, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr. For a license (BMC 5) to engage in operations as a *broker* at Lin-

coln and Omaha, Nebr., and Mason City, Iowa, in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in charter operations, in round-trip sightseeing tours, beginning and ending at points in Iowa and Nebraska, and extending to points in the United States.

HEARING: October 22, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138.

No. MC 12821, filed July 25, 1962. Applicant: ROBERT L. HOYT, doing business as HOYT TOUR AND TRAVEL SERVICES, 1019 First National Building, No. 1 Burnett Plaza, Fort Worth 2, Tex. For a license (BMC 5) to engage in operations as a *broker* at Fort Worth, Tex., in arranging for transportation in interstate or foreign commerce of *Passengers and their baggage* in the same vehicle, both as individuals and in groups, in special and charter operations, between points in Texas on the one hand, and, on the other, points in the United States.

HEARING: October 22, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 128), filed August 27, 1962. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Grand Junction, Colo., and points within 5 miles thereof to Mexican Hat and points in San Juan County, Utah, and *rejected shipments*, on return.

NOTE: Applicant states the proposed operation will be restricted to shipments having a prior movement by rail. Common control may be involved.

No. MC 13367 (Sub-No. 6), filed August 20, 1962. Applicant: ROBERT MERLEY, P.O. Box 1312, New Carlisle, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, tankage and dried blood*, from points in Illinois and points in Iowa and Missouri on the west bank of the Mississippi River, to Milwaukee, Wis.

No. MC 95743 (Sub-No. 23), filed August 24, 1962. Applicant: WILLIAM FREDERICK MEHRING, doing business as WILLIAM F. MEHRING, P.O., Keymar, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed dolomite*, in bulk, in dump vehicles, from West York, Pa., to Keymar, Md., and (2) *triple-superphosphate*, in bulk, in dump ve-

hicles, from Philadelphia, Pa., to Key-mar, Md.

No. MC 103378 (Sub-No. 247), filed August 22, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Nitric acid*, in bulk, in tank vehicles, from Mineral Springs, Ala., to Memphis, Tenn.

No. MC 103654 (Sub-No. 69), filed August 23, 1962. Applicant: SCHIRMER TRANSPORTATION COMPANY, a corporation, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wrenshall, Minn., to points in Minnesota.

No. MC 108449 (Sub-No. 156), filed August 23, 1962. Applicant: INDIAN-HEAD TRUCK LINE, Inc., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wrenshall, Minn., to points in Minnesota.

No. MC 112750 (Sub-No. 110), filed August 16, 1962. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, DeBevoise Building, Bayside 61, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes, application forms and accompanying documents*, between Silver Spring, Md., on the one hand, and on the other, Richmond, Va.

NOTE: Applicant states that the above operation will be conducted for the account of J. C. Penney Company, Inc.

No. MC 117001 (Sub-No. 1), filed August 27, 1962. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 277 Monroe Avenue, P.O. Box 66, Memphis 3, Tenn. Applicant's attorney: Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and other valuables*, requiring special protection by guards in armored vehicles while in transit, between Augusta, Ga., on the one hand, and, on the other, points in Aiken and Barnwell Counties, S.C.

NOTE: Common control may be involved.

No. MC 124731, filed July 23, 1962. Applicant: PETROLEUM TRANSPORT COMPANY, a corporation, 1700 Broadway, Denver, Colo. Applicant's attor-

ney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, and water*, in bulk, in tank vehicles, between points in Colorado.

NOTE: Applicant states that it is controlled by The Permian Corporation.

MOTOR CARRIERS OF PASSENGERS

No. MC 83928 (Sub-No. 6), filed August 27, 1962. Applicant: COLONIAL COACH LINES, LIMITED, 265 Albert Street, Ottawa, Ontario, Canada. Applicant's attorney: Herbert M. Canter, 5th Floor, Weiler Building, 407 South Warren Street, Syracuse, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express, newspapers and mail*, in the same vehicle with passengers, between Ogdensburg, N.Y., and the port of entry at or near Ogdensburg, N.Y., on the International Boundary line between the United States and Canada, as follows: from Ogdensburg over city streets and Ogdensburg-Prescott International Bridge (also called the Seaway-Skyway Bridge) to the United States-Canada boundary line, and return over the same route, serving all intermediate points.

