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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, subparagraphs (21) and (22) are added to paragraph (a) of § 6.314 as set out below.

§ 6.314 Department of Health, Education, and Welfare.

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

(21) One Assistant to the Secretary (For Educational Television).

(22) One Deputy Assistant to the Secretary (For Educational Television).

(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. 62-9097; Filed, Sept. 11, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 28, 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 § 908.328 (Valencia Orange Regulation 28, 27 F.R. 8784) are hereby amended to read as follows:

(ii) District 2: 550,000 cartons.

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

Dated: September 7, 1962.

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

[F.R. Doc. 62-9083; Filed, Sept. 11, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-204]

PART 13—PROHIBITED TRADE PRACTICES

David Benioff Brothers, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* § 13.1325–70 *Place:* § 13.1325–70(g) *Imported product or parts as domestic.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, David Benioff Brothers, Inc., et al., San Francisco, Calif., Docket C-204, Aug. 14, 1962]

In the Matter of David Benioff Brothers, Inc., a Corporation, and David Benioff, Robert Benioff, Robert Taylor, and John Everett, Individually and as Officers of the Said Corporation

Consent order requiring San Francisco furriers to cease violating the Fur Products Labeling Act by substituting nonconforming labels for those affixed to fur products by manufacturers or distributors; by labels and invoices which showed the United States to be the country of origin of imported furs; by failing to disclose on labels when furs were artificially colored or composed of cheap or waste fur; failing to show on labels and invoices the country of origin of imported furs; failing to show on invoices the true animal name of fur and to disclose when fur products were natural; and by failing in other respects to comply with labeling requirements.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents David Benioff Brothers, Inc., a corporation, and its officers, and David Benioff, Robert Benioff, Robert Taylor, and John Everett, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the sale, advertising, offering for sale or processing of any fur product which has been shipped and received in commerce, and upon which fur products a substitute label has been placed by the respondents, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Misrepresenting the country of origin of the furs contained in fur products.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. Substituting labels for labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act and which substitute labels do not conform to the requirements of section 4 of said Act.

D. Failing to disclose that fur products are composed in whole or in sub-

stantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur, when such is the fact.

E. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such labels.

2. Falsely or deceptively invoicing fur products by:

A. Misrepresenting the country of origin of the imported furs contained in fur products.

B. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

C. Failing to disclose that fur products are natural, when such is the fact.

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

Issued: August 14, 1962.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 62-9070; Filed; Sept. 11, 1962; 8:46 a.m.]

[Docket 7848 o.]

PART 13—PROHIBITED TRADE PRACTICES

Nu Arc Co., Inc.

Subpart — Discriminating in price under sec. 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. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Nu Arc Company, Inc., Chicago, Ill., Docket 7848, Aug. 7, 1962]

Order requiring a Chicago manufacturer of equipment used in printing, offset printing, and lithography, to cease discriminating among customers in violation of section 2(d) of the Clayton Act in paying advertising allowances—such as payments of approximately $3,000 for advertisements of its products in "Printing Impressions-National Edition", a newspaper owned by a customer.

The order to cease and desist is as follows:

It is ordered, That respondent The Nuarc Company, a corporation, erroneously named as Nu Arc Company, Inc., in the complaint, and its officers, employees, agents and representatives, directly or through any corporate or other device in or in connection with the offering for sale, sale or distribution of arc lamps, vacuum frames, light tables, dark room lights, and other of respondent's products manufactured for printing, offset printing or lithography, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to or for the benefit of a customer of respondent as compensation for or in consideration of any advertising services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of said products, unless such payment or consideration is affirmatively made available on proportionally equal terms to all other customers competing in the distribution of such products.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, The Nuarc Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the initial decision as modified.

Issued: August 7, 1962.

By the Commission, Commissioner Anderson concurring in the result, and Commissioner Elman dissenting.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 62-9071; Filed, Sept. 11, 1962; 8:46 a.m.]

[Docket C-205]

PART 13—PROHIBITED TRADE PRACTICES

Walter Holding Co.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or Other Compensation Under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Walter Holding Company, Tampa, Fla., Docket C-205, Aug. 15, 1962]

Consent order requiring a Tampa, Fla., packer of citrus fruit to cease allowing illegal commissions on a large number of sales to direct buyers purchasing for their own accounts for resale.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Walter Holding Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: August 15, 1962.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 62-9072; Filed, Sept. 11, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl)Phosphorothioate

A petition was filed with the Food and Drug Administration by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, requesting the establishment of tolerances for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-4-methyl - 6 - pyrimidinyl) phosphorothioate in or on raw agricultural commodities as follows: Range and pasture forage, grass hay, wild hay, mixed grass and legume hay at 40 parts per million; corn (kernels plus cob with husks removed) at 0.75 part per million. The petition also proposed an increase in tolerances for residues of the subject insecticide in or on alfalfa and alfalfa hay, bean forage and bean hay, corn forage, pea forage (pea vines and pods) and pea hay to 40 parts per million; and in or on almond hulls to 3 parts per million.

The petition was amended to:

1. Request the establishment of a tolerance for this insecticide in or on grass hay at 10 parts per million.

2. Propose increases in the tolerances for this insecticide in or on alfalfa, bean forage and bean hay, corn forage, pea vines and pea vine hay (previous listing as pea forage and pea hay) to 10 parts per million, and in or on almond hulls to 3 parts per million.

3. Change the designation for "sweet corn" to "corn" and change the designation for "peas" to "peas with pods (determined on peas after removing any shell present when marketed)" in the item listing 0.75 part per million tolerance limitations.

The Secretary of Agriculture has certified that this insecticide is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by changing § 120.153 (21 CFR 120.153) to read as follows:

§ 120.153 Tolerances for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.

Tolerances for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on raw agricultural commodities are established as follows:

10 parts per million in or on alfalfa, alfalfa hay, bean forage, bean hay, corn forage, grass hay, pea vines, pea vine hay.

3 parts per million in or on almond hulls.

1 part per million in or on olives.

0.75 part per million in or on apples, apricots, beans (snap), beet roots, beet tops, broccoli, cabbage, cantaloups, carrots, cauliflower, celery, cherries, collards, corn (kernels and cob with husks removed), cranberries, cucumbers, endive (escarole), figs, grapes, hops, kale, lemons, lettuce, lima beans, muskmelons, nectarines, onions, oranges, parsley, parsnips, peaches, pears, peas with pods (determined on peas after removing any shell present when marketed), peppers, plums (fresh prunes), radishes, spinach, strawberries, summer squash, Swiss chard, tomatoes, turnip roots, turnip tops, watermelons, winter squash.

0.75 part per million in or on the fat, meat, and meat byproducts of sheep from preslaughter application.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

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

Dated: September 6, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9099; Filed, Sept. 11, 1962; 8:51 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Diethyl S-2-(Ethylthio)Ethyl Phosphorodithioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of the insecticide *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate in or on alfalfa hay at 12 parts per million, fresh alfalfa and wheat foliage at 5 parts per million, broccoli at 0.75 part per million, and wheat grain at 0.3 part per million.

The Secretary of Agriculture has certified that this insecticide is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.183) are amended by adding to § 120.183 tolerances for residues of the aforementioned raw agricultural commodities. As amended, the affected portions of this section read as follows:

§ 120.183 Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate.

* * * * *

12 parts per million in or on alfalfa hay.

5 parts per million in or on alfalfa (fresh), barley (green fodder and straw), bean vines, oats (green fodder and straw), peanut hay, pea vines, pineapple foliage, rice straw.

5 parts per million in or on wheat (green fodder and straw) from application at planting time in the fall.

* * * * *

0.75 part per million in or on barley grain, beans (dry), beans (lima), beans (snap), broccoli, brussels sprouts, cabbage, cauliflower, cottonseed, lettuce, oat grain, peanuts, peas, pineapples, potatoes, rice, spinach, tomatoes.

* * * * *

0.3 part per million in or on wheat grain from application at planting time in the fall.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

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

Dated: September 6, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9098; Filed, Sept. 11, 1962; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 126—READY RESERVISTS INVOLUNTARILY ORDERED TO ACTIVE DUTY: DELAY, EXEMPTION, AND EARLY RELEASE

The Secretary of Defense approved Part 126.

Sec.
126.1 Purpose.
126.2 Definitions.
126.3 Policy.
126.4 Applicability.

AUTHORITY: § 126.1 to 126.4 issued under R.S. 161; 5 U.S.C. 22.

§ 126.1 Purpose.

This part provides policy guidance to the military departments concerning delay, exemption, and early release of Ready Reservists who have been involuntarily ordered to active duty. It supplements current policy guidance pertaining to fulfilling the military service obligation, the screening of the Ready Reserve, and the assignment to and transfer between reserve categories and discharge from reserve status, set forth in Parts 50, 115 and 125 of this Subchapter B.

§ 126.2 Definitions.

(a) Delay is considered to be a postponement in reporting to active duty by Ready Reservists not to exceed 30 days from date initially designated to report to active duty. This delay period may be extended by the appropriate Secre-

tary if the merits of the individual case so warrant.

(b) Exemption is considered to be total relief from the requirement of reporting to active duty.

(c) Early release is considered to be the release of a Ready Reservist from active duty prior to the normal expiration of the scheduled release date.

§ 126.3 Policy.

(a) *Screening.* The screening of Ready Reservists will cease when they have been alerted for involuntary order to active duty. Ready Reservists who have been alerted for involuntary order to active duty will continue to be screened in accordance with Part 125 of this Subchapter B.

(b) *Delay or exemption.* (1) Ready Reservists who have been alerted for involuntary order to active duty may request delay or exemption if they are—

(i) High school students, in which case they may be delayed until graduation or until age 20, whichever occurs first;

(ii) Students or teachers who are not members of organized units, in which case, to the extent practicable and subject to military requirements, they may be delayed until they complete the quarter or semester in which they are enrolled or employed at the time they are alerted for order to active duty;

(iii) Ready Reservists whose involuntary order to active duty would result in an extreme personal or community hardship; or

(iv) Ready Reservists not in a drill pay status whose circumstances qualify them for transfer to the Standby Reserve, pursuant to the provisions of Part 125 of this Subchapter B, and who have either:

(*a*) Requested such transfer before being alerted for active duty; or

(*b*) Presented a good and sufficient reason for not having made a timely request for such transfer.

(2) Ready Reservists not in a drill pay status who are students in the professions of medicine, dentistry or other allied medical health specialties shall be transferred to the Standby Reserve unless they elect to be transferred to the Early Commissioning Program. This latter program is preferable from the standpoint of proper utilization since these students will be retained in a Ready Reserve status and will be available to the military services as commissioned physicians, dentists or other allied medical specialists upon completion of their education and training.

(3) Request for delay or exemption from a member of the reserve forces involuntarily ordered to active duty will be considered on the merits of the individual case and the requirements of the services concerned. Such requests will be submitted through the military chain of command prescribed by the military departments. Final decision in all cases of appeal is vested in the Secretaries of the military departments concerned or their designated representatives.

(4) Reservists who have completed their military obligation and request exemption are required to submit their resignation or request for discharge from the Reserve forces. If the individual so desires, he may include a statement in his resignation or request for discharge that he would be willing to accept a transfer to the inactive status list of the Standby Reserve, or to the Retired Reserve, if eligible, in lieu of the acceptance of his resignation or discharge. Reservists who are obligors and request exemption will, if requests are approved, be discharged or retained in the Reserve to be available for mobilization at such time as the reason for their exemption is removed. Reservists retained in the Reserves upon the approval of their request for exemption will not be permitted to participate in any reserve training for which they would be entitled to receive pay from Federal funds or be credited with points toward retirement under Chapter 67, Title 10, U.S. Code, until they have served on active duty (other than for training) or the Secretary of the military department concerned makes a special finding in each case that their return to active participating status is in the best interest of the particular military department. The Secretary concerned may not delegate his authority under the preceding sentence.

(5) Request for delay or exemption will be processed expeditiously and the individual concerned will be notified promptly of the action taken. Every effort will be made to process such action and notify the individual prior to the date on which travel must commence in order to effect compliance with active duty orders. However, when such action cannot be completed prior to effective date of active duty orders, the Reservist will be required to report for duty and await final determination of his case unless specifically granted permission not to report by the local area commander delegated this authority.

(c) *Early release.* In the event Reserve units are released from active duty prior to their planned expiration date, it is the policy of the DOD to retain those Reservists requesting such action for the fully planned length of active duty for which they were recalled when a hardship would be created by early release.

§ 126.4 Applicability.

This policy is applicable to all officers and enlisted personnel of the Ready Reserve Components who have been alerted for or involuntarily ordered to active duty.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

[F.R. Doc. 62-9084; Filed, Sept. 11, 1962; 8:48 a.m.]

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 505—SAFEGUARDING DEFENSE INFORMATION

Visitors

Section 505.17 is revised to read as follows:

§ 505.17 Visitors.

(a) *General.* (1) This section establishes procedures for visits by United States citizens and foreign nationals to Army installations and activities within the continental United States. The Commanding General, U.S. Army Alaska; the Commanding General, U.S. Army, Hawaii; and overseas commanders may utilize this section for guidance in establishing local procedures. Requests to visit activities in Alaska, Hawaii, or oversea commands should be submitted to the commanding general of the area concerned.

(2) The commanding officer of an Army installation, or the Department of Army representative, hereinafter referred to as the Army representative, at an Army activity will determine whether the situation at the time of the visit makes the admission of a visitor inadvisable, and is empowered to postpone the visit and request instructions from the office which authorized it.

(b) *Definitions.* For the purpose of this section, the following definitions apply:

(1) *Foreign national.* Any person not a citizen of nor immigrant alien to the United States.

(2) *Foreign representative.* Any citizen of the United States or immigrant alien thereto who is acting as a representative, official, or employee of a foreign government, firm, association, corporation, or individual.

(3) *Army installation.* A post, camp, or station, generally self-sufficient, situated on Department of the Army controlled land and established by Department of the Army orders. (Fort Belvoir, Marion Engineer Depot, etc.)

(4) *Army activity.* Agency, detachment, office, or other Department of the Army operated entity established by competent orders.

(5) *DA agency.* Those Headquarters, Department of the Army, agencies having command functions.

(c) *Release of military information.* Where the visit involves access to classified defense information the installation commander or the Army representative concerned will be responsible for controlling access to such information consistent with the purpose of the visit and will not permit access to any other classified defense information in his custody. In no case will visitors be granted access to information classified higher than that indicated by the Department of the Army agency approving the specific visit, nor will visitors be permitted

to take photographs of a classified subject or object unless prior written approval has been obtained from the Department of the Army agency concerned. During periods of access to classified defense information, visitors will be escorted or supervised by responsible persons designated by the installation commander or Army representative concerned.

(d) *Visits of foreign nationals and foreign representatives.* Foreign nationals and foreign representatives will be admitted to Department of the Army installations and activities only in accordance with the authorization procedures established by this paragraph. Authorization of a visit in itself does not constitute authority for the release of classified defense information to visitors, nor retention by visitors of any classified documents or material. Visitors should be advised that requests for such information or material connected with their visits must be submitted to the Department of the Army by the appropriate diplomatic representative of their country or the country of the firm which they are representing. Where visual or oral disclosures only are desired or indicated, such a request may be made in conjunction with the request for the visit. Foreign nationals and foreign representatives will not be permitted access to classified defense information until their identity has been clearly established and it has been determined that the release of the information requested has been authorized.

(1) *By authority of the Assistant Chief of Staff for Intelligence, Department of the Army.* (i) Foreign nationals and foreign representatives, except as otherwise indicated, may be admitted to Department of the Army installations and activities only upon written authority of the Assistant Chief of Staff for Intelligence, Department of the Army. Requests for visit approval will be submitted by or through the prospective visitor's diplomatic representative in the United States, to the Assistant Chief of Staff for Intelligence, ATTN: Foreign Liaison Office, Department of the Army. Requests for visits by foreign nationals while acting as representatives of international organizations, involving the release of United States classified defense information, will be submitted by the U.S. agency charged with maintaining liaison between the international organization and the United States. Such requests will be forwarded to the Secretariat, State-Defense Military Information Control Committee (S/SDMICC). All visit requests will include:

(*a*) Name in full.

(*b*) Official title or position.

(*c*) Nationality.

(*d*) Visa, passport, or orders number.

(*e*) Date and place of birth.

(*f*) Name of installation, or activity to which admission is desired.

(*g*) Date of visit or dates between which visits are desired.

(*h*) Purpose of visit.

(*i*) Sponsor.

(*j*) Security clearance.

(ii) Requests for visits of foreign nationals and foreign representatives to:

(*a*) Installations or activities under the command jurisdiction of a DA agency will be processed through that agency.

(*b*) Installations or activities under command jurisdiction of ZI armies or Military District of Washington, U.S. Army, will be processed directly between Headquarters, Department of the Army, and the ZI army (or MDW) concerned, with information copy furnished to Headquarters, U.S. Continental Army Command.

(*c*) U.S. Army Human Resources Research Units and Combat Surveillance and Target Aquisition Training Command will be processed through Headquarters, U.S. Continental Army Command.

(iii) The Assistant Chief of Staff for Intelligence, in approving a visit, will specifically state the limitations for disclosure of classified defense information that are applicable to the particular visit. When disclosure of classified information is authorized in connection with a visit, such disclosure will be limited to the information necessary to accomplish the purpose of the visit. When classified information or material in documentary form is made available to visitors during the course of briefings or presentations, all necessary precautions will be taken to safeguard such information or material. Classified information or material in documentary form will not be released to visitors for their personal retention, but must be requested through diplomatic channels in the manner previously indicated in this paragraph.

(2) *By authority of heads of Headquarters, Department of the Army agencies and Commanding Generals, U.S. Continental Army Command, Army Materiel Command, and Combat Development Command.* Military representatives of foreign governments who are duly accredited by the Assistant Chief of Staff for Intelligence, Department of the Army, to the head of a Department of the Army agency, to visit the office of the agency head or installations under jurisdiction, may submit visit requests directly to the agency head. The agency head may approve such requests provided the visit is being made for a purpose within the terms of accreditation. The provisions of this subparagraph apply also to military representatives of foreign governments accredited by the Assistant Chief of Staff for Intelligence, Department of the Army, to the Commanding Generals, U.S. Continental Army Command, Army Materiel Command, and Combat Development Command.

(3) *By authority of the installation commander or Army representative.* By authority of the commanding officer of an Army installation or the Army representative at an Army activity, foreign nationals and foreign representatives may be admitted to the installation or activity under the following conditions, provided that no classified defense information is disclosed:

(i) For social purposes.

(ii) For activities open to the general public.

(iii) For authorized medical treatment.

(iv) In connection with emergency landings or other emergency situations.

(v) For domestic, janitorial, housekeeping, repair, and maintenance activities.

(vi) As transients through military installations (i.e., port of embarkation, port of debarkation).

(vii) On matters of official business when the individual is employed by a contractor in the performance of a military contract, or by an agency of the United States Armed Forces or other agency of the United States Government.

(viii) For visits approved by the Defense Logistics Center, Defense Supply Agency made for the purpose of inspecting items of excess material available for sale to eligible foreign governments.

(ix) Canadian defence suppliers and representatives of the Canadian Department of Defence Production in connection with procurement solicitations or other matters related thereto. Discussions conducted during visits in this category cannot be expanded to include classified matters.

(x) For those visits described under subdivisions (vii) and (ix) of this subparagraph, the following will be accomplished:

(*a*) A visit request in accordance with subparagraph (1) of this paragraph will be submitted to the Army installation commander or to the Army representative at the activity to be visited.

(*b*) The applicant will be notified whether the visit is approved or disapproved.

(*c*) Prior to admittance the identity of the visitor will be clearly established.

(4) *By authority of Commanding General, U.S. Army Air Defense Command.* (i) Canadian military personnel assigned to North American Air Defense Command and Continental Air Defense Command accredited to U.S. Army Air Defense Command may be admitted to U.S. Army installations, in connection with air defense activities, on the authority of the Commanding General, U.S. Army Air Defense Command. Classified information may be disclosed, at the lowest appropriate level consistent with the purpose of the visit, within the limits of the accreditation.

(ii) Members of the Armed Forces of Canada or representatives of the government of the Dominion of Canada may be admitted to antiaircraft installations on matters of mutual interest in connection with Air Defense operational matters on the authority of the Commanding General, U.S. Army Air Defense Command.

(5) *By authority of Commanding Generals, ZI armies.* Members of the Armed Forces of Canada and Mexico may be admitted to Department of the Army installations or activities near the borders of those countries and the United States in connection with border incidents, disciplinary problems, coordination of security matters pertaining to the border, and such other matters of mutual interest as may arise, on the authority of the commanding general of the ZI army concerned without reference to higher headquarters, provided

that no unauthorized classified defense information is disclosed.

