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# FEDERAL REGISTER

1934

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Washington, Wednesday, April 11, 1962

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# Rules and Regulations

## Title 7—AGRICULTURE

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

#### PART 946—IRISH POTATOES GROWN IN WASHINGTON

##### Apportionment of Committee Membership

Notice of rule making with respect to a proposed reapportionment of membership on the State of Washington Potato Committee was published in the FEDERAL REGISTER of March 22, 1962 (27 F.R. 2695).

The State of Washington Potato Committee was established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946; formerly Order No. 92, 7 CFR Part 992). This program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within ten days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the State of Washington Potato Committee, the following revision of § 946.104 is hereby approved:

Delete § 946.104, *Reapportionment of committee membership* (formerly § 992.104, 7 CFR Part 992) and substitute in lieu thereof a new § 946.104 to read as follows:

##### § 946.104 Apportionment of committee membership.

(a) On and after April 10, 1962, the membership of the State of Washington Potato Committee shall be apportioned among the 5 districts of the production area so as to provide the following representation: Four producer members and two handler members with their respective alternates from District No. 1; one producer member with his alternate from District No. 2; two producer members and one handler member with their respective alternates from District No. 3; two producer members and one handler member with their respective alternates from District No. 4; and one producer member and one handler member and their respective alternates from District No. 5. The producer member and his alternate from District No. 5 shall each be a certified seed producer.

(b) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part.

It is hereby found that good cause exists for not postponing the effective

date of this reapportionment beyond the date specified (5 U.S.C. 1001-1011) in that (1) it is necessary that the reapportionment be made effective prior to the selection of new membership on the committee which should be accomplished shortly after mid-April, (2) information regarding this action was made available to producers and handlers in the production area, and (3) notice hereof has been given by publication in the FEDERAL REGISTER of March 22, 1962 (27 F.R. 2695).

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

*Effective date.* Dated April 5, 1962, to become effective April 10, 1962.

PAUL A. NICHOLSON,  
*Acting Director,*  
*Fruit and Vegetable Division.*

[F.R. Doc. 62-3485; Filed, Apr. 10, 1962; 8:48 a.m.]

### Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 48]

#### PART 1048—MILK IN GREATER YOUNGSTOWN-WARREN MARKETING AREA

##### Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Youngstown-Warren, Ohio, marketing area (7 CFR Part 1048), it is hereby found and determined that:

(a) The following provision of the order, appearing in § 1048.12(a)(1), does not tend to effectuate the declared policy of the Act during the months of April through August 1962: The words "supply plant."

(b) By notice of proposed rule making issued on March 21, 1962 (27 F.R. 2803; F.R. Doc. 62-2895), by the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, interested parties were advised that this action was under consideration, and were given opportunity to submit written views, data and arguments with respect thereto. No opposition to it was expressed. Interested parties indicated their support of the proposed suspension.

(c) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will ease the disposal of milk surplus to the fluid needs of the market during a period of unusually heavy supplies of producer milk.

Therefore, good cause exists for making this order effective April 1, 1962.

*It is therefore ordered,* That the aforesaid provision of the order is hereby suspended for the months of April through August 1962.

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

Effective date: April 1, 1962.

Signed at Washington, D.C., on April 6, 1962.

JOHN P. DUNCAN, Jr.,  
*Assistant Secretary.*

[F.R. Doc. 62-3520; Filed, Apr. 10, 1962; 8:52 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### International Cooperation Administration and Agency for International Development

##### § 6.349 [Amendment]

1. Effective upon publication in the FEDERAL REGISTER, subparagraphs (1) and (7) of paragraph (a) of § 6.349 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, a new § 6.375(a) is added to Part 6 as set out below.

##### § 6.375 Agency for International Development.

(a) *Office of the Administrator.* (1) Three Special Assistants to the Administrator.