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 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8223. Authority sought for purchase by CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wisconsin, of the operating rights and certain property of HENRY F. FALBE, doing business as CORNELL TRANSFER, Cornell, Wisconsin, and for acquisition by FRANK BABBITT, 215 W. Fillmore Avenue, Eau Claire, Wisconsin, of control of such rights and property through the purchase. Applicants' attorney: Claude J. Jasper, 111 S. Fairchild Street, Madison 3, Wisconsin. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Eau Claire, Wis., and Ladysmith, Wis., and the intermediate points of Chippewa Falls, Anson, Jim Falls, Cobban, Cornell, and Holcombe, Wis., and between Chippewa Falls, Wis., and Cornell, Wis., and the intermediate point of Crescent, Wis., and the off-route point of Drywood, Wis. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, Wisconsin, Michigan, Iowa, North Dakota, South Dakota, Indiana, Kentucky and Ohio. Application has not

been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-8903; Filed, Sept. 5, 1962; 8:49 a.m.]

[Notice 476]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 31, 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 PREHEARING 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 PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses 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 applicant's 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 applicant's 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 written statements 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) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 10761 (Sub-No. 126), filed August 24, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC.,

1700 North Waterman Avenue, Detroit 9, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an off-route in connection with applicant's presently authorized regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 45158 (Sub-No. 19), filed August 23, 1962. Applicant: KILLION MOTOR EXPRESS, INC., 1417 Magazine Street, Louisville, Ky. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods, commodities in bulk and commodities requiring special equipment), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an off-route point in connection with applicant's authorized regular route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 50002 (Sub-No. 37), filed August 2, 1962. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE doing business as BRIDGE BROTHERS, North Santa Fe Trail, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter, Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer compounds, fertilizer ingredients, urea, ammonia, nitrate, and nitrogen solution*, in bulk, from Lawrence, Kans., and points within ten (10) miles thereof, to points in Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 12, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 58954 (Sub-No. 37), filed August 22, 1962. Applicant: McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, 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 regular routes, transporting: *General commodities*, (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving Champ, Mo., Industrial Village as an off-route point in connection with applicant's regular-route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 58954 (Sub-No. 38), filed August 22, 1962. Applicant: McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. 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 in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those requiring special equipment), serving the site of Grand Valley State College, located south of Grand Rapids, Mich., and points within two (2) miles thereof, as off-route points in connection with applicant's authorized regular route operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 89723 (Sub-No. 29), filed August 27, 1962. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis 3, Mo. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in auxiliary or supplemental service of the Missouri Pacific Railroad, between St. Louis, Mo., and Champ, Mo., also known as Champ Industrial Village, from St. Louis commercial zone over U.S. Highway 40 Interstate Highway 70 to Champ, Mo., also using any other access roads or highways between the St. Louis commercial zone and Champ, Mo., a distance of approximately 2.5 miles.

NOTE: Common control may be involved.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC-111397 (Sub-No. 47), filed August 27, 1962. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., 215 Katterjohn Building, Box 1282, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, and (2) *refused and rejected shipments* of the above-specified commodities, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC-113410 (Sub-No. 38), filed August 28, 1962. Applicant: DAHLEN

TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants, and missile test facilities located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington and Wyoming.

NOTE: Common control may be involved.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8904; Filed, Sept. 5, 1962; 8:49 a.m.]

[Drouth Order No. 60, Amdt. No. 4]

OHIO AND TENNESSEE

Drouth Order; Addition of Certain Counties

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing, that due to the drouth conditions existing in the States of Pennsylvania, New Jersey, and New York the Commission issued its Drouth Order No. 60 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing, that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to 31 counties located in the States of Ohio and Tennessee:

It is ordered, That Drouth Order No. 60 as amended, be, and it is hereby, further amended by adding thereto the following counties:

OHIO, 20 counties, viz.:

Belmont	Marion
Carrroll	Mahoning
Columbiana	Monroe
Coshocton	Morrow
Delaware	Portage
Guernsey	Richland
Hardin	Stark
Harrison	Tuscarawas
Holmes	Wayne
Jefferson	Wyandot

TENNESSEE, 11 counties, viz.:

Bledsoe	Macon
Crockett	Obion
Dickson	Trousdale
Dyer	Warren
Gibson	White
Houston	

It is further ordered, That in all other respects Drouth Order No. 60 as amended shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 30th day of August, A.D. 1962.

By the Commission, Chairman
Murphy.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8907; Filed, Sept. 5, 1962;
8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

PAUL SALOMON, ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paul Salomon, Lakeland, Blackwood P.O., New Jersey, \$148.72 in the Treasury of the United States.

Betty Wiener, New York, New York, \$148.72 in the Treasury of the United States.

Herta Latz Holland, London, England, \$148.72 in the Treasury of the United States.

Anna Latz Stein, London, England, \$148.72 in the Treasury of the United States.

Ernestine Latz, Salomon, Lakeland, Blackwood P.O., New Jersey, \$297.42 in the Treasury of the United States.

Claim No. 64352, Vesting Order No. 6851.

Executed at Washington, D.C., on August 24, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-8906; Filed, Sept. 5, 1962;
8:50 a.m.]

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