(6) *By authority of commandants of service schools.* Commandants of service schools are authorized to approve visits of foreign nationals to military installations and activities when such visits are field trips scheduled in the program of instruction of a course in which the foreign nationals are students, and when such field trips are in consonance with the purpose and scope of the school course attended. The school commandant will obtain the concurrence of the commander of the installation or activity to be visited before approval. During such visits, foreign students will not be furnished classified information higher than that which they have been authorized to receive in the school course which they have been attending.

(7) *Visits to Army Language School.* The Commandant of the Army Language School, Presidio of Monterey, California, is authorized to approve visits of foreign nationals and foreign representatives to his installation for the purpose of conducting lectures or discussions in a foreign language when such visits will result in a benefit to the school, provided that no classified defense information is disclosed.

(8) *Visits by foreign news-media representatives.* Foreign news-media representatives may request permission to visit Army installations or activities. Such requests will be processed through the Chief of Information, Headquarters, Department of the Army. The Chief of Information may approve such requests without reference to the Assistant Chief of Staff for Intelligence, Department of the Army, provided that no classified defense information is disclosed and no classified installations are visited.

(e) *Visits of United States citizens.* By authority of the Army installation commander or the Army representative at an Army activity, United States citizens, except as provided in paragraph (b)(2) of this section, may be admitted to Army installations or activities under the following conditions:

(1) Casual visitors (visitors on a transient status, passing through port of embarkation or port of debarkation, parents or relatives of personnel stationed within the installation or activity, individuals invited for social occasions or activities open to the public, domestics or personnel employed or admitted for housekeeping, repair, and maintenance purposes or such other casual visitors who may be considered under similar criteria) may be admitted provided that no classified defense information is disclosed.

(2) Representatives of United States Government agencies or of the Military Establishment, and individuals employed by United States contractors or subcontractors or individuals engaged in cooperating with the Department of Defense in the capacity of engineer, inventor, consultant, or advisor, may be admitted provided that the local representative of the Department of the Army agency concerned considers the visit necessary or desirable and not in conflict with the best interests of the services. Classified defense information may be disclosed on a need-to-know basis to such visitors that appropriate visitor clearance, including security clearance, is obtained by the visitor prior to the visit in accordance with the requirements of the head of the Department of the Army agency concerned, or by authority of the Assistant Chief of Staff for Intelligence, Department of the Army; and provided that no information of a classification higher than that of the individual's clearance is disclosed. Access to classified defense information will not be permitted until identity and security clearance have been clearly established. Authorization for the visit in itself does not constitute authority for the release of classified defense information to visitors nor retention by the visitor of any classified documents or material. In case doubt exists as to the identity of the visitor, or whether he is acting in an official capacity, verification will be made with the Assistant Chief of Staff G2 of the Army or other command concerned.

(3) Visits of representatives of the Atomic Energy Commission, its contractors and its contractor employees, and visits which will involve access to restricted data as defined by the Atomic Energy Act of 1954, will be controlled by Headquarters, Department of the Army.

(4) Installation commanders and Army representatives at activities may contact any cognizant security office or the Chief, Industrial and Personnel Security Group, ATTN: Central Index File, Fort Holabird, Baltimore 19, Md., direct on matters pertaining to visits by contractor employees.

(5) Reporters, photographers, and other representatives of public information media may be admitted to Army installations or facilities provided that no unauthorized classified defense information is disclosed.

(6) Union officials not employed by contractors but who may require access to classified defense information or to closed or restricted areas in connection with the specific terms of a bargaining or other agreement with a contractor may be granted access to such information or areas by the commander of an installation under the following procedures:

(i) Appropriate documentation will be furnished by the union official to the commander of the installation as follows:

(*a*) Name and address of the person for whom visit is requested.

(*b*) Citizenship.

(*c*) Date and place of birth.

(*d*) Organization with which the person is associated.

(*e*) Position of person in organization.

(*f*) Date of requested visit or dates of intermittent visits.

(*g*) Purpose of visit in detail, including classified information to which access is required and the reason therefor.

(*h*) Person(s) to be visited, if known.

(*i*) Name and address of any facility or Army installation to which the person has submitted previously, forms identified in (*j*) of this subdivision.

(*j*) Five signed Personnel Security Questionnaires (DD Form 48), five signed Certificate of Non-Affiliation with certain Organizations (DD Form 48–1) and one executed fingerprint card.

(ii) The contractor who employs the union members may act as sponsor in submission of the foregoing documentation except that forms required in subdivision (i)(*j*) of this subparagraph may be submitted directly to the installation commander.

(iii) Notice of approval or disapproval of visit will be furnished the requestor by the commander.

(iv) These provisions are not to be interpreted as modifying in any way the authority of the commander of a military installation to deny admittance of any individual to a military installation under his control. Actions under such authority are not appealable.

[AR 380–25, 12 September 1961, including C 1, 19 July 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

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

[F.R. Doc 62–9068; Filed, Sept. 11, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Flushing Bay, N.Y.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.36 is hereby prescribed to govern the use and navigation of an area in Flushing Bay near La Guardia Airport, Flushing, New York, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.36 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.

(a) *The area.* An area in the main channel in Flushing Bay extending for a distance of 300 feet on either side of the extended center line of Runway No. 13–31 at La Guardia Airport.

(b) *The regulations.* (1) All vessels traversing in the area shall pass directly through without unnecessary delay.

(2) No vessels having a height of more than 35 feet with reference to the plane of mean high water shall enter or pass through the area whenever visibility is less than one mile.

[Regs., 24 August 1962, 285/111 (Flushing Bay, N.Y.)–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 62–9066; Filed, Sept. 11, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Bear Creek, Pomona, Wilkesboro, and Whitney Point Reservoir Areas

The Secretary of the Army having determined that the use of Bear Creek Reservoir Area, Lehigh River, Pennsylvania; Pomona Reservoir Area, One Hundred Ten Mile Creek, Kansas; Wilkesboro Reservoir Area, Yadkin River, North Carolina; and Whitney Point Reservoir Area, Otselic River, New York, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of Section 209 of the Flood Control Act of 1954 (68 Stat. 1266) by adding them to the list in §311.1, as follows:

§ 311.1 Areas covered.

* * * * *

KANSAS

* * * * *

Pomona Reservoir Area, One Hundred Ten Mile Creek.

NEW YORK

* * * * *

Whitney Point Reservoir Area, Otselic River.

NORTH CAROLINA

* * * * *

Wilkesboro Reservior Area, Yadkin River.

PENNSYLVANIA

* * * * *

Bear Creek Reservoir Area, Lehigh River.

[Regs., 28 August 1962, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

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

[F.R. Doc. 62-9067; Filed, Sept. 11, 1962; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

PART 16—SECOND-CLASS BULK MAILINGS

I. In § 16.3, paragraph (f), as amended by 27 F.R. 6976, is further amended by inserting a new subparagraph (2) to require periodic verification of total copies delivered by a publisher to another post office under exceptional dispatch; and by redesignating subparagraphs (2) through (5) as subparagraphs (3) through (6) respectively. As so amended, paragraph (f) reads as follows:

§ 16.3 Mailing.

* * * * *

(f) *Exceptional dispatch*—(1) *Applications.* Postmasters will approve or disapprove applications filed under § 22.3 (c)(4) of this chapter for exceptional dispatch on the basis of whether such dispatch will improve service. They will notify other post offices concerned and the appropriate Regional Director of approved arrangements and include a list showing how the sacks or outside bundles are to be labeled and the approximate number of copies.

(2) *Delivery to other post offices.* Only after notification by the postmaster at the office of original entry shall copies be accepted at another office directly from the publisher. At least once each 6 months the postmaster shall verify the number of copies received directly from the publisher. Any significant increase noted at time of verification or at any other time shall be reported promptly to the post office of original entry.

(3) *Delivery by mobile unit clerks.* Mobile unit clerks, when authorized by the postmaster, may receive packages of second-class publications directly from publishers or news agents and deliver them as directed, provided the packages are presented and called for at the mail car and are not received from or intended for delivery in any post office.

(4) *Delivery by baggageman.* Baggagemen when authorized by an appropriate Regional Director may receive packages of second-class publications directly from publishers and news agents on trains to which no mobile unit clerk is assigned. The baggageman will deliver the packages of outside matter at the place shown on the address. When in his custody, the packages will be considered as mail.

(5) *Delivery to agents.* Packages marked to be delivered outside the mail will be so delivered only when addressed to news agents or agents of publishers.

(6) *Preparation.* Bundles or packages intended for delivery outside the mail must be adequately wrapped with heavy paper and tied with twine heavy enough to stand up under the regular handling and dispatch of these packages. The wrapper of the bundles must be conspicuously marked "U.S. Mail for Outside Delivery at Publisher's Risk."

NOTE: The corresponding Postal Manual section is 126.36.

II. In § 16.6, paragraph (e) is amended to require the postmaster to retain a record of verifications. As so amended, paragraph (e) reads as follows:

§ 16.6 Weighing and collection of postage.

* * * * *

(e) *Verification by postmasters of weights and number of copies.* The average weight per copy obtained by the publisher in the manner prescribed by paragraph (b) of this section for use either in computing postage on the bulk weight of a single issue or in determining the weight of one sheet as provided for by paragraph (d) of this section, must be verified by the postmaster by weighing, or by supervising the weighing of, a representative number of copies of the issue. If the average weight per copy is used for determining the weight of one sheet, the postmaster must also verify the computation by which the publisher determines the weight of one sheet. At the end of each calendar month, when postage is computed on the total bulk weight of all issues mailed during the month, the postmaster must verify the combined weight of one copy from each issue by counting the sheets in the copies filed under the provisions of § 16.5(a) and multiplying the total by the previously verified weight of one sheet furnished by the publisher on Form 3542 (Statement Showing Number of Copies of Second-Class Publication Mailed). If there is reason at any time to doubt the accuracy of the number of copies reported on Form 3542, sufficient weighings must be made to resolve the doubt. The postmaster shall keep a record of the verification; preferably on the back of applicable Form 3542.

NOTE: The corresponding Postal Manual section is 126.65.

PART 22—SECOND-CLASS

III. In § 22.3, paragraph (d) is amended for the purpose of clarification to read as follows:

§ 22.3 Application for second-class privileges.

* * * * *

(d) *Reentry because of change in name, frequency, or location.* When the name or frequency is changed, an application for reentry must be filed on Form 3510 "Application for Reentry of Second-Class Publication", at the post office of original entry, accompanied by two copies of the publication showing the new name or frequency. When the location is changed, an application for reentry must be filed on Form 3510 at the new office, accompanied by two copies of the publication showing the name of the new office as the known office of publication. Copies of second-class publications will be accepted for mailing at the second-class postage rates during the time applications for their reentry are pending. Copies of Form 3510 may be obtained from local postmasters. An application for reentry is not required when only the ownership is changed unless the change disqualified the publication for entry which was authorized under § 22.2(c).

NOTE: The corresponding Postal Manual section is 132.34.

§ 22.4 [Amendment]

IV. In § 22.4, *What may be mailed at the second-class rates,* make the following changes in paragraph (g) *Copies not paid for by the addressee* to include proper cross-references therein:

A. In subparagraph (1) amend subdivisions (i) and (v) to read as follows:

(1) *Sample copies.* (i) Complete copies of regular issues or editions may be mailed as samples at the second-class rates provided by § 22.1 (a) and (b).

* * * * *

(v) The transient rate provided by § 22.1(c) must be paid on samples mailed in excess of the 10 percent limit.

NOTE: The corresponding Postal Manual section is 132.461 a and c.

B. Amend subparagraphs (2) and (3) to read as follows:

(2) *Copies paid for by advertisers.* Copies paid for by advertisers or others for advertising purposes, may be mailed only at the transient rate provided by § 22.1(c). When copies are being furnished free to the addressees, publishers may be required to tell the postmaster the purpose for sending the copies, the amount that the publisher received for the copies, and whether the purchaser is an advertiser.

(3) *Copies paid for as gifts.* A minor portion of the subscription list may consist of persons whose subscriptions were paid for as gifts. Subscriptions paid for by advertisers or other interested persons to promote their own interests are not gift subscriptions and subscriptions given free by the publishers are not gift subscriptions; postage at the transient rate in § 22.1(c) must be paid on these copies.

NOTE: The corresponding Postal Manual sections are 132.462 and 132.463.

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

V. In Part 31, a new § 31.8 is added to prohibit acceptance of matter bearing on the address side imitations of postage stamps, seals, or stickers resembling postage stamps. As so added, § 31.8 reads as follows:

§ 31.8 Imitations of postage stamps and other adhesives, seals, or stickers resembling postage stamps.

Matter bearing imitations of postage stamps, or private seals or stickers in form and design like a postage stamp shall not be accepted for mailing. Pictorial seals or stickers that do not resemble postage stamps and do not bear numerals or other markings indicating a value may be fixed on other than the address side of mail.

NOTE: The corresponding Postal Manual section is 141.8.

PART 34—PERMIT IMPRINTS

VI. In § 34.5, subparagraph (5) of paragraph (g) is amended to include the weight of mail sacks for purpose of computing tare. As so amended, subparagraph (5) reads as follows:

§ 34.5 Mailings with permit imprints.

* * * * *

(g) *Post office computation of postage.* * * *

(5) *Tare.* Tare includes sacks, cartons or other containers, hand trucks, skids, or similar pieces of equipment upon which the mail may be placed during the weighing operation. The standard weights for new sacks are 3 pounds, 7 ounces for a No. 1 size; 2 pounds, 8 ounces for a No. 2 size; and 1 pound, 12 ounces for a No. 3 size.

NOTE: The corresponding Postal Manual section is 144.575.

VII. Section 34.7 is amended to require that permit imprints be obliterated on envelopes used for nonpermit mailings. As so amended, § 34.7 reads as follows:

§ 34.7 Improper use of permit imprints.

Mail bearing permit imprints must not be distributed otherwise than through the mails, and will not be accepted at any post office except that shown in the imprint. Matter bearing permit imprints must not be used as enclosures, nor should envelopes bearing permit imprints be used for nonpermit mailings prepaid with stamps unless the imprint is obliterated.

NOTE: The corresponding Postal Manual section is 144.7.

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

VIII. In § 112.1 subparagraph (2) of paragraph (c) is amended to include the minimum dimensions applicable to outgoing postal union mail effective January 1, 1963. As so amended, subparagraph (2) reads as follows:

§ 112.1 Letters and letter packages.

* * * * *

(c) *Dimensions.* * * *

(2) *Minimum dimensions.* The address side must measure at least 4 inches in length and 2¾ inches in width. (Effective January 1, 1963, the dimensions will be 4¼ by 3 inches.) When in the form of a roll, the length may not be less than 4 inches, or the length plus twice the diameter may not be less than 6¾ inches. Articles having lesser dimensions are accepted on condition that a rectangular address tag is attached whose length plus width measure not less than 6¼ inches, with the shorter side not less than 1½ inches.

NOTE: The corresponding Postal Manual section is 222.132.

IX. In § 112.2, paragraph (b) is amended to reflect the provisions of the previous amendment. As so amended, paragraph (b) reads as follows:

§ 112.2 Post cards.

* * * * *

(b) *Dimensions.* Maximum dimensions, 6 by 4¼ inches. Minimum dimensions, 4 by 2¾ inches. (Effective January 1, 1963, the minimum dimensions will be 4¼ by 3 inches.)

NOTE: The corresponding Postal Manual section is 222.22.

§ 112.4 [Amendment]

X. In § 112.4 *Printed matter* as amended by 27 F.R. 3737–3738, make the following changes:

A. Paragraph (b) is amended for the purpose of clarification and to revise the maximum weight limit of individual packages of second-class publications for Canada to 30 pounds. As so amended, paragraph (b) reads as follows:

(b) *Weight limits*—(1) *All printed matter except books.* The weight limit is 6 pounds 9 ounces, except as follows:

(i) 11 pounds to Paraguay and Peru.

(ii) 22 pounds to Argentina, Bolivia, Brazil, Fernando Po, Rio Muni, Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa), and Spanish West Africa.

(iii) 33 pounds to Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, El Salvador, Uruguay, and Venezuela.

(iv) Packages of second-class publications for Canada may weigh up to 30 pounds.

(v) See paragraph (f) of this section concerning use of direct sacks for mailing large quantities of prints to one addressee.

(2) *Books, including directories and catalogs.* The weight limit is 11 pounds, except as follows:

(i) 22 pounds to Argentina, Bolivia, Brazil, Fernando Po, Rio Muni, Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa), and Spanish West Africa.

(ii) 33 pounds to Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, El Salvador, Uruguay, and Venezuela.

(iii) See paragraph (f) of this section concerning use of direct sacks for mailing large quantities of books to one addressee.

NOTE: The corresponding Postal Manual section is 222.42.

B. In paragraph (d) *Description,* make the following changes:

1. Subdivision (ix) of subparagraph (2) is amended by inserting "printed or sheets" after "Patterns" therein. As so amended, subdivision (ix) reads as follows:

(2) *What is admissible as printed matter.* * * *

(ix) Patterns printed or sheets to be cut out.

2. Subdivision (x) of subparagraph (3) is amended by inserting "unused" preceding "greeting cards" therein. As so amended, subdivision (x) reads as follows:

(3) *Not admissible as printed matter.* * * *

(x) Bulk shipments of printed envelopes, letterheads, billheads, calendar pads and similar articles as well as of diaries (books), check books, unused greeting cards or folders, and the like, which although containing some printed matter, such as dates, headings, etc., have blank spaces or pages in which entries are to be made in manuscript or on the typewriter.

NOTE: The corresponding Postal Manual sections are 222.4421 and 222.443].

C. That part of paragraph (f) which precedes subparagraph (1) and subparagraph (1) are respectively amended to delete the provision limiting the use of direct sacks of prints to mailing by publishers and news agents, and to increase the weight limit to 66 pounds per sack. As so amended, that part of paragraph (f) which precedes subparagraph (1) and subparagraph (1) read as follows:

(f) *Direct sacks of prints.* Ordinary (unregistered) packages of printed matter being mailed in quantity to one addressee may be transmitted in direct sacks under the following conditions:

(1) The minimum amount that may be mailed in a direct sack is 30 pounds; the maximum is 66 pounds (sack and contents).

* * * * *

NOTE: The corresponding Postal Manual section is 222.46.

XI. In § 112.6, subdivisions (i) and (ii) of paragraph (g) (2) are amended to substitute fiberboard in lieu of cardboard as packaging material for glass, liquids, and oils. As so amended, subdivisions (i) and (ii) read as follows:

§ 112.6 Samples of merchandise.

* * * * *

(g) *Packing and mailing.* * * *

(2) *Packing requirements for certain articles.*—(i) *Glass.* Articles of glass or other fragile materials must be securely packed (in boxes of metal, wood, or strong corrugated fiberboard), so as to avoid all danger to postal employees and the mails.

(ii) *Liquids, oils, etc.* Liquids, oils, and substances which easily liquefy must be enclosed in hermetically sealed receptacles. Each receptacle must be placed in a separate box of metal, strong wood or strong corrugated fiberboard containing enough sawdust, cotton, or spongy material to absorb the liquid in the event of breakage of the receptacle. The cover of the box must be fastened in such a way that it cannot be easily detached.

NOTE: The corresponding Postal Manual section is 222.672 a and b.

XII. In § 112.9, paragraph (b) is amended for the purpose of clarification, and to add a new subparagraph (3) to require that senders place an identifying endorsement on the address side of packages having mixed contents which places them in the category of "grouped articles". As so amended, paragraph (b) reads as follows:

§ 112.9 Combination packages and articles grouped together.

* * * * *

(b) *Articles grouped together*—(1) *Grouping permitted.* A single envelope or package may contain commercial papers, samples of merchandise, and/or printed matter subject to the following conditions:

(i) Each article taken singly must not exceed the limits of weight applicable to it.

(ii) The total weight must not exceed 4 pounds 6 ounces per package if it consists solely of commercial papers and samples.

(iii) The weight limit is raised to 6 pounds 9 ounces if the package also contains prints, but in such case the total weight of the commercial papers and samples must not exceed 4 pounds 6 ounces.

(iv) The dimensions of the package must not exceed those of letters.

(2) *Rates.* Postage will be charged at the highest surface rate (including minimum charge) applicable to any of the categories of mail involved. For air service the rates for "Other Articles" apply. See individual country items in § 168.5 of this chapter.

(3) *Preparation and marking.* Envelopes or packages mailed as grouped articles must not be sealed. Senders must mark the address side of the envelope or package "Grouped Article."

NOTE: The corresponding Postal Manual section is 222.92.

PART 141—SHIPPER'S EXPORT DECLARATION

XIII. Sections 141.1, 141.4, and 141.5 are amended for the purpose of clarification and to provide that the Bureau of International Programs, Department of Commerce, has jurisdiction over export control regulations. As so amended, §§ 141.1, 141.4, and 141.5 reads as follows:

§ 141.1 When required.