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

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

[F.R. Doc. 62-3518; Filed, Apr. 10, 1962; 8:52 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 54]

#### PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

##### Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Safety and Service



Board No. 2—Explosives and Other Dangerous Articles Board, held in Washington, D.C., on the 30th day of March 1962.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 54, dated February 5, 1962, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on February 20, 1962 (27 F.R. 1566-1579), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 54 are deemed justified and necessary;

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 54, dated February 5, 1962, as revised by the specific modifications and additions set forth as follows:

1. In § 73.22 add paragraph (i) (15 F.R. 8277, Dec. 2, 1950).
2. In § 73.207 amend paragraph (b) (5).
3. In § 73.217 amend paragraph (a) (3).
4. In § 73.227 paragraph (a) (2) add a last sentence.
5. In § 73.234 amend paragraph (a) (3).
6. In § 73.235 amend paragraph (a) (2).
7. In § 73.272 amend paragraph (f) (5).
8. In § 73.373 amend paragraph (a) (3).
9. In § 73.374 amend paragraph (a) (2).
10. In § 78.224-1 paragraph (a) (1) table, change the heading "Fiber" to read "Fiber"; in the column headed "Diameter, inside, maximum (inches)", change the number 1 1/2 to 1 1/4.
11. In § 78.224-2 paragraph (c) table, change the number 1 1/2 to 1 1/4 in the column headed "Maximum inside diameter (inches)".

It is further ordered, That this order shall become effective June 27, 1962, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties

of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY,  
Secretary.

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
Ortho-nitroaniline.....	Pois. B.....	73.364, 73.373.....	Poison.....	200 pounds.
Phosphorous oxybromide.....	Cor. L.....	No exemption, 73.271.	White.....	1 quart.
(Change)				
Guided missiles, with warheads. See Rocket ammunition with explosive, illuminating, gas, incendiary or smoke projectile.				
Guided missiles without warheads. See Rocket ammunition without projectile.				

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.22 add paragraph (i) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.22 Specification containers prescribed.

\* \* \* \* \*

(i) Where the regulations require spec. 21C (§ 78.224 of this chapter) fiber drums, spec. 21A or 21B fiber drums manufactured prior to June 27, 1962 may be used for commodities and gross weights for which they were previously authorized until further order of the Commission.

Subpart B—Explosives; Definitions and Preparation

In § 73.53 amend paragraphs (k) and (p) (19 F.R. 1277, Mar. 6, 1954) (15 F.R. 8286, Dec. 2, 1950) to read as follows:

§ 73.53 Definition of class A explosives.

\* \* \* \* \*

(k) Explosive projectiles. Explosive projectiles are shells, projectiles, warheads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, tubes, mortars or other firing or launching devices.

\* \* \* \* \*

(p) Rocket ammunition. Rocket ammunition (including guided missiles) consists of a completely assembled unit for launching from a tube, launcher, rails, trough or other launching device, in which the propellant material is a solid propellant explosive. Such unit consists of an igniter, a rocket motor or jet thrust unit, and a warhead, either fuzed or unfuzed, containing high explosives or chemicals.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 Commodity list (19 F.R. 1276, Mar. 6, 1954) (15 F.R. 8270, Dec. 2, 1950) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) \* \* \*

In § 73.55 amend paragraph (a) (23 F.R. 7646, Oct. 3, 1958) to read as follows:

§ 73.55 Ammunition, nonexplosive.

(a) Nonexplosive ammunition is defined as a device which contains no explosives or other dangerous articles, such as cartridge cases, dummy or drill cartridges; empty, sand loaded or solid projectiles with or without tracers (containing not in excess of one ounce of tracer composition), empty mines, empty bombs, solid projectiles, empty torpedoes, or practice bombs. It also includes devices containing no explosives, or other dangerous articles, except installed electric squibs, primers, propellants or thermal batteries required for the activation of the device, provided that it has been proven by test that when initiated the full energy release is contained within the outside shipping container. Such ammunition is exempt from Parts 71-78 of this chapter. Rotating bands should be protected against deformation by method of packing or loading.

In § 73.65 amend paragraphs (b) (2) and (e) (3) (16 F.R. 5323, June 6, 1951) (26 F.R. 9399, Oct. 6, 1961) to read as follows:

§ 73.65 High explosives with no liquid explosive ingredient nor any chlorate.

\* \* \* \* \*

(b) \* \* \*

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Net weight not to exceed 200 pounds.

\* \* \* \* \*

(e) \* \* \*

(3) Spec. 5B (§ 78.82 of this chapter) metal barrels or drums or Spec. 21C (§ 78.224 of this chapter) fiber drums. Authorized only for cyclotrimethylene trinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce



cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one metal barrel or drum must not exceed 300 pounds and not more than 225 pounds in fiber drums. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable water-tight material which must be securely closed and then placed in the drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol or other suitable anti-freeze and water of such proportions that freezing will not occur in transit.