Business concerns sending merchandise valued at $50 and over to other business concerns—

(a) From the United States,[1] Puerto Rico, or the Virgin Islands of the United State to any foreign country and to the Canal Zone;

(b) From the United States [1] to Puerto Rico and the United States possessions; [2]

(c) From Puerto Rico or the Virgin Islands of the United States to the United States; [1]

must fill out a "Shipper's Export Declaration on Department of Commerce Form 7525–V" and present it at the post office at the time of mailing. The Shipper's Export Declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license from the Bureau of International Programs, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. (See Part 142 of this chapter.) The declaration need not be furnished for catalogs, instruction books, and other advertising matter, or for magazines, newspapers, and periodicals. It is also not required for shipments of technical data, regardless of value and whether or not they are covered by export licenses, except as stated in § 142.3(c) of this chapter.

§ 141.4 How obtained.

Occasional shippers may obtain Form 7525–V "Shipper's Export Declaration" free of charge at post offices. Regular exporters may purchase copies of the Shipper's Export Declaration from the Superintendent of Documents, Government Printing Office, Washington 25, D.C., from Collectors of Customs or from Department of Commerce field offices. They may be privately printed, provided they conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement. Postmasters may obtain supplies without cost, for limited distribution to occasional shippers from the Foreign Trade Division, Bureau of the Census, Washington 25, D.C.

§ 141.5 Handling and disposal.

(a) When a shipper's export declaration is presented at the post office in accordance with § 141.1, postmark it in the lower left corner and send it to:

New York Office,
Foreign Trade Branch,
Bureau of the Census,
Room 434, Customhouse,
New York 4, N.Y.

(b) When an export declaration bearing the authentication of a collector of customs is presented at the time of mailing a partial shipment under a validated export license (see § 142.3(e) of this chapter), postmark it and send it to the Bureau of International Programs, Department of Commerce, Washington 25, D.C.

NOTE: The corresponding Postal Manual sections are 251.1, 251.4, and 251.5.

PART 142—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

XIV. In Part 142 make the following changes for the purpose of clarification and to make appropriate reference to the Bureau of International Programs, Department of Commerce:

A. Amend § 142.1 to read as follows:

§ 142.1 Scope and applicability.

(a) The Bureau of International Programs, Department of Commerce, controls all exportations, except certain commodities licensed for export by other United States Government agencies, to all countries except Canada. Mailers must inform themselves as to the regulations and comply with them in making any exportations of commodities and technical data as parcel post or postal union mail or letter package. A brief summary of the regulations as they apply to mail shipments is given in this part. Additional information is available from a Commerce Department bulletin entitled "Public Notice—Requirements for Exports by Mail" on bulletin boards in first-, second-, and third-class post offices and in classified stations and branches. Mailers desiring further information may make inquiry of the Exporters' Service Section, Bureau of International Programs, Department of Commerce, Washington 25, D.C., or of any field office of that department. A list of field offices is included in the above mentioned public notice.

(b) Postal employees will not advise prospective mailers as to the type of license applicable to any commodities or any destination, except that such controls do not apply to Canada. However, before accepting parcels employees should satisfy themselves that the mailers have complied with the regulations so far as they are applicable.

NOTE: The corresponding Postal Manual section is 152.1.

B. In § 142.2, amend paragraph (a) and subparagraph (2) of paragraph (f) to read as follows:

[1] For the purposes of this instruction the term "United States" refers to the fifty States and the District of Columbia.

[2] Virgin Islands of the United States, Guam, Samoa, Canton and Enderbury Islands, Johnston, Midway, Palmyra, and Wake Islands.

§ 142.2 General licenses.

(a) *Definition and use.* A general license established by the Bureau of International Programs is not a specific document, but is a general authorization covering exportations within its provisions, each general license being designated by symbol, such as GRO, GLV, GIFT, GUS, etc. A brief description of the general licenses usually used for mail shipments is given in this section. Further information can be obtained as set forth in § 142.1(a). When a prospective mailer finds that the contents of his package are properly exportable under a general license, other than G–PUB, GTDP, GTDU, or GTDS, he must mark the wrapper with the appropriate symbol and the words "Export license not required" before presenting it at the post office. The postal clerk may accept any package so marked unless the symbol is obviously being misused. The marking certifies that the mailer has complied with the regulations governing the use of the general license denoted by the symbol. No marking is required on wrappers of packages containing printed matter and technical data mailed under general licenses G–PUB, GTDP, GTDU, and GTDS.

* * * * *

(f) *General licenses GTDP, GTDU, and GTDS for technical data.* * * *

(2) General license GTDU may be used for mailing technical data not generally available in published form, except for certain data as specified by the Bureau of International Programs relating to civil aircraft, parts, accessories and electronic equipment used in connection therewith and petroleum and petrochemical plants and processes. It may not be used to Cuba, Poland or any Soviet bloc country listed in paragraph (b) of this section except for manuals, instruction sheets, or blueprints.

NOTE: The corresponding Postal Manual sections are 252.21 and 252.262.

C. Amend § 142.3 to read as follows:

§ 142.3 Validated licenses.

(a) *Definition and use.* A validated license is an individual document issued by the Bureau of International Programs, authorizing a specific exportation. Further information can be obtained as set forth in § 142.1. Before mailing a shipment under a validated license, the sender must put the license number on the wrapper.

(b) *Export declaration required.* An export declaration (see Part 141 of this chapter) is required for every shipment covered by a validated license, except technical data. However, partial shipments of technical data must comply with paragraph (c) of this section.

(c) *Mailing under validated licenses.* In making a shipment against a validated license, the mailer must surrender the license at the post office regardless of whether the total quantity shown on the license is mailed. However, if only a part of the licensed quantity is mailed, the mailer may, as an alternative, deposit the license with a collector of customs and surrender at the post office a shipper's export declaration (Commerce Form 7525–V) bearing the number of the license and an authorization dated and signed by the collector or by his representative for shipment of the goods shown on the declaration. This is in addition to the declarations required by Part 141 of this chapter and paragraph (b) of this section.

(d) *Technical data licenses.* Licenses issued by the Bureau of International Programs for exportations of technical data are similar in form to the usual type of validated license, but no shipper's export declaration is required, except for partial shipments (see paragraph (c) of this section).

(e) *Processing in post offices*—(1) *Entire shipments.* The postal employees must see that the correct license number is shown on the wrapper of every package presented for mailing with a validated license. The number appears in the upper right portion of the license, adjacent to the validation stamp of the Bureau of International Programs. Compare the contents as shown on the customs declaration (or as stated by the mailer in the case of shipments mailed as printed matter) with the commodities stated on the license and on the shipper's export declaration when required. If no discrepancy is noted and the package is mailable, accept it and take the license and export declaration (if required) from the mailer. Write "Completed" on the back of the license and apply postmark. Send the license to the Bureau of International Programs, Department of Commerce, Washington 25, D.C. Postmark the export declaration and dispose of it as instructed in § 141.5 of this chapter.

(2) *Partial shipments.* When a mailer presents an authenticated export declaration with a partial shipment in lieu of a validated license, as prescribed in paragraph (c) of this section, take the authenticated declaration, postmark it and send it to the Bureau of International Programs. If a validated license is presented with a partial shipment, take it up and dispose of it in the same manner as for an entire shipment.

NOTE: The corresponding Postal Manual section is 252.3.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–9079; Filed, Sept. 11, 1962; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–201—GENERAL REGULATIONS

Partial Exemption for Export Merchants

Pursuant to section 6 of the Walsh-Healey Public Contracts Act (41 U.S.C. 40), subparagraph (2) of 41 CFR 50–201.604(c) is hereby revoked.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because this rule relates to public contracts. I do not believe such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

Signed at Washington, D.C., this 6th day of September 1962.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 62–9118; Filed, Sept. 11, 1962; 8:55 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER F—COLOR OF TITLE AND RIPARIAN CLAIMS

[Circular No. 2088]

PART 141—COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

Snake River, Idaho, Omitted Lands

In order to implement the Act of May 31, 1962 (76 Stat. 89), §§ 141.24 through 141.28 are added to Part 141, as set forth below.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003), and although the Department of the Interior customarily observes the rule making requirements voluntarily, that procedure was not followed in this case because of the limited applicability of the Act of May 31, 1962, supra, and because procedural requirements for claimants are closely patterned after those in existing regulations in Parts 140 and 141. The provisions of this change in the regulations shall become effective upon publication in the FEDERAL REGISTER.

SNAKE RIVER, IDAHO, OMITTED LANDS

Sec.
141.24 Statutory Authority.
141.25 Offers of Land for Sale.
141.26 Applications for Purchase.
141.27 Payment and Publication.
141.28 Public Auctions.

AUTHORITY: §§ 141.24 to 141.28 issued under Act of May 31, 1962; 76 Stat. 89.

§ 141.24 Statutory authority.

(a) The Act of May 31, 1962 (76 Stat. 89), hereafter referred to as "the Act", authorizes the Secretary of the Interior, in his discretion, to sell at not less than their fair market value any of those lands in the State of Idaho, in the vicinity of the Snake River or any of its tributaries, which have been, or may be, found upon survey to be omitted public lands of the United States, and which are not within the boundaries of a national forest or other Federal reservation and are not lawfully appropriated by a qualified settler or entryman claiming

under the public land laws, or are not used and occupied by Indians claiming by reason of aboriginal rights or are not used and occupied by Indians who are eligible for an allotment under the laws pertaining to allotments on the public domain.

(b) The Act provides that in all patents issued under the Act, the Secretary of the Interior (1) shall include a reservation to the United States of all the coal, oil, gas, oil shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen, and bitumen rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried), together with the right to prospect for, mine, and remove the same; and (2) may reserve the right of access to the public through the lands and such other reservations as he may deem appropriate and consonant with the public interest in preserving public recreational values in the lands.

(c) The Act further provides that the Secretary of the Interior shall determine the fair market value of the lands by appraisal, taking into consideration any reservations specified pursuant to paragraph (b) of this section and excluding, when sales are made to preference-right claimants under section 2 of the Act, any increased values resulting from the development or improvement thereof for agricultural or other purposes by the claimant or his predecessors in interest.

(d) The Act grants a preference right to purchase lands which are offered by the Secretary of the Interior for sale under the Act to any citizen of the United States (which term includes corporations, partnerships, firms, and other legal entities having authority to hold title to lands in the State of Idaho) who, in good faith under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation or occupied any of the lands so offered for sale, or whose ancestors or predecessors in title have taken such action.

§ 141.25 Offers of lands for sale.

Before any lands may be sold under the Act, the authorized officer of the Bureau of Land Management shall publish in the FEDERAL REGISTER and in at least one newspaper of general circulation within the State of Idaho a notice that the lands will be offered for sale, which notice shall specify a period of time not less than 30 days in duration during which citizens may file with the land office at Boise, Idaho, a notice of their intention to apply to purchase all or part of the lands as qualified preference-right claimants.

§ 141.26 Applications for purchase.

(a) All citizens who file a notice of intention in accordance with § 141.25 within the time period specified in the published notice or any amendment thereof will be granted by the authorized officer a period of time not less than 30 days in duration in which to file, in duplicate with the Manager of the Boise Land Office, their applications to purchase lands as preference-right claimants.

(b) Every application must be accompanied by a filing fee of $10, which is not returnable.

(c) No particular form is required but the applications must be typewritten or in legible handwriting and must contain the following information:[1]

(1) The name and post office address of the claimant.

(2) The description and acreage of the public lands claimed or desired.

(3) The description of the lands owned by the applicant, if any, adjoining the public lands claimed or desired, accompanied by a certificate from the proper county official or by an abstractor or by an attorney, showing the date of acquisition of the lands by the applicant and that the applicant owns the lands in fee simple as of the date of application.

(4) A statement showing that the claimant is a citizen of the United States, as defined in paragraph (d) of § 141.24.

(5) A statement giving the basis for color of title or claim of riparian ownership.

(6) A statement showing the improvements, if any, placed on the public lands applied for including their location, nature, present value, date of installation, and the names of the person or persons who installed them.

(7) A statement showing the cultivation and occupancy, if any, of the lands applied for, including the nature, location, and date of such cultivation and occupancy.

(8) The names and post office addresses of any adverse claimants, settlers, or occupants of the public lands claimed.

(9) The names and addresses of at least two disinterested persons having knowledge of the facts relating to the applicant's claim.

(10) A citation of the act under which the application is made.

§ 141.27 Payment and publication.

(a) Before lands may be sold to a qualified preference-right claimant, the claimant will be required to pay the purchase price of the lands and will be required to publish once a week for four consecutive weeks, at his expense, in a designated newspaper and in a designated form, a notice allowing all persons having objections to file with the Manager of the Land Office at Boise, Idaho, their objections to issuance of patent to the claimant. A protestant must serve on the claimant a copy of the objections and must furnish the Manager with evidence of such service.

(b) Among other things, the notice will describe the lands to be patented, state the purchase price for the lands, and the reservations, if any, to be included in the patent to preserve public recreational values in the lands.

[1] Title 18, U.S.C., sec. 1001, makes it a crime for any person knowingly and willfully to make any false, fictitious, or fraudulent statements or representations to any department or agency as to any matter within its jurisdiction.

(c) The claimant must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 141.28 Public auctions.

(a) The authorized officer may sell under the Act at public auction any lands for which preference-claimants do not qualify for patents under the regulations of §§ 141.24–141.27.

(b) Lands will be sold under this section at not less than their appraised fair market value at the time and place and in the manner specified by the authorized officer in a public notice of the sale.

(c) Bids may be made by the principal or his agent, either personally at the sale or by mail.

(d) A bid sent by mail must be received at the place and within the time specified in the public notice. Each such bid must clearly state (1) the name and address of the bidder and (2) the specified tract, as described in the notice for which the bid is made. The envelope must be noted as required by the notice.

(e) Each bid by mail must be accompanied by certified or cashier's check, post office money order or bank draft for the amount of the bid.

(f) The person who submits the highest bid for each tract at the close of bidding, but not less than the minimum price, will be declared the purchaser.

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

SEPTEMBER 6, 1962.

[F.R. Doc. 62-9077; Filed, Sept. 11, 1962; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2770]

[Anchorage 057314]

ALASKA

Partly Revoking Executive Order of January 4, 1901

By virtue of the authority vested in the President, and pursuant to Executive Order 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of January 4, 1901, withdrawing public lands in Alaska for lighthouse purposes is hereby revoked so far as it affects the following-described lands:

CAPE EDGECOMBE

Beginning at a point at low water mark, said point being at extreme S.E. point of what is known as Point Shoals; thence N. 45° W., 2 miles; thence due W. to low water mark; thence following winding of low water mark to place of beginning.

Containing approximately 7,500 acres.

2. The lands are within the boundaries of the Tongass National Forest. Until 10:00 a.m. on December 7, 1962, the State of Alaska shall have a preferred right to select the lands as provided by section 6(a) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), as amended. At 10:00 a.m. on December 7, 1962, the lands shall be subject to such

other forms of disposition as may by law be made of national forest lands.

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

SEPTEMBER 6, 1962.

[F.R. Doc. 62-9075; Filed, Sept. 11, 1962; 8:47 a.m.]

[Public Land Order 2771]

[Nevada 058078]

NEVADA

Withdrawing Lands for Use of Atomic Energy Commission

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Atomic Energy Commission for experimental project purposes and allied safety areas (Authority: Executive Order 10355 of May 26, 1952):

MOUNT DIABLO MERIDIAN

T. 16 N., R. 32 E.,
Secs. 33 and 34.
T. 15 N., R. 32 E. (unsurveyed),
Secs. 3 and 4.

Containing approximately 2,560 acres.

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

SEPTEMBER 6, 1962.

[F.R. Doc. 62-9076; Filed, Sept. 11, 1962; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-936]

PART 0—COMMISSION ORGANIZATION

Safety and Special Radio Services Bureau

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th of September 1962;

The Commission having under consideration the organization and functions of its Safety and Special Radio Services Bureau and the Report, dated March 23, 1962, to the Bureau of the Budget, by Booz, Allen, and Hamilton, concerning its management survey of the Federal Communications Commission; and

It appearing that greater efficiency in the Commission's operations would be promoted and the public interest would be served by organizational and functional changes in the Safety and Special Radio Services Bureau which are ordered herein; and

It appearing that authority for the internal organizational and functional changes herein ordered is contained in sections 4(i) and 5 of the Communications Act of 1934, as amended, and that such changes are not subject to the prior notice and effective date provisions of Section 4 of the Administrative Procedure Act;

It is ordered, That, effective September 5, 1962, within the Safety and Special Radio Services Bureau, (a) functions pertaining to the Amateur Radio Service and the Radio Amateur Civil Emergency Service now performed by the Public Safety and Amateur Division are removed from this Division and said Division is retitled the Public Safety Radio Division, (b) the Land Transportation Division is retitled as the Amateur and Citizens Radio Division, the adminstration of the Amateur Radio Service and of the Radio Amateur Civil Emergency Service is added to its functions, and its responsibilities for the Land Transportation Radio Services are transferred to the Industrial Radio Division, (c) the Law and Enforcement Office is retitled the Legal, Policy, and Enforcement Office, and its functions are expanded by adding the responsibility to coordinate rules proposed and drafted within the Bureau, as well as to study general developments concerning the radio services administered by the Bureau; and

It is further ordered, That, effective September 5, 1962, Part 0—Commission Organization is amended as set forth below to reflect the changes ordered herein; and

It is further ordered, That the Chief of the Safety and Special Radio Services Bureau, in cooperation with the Executive Officer, are authorized in their discretion to organize and change subsidiary units within the various divisions and offices of the Bureau and to transfer such positions, personnel, equipment, and records within the Bureau as they deem necessary to effectuate the changes ordered herein.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 5, 66 Stat. 713; 47 U.S.C. 155)

Released: September 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

§§ 0.63, 0.64, 0.65, 0.66, 0.77, 0.68, 0.69 are amended and rearranged and a new section 0.70 is added, as follows.

§ 0.63 Units in the Bureau.

The Safety and Special Radio Services Bureau is divided into the following units:

(a) Office of the Bureau Chief.
(b) Legal, Policy, and Enforcement Office.
(c) Aviation Radio Division.
(d) Marine Radio Division.
(e) Public Safety Radio Division.
(f) Industrial Radio Division.
(g) Amateur and Citizens Radio Division.

§ 0.64 Office of the Bureau Chief.

The Office of the Bureau Chief is composed of the immediate offices of the Chief and the Assistant Chief of the Bureau, and the Office of the Administrative Assistant. The Office of the Administrative Assistant is responsible for the administrative program and the forms and procedural program of the Bureau.

§ 0.65 Legal, Policy and Enforcement Office.

The Legal, Policy, and Enforcement Office advises the Bureau Chief on legal, legislative, and policy matters; advises the Chiefs of the Divisions on legal matters of unusual complexity; performs legal work affecting the Bureau as a whole; coordinates rule making proposed and drafted within the Bureau; studies general developments pertaining to the radio uses within the Bureau's responsibility; executes special assignments for the Bureau Chief of a legal or policy character; and plans and executes the enforcement program for the Bureau.

§ 0.66 Aviation Radio Division.

The Aviation Radio Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to aviation radio and safety matters, except for enforcement matters (§ 0.65).

§ 0.67 Marine Radio Division.

The Marine Radio Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to marine radio and safety services, to scheduled weather transmission, and to the Alaskan services, except for enforcement matters (§ 0.65).

§ 0.68 Public Safety Radio Division.

The Public Safety Radio Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to the public safety and the disaster radio services, except for enforcement matters (§ 0.65).

§ 0.69 Industrial Radio Division.

The Industrial Radio Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to the industrial and the land transportation radio services, except for enforcement matters (§ 0.65).

§ 0.70 Amateur and Citizens Radio Division.

The Amateur and Citizens Radio Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to the amateur and the citizens services and the radio amateur civil emergency service, except for enforcement matters (§ 0.65).

[F.R. Doc. 62-9109; Filed, Sept. 11, 1962; 8:53 a.m.]

[Docket No. 14655; FCC 62-914]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

Temporary Provision for Airborne Doppler Radars in the Band 9750-9850 Mc/s; Deletion

1. The Commission adopted a Notice of Proposed Rule Making in the above-

entitled matter on May 29, 1962, published in the FEDERAL REGISTER on June 6, 1962 (27 F.R. 5347), looking toward amendment of Parts 2 and 9 to delete the temporary provision for airborne Doppler radar operation in the 9750–9850 Mc/s band. Interested parties were invited to file comments on or before July 6, 1962, and reply comments on or before July 16, 1962.

2. Comments received from Aeronautical Radio, Inc. (ARINC) and Air Transport Association of America (ATA) were in support of this proposal and stated that they had ascertained that none of the airborne Doppler equipment in current use aboard scheduled aircraft operates on frequencies in the band 9750–9850 Mc/s. No other comments or reply comments were received.

3. This Report and Order completes rule-making with regard to the alignment of the national allocation of this band with the Geneva (1959) Radio Regulations.