In § 73.93 amend paragraph (a) (10) (17 F.R. 1560, Feb. 20, 1952) to read as follows:

§ 73.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) \* \* \*  
(10) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Drums having wooden heads must be provided with a strong sift-proof liner. Authorized net weight not over 225 pounds.

**Subpart C—Flammable Liquids; Definition and Preparation**

In § 73.118 paragraph (c) amend subparagraphs (27), (28), and (36); add paragraph (c) (39), (40), (41), (42), (43), and (44) (21 F.R. 3009, May 5, 1956) (21 F.R. 7599, Oct. 4, 1956) (15 F.R. 8298, Dec. 2, 1950) to read as follows:

§ 73.118 Exemptions for flammable liquids.

- (c) \* \* \*  
(27) Aluminum triethyl and mixtures or solutions thereof.  
(28) Aluminum trimethyl and mixtures or solutions thereof.  
\* \* \* \* \*  
(36) Pyroforic fuel and mixtures or solutions thereof.  
\* \* \* \* \*  
(39) Triisobutyl aluminum and mixtures and solutions thereof.  
(40) Ethyl aluminum sesquichloride and mixtures and solutions thereof.  
(41) Diethyl aluminum chloride and mixtures and solutions thereof.  
(42) Ethyl aluminum dichloride and mixtures and solutions thereof.  
(43) Methyl aluminum sesquichloride and mixtures and solutions thereof.  
(44) Methyl aluminum sesquibromide and mixtures or solutions thereof.

In § 73.119 amend paragraphs (a) (9) and (b) (9) (16 F.R. 5323, June 6, 1951) (25 F.R. 10392, Oct. 29, 1960) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) \* \* \*  
(9) Spec. 21C, 22A or 22B (§ 78.224, § 78.196 or § 78.197 of this chapter). Fiber drums and plywood drums with a single inside glass, earthenware, or metal container of not over one gallon capacity

in each drum. Inside container must be so cushioned at top, sides, and bottom, as to prevent breakage or leakage in transit.

\* \* \* \* \*  
(9) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S or 2SL (§ 78.35 or § 78.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure. (See § 78.224-1(a) (2) of this chapter.)

In § 73.127 amend paragraph (b) (15 F.R. 8301, Dec. 2, 1950) to read as follows:

§ 73.127 Nitrocellulose of collodion cotton, fibrous, or nitrostarch, wet, nitrocellulose flakes, colloided nitrocellulose, granular, flake or block, and lacquer base or lacquer chips, wet.

\* \* \* \* \*  
(b) Except for spec. 37A which is limited to 480 pounds, gross weight of any container must not exceed 490 pounds.

In § 73.136 amend paragraph (a) (3) (25 F.R. 6625, July 14, 1960) to read as follows:

§ 73.136 Methyl dichlorosilane and trichlorosilane.

(a) \* \* \*  
(3) Spec. 5A, 5B, or 5C (§ 78.81, § 78.82, or § 78.83 of this chapter). Metal drums not over 55 gallons capacity each. Spec. 5B drums must have no opening exceeding 2.3 inches in diameter. These containers not authorized for shipment by rail express.

**Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation**

In § 73.154 amend paragraph (a) (9) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.154 Flammable solids and oxidizing materials not specifically provided for.

(a) \* \* \*  
(9) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.156 amend paragraph (a) (5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.156 Barium peroxide and calcium peroxide.

(a) \* \* \*  
(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.157 amend paragraph (a) (4) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

§ 73.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) \* \* \*  
(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for

cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration and dimethylhexane dihydroperoxide, which materials must be packed in a plastic inside container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch. Authorized net weight in one outside container shall not exceed 50 pounds for cyclohexanone peroxide and shall not exceed 100 pounds for dimethylhexane dihydroperoxide.

In § 73.158 amend paragraph (a) (2) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

§ 73.158 Benzoyl peroxide, dry, chlorobenzoyl peroxide (para), dry, cyclohexanone peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, or succinic acid peroxide, dry.

(a) \* \* \*  
(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for dimethylhexane dihydroperoxide, dry, which must be packed in a plastic container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch, and lauroyl peroxide, dry. Authorized net weight not over 100 pounds in one outside container.

In § 73.163 amend paragraph (a) (3) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.163 Chlorate of soda, chlorate of potash, and other chlorates.

(a) \* \* \*  
(3) Spec. 21C, 22A, or 22B (§ 78.224, § 78.196 or § 78.197 of this chapter). Fiber or plywood drums with inside metal drums, spec. 2F (§ 78.25 of this chapter). Authorized net weight not over 225 pounds.

In § 73.168 amend paragraph (a) (2) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.168 Lithium amide, powdered.

(a) \* \* \*  
(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inside metal drums, spec. 2F (§ 78.25 of this chapter). Authorized net weight not over 225 pounds.

In § 73.175 amend paragraph (a) (4) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.175 Lacquer base, or lacquer chips, dry.

(a) \* \* \*  
(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.178 amend paragraph (a) (6) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.178 Motion-picture film, old and worn out (not scrap).

(a) \* \* \*  
(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.195 amend paragraph (a) (5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.195 Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film.

(a) \* \* \*

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Must be externally treated to provide protection against moisture. Authorized net weight not over 225 pounds.

In § 73.197 amend paragraph (a)(3) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.197 Pyroxylin plastics, in sheets, rolls, rods, or tubes.

(a) \* \* \*

(3) Sheets rolled, in spec. 21C (§ 78.224 of this chapter) fiber drums, having 2 straps applied lengthwise and one or more circumferentially; straps at least ½ by 0.02 inch steel. Authorized net weight not over 225 pounds.

In § 73.201 amend paragraph (a)(5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.201 Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.

(a) \* \* \*

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.204 amend paragraph (a)(5) and (6) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.204 Sodium hydrosulfite.

(a) \* \* \*

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inside metal drums. Authorized net weight not over 225 pounds.

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums, net weight not over 250 pounds; drums must have a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by § 78.224-2 (a), (b), and (c) of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior; drums must not be offered for transportation by carriers by water.

In § 73.207 amend paragraph (b)(5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.207 Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.

(b) \* \* \*

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums which must be lined

or coated, or otherwise treated so as to prevent the entrance of moisture in quantities sufficient to create a hazardous condition in transportation; maximum loaded capacity 250 pounds net.

In § 73.217 amend paragraph (a)(3) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

§ 73.217 Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.

(a) \* \* \*

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inner ply a laminated sheet of paper and aluminum foil, internally coated with not less than a 0.002 inch thickness of polyethylene. Cover of drum shall be gasketed. Authorized net weight not over 400 pounds.

In § 73.227 amend paragraph (a)(2) (16 F.R. 9375, Sept. 15, 1951) to read as follows:

§ 73.227 Urea peroxide.

(a) \* \* \*

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums completely coated on the inside with a suitable wax, synthetic coating, or metal foil suitable to the lading; or fiber drums having a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by § 78.224-2 (a), (b), and (c) of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior. Authorized net weight not over 225 pounds.

In § 73.234 amend paragraph (a)(3) (21 F.R. 9356, Nov. 30, 1956) to read as follows:

§ 73.234 Sodium nitrite.

(a) \* \* \*

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums: Authorized net weight not over 400 pounds.

In § 73.235 amend paragraph (a)(2) (21 F.R. 9356, Nov. 30, 1956) to read as follows:

§ 73.235 Ammonium bichromate (ammonium dichromate).

(a) \* \* \*

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums: Authorized net weight not over 400 pounds.

#### Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.244 add paragraph (c)(51) (15 F.R. 8313, Dec. 2, 1950) to read as follows:

§ 73.244 Exemptions for acids and other corrosive liquids.

\* \* \*

(c) \* \* \*

(51) Phosphorus oxybromide.

In § 73.245 amend paragraph (a)(24) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

§ 73.245 Acids or other corrosive liquids not specifically provided for.

(a) \* \* \*

(24) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S, 2SL, or 2U (§ 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224-1(a)(2) of this chapter.)

In § 73.256 add paragraph (a)(5) (15 F.R. 8315, Dec. 2, 1950) to read as follows:

§ 73.256 Compounds, cleaning, liquid.

(a) \* \* \*

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2U (§ 78.24 of this chapter) polyethylene container. (See § 78.224-1(a)(2) of this chapter.)

In § 73.261 amend paragraph (a)(2) (16 F.R. 5325, June 6, 1951) to read as follows:

§ 73.261 Fire-extinguisher charges.