4. In view of the foregoing; *It is ordered,* Pursuant to the authority contained in section 303 (c) and (r) of the Communications Act of 1934, as amended, that effective October 15, 1962, §§ 2.106 and 9.312 are amended as set forth below, and the proceeding in Docket No. 14655 is terminated:

§ 2.106 [Amendment]

a. Section 2.106 *Table of frequency allocations,* is amended by deleting the Footnote designator US57 in column 6 opposite 9500–10000 Mc/s in column 5, and by deleting Footnote US57 in the Table.

§ 9.312 [Amendment]

b. Section 9.312 is amended by deleting paragraph (w).

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1032, as amended; 47 U.S.C. 303)

Adopted: September 5, 1962.

Released: September 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–9110; Filed, Sept. 11, 1962; 8:53 a.m.]

[Docket No. 14656; FCC 62–918]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

Civil Air Patrol Stations in the United States; Use of Frequency 26.62 Mc/s

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962.

The Commission having under consideration the amendment of Part 2—U.S. Footnote No. 10 and § 9.912, Part 9—Aviation Services, to make available the frequency 26.62 Mc/s for assignment to land and mobile stations of the Civil Air Patrol in the continental United States; and

It appearing that a need exists for use of the frequency 26.62 Mc/s without limitation as to the area of operation;

It further appearing that notice of proposed rule making in the above-entitled matter was released on June 1, 1962;

It further appearing that the notice which made provision for filing comments by July 9, 1962 was published in the FEDERAL REGISTER on June 6, 1962 (27 F.R. 5346);

It further appearing that no comments were received in this proceeding; and

It further appearing that the authority for the issuance of this Order is contained in sections 4(i) and 303 (c), (d), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That U.S. Footnote No. 10 and Part 9 of the Commission's rules be amended effective October 15, 1962, as set forth below; and

It is further ordered, That the proceedings in Docket No. 14656 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Footnote US10 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US10 The use of the frequencies 26.62 Mc/s (in all areas), 143.91 Mc/s (in the continental United States excluding Alaska), and 148.14 Mc/s (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

2. Section 9.912(g) is amended to read as follows:

§ 9.912 Frequencies available.

* * * * *

(g) 26.62 Mc/s, A–3 emission, 5 watts maximum power. In the State of Hawaii, A–1, A–2, A–3 emission and 250 watts maximum power is permissible.

[F.R. Doc. 62–9111; Filed, Sept. 11, 1962; 8:53 a.m.]

[Docket No. 14704; FCC 62–910]

PART 6—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

Addressed Press and Meteorological Services

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration:

(a) Its notice of proposed rule making adopted on July 13, 1962 (27 F.R. 6849), wherein it was proposed to amend the introductory text of § 6.53(a) of Part 6 of the Commission's rules and regulations to provide for the transmission without coordinated reception of weather maps, charts and photographs for reception by meteorological organizations to one or more persons at one or more overseas or foreign fixed points not specifically named in the license, and which provided that comments thereon were to be filed by August 20, 1962 and replies within 15 days thereafter;

(b) Comments filed thereon by Press Wireless, Inc., on July 26, 1962 supporting and approving the Commission's proposed rule-making in the above-mentioned matter;

(c) Comments filed thereon by the United States Weather Bureau on August 23, 1962 which urged immediate approval of the proposed amendment in time to make maximum use of photographs received from the weather satellite TIROS V in connection with hurricanes and tropical storms which reach their seasonal peak in September, and which noted that such action would, it felt, constitute an important contribution to the peaceful uses of outer space envisaged in U.N. Resolution 1721;

It appearing that no other comments were filed nor were any replies filed regarding the proposed rule-making in the above-entitled proceeding;

It further appearing that, as cited above, the United States Weather Bureau, because hurricanes and tropical storms reach their peak in September, desires immediate establishment of this service, which was more fully described in the Commission's aforementioned notice of proposed rule making, and which would be provided by the international telegraph carriers pursuant to the amended § 6.53(a) of the rules;

It further appearing that the foregoing constitutes the good cause required by § 1.219(b) of Part 1 of the Commission's rules for making the aforementioned amendment of § 6.53(a) of Part 6 of the rules effective on less than 30 days' notice;

It further appearing that the amendment herein adopted is issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective September 10, 1962 Part 6 of the Commission's rules and regulations is amended as set forth below;

It is further ordered, That the proceedings in Docket No. 14704, are terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

The headnote of § 6.53 and the introductory text of paragraph (a) are amended to read as follows:

§ 6.53 Addressed press and meteorological services.

(a) The licensee of a station in the fixed public or fixed public press service may be authorized to transmit, without coordinated reception, addressed press messages (including press facsimile and photographs) and weather maps, charts and photographs for reception at overseas or foreign points by meteorological organizations by facsimile and radio phototelegraphy, to one or more persons at one or more fixed points not specifically named in its license:

[F.R. Doc. 62-9112; Filed; Sept. 11, 1962; 8:54 a.m.]

[Docket No. 14524; FCC 62-919]

PART 9—AVIATION SERVICES

Aeronautical Mobile (R) Communications in Domestic Service Within the Continental United States; Discontinuance of Use of High Frequencies

1. Notice of proposed rule making in the above-entitled matter was released by the Commission on February 16, 1962. This notice, which made provision for the filing of comments by March 26, 1962, was published in the FEDERAL REGISTER on February 21, 1962 (27 F.R. 1659).

2. The present rulemaking was initiated in recognition of Resolution No. 13 of the Administrative Radio Conference (Geneva 1959) of the International Telecommunication Union (ITU) which calls for a review of frequency allotment plans for the Aeronautical Mobile Service prior to the convening of the next Ordinary Administrative Radio Conference.

3. The Commission, after consultation with certain government agencies, reached six conclusions concerning the HF communication requirements. These conclusions were contained in the notice of proposed rule making and formed the basis for the proposal to amend Part 9 of the Commission's Rules to preclude the use of high frequencies for domestic aeronautical mobile (R) communications within the continental United States (excluding Alaska) after January 1, 1965.

4. Comments in this proceeding were filed by Aeronautical Radio, Inc. (ARINC), the Aircraft Owners and Pilots Association (AOPA), the Air Transport Association (ATA) and Alaska Aviation Radio, Inc. (AARI). In addition to these comments, the Commission considered information submitted by the Federal Aviation Agency.

5. AOPA offered no objection to the proposal providing the information available to the Commission indicates that there is no significant use of the HF enroute frequencies by general aviation aircraft within the continental United States (excluding Alaska). AARI, likewise offered no objection but emphasized the continuing need for HF in Alaska. The present rulemaking specifically excludes Alaska.

6. ARINC and ATA in a joint comment supported the general concept and objectives of the Commission as expressed in the proposal. However, they did request that the proposal be modified to retain a few HF assignments for emergency, backup and nonroutine communications for domestic air transport operations. Respondents support their request with examples where HF is necessary, such as, emergency backup for VHF failures or outages, or during interruptions of the associated land line circuits serving an area where VHF stations are located. VHF stations are, for the most part, dependent on land line systems for interconnection between control points and station sites. These sites are frequently located on mountain tops which are remote and not readily accessible. This is necessary to assure optimum range and maximum radio service coverage.

7. The FAA stated that it "is not in a position at this time to give it [the present rulemaking] unqualified support. Although the ATA/ARINC comments with respect to the retention of six frequencies may be justified, the FAA requirements in this matter would be met by the adoption of the Commission's proposal in Docket 14524, provided that the adoption order indicates that further advice from the FAA and other interested parties with respect to the retention of six frequencies would be solicited by the Commission prior to the end of 1964. The FAA, by that time, would be in a better position to provide more definitive comments."

8. In view of the above, the Commission feels that the conclusions reached prior to the notice of proposed rule making and contained in it are basically correct. The question of whether all domestic HF use should be discontinued or a limited number of frequencies retained, appears to be a matter that can best be determined at a future date, prior to January 1, 1965. Accordingly, a note is added to § 9.432(f) which indicates that the Commission will determine, prior to January 1, 1965, if a limited number of HF frequencies should be retained for domestic use, and if so, what frequencies. In any event, regular operation will not be permitted after January 1, 1965; therefore, § 9.432(f) is changed from the proposal by the addition of the word "Regular" to the beginning of the subsection.

9. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 4(i), 303 (c), (f), and (r) of the Communications Act of 1934, as amended, that effective October 15, 1962, Part 9 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: September 5, 1962.

Released: September 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 9.432 is amended by adding new paragraph (f), as follows:

§ 9.432 Frequencies available.

* * * * *

(f) Regular use of high frequencies for aeronautical mobile (R) communications in the Domestic Service within the continental U.S. (excluding Alaska), will not be permitted after January 1, 1965.

NOTE: The Commission in Docket 14524 proposed the discontinuance of the use of HF for aeronautical mobile (R) communications in the Domestic Service within the continental U.S. (excluding Alaska). In view of the comments submitted in response to the Notice, it will be determined, prior to January 1, 1965, if a limited number of high frequencies should be retained for Domestic use, and if so, what frequencies. It should be noted that if certain frequencies are retained, their use will not be on a regular basis but will be available on an emergency or backup basis.

[F.R. Doc. 62-9108; Filed, Sept. 11, 1962; 8:53 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

Aleutian Islands National Wildlife Refuge, Alaska; Correction

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.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

In the special regulations published in the FEDERAL REGISTER, Volume 27, Issue Number 149, page 7643, on August 2, 1962, paragraphs (a), (b), and (c) are amended to read as follows:

(a) Species permitted to be taken: ptarmigan and fox.

(b) Open season: ptarmigan—August 10 to April 15; fox—no closed season.

(c) Daily bag limits: ptarmigan—20 a day; fox—no limit.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1962.

[F.R. Doc. 62-9073; Filed, Sept. 11, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 141, 143]

FORESTRY AND TIMBER ENTERPRISES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 22; 25 U.S.C. 2 and 9), it is proposed to amend Parts 141 and 143 of Title 25, Code of Federal Regulations.

The purpose of these amendments is to: (1) Redefine "Indian forest lands" so that no specific determination is needed to classify such lands; (2) expand and clarify the procedures for Indian operation of timber enterprises and permit sale of timber products by tribal enterprises operating under approved agreements without compliance with 25 CFR Part 142; and (3) revoke 25 CFR Part 143, which pertains to forestry matters on the Menominee Reservation, as Federal trust responsibility over the Menominee Tribe was terminated on April 30, 1961.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (b) of § 141.1 is amended to read as follows:

§ 141.1 Definitions.

* * * * *

(b) "Indian forest lands" means lands held in trust by the United States for Indian tribes or individual Indians or owned by such tribes or individuals subject to restrictions against alienation, that are considered to be chiefly valuable for the production of forest crops, or on which it is considered that a forest cover should be maintained in order to protect watershed or other values. A formal inspection and land classification action is not required before applying the provisions of this Part 141 to the management of any particular tract of land.

2. Section 141.6 is amended to read as follows:

§ 141.6 Indian operations.

Subject to approval by the Secretary, the following actions may be taken:

(a) Indian tribal logging or sawmill enterprises may be initiated and organized with the consent of the authorized tribal representatives.

(b) Such enterprises which do not operate under the provisions of Part 142 of this chapter shall enter into formal agreements with tribal representatives for the use of tribal timber, and with the individual Indian owners for allotted timber.

(c) Such enterprises may contract for the purchase of Indian-owned timber with the consent of the tribal representatives or the individual owners at stumpage rates established by the Secretary.

(d) Such enterprises may negotiate for the purchase of non-Indian owned timber.

(e) Performance bonds need not be required in connection with the use of timber by such enterprises.

(f) Payment for tribal timber cut by such enterprises may be authorized by methods other than those in § 141.15.

(g) Authorized officers of tribal enterprises, operating under approved agreements for the use of tribal or allotted timber pursuant to this section, may sell the forest products produced in accordance with generally accepted trade practices without compliance with section 3709 of the Revised Statutes.

3. The introductory paragraph of § 141.8 is amended to read as follows:

§ 141.8 Advertisement of sales.

Except as provided in §§ 141.6, 141.9, and 141.19, sales of timber shall be made only after advertising.

4. Section 141.14 is amended to read as follows:

§ 141.14 Bonds required.

Performance bonds will be required in connection with all sales of Indian timber, except they may or may not be required, as determined by the approving officer, in connection with the use of timber by tribal enterprises pursuant to § 141.6, or in timber cutting permits issued pursuant to § 141.19. In sales in which the estimated stumpage value, calculated at the appraised stumpage rates, does not exceed $10,000 the bond shall be approximately 20 percent of the estimated stumpage value. In sales in which the estimated stumpage value exceeds $10,000 but is not over $100,000, the bond shall be approximately 15 percent of the estimated stumpage value but not less than $2,000; in sales in which the estimated stumpage value exceeds $100,000 but is not over $250,000, the bond shall be approximately 10 percent of the estimated stumpage value but not less than $15,000; and in sales in which the estimated stumpage value exceeds $250,000, the bond shall be approximately 5 percent of the estimated stumpage value but not less than $25,000. Bonds may be in the form of a corporate surety bond by an acceptable surety company; or cash bond designating the approving officer to act under a power of attorney; or negotiable United States Government bonds supported by appropriate power of attorney and performance bond.

5. Section 141.15 is amended to read as follows:

§ 141.15 Payments for timber.

The basis of volume determination for timber sold shall be the Scribner Decimal C, International ¼ inch, or International Decimal ¼ inch log rules, cubic volume, weight, or such other form of measurement as the Secretary shall designate for each sale. Payment for timber will be required in advance of cutting pursuant to § 141.16, except for Indian enterprises pursuant to § 141.6. Each advance deposit shall be at least 10 percent of the value of the minimum volume of timber required to be cut annually, figured at the appraised stumpage rates: *Provided,* That the approving officer may reduce the size of the last advance deposit before the completion of the sale or before periods of approximately 3 months or longer during which no timber cutting is anticipated. If a contract stipulates no minimum annual cutting requirements the amount of each advance deposit shall be determined by the approving officer. The advance payments that may be required in the sale of trust allotted timber, pursuant to § 141.16, shall not operate to reduce the size of advance deposits required by this section, but may postpone the necessity of requiring such deposits until the advance payments on the particular allotments being cut have been exhausted.

6. Part 143 of Title 25, Code of Federal Regulations, is revoked.

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

SEPTEMBER 6, 1962.

[F.R. Doc. 62-9074; Filed, Sept. 11, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given of a proposal to amend the administrative rules and regulations, as amended (Subpart—Administrative rules and regulations, 7 CFR 987.100–987.165; 27 F.R. 7088), effective under the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 27 F.R. 6818), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order (hereinafter referred to collectively as the "order") are effective pursuant to the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is based on recommendations submitted by the Date Administrative Committee, established under the order, and other available information. The proposal is intended to implement certain of the new or revised provisions of the last amendment (27 F.R. 6818) of the order and make conforming or other changes in present provisions of the administrative rules and regulations.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the tenth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§§ 987.100, 987.141, 987.145 [Amendment]

1. Wherever it appears in §§ 987.100, 987.141, and 987.145, the word "agency" is replaced by the word "service".

§ 987.145 [Amendment]

2. In the last sentence of § 987.145(b)(1), "words 'Meet 103–M' " is replaced by "letters 'DAC' ".

3. In the last sentence of § 987.145(b)(2)(i), "words 'Meet 103 F.P.' " is replaced by "letters 'FP' ".

4. In the last sentence of § 987.145(c)(1)(iv), "words '103–EXPORT' " is replaced by "word 'EXPORT' ".

5. In § 987.145, the caption for paragraph (g) is revised to read "Credit for disposition in excess of restricted obligation".

§ 987.152 [Amendment]

6. In § 987.152(a), "§§ 987.45, 987.72, and 987.73" is revised to read "§§ 987.45, 987.48, and 987.72".

7. In § 987.152(b), subparagraph (2) is revised to read:

(2) *Specialty packs.* Dates in specialty packs such as hand layered dates in glass, tin, plastic, film, or other types of container approved by the Committee may be sold free from the provisions of §§ 987.41(a) and 987.48: *Provided,* That the dates shall have been packed from dates that have been certified as meeting the applicable grade requirements and have not been commingled with other dates.

8. A new section is added to read:

§ 987.168 Minimum record requirements.

Each handler shall, pursuant to § 987.68, maintain at least the following types of records and retain them for a minimum period of two years subsequent to the termination of the crop year in which the transactions occurred: (a) A record of grower deliveries of dates showing, for each delivery: (1) The name of the grower; (2) the date of delivery; (3) the varieties of dates so delivered; and (4) the net weight of the dates delivered;

(b) A record of all shipments of dates showing, by variety and for each shipment: (1) The date of shipment; (2) the number and size of the containers; (3) the net weight of the shipment; and (4) the name and address of the person to whom the dates were shipped;

(c) A record of all sales of dates showing, by variety and for each sale: (1) The name and address of the purchaser; (2) the date of sale; (3) the number and size of the containers; and (4) the net weight of dates sold; except when all information in such a record would be the same as contained in the record of shipments maintained pursuant to paragraph (b) of this section; and

(d) A record of dates held, respectively, on each January 1, June 1, and August 1 showing, by variety, for each of these days and by category (i.e., as described in § 987.161): (1) The number and size of the containers of dates; and (2) the net weight of the dates.

9. A new section is added to read:

§ 987.174 Establishment of divisor to convert weight of pitted dates to the the equivalent weight of whole dates.

For the purpose of determining the whole date equivalent (i.e., weight) of a given quantity of pitted dates, the weight of the pitted dates shall be divided by 0.875.

Dated: September 7, 1962.

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

[F.R. Doc. 62–9121; Filed, Sept. 11, 1962; 8:55 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1002]

[Docket No. AO–71–A44]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Notice of Postponement of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given that the public hearing on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York-New Jersey marketing area, scheduled to begin at 10:00 a.m., e.d.t., on September 18, 1962, at Woodbridge Motor Lodge, Woodbridge, New Jersey, as announced in the notice of hearing issued August 23, 1962 (27 F.R. 8597) and in the supplemental notice of hearing issued August 31, 1962, is hereby postponed until further notice.

Signed at Washington, D.C., on September 7, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–9122; Filed, Sept. 11, 1962; 8:55 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1003, 1016]

[Docket Nos. AO–293–A6, AO–312–A3]

MILK IN WASHINGTON, D.C., AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quintuplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at the Southern Hotel, Baltimore, Maryland, on June 11–12, 1962, and continued at the Marriott Key Bridge Motor Hotel, Arlington, Virginia, on June 13, 1962, pursuant to notice thereof which was issued May 29, 1962 (27 F.R. 5195).

The material issues on the record of the hearing relate to:

A. Issues with respect to the Washington, D.C., order:

1. Definition of producer with respect to delivery of milk to a plant regulated under another order.

2. Qualification of a cooperative association as a handler on bulk tank milk delivered from the farm to other handlers for the cooperative's account.

3. Shrinkage allowances.

4. Modification of base and excess milk provisions.

B. Issues with respect to the Upper Chesapeake Bay order:

5. Diversion of producer milk to nonpool plants.

6. Classification of:

(a) Fortified milk products; (b) milk dumped; and (c) milk lost in transit.

7. Shrinkage allowances.

8. Modification of base and excess milk provisions.

9. Type of pool.

C. Issues with respect to both the Washington, D.C., and the Upper Chesapeake Bay orders:

10. Classification of fluid cream disposition.

11. Application of allocation provisions to milk received from another Federal order market.

12. Class I prices.

13. Miscellaneous and conforming changes.

A proposal with respect to pool plant qualifications under the Washington, D.C., order was not supported at the hearing. This recommended decision deals with Issue No. 5 with respect to diversion under the Upper Chesapeake Bay order and Issue No. 12 with respect to Class I prices under both orders.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

5. *Diversion.* The diversion provisions of the producer definition should be modified to allow more diversion on a percentage basis during the months of October, November, January and February.

The term "diversion" is used to mean the movement of a producer's milk from the farm directly to a nonpool plant while the farmer nevertheless maintains his producer status. Such diversion is an ordinary part of the handling of milk supplies for fluid milk marketing areas. Assurance of an adequate, reliable supply for the market contemplates some reserve in excess of handlers' immediate fluid requirements to meet variations in Class I sales as well as seasonal variation of production. Diversion of reserve milk to nonpool manufacturing plants is more economical than first assembling the milk at a pool plant for subsequent transfer to a manufacturing plant. The advantage of such movement has been enhanced by bulk tank truck pickup at farms, which is the predominant method used in this market.

Under present order provisions, a producer's milk may be diverted to a nonpool plant on any day in the months of March through September, but diversion in other months is limited. During any month of the period October through February a producer's milk may be diverted on 10 days (5 days in the case of every-other-day delivery). As an alternative, it is provided that the total milk of a cooperative's membership may be 10 percent diverted during any of the months of October, November, January and February, and 15 percent in December. The same percentages apply to milk of producers received by handlers who are not cooperative associations. While the percentage diversion allowance is a lesser proportion of the total producer milk during a month than may be diverted on the basis of 10 days per month, it nevertheless provides desirable flexibility and economy in the handling of reserve milk.