(a) \* \* \*

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums with a single inside container consisting of a glass bottle not over 64 fluid ounces capacity filled with not over six pounds by weight of sulfuric acid (approximately 50 fluid ounces by volume). Bottle must be suspended in center of outside container by means of adequate supports and surrounded by bicarbonate of soda in sufficient quantity to fill drum and neutralize contents in the event of breakage.

In § 73.263 amend paragraph (a)(22) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) \* \* \*

(22) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2T, 2S, 2SL, or 2U (§ 78.21, § 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224-1(a)(2) of this chapter.)

In § 73.264 amend paragraph (a)(4) (24 F.R. 10111, Dec. 15, 1959) to read as follows:

§ 73.264 Hydrofluoric acid.

(a) \* \* \*

(4) Spec. 12A or 12B (§ 78.210 or § 78.205 of this chapter). Fiberboard boxes with not more than 4 inside polyethylene bottles, having minimum 0.030 inch thickness of any part, not over 1-gallon nominal capacity each. Bottle closures must be made secure by sealing

with pressure-sensitive plastic tape or other equally efficient means. Authorized for acid not over 70 percent strength. Shipper must have established that spec. 12A completed package meets test requirements prescribed by § 78.210-10 of this chapter. Authorized gross weight for spec. 12B fiberboard boxes not over 65 pounds; spec. 12A not over 80 pounds.

In § 73.265 amend paragraph (d) (5) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

§ 73.265 Hydrofluosilicic acid.

(d) \* \* \*  
 (5) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S, 2SL, or 2U (§ 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224-1(a) (2) of this chapter.)

In § 73.266 add paragraph (b) (6); cancel paragraph (c) (7) (15 F.R. 8318, Dec. 2, 1950) (22 F.R. 3925, June 5, 1957) to read as follows:

§ 73.266 Hydrogen peroxide solution in water.

(b) \* \* \*  
 (6) Spec. 6J or 37A (single-trip container). (§ 78.100 or § 78.131 of this chapter.) Steel barrel or drum with inside spec. 2S or 2SL (§ 78.35 or § 78.35a of this chapter) polyethylene container. The closures must be located in one head and must be vented to prevent accumulation of internal pressure and head plainly marked "KEEP THIS END UP" or "KEEP PLUG UP TO PREVENT SPILLAGE."  
 (c) \* \* \*  
 (7) [Canceled.]

In § 73.271 amend the heading and introductory text of paragraph (a) (15 F.R. 8320, Dec. 2, 1950) to read as follows:

§ 73.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride must be packed in specification containers as follows:

In § 73.272 amend paragraph (f) (5) (24 F.R. 8058, Oct. 6, 1959) to read as follows:

§ 73.272 Sulfuric acid.

(f) \* \* \*  
 (5) Spec. 21C § 78.224 of this chapter). Fiber drum with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. (See § 78.224-1(a) (2) of this chapter.)

In § 73.276 amend paragraph (a) (5) (26 F.R. 4996, June 6, 1961) to read as follows:

§ 73.276 Anhydrous hydrazine and hydrazine solution.

(a) \* \* \*  
 (5) Spec. 103A-AL-W (§ 78.292 of this chapter). Tank cars. Vapor space in

tank must be filled with nitrogen gas at atmospheric pressure. Authorized for anhydrous hydrazine only.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.307 amend paragraphs (a) (2) (26 F.R. 1015, Feb. 2, 1961) to read as follows:

§ 73.307 Nonliquefied gases, except gas in solution or poisonous gas.

(a) \* \* \*  
 (2) Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for nonflammable gases, for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(f). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. ICC-3HT (§ 78.44 of this chapter) cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

In § 73.308 amend paragraph (a) Note 15 (26 F.R. 1015, Feb. 2, 1961) to read as follows:

§ 73.308 Compressed gases in cylinders.

(a) \* \* \*  
 NOTE 15: Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(f). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. 3HT (§ 78.44 of this chapter) cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.346 amend paragraph (a) (15) (21 F.R. 9357, Nov. 30, 1956) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) \* \* \*  
 (15) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

In § 73.353 amend paragraph (a) (4) (21 F.R. 7603, Oct. 4, 1956) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) \* \* \*  
 (4) Spec. 4D300 or 4DA500 (§ 78.53 or § 78.58 of this chapter). Metal spheres, for use in aircraft only, must be equipped with approved safety devices and must be packed in strong boxes or crates (see § 73.25).