Proponent for the change in the diversion provisions is a cooperative association which has assumed responsibility for disposing of a very large part of the reserve milk in the market. Most of this reserve milk is moved to two manufacturing plants, one of which is a pool plant at Westminster, Maryland, and the other, a nonpool plant at Laurel, Maryland. These plants represent the principal outlets readily available with capacity to handle the reserve milk.

The proponent complained that the present diversion provisions tend to restrict the choice of manufacturing outlets during the months of October through February. The present limitations have impelled the cooperative to move substantially more milk to the pool manufacturing plant than is permitted to be diverted to the nonpool plant under the 10 percent diversion allowance.

Greater flexibility in the disposition of reserve milk is desirable. The cooperative association should not be so largely dependent upon pool status of the manufacturing plant. It is concluded the percentage allowance for diverted milk should be 15 percent in each of the months of October through February.

Diversion on a percentage basis may be made under the present order provisions by a cooperative for its members, and by a proprietary handler with respect to milk of either cooperative members or nonmembers. To avoid possible confusion as to diversions by cooperatives and other handlers of cooperative member milk, it should be provided under the percentage diversion provision that member milk will be diverted only for the account of the association. All nonmember milk which is diverted would be, of course, for the account of the operator of the pool plant from which it is diverted. The percentage allowance for nonmember milk should be stated separately.

It would be incumbent upon a handler receiving member milk to ascertain, prior to diverting any of such milk, the basis on which the cooperative is accounting for milk it is diverting to nonpool plants during the month. If the cooperative association is using the percentage basis for diversion, no other handler could account for milk of its members under any diversion provision. It is possible, however, under the provisions adopted herein that the physical arrangements for diversion of member milk might be made by a handler other than the cooperative association under agreement with the association that such diversion will be reported by the association as diversion for its account. The diversion provision should be modified to clearly exclude delivery of milk to a plant where it is priced as producer milk under another order or to the plant of a producer-handler.

12. *Class I price.* The Class I price provisions of the Washington, D.C., and Upper Chesapeake Bay orders should be revised to reflect current marketing conditions.

Since the establishment of the order in the Washington, D.C., market, effective July 1, 1959, the Class I price for milk testing 3.5 percent butterfat has been $5.55 for the months of July through February and $5.10 in other months. A price adjustment formula based on the average of Class I prices under the New York-New Jersey, Philadelphia, and Chicago Federal orders is also provided in the Washington order. The price adjustment depends on the change in the three-market average from the price in the same month of 1958. The Upper Chesapeake Bay order, made effective February 1, 1960, contains the same pricing provisions.

Class I prices in both markets were adjusted downward 20 cents per hundredweight, effective July 1, 1962, on the basis of the formula using the three-market average.[1] This is the only such adjustment the formula has produced.

The Washington, D.C., and Upper Chesapeake Bay markets are closely related and similar considerations affecting the pricing of milk prevail. Although each marketing area is supplied very largely by plants regulated under the respective order, handlers under the two orders compete for sales of milk and cream in fringe areas and particularly with respect to military contracts. Both markets obtain their milk supply largely from producing areas in the States of Maryland, Virginia and Pennsylvania. Producer receipts under both orders from the counties within these states show substantial overlapping of production areas. A large part of the reserve milk of both markets is handled in a single plant. Over the period during which the orders have been effective, the identity of Class I prices in the two markets has been well accepted by producers and handlers as a proper intermarket relationship.

For each of the markets, the supply of producer milk has increased during the period of order regulation. On an annual basis, the supply of milk on the Washington market increased 8.2 percent from 1960 to 1961. For the first six months of 1962, production for the market was 3.3 percent higher than a year earlier. In the Upper Chesapeake Bay market, producer milk supply was 7.3 percent higher in the 12-month period February 1961 through January 1962 than in the preceding 12-month period. In the first six months of 1962, it was 10.1 percent higher than a year before. Part of this increase, however, was due to the advent of new plants under regulation.

During the same periods, the ratio of producer milk to Class I disposition of handlers has also increased. For the Washington market, producer milk was 145.2 percent of handlers' Class I disposition in 1960, and 155.4 in 1961. Data are available for the first six months of 1962 on the basis of official notice of statistics published by the market administrators for these markets for June. For the first six months of each of the years 1960, 1961, and 1962, the ratio of producer milk in the Washington market to Class I disposition of handlers was 145.7 percent, 157.9 percent, and 157.4 percent, respectively.

During the lesser period in which the Upper Chesapeake Bay order has been effective, the ratio of producer milk to Class I disposition in the first twelve months (February 1960 through January 1961) was 133.4 percent, and was 138.0 percent in the like period of 1961–1962.

[1] Official notice is taken of market data published by the market administrators for Washington, D.C., and Upper Chesapeake Bay orders.

For the first six months of 1961 the ratio was 136.8 percent, and for the same period of 1962 was 139.3 percent.

Combined data for both markets show a ratio of producer milk to Class I sales of 140.4 percent for the first twelve months both orders were in operation (February 1960 through January 1961). For the most recent twelve-month period, ending with June 1962 the ratio was 148.0 percent.

In view of the increased amplitude of supply in relation to Class I sales, it is concluded that the price adjustment produced by the formula is in line with changes in market conditions since the establishment of order regulation in the two markets.

Producers in both markets contended that the Class I price should be higher than the level herein adopted, and based their argument on the calculated cost during 1961 of Chicago order milk if delivered to Washington. In the decision of May 1, 1959, a similar calculation, based on 1958 data, produced a figure of $5.375 per hundredweight for the cost of Chicago order milk delivered to Washington. The comparable figure based on 1961 data would be $5.615. Both computations exclude the effect of the Chicago order supply-demand. In that decision, such calculation was used upon the premise that the Class I price ". . . cannot be established at a level which would exceed the cost of securing dependable alternative supplies." The Chicago-Washington relationship was thus used to establish an upper limit, or ceiling. While the same calculation, based on more recent data, might be similarly relevant as to an upper limit for the Washington or Upper Chesapeake Bay price, it does not at the same time establish a lower limit. The relevant information pertaining to local market conditions shows that the market is assured of an adequate supply at a price level lower than the price calculation based upon the Chicago price.

For the preceding reasons, the level of price established for July 1962 ($5.35) is taken as the basic price for months of July through February, and the corresponding seasonal level of $4.90 is taken as the basic price for the months of March through June. This would provide an annual average of $5.20. It is concluded that such basic prices should apply in both markets because of their close relationship and the similarity of conditions affecting the production and marketing of milk.

The basic price should be adjusted in relation to changing market conditions of supply and demand. Local conditions should provide the primary basis for price adjustment. This is in contrast to the present price adjustment formula based entirely upon Class I prices under other orders. It was noted, however, when the Washington, D.C., order was issued, that the formula based on the three-market average was intended only as a temporary method for adjusting prices in line with changing conditions until more complete market information was available. The same formula was adopted on a temporary basis when an order was later issued for the Upper Chesapeake Bay market. Now that more comprehensive market information is available, and in view of the considerable changes in the supply-sales relationship since these orders were issued, it is concluded that the pricing provisions of the two orders should be revised to give significance to local market factors.

The basic price should be adjusted in relation to the ratio of producer milk supplies to Class I milk disposition. In view of the conclusion to maintain the same Class I price in both markets, the price adjustment factor should be based on total producer milk and the total Class I disposition of pool handlers in the two markets.

The adjustment mechanism adopted herein is intended to reflect changing market conditions while at the same time assuring considerable stability in Class I pricing. The percentage relationship of producer milk to Class I disposition of pool handlers in the most recent two-month period for which data are available should be the primary basis of the adjustment. Thus, a January Class I price adjustment would be based on producer milk supplies and Class I dispositions in the months of October and November preceding. Deviation of such current utilization percentages from a corresponding standard (base) percentage would provide the measure of the amount of price adjustment to be made. The order provisions herein adopted provide a table of standard utilization percentages which recognize seasonal changes in utilization of the two markets.

It is not to be expected, however, that the ratio of producer milk to Class I milk disposition will follow a precise seasonal pattern each year. For this reason, the standard utilization percentages include a range within which utilization may vary without producing price adjustment. Deviations of the current two-month utilization percentage above the maximum or below the minimum range of these standards would be the basis for minus or plus adjustments, respectively, at the rate of 2 cents for each whole percentage of deviation. Two additional features limiting the adjustments will tend to assure that the adjustments will reflect substantial trends in utilization in the two markets. First, changes in the amount of the adjustment would be limited to 4 cents per month. Second, the amount of the adjustment would be limited in relation to the most recent 12-month average utilization percentage.

The 12-month utilization percentage (producer milk as a percent of Class I disposition) for the two markets increased from 140.4 percent in the period February 1960 through January 1961 to 148.0 percent in the most recent period of July 1961 through June 1962. During most of this period, the percentage shows a steady upward trend of supply in relation to Class I milk disposition, reaching a maximum of 149.2 percent in the 12 months ending with April 1962.

The six most recent 12-month utilization percentages (for periods ending with the months of January through June 1962) average approximately 148.5 percent. This is taken as a base utilization percentage from which future changes would be reckoned. Deviation of any current 12-month utilization percentage (that ending with the second month preceding the pricing month) from 148.5 percent would be the measure of change. This deviation would not be used directly to adjust the Class I price, but would provide a limiting factor. Price adjustments based on the current two-month utilization percentage would be limited to the extent that the deviation of such percentage from the applicable standard does not differ by more than 5 from the deviation of the 12-month utilization percentage from 148.5 percent.

If the supply-demand adjustment described herein had been in effect during 1961 and the first eight months of 1962, monthly price adjustments ranging from minus 4 cents to plus 6 cents would have occurred. The average for the period, including months in which no adjustment would have occurred, would have been a plus 0.5 cents.

A reasonable alignment of the price level in these markets with nearby other major markets in the East is desirable. With respect to the relationship to the Philadelphia and New York markets, the Secretary's decision of May 1, 1959, on the promulgation of the Washington, D.C., order (24 F.R. 3630) cites the findings of a committee of economists, who had studied the pricing problem, "* * * that the Washington market production area overlaps that of Philadelphia and to a degree that of New York and hence bulk milk supplies regulated by these orders are, in many instances, within easy trucking distance of Washington. They[2] concluded, therefore, that notwithstanding the need for general price alignment with Chicago, for reasons previously stated, it is essential that a close alignment also be maintained between Class I prices in the Washington, Philadelphia and New York markets." In that decision, it was concluded that, "* * * this mechanism will produce appropriate changes in the Washington Class I price which reflect changes on the national market for milk and cost factors affecting the supply and demand for milk and will maintain a reasonable alignment of price between markets during the interim period of operation of the order."

Although the prior and direct monthly relationship to the Chicago order price should be discontinued, price alignment for the Washington, D.C., and Upper Chesapeake Bay markets with the Philadelphia and New York-New Jersey markets is needed. The contiguity of production areas, which in some parts overlap, and the accessibility of milk supplies from such other markets indicate the need for reasonable price relationship.

For the purpose of making price comparisons, monthly prices in the several markets have been adjusted to the corresponding annual level by eliminating the seasonal adjustment, and the price for the Philadelphia market has been converted to a 3.5 percent butterfat basis. In the Philadelphia order, this is the

[2] The committee.

"annual level" referred to in § 1004.50 (a) (3) adjusted for supply-demand and the relationship to the Midwestern condensery price. In the case of the New York-New Jersey prices, the announced Class I–A price for the 201–210 mile zone was divided by the seasonal adjustment factor. From this comparison of the Washington, D.C., Class I price with the average of the Philadelphia and New York-New Jersey prices, it is seen that the Washington price has been lower in 33 months of the 36-month period ending with June 1962. The average difference was 9 cents. During the first 6 months of 1962, the Washington, D.C., price averaged 7 cents under the Philadelphia and New York-New Jersey average.

The preceding historical data are not considered to show precisely what relationship should be maintained for the Washington and Upper Chesapeake Bay markets in comparison to the Philadelphia and New York markets. In view of the availability of supplies from the other markets, however, it is reasonable under foreseeable conditions that the price for the Washington and Upper Chesapeake Bay markets should not differ significantly from the past relationship to the average level of prices under the other orders. For this reason, a 15-cent limitation is adopted as the maximum amount by which the Class I price in the local markets might differ from the average of the Philadelphia and New York-New Jersey prices of the same month, in each case converted to an annual equivalent basis.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the isssuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

1. The introductory text and paragraph (a) in § 1003.50 is revised to read as follows:

§ 1003.50 Class prices.

Subject to the provisions of §§ 1003.51 and 1003.52 the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I price.* The price for Class I milk shall be $5.35 per hundredweight for the months of July through February and $4.90 per hundredweight for the months of March through June, plus or minus a supply-demand adjustment computed pursuant to subparagraph (1) of this paragraph: *Provided,* That the Class I price less 15 cents in any of the months of July through February and plus 30 cents in any of the months of March through June shall not differ by more than 15 cents from the average price determined pursuant to subparagraph (2) of this paragraph.

(1) Calculate a supply-demand adjustment by multiplying by 2 cents the adjusted deviation percentage calculated pursuant to subdivision (iv) of this subparagraph, such supply-demand adjustment to be a plus adjustment if such deviation percentage is negative, or a minus adjustment if such deviation percentage is positive: *Provided,* That the supply-demand adjustment for any month shall not differ from the supply-demand adjustment of the preceding month by more than 4 cents.

(i) Calculate the utilization percentages for the two-month period and the 12-month period each ending with the second preceding month, by dividing the total quantity of producer milk received under the Washington, D.C., and Upper Chesapeake Bay Federal milk orders during each period by the total quantity of Class I milk disposed of from all pool plants regulated under both orders (excluding any duplication because of disposition between plants) during the same period, respectively, and in each case multiply by 100.

(ii) If the 2-month utilization percentage computed pursuant to subdivision (i) of this subparagraph is less than the applicable minimum standard utilization percentage in the following table, calculate the difference (rounded to the nearest whole percent) as a negative deviation percentage; or if the 2-month utilization percentage calculated pursuant to subdivision (i) of this subparagraph exceeds the applicable maximum standard utilization percentage in the following table, calculate the difference (rounded to the nearest whole percent) as a positive deviation percentage:

Month for which price applies	Month for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October–November	133	137
February	November–December	133	137
March	December–January	138	142
April	January–February	140	144
May	February–March	140	144
June	March–April	143	147
July	April–May	156	160
August	May–June	160	164
September	June–July	159	163
October	July–August	160	164
November	August–September	152	156
December	September–October	138	142

(iii) If the 12-month utilization percentage calculated pursuant to subdivision (i) of this subparagraph is less than 148.5 percent, calculate such difference (rounded to the nearest whole percent) as a negative deviation percentage or if such 12-month utilization percentage is more than 148.5 percent, calculate such difference (rounded to the nearest whole percent) as a positive deviation percentage.

(iv) Calculate an adjusted deviation percentage by adjusting the deviation percentage calculated pursuant to subdivision (ii) so that it does not differ by more than 5 from the deviation percentage calculated pursuant to subdivision (iii).

(2) The average (rounded to the nearest even cent) of the prices determined pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) The Class I price for the same month under Order No. 4 for the Philadelphia marketing area for milk testing 3.5 percent butterfat adjusted by adding 40 cents in the months of April, May, and June and subtracting 40 cents in the months of October, November, and December, and

(ii) The Class I–A price for the same month prior to seasonal adjustment under Order No. 2 for the New York-New Jersey marketing area.

2. In section 1016.2, paragraph (e) is revised to read as follows:

§ 1016.2 Definitions of persons.

* * * * *

(e) "Producer" means any dairy farmer (except a producer-handler or a dairy farmer for other markets) with respect to milk of his production which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4), or which is diverted to a nonpool plant

(except a plant of a producer-handler or a plant where such milk would be priced as producer milk subject to the provisions of another order issued pursuant to the Act) during any month(s) of March through September, or which is diverted during any month(s) of October through February to such a nonpool plant in accordance with the provisions of subparagraphs (1), (2), or (3) of this paragraph: *Provided,* That the milk so diverted shall be deemed to have been received at the pool plant from which diverted: *And provided further,* That a handler shall notify a cooperative association prior to diverting milk of such cooperative's members during the month: *And provided also,* That if diversions by a cooperative association or other handler exceed the limits described in subparagraphs (1) or (2), respectively, of this paragraph, all diversions by such handler shall be subject to the limit of the number of days of diversion pursuant to subparagraph (3) of this paragraph:

(1) Diverted as the milk of a member of a cooperative association for the account of such association, if member milk so diverted does not exceed 15 percent of the total of such diverted milk and other milk of members of such cooperative association received at pool plants during the month;

(2) Diverted as the milk of a dairy farmer not a member of a cooperative association for the account of a handler not a cooperative association in his capacity as the operator of a pool plant from which the quantity of nonmember milk so diverted does not exceed 15 percent of the total of such diverted milk and other nonmember milk which is received at the pool plant during the month; or

(3) Diverted not more than 10 days (5 days in the case of every-other-day delivery) during the month, except that the definition of producer pursuant to this subparagraph shall not include any dairy farmer with respect to the milk of such farmer which is, during any month of the October through February period, delivered to nonpool plants on days in excess of the number of days specified in this subparagraph.

3. The introductory text and paragraph (a) in § 1016.50 is revised to read as follows:

§ 1016.50 Class prices.

Subject to the provisions of §§ 1016.51 and 1016.52 the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I price.* The price for Class I milk shall be $5.35 per hundredweight for the months of July through February and $4.90 per hundredweight for the months of March through June, plus or minus a supply-demand adjustment computed pursuant to subparagraph (1) of this paragraph: *Provided,* That the Class I price less 15 cents in any of the months of July through February and plus 30 cents in any of the months of March through June shall not differ by more than 15 cents from the average price determined pursuant to subparagraph (2) of this paragraph.

(1) Calculate a supply-demand adjustment by multiplying by 2 cents the adjusted deviation percentage calculated pursuant to subdivision (iv) of this subparagraph, such supply-demand adjustment to be a plus adjustment if such deviation percentage is negative, or a minus adjustment if such deviation percentage is positive: *Provided,* That the supply-demand adjustment for any month shall not differ from the supply-demand adjustment of the preceding month by more than 4 cents.

(i) Calculate the utilization percentages for the two-month period and the 12-month period, each ending with the second preceding month, by dividing the total quantity of producer milk received under the Washington, D.C., and Upper Chesapeake Bay Federal milk orders during each period by the total quantity of Class I milk disposed of from all pool plants regulated under both orders (excluding any duplication because of disposition between plants) during the same period, respectively, and in each case multiply by 100.

(ii) If the 2-month utilization percentage computed pursuant to subdivision (i) of this subparagraph is less than the applicable minimum standard utilization percentage in the following table, calculate the difference (rounded to the nearest whole percent) as a negative deviation percentage; or if the two-month utilization percentage calculated pursuant to subdivision (i) of this subparagraph exceeds the applicable maximum standard utilization percentage in the following table, calculate the difference (rounded to the nearest whole percent) as a positive deviation percentage:

Month for which price applies	Month for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October–November	133	137
February	November–December	133	137
March	December–January	138	142
April	January–February	140	144
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June	March–April	143	147
July	April–May	156	160
August	May–June	160	164
September	June–July	159	163
October	July–August	160	164
November	August–September	152	156
December	September–October	138	142

(iii) If the 12-month utilization percentage calculated pursuant to subdivision (i) of this subparagraph is less than 148.5 percent, calculate such difference (rounded to the nearest whole percent) as a negative deviation percentage, or if such 12-month utilization percentage is more than 148.5 percent calculate such difference (rounded to the nearest whole percent) as a positive deviation percentage.

(iv) Calculate an adjusted deviation percentage by adjusting the deviation percentage calculated pursuant to subdivision (ii) so that it does not differ by more than 5 from the deviation percentage calculated pursuant to subdivision (iii).

(2) The average (rounded to the nearest even cent) of the prices determined pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) The Class I price for the same month under Order No. 4 for the Philadelphia marketing area for milk testing 3.5 percent butterfat adjusted by adding 40 cents in the months of April, May, and June and subtracting 40 cents in the months of October, November, and December, and

(ii) The Class I-A price for the same month prior to seasonal adjustment under Order No. 2 for the New York-New Jersey marketing area.

Signed at Washington, D.C., on September 7, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-9123; Filed, Sept. 11, 1962; 8:56 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Parts 608, 609, 611]

[Administrative Order No. 566]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment to Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511. I hereby appoint Industry Committee No. 56–A for the Women's and Children's Underwear and Women's Blouse Industry in Puerto Rico; Industry Committee No. 56–B for the Handkerchief, Scarf, and Art Linen Industry in Puerto Rico; and Industry Committee No. 56–C for the Sweater and Knit Swimwear Industry in Puerto Rico.