In § 73.354 amend the introductory text of paragraph (a) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.354 Motor fuel antiknock compound or tetraethyl lead.

(a) Motor fuel antiknock compound (a mixture of one or more organic lead compounds such as tetraethyl lead, triethylmethyl lead, diethyldimethyl lead, ethyltrimethyl lead, and tetramethyl lead, with one or more halogen compounds such as ethylene dibromide and ethylene dichloride, or hydrocarbon solvents) or tetraethyl lead must be packed in specification containers as follows:

In § 73.358 amend paragraph (a) (5) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, n.o.s., parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) \* \* \*  
 (5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

In § 73.359 amend paragraphs (a) (6) and (b) (5) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) \* \* \*  
 (6) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

(b) \* \* \*  
 (5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

In § 73.365 cancel paragraph (a) (11); amend paragraph (a) (14) and (16) (15 F.R. 8336, Dec. 2, 1950) (26 F.R. 9403, Oct. 6, 1961) to read as follows:

§ 73.365 Poisonous solids not specifically provided for.

(a) \* \* \*  
 (11) [Canceled.]

(14) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

(16) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than 4 inside glass bottles of 5 pounds capacity each shall be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

In § 73.370 cancel paragraph (a) (10); amend paragraph (a) (11); add paragraph (a) (13) (15 F.R. 8337, Dec. 2, 1950) to read as follows:



§ 73.370 Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.

(a) \* \* \*

(10) [Canceled.]

(11) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

(13) Bulk in strong, water-tight, metal portable containers of not over 70 cubic feet capacity each, approved by the Bureau of Explosives.

In § 73.373 amend the heading and introductory text of paragraph (a); amend paragraph (a) (3) (15 F.R. 8338, Dec. 2, 1950) (16 F.R. 9379, Sept. 15, 1951) to read as follows:

§ 73.373 Ortho-nitroaniline and parani-traniline.

(a) Ortho-nitroaniline and parani-traniline must be packed in specification containers as follows:

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums: Authorized net weight not over 400 pounds.

In § 73.374 amend paragraph (a) (2) (16 F.R. 9379, Sept. 15, 1951) to read as follows:

§ 73.374 Nitrochlorbenzene, meta or para.

(a) \* \* \*

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums, authorized only for nitrochlorbenzene, para, flaked. Authorized net weight not over 400 pounds.

In § 73.377 amend paragraphs (a) (5) and (b) (5) (21 F.R. 3012, May 5, 1956) (26 F.R. 4997, June 6, 1961) to read as follows:

§ 73.377 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.

(a) \* \* \*

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

(b) \* \* \*

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for mixtures in which the liquid is absorbed in concentration not greater than 50 percent. Authorized net weight not over 225 pounds.

In § 73.378 amend paragraph (a) (5) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.378 Beryllium metal powder.

(a) \* \* \*

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass or metal containers of not over 25 pounds capacity each. Authorized net weight not over 225 pounds.

In § 73.393 amend paragraph (f) (3) (20 F.R. 952, Feb. 15, 1955) to read as follows:

§ 73.393 Packing and shielding.

(f) \* \* \*

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized for not more than 2,700 millicuries. Authorized net weight not over 225 pounds.

## PART 74—CARRIERS BY RAIL FREIGHT

### Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.526 add Note 1 to paragraph (o) (2); add Note 1 to paragraph (o) (3) (25 F.R. 3103, April 12, 1960) (20 F.R. 953, Feb. 15, 1955) to read as follows:

§ 74.526 Loading explosives into cars.

(o) \* \* \*

(2) \* \* \*

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

(3) \* \* \*

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C. Impact tests have been conducted on methods shown in this pamphlet.

In § 74.529 add Note 1 to paragraph (c) (18 F.R. 3137, June 2, 1953) to read as follows:

§ 74.529 Cars for class B explosives.

(c) \* \* \*

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

In § 74.530 add Note 1 to paragraph (b) (18 F.R. 3138, June 2, 1953) to read as follows:

§ 74.530 Cars for class C explosives.

(b) \* \* \*

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

In § 74.532 add Note 1 to the introductory text of paragraph (a) (15 F.R. 8347, Dec. 2, 1950) to read as follows:

§ 74.532 Loading other dangerous articles.

(a) \* \* \*

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

Add § 74.534 (15 F.R. 8348, Dec. 2, 1950) to read as follows:

§ 74.534 Portable containers or tanks.