The definitions of the industries for which industry committes are appointed by this order are set forth below.

The Women's and Children's Underwear and Women's Blouse Industry in Puerto Rico is defined as:

The knitting or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6x or under, and infants' underwear and nightwear, including but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, and neckwear (including collar and cuff sets but excluding scarves): *Provided, however,* That the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico (29 CFR Part 614); or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

The Handkerchief, Scarf, and Art Linen Industry in Puerto Rico is defined as:

The manufacture of plain, scalloped, or ornamented handkerchiefs and scarves;

the manufacture of art linen, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other materials: *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

The Sweater and Knit Swimwear Industry in Puerto Rico is defined as:

The manufacture of men's, women's, misses', boys', and girls' knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following:

(1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 56–A shall meet in executive session to commence its investigation at 10:00 a.m. on October 15, 1962, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing Industry Committees Nos. 56–B and 56–C shall meet seriatim at the same place at hours designated by the committee chairman to conduct their investigations and to hold their hearings.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.15 prescribed in paragraph (1) of section 6(a) of the Act, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.00 prescribed in section 6(b) of the Act, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare economic reports for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such reports may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than October 5, 1962.

Signed at Washington, D.C., this 7th day of September 1962.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 62-9120; Filed, Sept. 11, 1962 8:55 a.m.]

[29 CFR Parts 614, 615]

[Administrative Order No. 567]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment to Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 57–A for the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico; and Industry Committee No. 57–B for the Men's and Boys' Clothing and Related Products Industry in Puerto Rico.

The definitions of the industries for which industry committees are appointed by this order are set forth below.

The Corsets, Brassieres, and Allied Garments Industry in Puerto Rico is defined as:

The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

The Men's and Boys' Clothing and Related Products Industry in Puerto Rico is defined as:

The manufacture from any material of men's and boys' clothing, furnishings, accessories, and related products: *Provided, however,* That the industry shall not include the manufacture of handmade straw hats, gloves, hosiery, footwear, belts (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico (29 CFR Part 610) or in the women's and children's underwear and women's blouse industry in Puerto Rico (29 CFR Part 609).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following:

(1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce, and

(2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendment of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the com-

mittee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 57–A shall meet in executive session to commence its investigation at 10:00 a.m. on November 8, 1962, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing Industry Committee No. 57–B shall meet at the same place at the time designated by the committee chairman to conduct its investigation and to hold its hearing.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.15 prescribed in paragraph (1) of section 6(a) of the Act, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.00 prescribed in section 6(b) of the Act, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such report may be obtained at the national and Puerto Rican office of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR, Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than October 29, 1962.

Signed at Washington, D.C., this 6th day of September 1962.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 62–9119; Filed, Sept. 11, 1962; 8:55 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing an increase in the tolerances for residues of 1-naphthyl *N*-methylcarbamate in or on corn fodder and corn forage from 25 parts per million to 100 parts per million.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate consists of extraction with methylene chloride. The cleaned up residue is hydrolyzed with potassium hydroxide, and the 1-naphthol formed is determined colorimetrically at 475 mμ after reacting with p-nitrobenzenediazonium fluoroborate.

Dated: September 5, 1962.

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

[F.R. Doc. 62–9100; Filed, Sept. 11, 1962; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 918) has been filed by Chas. Pfizer and Company, Inc., 235 East Forty-second Street, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of polyethylene glycol 400 as a dispersing adjuvant for fat-soluble vitamins in vitamin and vitamin-mineral preparations.

Dated: September 6, 1962.

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

[F.R. Doc. 62–9101; Filed, Sept. 11, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Withdrawal of Notice of Filing of Petition

In the FEDERAL REGISTER of January 19, 1962 (27 F.R. 588), notice was given that a petition (FAP 658) had been filed by The Griffith Laboratories, Inc., 855 Rahway Avenue, Union, New Jersey, proposing the issuance of a regulation to provide for the safe use of ethylene oxide as a fumigating agent for isolated soybean protein employed as a sizing agent in the manufacture of paper and paperboard intended for use in contact with food.

Evaluation of the data contained in the petition, and other relevant material, demonstrates that fumigating agents are not food additives when used to fumigate materials employed as sizing in the manufacture of paper and paperboard intended for use in contact with food. Notice of filing of petition is hereby withdrawn.

Dated: September 6, 1962.

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

[F.R. Doc. 62–9102; Filed, Sept. 11, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 925) has been filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of synthetic glycerin containing not more than 0.2 percent by weight of butanetriols in or on food.

Dated: September 6, 1962.

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

[F.R. Doc. 62–9103; Filed, Sept. 11, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 904) has been filed by W. R. Grace and Company, Dewey and Almy Chemical Division, 62 Whittemore Avenue, Cambridge 40, Massachusetts, proposing the issuance of a regulation to provide for the safe use of *p, p'*-oxybis (benzenesulfonylhydrazide) at less than 2 percent in compositions for closures with sealing gaskets for food containers.

Dated: September 6, 1962.

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

[F.R. Doc. 62-9104; Filed, Sept. 11, 1962; 8:53 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 211]

[Delegation of Authority No. 85–11A]

PEACE CORPS

Continuance

By virtue of the authority vested in me by the Executive Order No. 11041 of August 6, 1962 (27 F.R. 7859), the Peace Corps Act (75 Stat. 612) (hereinafter "the Act"), section 4 of the Act of May 26, 1949 (63 Stat. 111), and as Secretary of State, it is ordered as follows:

SECTION 1. *Continuance of the Peace Corps.* There is hereby continued in existence under the Act as an agency in the Department of State the Peace Corps established by Delegation of Authority No. 85–11 of March 3, 1961 (26 F.R. 2196), pursuant to Executive Order No. 10924 of March 1, 1961 (26 F.R. 1789), with the records, property, functions, personnel, positions and funds thereof. The Peace Corps shall be headed by a Director as provided in section 102(b) of Executive Order No. 11041. The Deputy Director of the Peace Corps shall exercise such functions as the Director deems appropriate.

SEC. 2. *Functions of the Director of the Peace Corps.* (a) Exclusive of the functions otherwise delegated or reserved to the Secretary of State herein, there are hereby delegated to the Director:

(1) The functions conferred upon the Secretary of State by the sections 101 and 303 of Executive Order No. 11041.

(2) The functions conferred upon the Secretary of State by the second sentence of section 9 of the Act.

(3) The functions conferred upon the Secretary of State under any provision of law, other than the Act and the Foreign Service Act of 1946, pertaining specifically, or generally applicable, to Foreign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees, including the authority to prescribe or issue regulations, orders, and instructions in pursuance of such provisions of law.

(4) The functions conferred upon the Secretary of State by the last sentence of section 402 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 398) to the extent they relate to functions under the Act delegated to or vested in the Director.

(b) The authority of the Foreign Service Act of 1946 to appoint, employ, and assign personnel, which the Director is authorized to exercise pursuant to section 7(c)(2) of the Act, and the provisions of the Foreign Service Act which shall apply to personnel so appointed or assigned, shall consist of:

(1) The authority available to the Secretary of State under the Foreign Service Act of 1946 (including section 571 of that Act) relating to Foreign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees.

(2) The authority available to the Secretary of State under sections 1021 through 1071 of the Foreign Service Act of 1946.

(3) The authority available to the Board of Foreign Service under the Foreign Service Act of 1946.

(4) The authority to prescribe or issue in pursuance of the Foreign Service Act of 1946 and the Act, such regulations, orders, and instructions, as may be incidental to, or necessary for, or desirable in connection with, the carrying out of the provisions of section 7(c)(2) of the Act or the provisions of this Delegation of Authority.

(5) The prohibitions contained in sections 1001 through 1005 of the Foreign Service Act of 1946.

(c) The concurrence of the Secretary of State shall be required with respect to the exercise by the Director of so much of the functions herein delegated pursuant to section 7(c)(1) of the Act as consists of the authorization of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 for persons employed or assigned by United States Government agencies, other than the Peace Corps.

SEC. 3. *Allocation of funds.* The Director is designated as the officer to whom all funds appropriated or otherwise made available to the President for carrying out the provisions of the Act shall be deemed to have been allocated by section 103 of Executive Order No. 11041.

SEC. 4. *Functions reserved to the Secretary of State or otherwise provided for.* There are hereby reserved to the Secretary of State:

(a) The functions of fixing the rates of compensation of the Director and Deputy Director of the Peace Corps conferred upon the President by section 4(a) of the Act.

(b) The functions with respect to the Foreign Service Act of 1946 conferred upon the President by section 5(f)(1)(B) of the Act.

(c) The functions of negotiating, concluding and terminating international agreements under the Act.

SEC. 5. *Successive delegation of functions.* The Director may, to the extent consistent with law, delegate or assign any of the functions delegated or assigned to him by this Delegation of Authority and authorize any of his subordinates to whom functions are so delegated or assigned successively to redelegate or reassign any of such functions.

SEC. 6. *Rules and regulations.* The Director may promulgate from time to time, to the extent consistent with law, such rules and regulations as may be necessary and proper to carry out any of his functions.

SEC. 7. *General provisions.* (a) Any reference in this Delegation of Authority to any Act, order, or delegation of authority shall be deemed to be a reference to such Act, order, or delegation of authority as amended from time to time.

(b) This Delegation of Authority supersedes Delegation of Authority No. 85–11 of March 3, 1961 (26 F.R. 2196), and Redelegation of Authority No. 85–10B of March 4, 1961 (26 F.R. 2196): *Provided,* That all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any functions affected by this Delegation of Authority, and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(c) Notwithstanding any provisions of this Delegation of Authority, the Secretary of State may at any time exercise any function delegated by this Delegation of Authority.

(d) This Delegation of Authority shall be deemed to have become effective on August 6, 1962.

Dated: August 29, 1962.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 62–9080; Filed, Sept. 11, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–99]

BABCOCK & WILCOX CO.

Notice of Proposed Issuance of Construction Permit and Amendment to Utilization Facility License

Please take notice that unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission ("the Commission") by The Babcock and Wilcox Company ("the licensee") or a petition for leave to intervene is filed, as provided by and in accordance with the Commission's rules of practice (10 CFR 2), the Commission proposes to issue to the licensee a construction permit substantially as set forth in Appendix A. The permit, as requested by the licensee in its application dated May 11, 1962, and supplement thereto dated July 27, 1962 (these two documents are hereinafter collectively referred to as "the application"), would authorize the licensee to make certain modifications in its Lynchburg Pool Reactor ("the reactor") located near Lynchburg, Virginia,

to enable the reactor to be operated at increased power levels.

Notice is also hereby given that upon completion of construction and inspection of the activities authorized by the construction permit the Commission may, without further prior public notice, issue an amendment to Facility License No. R–47, substantially as set forth in Appendix B, authorizing operation of the modified reactor at steady-state power levels not exceeding one megawatt thermal.

The Commission has found that the application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR.

For further details see (1) the hazards analysis prepared by the Division of Licensing and Regulation and (2) the application, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 5th day of September 1962.

For the Atomic Energy Commission.

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

[F.R. Doc. 62–9065; Filed, Sept. 11, 1962; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST AND MERCHANTS NATIONAL BANK OF RICHMOND AND AUGUSTA NATIONAL BANK OF STAUNTON

Notice of Decision Granting Application To Merge

On June 27, 1962, the $284.7 million First and Merchants National Bank of Richmond, Richmond, Virginia, applied to the Comptroller of the Currency for permission to merge, under its charter and title, the $12 million Augusta National Bank of Staunton, Staunton, Virginia.

On August 31, 1962, the Comptroller of the Currency granted this application, effective on or after September 7, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 5, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–9093; Filed, Sept. 11, 1962; 8:50 a.m.]

INDUSTRIAL VALLEY BANK AND TRUST CO. AND PHOENIXVILLE TRUST CO.

Notice of Report on Competitive Factors Involved in Merger Application

On July 31, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828 (c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $101 million Industrial Valley Bank and Trust Company, Jenkintown, Pennsylvania, with the $7 million Phoenixville Trust Company, Phoenixville, Pennsylvania, under the charter and title of the former.

On August 31, 1962, the Comptroller of the Currency reported that there is no present direct competition between the two institutions and that the proposed merger would not adversely affect the banking structure of the area served by either bank. He concluded that the effect of the proposed transaction on banking competition would not be unfavorable.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 7, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–9094; Filed, Sept. 11, 1962; 8:50 a.m.]

NORTHWESTERN BANK, BANK OF MADISON, STATE PLANTERS BANK, AND STATE BANK OF BURKE

Notice of Report on Competitive Factors Involved in Merger Applications

On August 1, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828 (c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed mergers of the $122.5 million Northwestern Bank, North Wilkesboro, North Carolina, with the $7.3 million Bank of Madison, Madison, North Carolina, the $4.9 million State Planters Bank, Walnut Cove, North Carolina, and the $7.5 million State Bank of Burke, Morganton, North Carolina, all under the charter and title of the Northwestern Bank.

On September 6, 1962, the Comptroller of the Currency reported that the three proposed mergers would have an adverse effect upon competition in the areas involved. He observed that under the banking laws of North Carolina, larger banks could expand through de novo branching to meet increasing economic demands without the detriment to healthy banking competition flowing from a wholesale elimination of small banks.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 7, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–9095; Filed, Sept. 11, 1962; 8:50 a.m.]

STATE NATIONAL BANK OF CONNECTICUT

Notice of Decision Approving Change of Location

On May 29, 1962, the State National Bank of Connecticut, pursuant to 12 U.S.C. 30, applied for the approval by the Comptroller of the Currency of a change of location of its main office from 1 Atlantic Street, Stamford, Connecticut, to 2834 Fairfield Avenue, Bridgeport, Connecticut, and for contemporaneous permission to continue operation of its banking facility at 1 Atlantic Street. Because of widespread public interest, the Comptroller of the Currency held a public hearing on August 9, 1962, in Washington, D.C.

On August 31, 1962, the Comptroller of the Currency approved the change of location of the main office to become effective on or after approval by the vote of shareholders owning two-thirds of the stock of the banking association, but stated that approval of the relocation contemplated the closing of the bank's present office at 1 Atlantic Street on the effective date of the move to Bridgeport.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 7, 1962.

A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–9096; Filed, Sept. 11, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12865, 12866; FCC 62M–1181]

CHRONICLE PUBLISHING CO. (KRON–TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO–TV)

Order Scheduling Prehearing Conference

Chronicle Publishing Company (KRON–TV), San Francisco, California, Docket No. 12865, File No. BPCT–2168; American Broadcasting-Paramount Theatres, Inc. (KGO–TV), San Francisco, California, Docket No. 12866, File No. BPCT–2401; for construction permits to increase antenna heights.

Pursuant to a prehearing conference held this date: *It is ordered,* This 5th

day of September 1962, that a further prehearing conference will be held on January 4, 1963, 9:00 a.m., in the Commission's Offices, Washington, D.C.

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9114; Filed, Sept. 11, 1962; 8:54 a.m.]

[Docket No. 14677; FCC 62M-1182]

POPLAR BLUFF BROADCASTING CO. (KWOC)

Order Regarding Procedural Dates

In re application of Poplar Bluff Broadcasting Company (KWOC), Poplar Bluff, Missouri, Docket No. 14677, File No. BP-14495; for construction permit.

The Hearing Examiner having under consideration a "Petition to Continue Hearing and to Change Procedural Dates" filed by Poplar Bluff Broadcasting Company in the above-entitled proceeding on August 31, 1962, requesting that the dates now fixed for further proceedings in this case be continued;

It appearing, that additional engineering data in the form of measurements on file with the Commission necessitate a revision of the engineering exhibits on the part of the applicant, which revision will make the presently scheduled dates for further proceedings in this matter impossible of attainment; and

It further appearing, that counsel for the other parties and the Broadcast Bureau have consented to the immediate consideration and grant of this petition, and that good cause has been shown therefor;

It is ordered, This 5th day of September 1962, that the "Petition to Continue Hearing and to Change Procedural Dates" filed by Poplar Bluff Broadcasting Company, be, and the same is, hereby granted, and that the following dates shall govern further proceedings in this matter in lieu of those presently specified:

Exchange of Engineering Exhibits	Sept. 28, 1962
Exchange of Rebuttal Exhibits	Oct. 12, 1962
Notification of Witnesses	Oct. 19, 1962
Hearing	Oct. 24, 1962

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9115; Filed, Sept. 11, 1962; 8:54 a.m.]

[Docket Nos. 14193, 14194; FCC 62M-1184]

SMACKOVER RADIO, INC., AND MAGNOLIA BROADCASTING CO. (KVMA)

Order Regarding Date and Place of Hearing

In re applications of Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193, File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP-14717; for construction permits.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed August 29, 1962, requesting change in the place of hearing in the above-entitled proceeding from Washington, D.C., to Camden, Arkansas;

It appearing, that the petition states sufficient cause, and that a field hearing in the proceeding is required in order to obtain a complete record under the "good faith" issue herein presented;

It appearing further, that, by order released September 5, 1962, the presiding officer originally designated to serve herein, on his own motion, continued indefinitely the hearing in the proceeding which had been scheduled to commence September 12, 1962;

It is ordered, This 6th day of September 1962, that the petition is granted and that the place of hearing in the above-entitled proceeding is changed from Washington, D.C., to Camden, Arkansas: *And it is further ordered*, That Thomas H. Donahue, who presently has hearings in Docket No. 14723 scheduled to be held in the State of Arkansas commencing October 22, 1962, in lieu of Herbert Sharfman, will preside at the hearing in this proceeding which is hereby scheduled to commence on November 1, 1962.

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9116; Filed, Sept. 11, 1962; 8:54 a.m.]

[Docket No. 14676; FCC 62M-1187]

ST. MARTIN BROADCASTING CO.

Order Continuing Hearing

In re application of Dierrell Hamm, tr/as St. Martin Broadcasting Co., St. Martinville, Louisiana, Docket No. 14676, File No. BP-14207; for construction permit.

It is ordered, This 6th day of September 1962, on the Chief Hearing Examiner's own motion, that, by reason of the field hearing schedule of the presiding Hearing Examiner in the above-entitled proceeding which will require his presence in Camden, Arkansas, during the early part of November 1962, the hearing herein which heretofore was scheduled to commence November 1, 1962, is continued to November 21, 1962.

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9117; Filed, Sept. 11, 1962; 8:54 a.m.]

[Docket No. 14754; FCC 62-908]

WESTERN UNION TELEGRAPH CO.

Proposed New and Increased Rates for Telegraph Messages of Tieline Customers; Order Instituting Investigation

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration Transmittal Letter No. 5327 and revised tariff schedules filed therewith by The Western Union Telegraph Company (Western Union) to become effective September 9, 1962, designated as follows: "The Western Union Telegraph Company, Tariff F.C.C. No. 232, 17th Revised Page 9, 4th Revised Page 9A", amending certain schedules contained in the tariff so as to discontinue "a reduction of 20 cents per message" for certain messages filed over a tieline connection or a Telex connection to any office of the Telegraph Company; and also having under consideration a request of The Administrator of General Services for suspension and investigation of the above-cited tariff schedules and a reply thereto filed by Western Union; and also having under consideration monthly reports of origin to destination speed of service submitted by Western Union pursuant to Part 64 of the Commission's rules; and

It appearing, that the above-cited schedules contain new and increased charges for certain interstate communications services and that the Commission is unable to determine from an examination of the above-cited tariff schedules whether the charges contained therein will be lawful under the Communications Act of 1934, as amended;

It further appearing, that the speed of message telegraph service in certain cities may be inadequate;

It further appearing, that if the above-cited tariff schedules are permitted to become effective on the dates specified therein, the rights and interests of the public may be adversely affected thereby;

It is ordered, That, pursuant to sections 201, 202, 204, 205, 214, and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the charges set forth in the above-cited tariff schedules and any amendments or successive issues thereof effected during the pendancy of the investigation;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-described tariff schedules is hereby suspended, unless otherwise ordered by the Commission, until December 9, 1962, and that during said period of suspension no changes shall be made in said tariff schedules or in the charges sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following matters:

(1) The effect of increased wages, effective June 1, July 1, and September 1, 1962, and June 1 and 30, 1963, on Western Union's operating expenses to be allowed in fixing rates for the future and the proper apportionment of such expenses to each of the services and classifications offered by the Company;

(2) Whether the above-cited tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

(3) Whether any of the charges, classifications, regulations or practices contained in the above-cited tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

(4) Whether the proposed increased rates will cause the users affected thereby to divert their communications from Western Union, and, if so, to what extent;

(5) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariffs herein suspended, and, if so, what charges, classifications, regulations and practices should be prescribed;

(6) Whether Western Union should be required to improve the speed of domestic message telegraph service within the United States in connection with any rate increases to be authorized herein, and, if so, to what extent;

It is further ordered, That, in the event a decision as to the lawfulness of the provisions suspended has not been made during the aforesaid suspension period, and said increased charges, practices, classifications, regulations, facilities, and services go into effect, The Western Union Telegraph Company and its connecting and concurring carriers shall, until further order of the Commission, keep accurate account of all amounts received by reason of such increase specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision herein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, and the carrier shall file with the Commission a report on or before the 10th day of each calendar month, commencing January 10, 1963, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That, a copy of this Order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Western Union Telegraph Company and all carriers listed in its Tariff F.C.C. No. 211 as concurring carriers with respect to matters contained in said tariff schedules herein suspended are hereby made parties respondent to this proceeding; and that a copy hereof be served upon each such respondent; upon the agency of each State which has regulatory jurisdiction with respect to communication rates and services and the National Association of Railroad and Utilities Commissioners;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified, before a presiding officer to be designated hereafter who shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision.

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9106; Filed, Sept. 11, 1962; 8:53 a.m.]

[Docket No. 14754; FCC 62M-1193]

WESTERN UNION TELEGRAPH CO.

Proposed New and Increased Rates for Telegraph Messages of Tieline Customers; Order Scheduling Hearing and Prehearing Conference

It is ordered, This 7th day of September 1962, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 15, 1962, at 10:00 a.m. in the Offices of the Commission, Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer on October 1, 1962, at 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: September 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9107; Filed, Sept. 11, 1962; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B-1206]

AMERICAN RADIOTELEPHONE CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 5, 1962.

I. American Radiotelephone Corporation (issuer), a Massachusetts corporation, 215 Oak Street, Natick, Massachusetts, filed with the Commission on March 2, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of $250,000 of 8 percent convertible debentures due 1966, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of Regulation A were not complied with in that:

1. The issuer failed to furnish the offering circular required by Rule 256 to certain purchasers of the issuer's convertible debentures.

2. The issuer failed to file sales literature with the Commission as required by Rule 258.

B. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, in that:

1. It was misrepresented to certain investors that an offering of common stock of the issuer would shortly go on the market at $15 to $20 per share.

2. It was misrepresented to certain investors that of the $250,000 of convertible debentures offered pursuant to the filing, $221,000 had been sold.

3. It was misrepresented to certain investors that the issuer was acquiring several companies through mergers.

4. It was misrepresented to certain investors that the "Nomad" cordless microphone was the best in the field because "all the bugs had been worked out."

5. It was misrepresented to certain investors that the former president of the company owned 73 percent of the voting stock.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9052; Filed, Sept. 10, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 226]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 7, 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 1824 (Deviation No. 1), PRESTON TRUCKING COMPANY, INC., Preston, Md., filed August 29, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 17, thence over U.S. Highway 17 to Newport News, Va., thence via Hampton Roads Bridge Tunnel to Norfolk, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore over U.S. Highway 1 to Petersburg, Va. and thence over U.S. Highway 460 to Norfolk, Va. and return over the same route.

No. MC 1824 (Deviation No. 2), PRESTON TRUCKING COMPANY, INC., Preston, Md., filed August 29, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general* commodities, with certain exceptions, over a deviation route as follows: From Washington over Maryland Highway 5 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 17 and thence over U.S. Highway 17 to Newport News, Va., thence over Hampton Roads Bridge Tunnel to Norfolk, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 460 to Norfolk, Va., and return over the same route.

No. MC 1824 (Deviation No. 3), PRESTON TRUCKING COMPANY, INC., Preston, Md., filed August 29, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, as follows: From Fredericksburg over U.S. Highway 17 to Newport News, Va., thence via Hampton Roads Bridge Tunnel to Norfolk, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 460 to Norfolk, Va., and return over the same route.

By the Commission.

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

[F.R. Doc. 62-9087; Filed, Sept. 11, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 7, 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. 37921: *Roofing materials from and to East Chicago, Ind.* Filed by Southwestern Freight Bureau, Agent (No. B-8259), for interested rail carriers. Rates on roofing materials and sheathing, as described in the application, in carloads, between East Chicago, Ind., on the one hand, and points in southwestern territory, on the other.

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

Tariff: Supplement 31 to Southwestern Freight Bureau tariff I.C.C. 4456.

FSA No. 37922: *Joint motor-rail rates from, to, and between points in southwestern territory.* Filed by Middlewest Motor Freight Bureau, Agent (No. 326), for interested carriers. Rates on commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroads, between points in southwestern territory, also Kansas, via interchange points named in the application between the St. Louis-San Francisco Railway Company, and/or St. Louis, San Francisco and Texas Railway Company, on the one hand, and Frisco Transportation Company, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 40, 17, 1, 23, and 6 to Middlewest Motor Freight Bureau tariffs M.F.-I.C.C. 355, 380, 394, 374 and 388, respectively, also supplements to M.F.-I.C.C. 351 and 346, of the same publishing agent.

By the Commission.

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

[F.R. Doc. 62-9088; Filed, Sept. 11, 1962; 8:49 a.m.]

[Notice 477]

MOTOR CARRIER APPLICATIONS

Call of the Docket

SEPTEMBER 7, 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 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving 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 12739 (Sub-No. 1), filed August 28, 1962. Applicant: PEAK TOURS, INC., 6 West Columbia Street, Hemp-

stead, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. For a license (BMC–5) to engage in operations as a *broker* at Hempstead, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in round-trip all-expense tours, beginning and ending at New York, N.Y., and extending to points in the United States.

No. MC 109312 (Sub-No. 37), filed August 30, 1962. Applicant: DE CAMP BUS LINES, a corporation, 30 Allwood Road, Clifton, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in Livingston, N.J., from the junction of Northfield Road and South Livingston Avenue along South Livingston Avenue to its junction with West Hobart Gap Road, thence along West Hobart Gap Road to its junction with Walnut Street, thence along Walnut Street to its junction with South Orange Avenue, thence along South Orange Avenue to the site of the Foster Wheeler Corp. General Offices, return over the same route, serving all intermediate points.

NOTE: It is proposed to tack the extension of route to the present authority in order to provide direct service between New York, N.Y., and the site of the General Offices of Foster Wheeler Corp. on South Orange Avenue, Livingston, N.J.

By the Commission.

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

[F.R. Doc. 62–9089; Filed, Sept. 11, 1962; 8:49 a.m.]

[Notice 478]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 7, 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 11220 (Sub-No. 79), (REPUBLICATION FOR CLARIFICATION), filed August 3, 1962, published FEDERAL REGISTER issue of August 29, 1962. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except automobiles set up on wheels, 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), between Chicago, Ill., and Pulaski, Tenn.; (1) from Chicago over U.S. Highway 41 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 to Nashville, Tenn., and thence over U.S. Highway 31 to Pulaski, (2) from Chicago over U.S. Highway 41 to junction U.S. Highway 52, approximately 9 miles southeast of Kentland, Ind., thence over U.S. Highway 52 to Lebanon, Ind., thence over U.S. Highway 52 and Interstate Highway 65 to Indianapolis, thence over U.S. Highway 31 to junction with U.S. Highway 50, approximately three (3) miles east of Seymour, Ind., thence over U.S. Highway 50 to junction with Interstate Highway 65, thence over Interstate Highway 65 to its junction with U.S. Highway 31W, approximately three (3) miles north of Upton, Ky., thence over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 31 to Pulaski, and (3) from Chicago over Interstate Highway 65 to Pulaski, serving no intermediate points and serving Pulaski as a point of joinder only, all as alternate routes for operating convenience only in connection with applicant's presently authorized regular-route operations.

NOTE: Applicant states it is in control of Huff Truck Line, Inc., Docket No. MC 20053.

HEARING: Remains as assigned September 28, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Louis G. LaVecchia.

No. MC 31600 (Sub-No. 534), filed August 14, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, varnishes, paint products, paint materials, and plastics*, in bulk, in tank vehicles, from Circleville, Ohio, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 42261 (Sub-No. 69, filed September 4, 1962. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. Sidney Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, 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 51255 (Sub-No. 19), filed July 23, 1962. Applicant: HAECKL'S EXPRESS, INCORPORATED, doing business as HAECKL, 2345 South 13th Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC–45, from Kokomo, Ind., to points in Kentucky and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 17, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 264.

No. MC 57899 (Sub-No. 3), filed February 8, 1962. Applicant: W. O. HUGHEY, doing business as HUGHEY TRANSPORTATION COMPANY, McComb, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (except commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those injurious or contaminating to other lading), between (1) Natchez, Miss., and Baton Rouge, La., from Natchez over U.S. Highway 61 through Woodville, Miss., and St. Francisville, La., to Baton Rouge; (2) Centreville, Miss., and Baton Rouge, La.; from Centreville, over Mississippi Highway 33 to the Mississippi-Louisiana State line, thence over Louisiana Highway 19 to Scotlandville, La., thence over U.S. Highway 61 to Baton Rouge; (3) Beechwood, Miss., and Baton Rouge, La.; from Beechwood, over Mississippi Highway 569 to the Mississippi-Louisiana State line, thence over Louisiana Highway 67 through Clinton and Slaughter, La., to Baton Rouge; (4) Clinton, and St. Francisville, La., to Baton Rouge, La., from Clinton over Louisiana Highway 10 through Jackson, La., to St. Francisville; (5) McComb, and Woodville, Miss., from McComb, over Mississippi Highway 24 to Liberty, thence over Mississippi Highway 48 to Centreville, thence over Mississippi Highway 24 to Woodville; (6) McComb and Natchez, Miss., from McComb over U.S. Highway 98 to Bude, thence over U.S. Highways 84 and 98 to Washington, Miss., thence over U.S. Highway 61 to Natchez, serving no intermediate points; (7) Centreville and Crosby, Miss., from Centreville, over Mississippi Highways 24 and 33 to Gloster, Miss., thence over

Mississippi Highway 33 to Crosby; (8) Liberty and Gloster, Miss., from Liberty, over Mississippi Highway 24 to Gloster; (9) Crosby and Natchez, Miss., from Crosby, over Mississippi Highway 563 to Wilkinson, Miss., thence over Mississippi Highway 554 to junction of Mississippi Highway 554 and U.S. Highway 61, thence over U.S. Highway 61 to Natchez, (10) Crosby, Miss., and junction of Mississippi Highway 563 and U.S. Highway 61, over Mississippi Highway 563 through Wilkinson, Miss., (11) Crosby, and Natchez, Miss., from Crosby over Mississippi Highway 33 to junction of Mississippi Highway 33 and U.S. Highways 84 and 98, thence over U.S. Highways 84 and 98 to Washington, Miss., thence over U.S. Highway 61 to Natchez, and return over the same route, serving no intermediate points, and (12) serving Fernwood, Magnolia, and Gillsburg, Miss., as offroute points in connection with carrier's authorized regular route operations.

NOTE: Service is proposed to all intermediate points on the above described routes between the above described points, with return operations over the above described routes (except in Items 6 and 11 above).

RESTRICTION: Restricted against the transportation of traffic moving between Natchez, Miss. and Baton Rouge, La.

HEARING: October 15, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 59940 (Sub-No. 2), filed August 8, 1962. Applicant: P. SALDUTTI & SON, INC., Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* from the plant site of Atlantic Cement Company, Inc., Bayonne, N.J., to points in Connecticut, New York, and Pennsylvania, beyond 125 miles of Bayonne, N.J., and Delaware, Maryland, and the District of Columbia.

NOTE: Applicant states the proposed operations are to be limited to a transportation service to be performed under a contract or continuing contracts with Atlantic Cement Company, Inc., New York, N.Y.

HEARING: October 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 61403 (Sub-No. 80), filed June 14, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid resins,* in bulk, in tank vehicles, from Newark, Ohio, to points in Alabama, Arkansas, Georgia, Mississippi, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: October 16, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 64994 (Sub-No. 41), 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: *Paper and paper products,* from Chicago, Ill., and Cincinnati, Ohio, to Crozet, Va.

HEARING: October 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 66340 (Sub-No. 4) (AMENDMENT), filed May 17, 1962, published FEDERAL REGISTER issue June 13, 1962, and republished as amended this issue. Applicant: MILLIS TRANSPORTATION CO., INC., 91 Union Street, Millis, Mass. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Building and roofing materials, wrapping paper, and materials, equipment, and supplies used in the manufacturing or shipping of building and roofing materials,* between Millis, Mass., and points within ten (10 miles thereof, on the one hand, and, on the other, points in Connecticut, Main, New Hampshire, Vermont, and Boston, Mass., and points in Massachusetts within ten (10) miles of Boston.

NOTE: The purpose of this republication is to correct the inadvertent omission of Boston, Mass., from the requested destination territory.

HEARING: Remains as assigned September 26, 1962, at the Hotel Essex, Boston, Mass., before Examiner Francis A. Welch.

No. MC 70451 (Sub-No. 242), filed August 8, 1962. Applicant: WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Frozen foods,* serving Deerfield, Ill., as an offroute point in connection with applicant's regular-route operations to and from Chicago, Ill.

HEARING: October 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 73165 (Sub-No. 170), filed August 13, 1962. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d 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: *Salt, salt mixtures, pepper, and mineral mixtures,* from points in Louisiana west of the Mississippi River, Hutchinson, Kans., St. Clair, Marysville, Manistee, Detroit, and Port Huron, Mich., Akron, Rittman, Fairport, and Cleveland, Ohio, Grand Saline and Missouri City, Tex., Chattanooga and Charleston, Tenn., and points within fifteen (15) miles of each of the aforenamed cities, to points in Alabama, Florida, Georgia, Arkansas, Mississippi, North Carolina, South Carolina, Kentucky, and Tennessee.

HEARING: October 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 83850 (Sub-No. 6), filed July 23, 1962. Applicant: JOHNSONS TRANSFER, INC., 2519 Morris Street, Philadelphia, Pa. Applicant's attorney: Beverly S. Simms, 612 Barr Building, 910 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Building materials and gypsum products,* from Baltimore, Md., to points in Delaware, and (2) *damaged or rejected shipments of building materials and gypsum products* which have been accepted by consignee for delivery, from points in Delaware to Baltimore, Md.

HEARING: October 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 199.

No. MC 89529 (Sub-No. 10), (CLARIFYING AMENDMENT), filed April 5, 1962, published FEDERAL REGISTER, issue of June 6, 1962, and republished as amended, this issue. Applicant: UNITED PARCEL SERVICE OF PENNSYLVANIA, INC., 2600 North Broad Street, Philadelphia, Pa. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by department stores and retail specialty shops,* between department stores and retail specialty shops or warehouses thereof in Camden and Cherry Hill, N.J., on the one hand, and, on the other, points in Pennsylvania, New Jersey, and Delaware, within 60 (sixty) miles of Camden, N.J.

NOTE: Common control may be involved. The purpose of this republication is to show the method of distribution which was not reflected in the territorial scope of the application in the previous publication. Applicant states that in the proposed method of distribution it is probable that packages destined for delivery to points in New Jersey within 60 miles of Camden will be transported initially to a sorting facility at or near Philadelphia, Pa., and transported from that sorting facility to the customer of the store.

HEARING: Remains as assigned October 12, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 98707 (Sub-No. 10) (AMENDMENT) filed May 7, 1962, published in FEDERAL REGISTER issue of August 1, 1962, amended September 5, 1962, republished as amended this issue. Applicant: MILES MOTOR TRANSPORT SYSTEM, P.O. Box 510, Stockton, Calif. Applicant's attorney: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, liquid commodities in bulk, articles of unusual value, livestock, poultry, and unprocessed agricultural commodities (poultry

and unprocessed agricultural commodities being excepted only when moving in mixed loads with other commodities not named in section 203(b)(6) of the Interstate Commerce Act, (A) over REGULAR ROUTES between points in California, serving all intermediate points and points within 15 miles of the highways named as follows: (1) From San Diego over U.S. Highways 101, bypass 101 and alternate 101 to Ukiah; (2) from Ukiah over U.S. Highway 101 to Eureka, and return over the same route, except that no service shall be provided at intermediate points and points within 15 miles of U.S. Highway 101 between Ukiah and Eureka, and further provided that service herein (from Ukiah to Eureka and return) shall not be tacked with the other authority herein granted; (3) from Los Angeles over U.S. Highway 99 to Sacramento; (4) from Stockton over U.S. Highway 50 to San Francisco; (5) from San Francisco over U.S. Highway 40 and California Highway 4 to Pittsburg, serving all points within 5 miles of Pittsburg; and return over the same routes serving all intermediate points and points within 15 miles of the highways named; and also serving the off-route points of Davenport, Antioch, Watsonville, Lyoth, Lathrop, Nimbus, Rogas, the mine of Coalinga Asbestos Company, Ltd. (approximately 30 miles northwest of Coalinga), and the site of the Mont LaSalle Vineyards at LacJac (near Reedley); and (B) over IRREGULAR ROUTES, between points in California within an area bounded by a line beginning at the point where the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point where it intersects California Highway 118, approximately 2 miles west of Chatsworth; thence easterly along California Highway 118 to Sepulveda Boulevard; thence northerly along Sepulveda Boulevard to Chatsworth Drive; thence northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; thence westerly and northerly along said corporate boundary to McClay Avenue; thence northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; thence southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; thence westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; thence southerly along said county road to and including the unincorporated community of Yucaipa; thence westerly along Redlands Boulevard to U.S. Highway 99; thence northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands; thence westerly and northerly along said corporate boundary to Brookside Avenue; thence westerly along Brookside Avenue to Barton Avenue; thence westerly along Barton Avenue and its prolongation to Palm Avenue; thence westerly along Palm Avenue to LaCadena Drive; thence southwesterly along LaCadena Drive to Iowa Avenue; thence southerly along Iowa Avenue to U.S. Highway 60; thence southwesterly along U.S. Highways 60 and 395 to the county road approximately 1 mile north of Perris; thence easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; thence easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; thence southerly along San Jacinto Avenue to California Highway 74; thence westerly along California Highway 74 to the corporate boundary of the City of Hemet; thence southerly, westerly, and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; thence southwesterly along said right of way to Washington Avenue; thence southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; thence westerly along Benton Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; thence southerly along said county road to U.S. Highway 395; thence southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; thence westerly along said boundary line to the Orange County-San Diego County boundary line; thence southerly along said boundary line to the Pacific Ocean; thence northwesterly along the shoreline of the Pacific Ocean to point of beginning.

NOTE: This republication is for the purpose of amending the application to add the offroute points of Nimbus, Rogas, the mine of the Coalinga Asbestos Company, Ltd., and the site of the Christian Brothers winery at Mt. LaSalle; it also adds the regular route between San Francisco and Pittsburg, and extends the regular-route operations between Los Angeles and San Diego, and between Ukiah and Eureka. In addition, it requests irregular-route authority in the Los Angeles area and within 15 miles of each of the regular-route highways, except from Ukiah to Eureka on U.S. Highway 101.

HEARING: September 26, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75.

No. MC 103490 (Sub-No. 52), filed September 4, 1962. Applicant: PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, between New Windsor and Newburgh, N.Y., on the one hand, and, on the other, points in Pennsylvania.

HEARING: September 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 103654 (Sub-No. 68), filed July 30, 1962. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 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: *Liquefied petroleum gas and natural gasoline*, in bulk, in tank vehicles, from Mentor, Minn. and points within five (5) miles thereof, to points in North Dakota, South Dakota, Iowa, Wisconsin, and the Upper Peninsula of Michigan.

HEARING: September 24, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Dallas B. Russell.

No. MC 105813 (Sub-No. 64) (CLARIFICATION), filed April 18, 1962, published in FEDERAL REGISTER issue of July 18, 1962, republished to clarify commodity description this issue. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Norman J. Bolinger, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *citrus products not canned and not frozen*, from points in Alabama, Florida and Georgia to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

NOTE: The purpose of this republication is to indicate the commodity description as above instead of as originally published.

HEARING: Remains as assigned September 20, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Warren C. White.

No. MC 107515 (Sub-No. 408), filed August 13, 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: *Bananas, coconuts and pineapples*, from Charleston, S.C., Tampa, West Palm Beach, Port of Palm Beach and Port Everglades, Fla., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states "J. L. Lawhon, President of Refrigerated Transport Co., Inc., and owner of ½ of the stock holds permits as a contract carrier (MC 104589 Subs 5, 7, 10, 13, 17) which authorize the transportation of carbonated beverages".

HEARING: October 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 109637 (Sub-No. 208) (CORRECTION), filed July 30, 1962, published in the FEDERAL REGISTER issue of August 15, 1962, republished to correct point of origin. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. In the original notice of the filing of the above application the origin point appeared as "the plant site of American Mineral Spirits Company at or near *Lemon*, Ill." This should have been shown as *Lemont*, Ill.

HEARING: Remains as assigned September 18, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 113651 (Sub-No. 41) (CORRECTION), filed June 11, 1962, published in FEDERAL REGISTER issue of July 25, republished August 22, and again this issue to correct hearing date. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North LaSalle Street, Chicago, Ill. This republication is for the purpose of correcting the hearing date as it appeared in the FEDERAL REGISTER on August 22. It should be as follows:

HEARING: Remains as assigned September 19, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 113843 (Sub-No. 45) (AMENDMENT), filed April 20, 1962, published FEDERAL REGISTER August 22, 1962, amended August 31, 1962, and republished as amended this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods* and *supplies,* used in conjunction with the dispensing and serving of frozen foods, from points in Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and New York (except points within a 75 mile radius of Rochester, N.Y.), and *returned, rejected and refused shipments,* on return.

NOTE: The purpose of this republication is to add "supplies used in the dispensing and serving of frozen food" to the requested authority.

HEARING: Remains as assigned October 9, 1962, at The Cleveland Statler Hilton, Cleveland, Ohio, before Examiner Reece Harrison.

No. MC 113843 (Sub-No. 52), filed August 31, 1962. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing houses,* from Whitehall, Marshfield, and LaCrosse, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *returned rejected and refused shipments,* of the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: October 24, 1962, at The Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 116442 (Sub-No. 4), filed August 13, 1962. Applicant: BAKER'S EXPRESS CO., INC., Dagsboro, Del. 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: *Feather meal,* in bags, in bulk, from Salisbury, Md., to Baltimore, Md., Philadelphia and Fort Washington, Pa., Jersey City, N.J., points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset and Union Counties, N.J., New York, N.Y., and points in Rockland and Westchester Counties, N.Y.

HEARING: October 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 116763 (Sub-No. 23), filed August 14, 1962. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Cleveland 15, Ohio, and Benjamin J. Brooks, 4700 Connecticut Avenue, Washington 8, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Woodenware and related articles, including paper products, styrofoam products, plastic products and other items manufactured, sold or distributed by woodenware manufacturers* from points in Maine, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and to points in New York on and west of U.S. Highway 11, and points in Pennsylvania on and west of U.S. Highway 11.

HEARING: October 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 118318 (Sub-No. 4) (AMENDMENT), filed May 8, 1962, published FEDERAL REGISTER issue of August 1, 1962, amended August 31, 1962, and republished, as amended, this issue. Applicant: IDA-CAL FREIGHT LINES, INC., 1798 Floral Avenue (P.O. Box 455), Twin Falls, Idaho. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts,* as described in paragraphs (a) and (c) of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Caldwell, Idaho, to points in California on and south of an imaginary east-west line drawn through Yuba City, Calif.

NOTE: The purpose of this amendment is to expand the territory sought to be served in California.

HEARING: Remains as assigned September 28, 1962, at the New Mint Building, 133 Herman Street, San Francisco, Calif., before Examiner William E. Messer.

No. MC 118415 (Sub-No. 12), filed August 27, 1962. Applicant: WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Box 238, R.R. 1, Menomonie, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat products,* as listed in Appendix I, Sub Heading "A", in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, in mechanically refrigerated vehicles, (1) from Whitehall, La Crosse and Marshfield, Wis., to Chicago, Ill., Cedar Rapids, Des Moines and Waterloo, Iowa, Covington, Lexington and Louisville, Ky., Boston, Springfield and Worcester, Mass., Albany, Buffalo, Kingston, New York, and Rochester, N.Y., Philadelphia, Pittston and Scranton, Pa., Detroit, Mich., and Baltimore, Md., and (2) *inedible packinghouse products,* from Whitehall, La Crosse and Marshfield, Wis., to Chicago, Ill., and Marshall, Minneapolis, New Ulm, and St. Paul, Minn.

HEARING: October 24, 1962, at The Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 123383 (Sub-No. 6), filed August 13, 1962. Applicant: BOYLE BROTHERS, INC., 256 River Road, Edgewater, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building materials and gypsum products,* between Baltimore, Md., on the one hand, and, on the other, points in Delaware.

HEARING: October 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 199.

No. MC 124541 (CORRECTION), filed June 18, 1962, published FEDERAL REGISTER issue August 22, 1962, and republished, as corrected, this issue. Applicant: LES LEVITT CORPORATION, doing business as LES LEVITT AUTO TRANSPORT, 958 East Stocker, Glendale, Calif. Applicant's attorney: Edward S. Cooper, Suite 318, Douglas Building, 257 South Spring Street, Los Angeles 12, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Foreign made automobiles and compact automobiles,* between Los Angeles, Calif., and Salt Lake City, Utah; over U.S. Highway 91 from Long Beach, Calif., to Salt Lake City, and return over the same route, serving no intermediate points.

NOTE: The purpose of this republication is to show that applicant will traverse the state of Arizona.

HEARING: Remains as assigned October 11, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 124605, filed July 5, 1962. Applicant: HOWELL TRANSPORTATION, INC., Wall Street, West Lafayette, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Corrugated paper boxes (knocked down) fillers, liners, pads and parts therefor, and paperboard sheets,* from Coshocton, Ohio, to Washington, Pa., and to points in Wayne, Randolph and Jay Counties, Ind., and points in Hancock, Brooke, Ohio, Marshall, Wetzel, Pleasants, Wood, Jackson, Mason, Cabell, and Wayne Counties, W. Va., and *empty containers*

or other such incidental facilities (not specified) used in transporting the above described commodities, on return, and (2) *corrugated paper boxes (knocked down), fillers, liners, pads and parts therefor, and paperboard sheets,* and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Coshocton, Ohio, on the one hand, and on the other, Pittsburgh, Pa.

NOTE: Applicant states that service will be restricted to that performed under contract with St. Regis Paper Company, New York, N.Y.

HEARING: October 16, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 124645 (CORRECTION), filed July 25, 1962, published in the FEDERAL REGISTER issue of September 5, 1962, republished this issue to correct address of applicant's attorney. Applicant: KENAN TRANSPORT COMPANY, a corporation, 2907 Hillsboro Road, Durham, N.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C and S National Bank Building, Atlanta, Ga. In the original notice of the filing of this application, the address of applicant's attorney was incorrectly published. It should have been shown as above.

HEARING: Remains as assigned October 24, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 1916), filed August 22, 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 Boston, Mass. and Auburn, Mass.; (1) from Boston over Massachusetts Highway 9 to junction with U.S. Highway 20, thence over U.S. Highway 20 to Auburn, and return over the same route, serving no intermediate points, and (2) from Boston over Massachusetts Highway 9 to Massachusetts Highway 128, thence over Massachusetts Highway 128 to Massachusetts Turnpike, thence over Massachusetts Turnpike to Auburn, Mass., Interchange No. 10, thence over Massachusetts Highway 12 to Auburn, and return over the same route, serving no intermediate points. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 107496 (Sub-No. 260), filed August 23, 1962. Applicant: RUAN TRANSPORT CORPORATION, 401 Southeast 30th Street, Des Moines, Iowa. 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.

NOTE: Applicant holds contract carrier authority in MC 119136, therefore, dual operations may be involved. Common control may also be involved.

No. MC 107605 (Sub-No. 12), filed September 4, 1962. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road, Minneapolis 13, Minn. Applicant's attorney: James L. Nelson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Madison and Milwaukee, Wis., from Madison, over Wisconsin Highway 30, to Milwaukee, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states the proposed service will be restricted to traffic moving between the Minneapolis-St. Paul, Minn., Commercial Zone, on the one hand, and, on the other, Milwaukee, Wis.

No. MC 112446 (Sub-No. 35), filed August 22, 1962. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue North, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except asphalt and asphalt compounds), in bulk, from points in Davidson County, Tenn., to points in Kentucky (except points in Graves, Marshall, Calloway, Lyon, Trigg, Caldwell, Hopkins, Christian, Webster, McLean, Muhlenberg, Todd, Ohio, Hancock, Breckinridge, Meade, Grayson, Butler, Logan, Hart, Edmonson, Warren, Simpson, Allen, Barren, Metcalfe, Green, Taylor, Adair, Cumberland, Monroe, and Clinton Counties).

No. MC 115162 (Sub-No. 81), filed August 30, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P.O. Box 869, Montgomery 2, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from points in Randolph County, Mo., to points in Baldwin County, Ala.

No. MC 115162 (Sub-No. 82), filed August 30, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P.O. Box 869, Montgomery 2, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from points in Dallas County, Ala., to points in Poinsett County, Ark.

No. MC 124573 (Sub-No. 2), filed September 4, 1962. Applicant: STILL FERTILIZER AND GRAIN COMPANY, a corporation, Steele, Mo. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Salt and salt products,* from Jefferson Island, La., to points in Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, and Stoddard Counties, Mo., and *refused and returned shipments,* and *exempt commodities,* on return.

NOTICE OF FILING OF PETITION SEEKING MODIFICATION OF COMMODITY DESCRIPTION IN PERTINENT ACTIVE OPERATING AUTHORITY HELD BY PETITIONER

In a report on reconsideration, decided October 16, 1962, and served November 9, 1962, in No. MC 109637 (Sub-No. 74), *Southern Tank Lines, Inc., Extension—St. Bernard, Ohio,* the Commission concluded generally that the commodity descriptions utilized in granting operating authority to motor carriers of liquid chemicals, including those prescribed in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, 766, and *Maxwell Co. Extension—Addyston,* 63 M.C.C. 677, should be revised for use in making future grants, and as a basis for modifying outstanding certificates and permits upon application of the holders thereof in accordance with approved procedure. The Commission found with respect to the commodity descriptions at issue, that the generic heading "liquid chemicals, in bulk, in tank vehicles," is a proper and reasonable commodity description for use in motor carrier operating authorities issued by the Commission; and that where such commodity description described is utilized, the following will be reasonable and proper definition thereof for determining the commodities which are embraced in such description: Liquid chemicals, as used in the foregoing commodity description are those substances or materials resulting from a chemical or physical change induced by processes employed in the chemical industry, including uniting, mixing, blending, and compounding. The subject report provided: "All motor carriers holding certificates or permits authorizing the transportation in bulk, in tank vehicles, of 'liquid chemicals as defined in the *Maxwell* case', of 'acids and chemicals as described in the *Descriptions* case', or of liquid chemicals under any other commodity description, are hereby notified that petitions will be entertained requesting the modification of such authorities to reflect the revised commodity description promulgated herein. Such petitions should refer to the specific authority which the carrier desires to have modified, and should contain a certification that there is, in fact, traffic available for the transportation from and to the points it is authorized to serve, and that its operations are not dormant. The petitions should be filed in the proceedings in which the authority held was granted, these petitions will be published in the FEDERAL REGISTER, and if no objections are filed thereto, they will be disposed of without extended further proceedings. If protests are received, a hearing may

be required for their disposition; but, in such event, every effort will be made to conclude the proceedings promptly." The following petition seeking modification of its operating authority has been received.

No. MC 112446 (Sub-No. 18), filed August 24, 1962. Petitioner: REFINERS TRANSPORT, INC., Nashville, Tenn. Petitioner's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Any person or persons desiring to participate in this proceeding may file replies to said petitioners (original and fourteen (14) copies each) within 30 days from the date of this publication in the FEDERAL REGISTER. In the event it is deemed necessary or desirable, informal conferences between our staff members and the tank truck carriers, and any other persons who may have an interest in the matter, can be arranged for the purpose of implementing the matter. Persons responding to this publication should specifically advise whether an informal conference is desired.

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–8224. Authority sought for purchase by A–P–A TRANSPORT CORP., 2110 85th Street, North Bergen, New Jersey, of the operating rights and property of HUDSON TRANSPORTATION COMPANY (ROBERT S. FEDER, RECEIVER), 3440 Paterson Plank Road, North Bergen, New Jersey, and for acquisition by ARTHUR E. IMPERATORE, 2110 85th Street, North Bergen, New Jersey, of control of such rights and property through the purchase. Applicants' attorneys: Zelby & Burstein, 160 Broadway, New York 38, New York, and Kleinberg, Moroney & Masterson, 1180 Raymond Boulevard, Newark, New Jersey. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Stroudsburg, Pa., and points in Pennsylvania within 40 miles of Stroudsburg, on the one hand, and, on the other, New York, N.Y., between New York, N.Y., and Stroudsburg, Pa., and points in Pennsylvania within 40 miles of Stroudsburg, on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J. RESTRICTION: The operation immediately above does not include authority to transport *concrete pipe* from Kenvil, N.J., to New York, N.Y., and Stroudsburg, Pa., and points in Pennsylvania within 40 miles of Stroudsburg, and *damaged, defective, rejected or returned shipments of concrete pipe*, from New York, N.Y., and Stroudsburg, Pa., and points in Pennsylvania within 40 miles of Stroudsburg to Kenvil, N.J.; between Philadelphia, Pa., and points in Warren, Sussex, Morris, and Somerset Counties, N.J. RESTRICTION: The service authorized hereinabove is restricted against the transportation of *concrete pipe* from Kenvil, N.J., to Philadelphia, Pa., and *damaged, defective, rejected or returned shipments of concrete pipe* from Philadelphia, Pa., to Kenvil, N.J.; *tractors, mowers, dump carts, seeders, grass boxes, and other equipment* used in equipping and maintaining golf courses, between Stroudsburg, Pa., on the one hand, and, on the other, points in New Jersey, Connecticut, Rhode Island, Massachusetts, those in the New York, N.Y., Commercial Zone as defined by the Commission, those in that part of Delaware on and north of a line beginning at the Delaware-Maryland State line and extending along Delaware Highway 12 to Frederica, Del., and thence eastward to Delaware Bay, those in that part of Maryland on and north of U.S. Highway 50 and Maryland Highway 404, and on and east of U.S. Highway 15, and those in the District of Columbia. Vendee is authorized to operate in New Jersey, New York, Pennsylvania, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8211 (DEALERS TRANSIT, INC.—CONTROL AND MERGER—WILLIAM CORBITT, INC.), published in the August 22, 1962, issue of the FEDERAL REGISTER on page 8412. Application filed August 30, 1962, for temporary authority under section 210a(b).

No. MC–F–8226. Authority sought for purchase by ET & WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn., of a portion of the operating rights and property of HOMER S. ROBINSON, doing business as W. R. CANDLER TRANSFER COMPANY, 400 Swannanoa Road, Asheville, N.C. Applicants' attorneys: Russell Sage and John R. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Asheville, N.C., and points within 20 miles of Asheville, on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, between Baltimore, Md., and Philadelphia, Pa., on the one hand, and, on the other, Asheville, N.C., and between Asheville, Pisgah Forest, Swannanoa, and Woodfin, N.C., on the one hand, and, on the other, Washington, D.C., points in New Jersey, Delaware, and Pennsylvania, within 35 miles of Philadelphia, Pa., and points in New Jersey, within 35 miles of the New York, N.Y., Commercial Zone, as defined by the Commission in New York, N.Y., Commercial Zone, 1 M.C.C. 665; *apple products*, from Biglerville, Pa., to Bristol, Tenn., and points in North Carolina, on and west of U.S. Highway 29; *canned goods*, from Newport, Tenn., to points in North Carolina and South Carolina, from New York, N.Y., to Asheville, N.C., Columbia, Greenville and Spartanburg, S.C., and points in N.C., within 125 miles of Asheville, from Camden, N.J., to Asheville, N.C., and points in N.C., within 125 miles of Asheville, from points in Maryland and Delaware to Asheville, N.C., and points in N.C., within 125 miles of Asheville, N.C., and from New Freedom, Pa., to Asheville, N.C.; *cranberries*, from Mount Holly, N.J., and points within 20 miles of Mount Holly, to Asheville, N.C.; *cranberry products*, from Hammonton, N.J., to Asheville, N.C.; *dimension stock lumber*, from Black Mountain and Asheville, N.C. to Philadelphia, Pa., and Newark and Elizabeth, N.J.; *electrical supplies*, from Conshohocken, Pa., New York, N.Y., and Philadelphia, Pa., to Asheville, N.C., and points in N.C. within 150 miles of Asheville; *groceries*, from Baltimore, Md., and Philadelphia, Pa., to Asheville, N.C., and points in N.C. within 115 miles of Asheville; *hides, grease, tallow and metal*, scrap, from Asheville, N.C., to Baltimore, Md., Philadelphia, Pa., and New York, N.Y.; *meats and packing house products*, from Asheville, N.C., to points in N.C., within 100 miles of Asheville; *oil*, lubricating, from Marcus Hook, Pa., to Asheville, N.C., *pickles*, from Baltimore, Md., to Marion and Waynesville, N.C.; *soap and soap products*, from Asheville, N.C., to points in N.C. within 150 miles of Asheville; *wine*, from Egg Harbor City, N.J. to Asheville, N.C. Vendee is authorized to operate as a *common carrier* in Tennessee, North Carolina, Virgina, South Carolina, Georgia, Arkansas, Alabama, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8227. Authority sought for purchase by MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 2711 Fairview Avenue North, St. Paul 13, Minn., of the operating rights and property of JOHN L. DUNLAP, doing business as DUNLAP TRANSFER, White Bear Lake, Minn., and for acquisition by A. A. McCUE, 2711 Fairview Avenue North, St. Paul, Minn., of control of such rights and property through the purchase. Applicants' attorneys: John R. Turney and Russell R. Sage, 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of Minnesota, covering the transportation of freight over regular routes, from the Twin Cities to Mahtomedi, Willernie, Withrow, White Bear Lake and North St. Paul, via Highways 36, 61 and 100 and County Roads E and 44. Vendee is authorized to operate as a *common carrier* in Minnesota and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC–119914 Sub-4 is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8225. Authority sought for control by QUEENSBORO BRIDGE RAILWAY COMPANY, INC., 124–15 28th Avenue, Flushing 54, New York, of CITY SERVICE TRANSIT CO., 848 Broadway, Newark, New Jersey. Applicants' attorney: Jacob I. Goodstein, 21 East 40th Street, New York 16, New York. Oper-

ating rights sought to be controlled: *Passengers and their baggage*, restricted to traffic originating at the point and in the territory indicated, in charter operations, as a *common carrier*, over irregular routes from Newark, N.J. and points within 25 miles of Newark, to points in New Jersey, New York, Connecticut, Rhode Island, Pennsylvania, Delaware, Maryland, the District of Columbia and Virginia. QUEENSBORO BRIDGE RAILWAY COMPANY holds no authority from this Commission. However, its controlling stockholders MURRAY M. SALZBERG, MEYER P. GROSS, and MORRIS H. SNERSON, 124–15 28th Avenue, Flushing 54, New York, are affiliated with (1) THE LOUISIANA AND NORTH WEST RAILROAD COMPANY, West Main St., Homer, La., and (2) ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD, Morrisville, Vt., which are authorized to operate as *common carriers* in (1) Louisiana, Arkansas, and (2) Vermont, respectively. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 62–9090; Filed, Sept. 11, 1962; 8:49 a.m.]

[Notice 479]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 7, 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 were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in this written statement is permissible.

No. MC 1222 (Sub-No. 21), filed August 30, 1962. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 Tenth Street, Portsmouth, Ohio. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, described in Appendix V *Descriptions in Motor Carrier Certificates*, Ex Parte MC–45, from points in Kankakee County, Ill., to points in Kentucky, points in Ohio, on and south of U.S. Highway 40, and points in West Virginia, on and south of U.S. Highway 60, and *only empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: September 19, 1962, at The Midland Hotel, Chicago, Ill., before Examiner William R. Tyers.

No. MC 37473 (Sub-No. 22), filed August 30, 1962. Applicant: DETROIT-PITTSBURGH MOTOR FREIGHT, INC., 5324 Grant Avenue, Cuyahoga Heights, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, between points in Kankakee County, Ill., on the one hand, and, on the other, points in Pennsylvania, Michigan, Ohio, West Virginia, New York, Indiana, and Louisville, Ky.

HEARING: September 19, 1962, at The Midland Hotel, Chicago, Ill., before Examiner William R. Tyers.

No. MC 80430 (Sub-No. 104) (CORRECTION), filed August 29, 1962, published issue of September 6, 1962, and republished as corrected this issue. 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.

NOTE: The purpose of this republication is to correct the Hearing date to September 19, 1962 and also to show Midland Hotel.

HEARING: September 19, 1962, at the Midland Hotel, Chicago, Ill., before Examiner William R. Tyers.

By the Commission.

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

[F.R. Doc. 62–9091; Filed, Sept. 11, 1962; 8:50 a.m.]

[Notice 690]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 7, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

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

No. MC–FC 64920. By order of September 5, 1962, Division 3, acting as an Appellate Division, approved the transfer to Donald W. Winland, doing business as Winland Trucking, R. R. No. 1, Georgetown, Ill., of Permit No. MC 114668, issued March 15, 1956, to Don's Trucking, Inc., R. R. No. 1, Georgetown, Ill., authorizing the transportation of: Fertilizer and fertilizer materials, between Danville, Ill., and points within 5 miles thereof, on the one hand, and, on the other, Columbus, Ohio, Butler, Ind., and Louisville, Ky., and from Danville, Ill., and points within five miles thereof, to points in specified Indiana counties; and fertilizer materials, from points in the specified Indiana counties, to Danville, Ill.

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

[F.R. Doc. 62–9092; Filed, Sept. 11, 1962; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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