(a) Portable containers or tanks must be of such design and so loaded and stayed in closed cars, in gondola cars, on flat cars, or in truck bodies or trailers on flat cars so they cannot permanently change position, rupture, or become seriously damaged under conditions normally incident to transportation. Ends, sidewalls, or doors of truck bodies or trailers shall not be relied upon to prevent shifting of portable containers or tanks.

## PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

### Subpart A—General Information and Regulations

In § 77.824 amend the introductory text of paragraph (a); amend paragraph (a) (2) and (3) (26 F.R. 2502, Mar. 24, 1961) to read as follows:

§ 77.824 Retesting of cargo tanks.

(a) *Flammable liquid and poisonous liquid cargo tanks, specs. MC 300, MC 301, MC 302, MC 303, and MC 305.* Every cargo tank constructed in compliance with specs. MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter) used for the transportation of any flammable liquid or poisonous liquid, class B, shall be retested as follows:

(2) *Specification tanks.* Every cargo tank complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter), shall be tested at least once in every 5-year period and shall not be returned to service until it has successfully fulfilled the testing requirements set forth under § 78.321-16 of this chapter. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.321-16 of this chapter.

(3) *Nonspecification tanks.* Every cargo tank not complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter), shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under § 78.321-16 of this chapter. No two such required tests shall be closer together than 6 months.

## PART 78—SHIPPING CONTAINER SPECIFICATIONS

### Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

In § 78.81-9 (Spec. 5A steel barrels or drums) amend paragraph (d) drawing only; in § 78.83-9 (Spec. 5C steel barrels or drums) amend paragraph (d) (1) drawing only; in § 78.88-8 (Spec. 5K nickel barrels or drums) amend paragraph (d) (1) drawing only; in § 78.90-8 (Spec. 5M monel drums) amend paragraph (d) (1) drawing only (19 F.R. 6270 to 6273, Sept. 29, 1954) (20 F.R. 8107, Oct. 28, 1955) as follows:



terial to authorized net weight and closed as for use must withstand the following four foot drop tests on the part specified without leakage or serious rupture. No single drum shall be subjected to more than one of the following tests. Drums with wood heads shall be dropped with grain of wood in cover parallel to concrete surface.

(1) Top chime, diagonally onto solid concrete.

(2) Bottom chime, diagonally onto solid concrete.

(3) Sidewall, over a 2-inch x 6-inch timber resting on solid concrete with 6-inch leg vertical; drop to be made with drum in horizontal position at right angles to the timber.

(4) The closure or on any other part which may be considered weaker onto solid concrete.

(c) Compression test: An empty drum shall withstand either of the following compression tests, in accordance with the following table, without buckling of the sidewalls sufficient to cause damage to its expected contents; but in no case shall the maximum deflection be more than one inch.

Maximum net weight	Maximum capacity (gallons)	Maximum inside diameter (inches)	Compression (pounds)	
			Static <sup>1</sup>	Dynamic <sup>2</sup>
60	5	11½	1200	1600
60	20	18½	1200	1600
115	20	18½	1200	1600
115	55	23	1500	2000
225	55	23	1800	2400
400	75	23	2100	2800

<sup>1</sup> Static Test. Compression as specified must be applied to full area of top cover of drum for period of 48 hours.

<sup>2</sup> Dynamic Test. Compression as specified must be applied end to end. Speed of compression tester to be one-half inch plus or minus one-fourth inch per minute.

(d) Drums constructed for inside plastic containers for liquids as provided in § 78.224-1(a)(2) shall be tested as prescribed in paragraphs (a), (b), (c), and (e) of this section. When tested assembled with the inside plastic container, as required by the applicable specification, drums shall develop no condition that would be of such nature as to contribute to potential failure of inner container.

(e) The tests described above must be made by any company starting production, for each plant location of manufacture, on samples taken at random of each type and diameter of container and must be repeated every four months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants, in which case the Bureau of Explosives shall be advised of the location where the tests are conducted.

#### § 78.224-3 Registration of drum specification.

(a) Specification for each type of drum manufactured (under this specification) shall be filed with the Bureau of Explosives. Changes in construction (drum and closure) differing from specification thus filed must be approved by

the Bureau of Explosives before authorized for use.

#### § 78.224-4 Marking.

(a) On each container as follows:

(1) Drums for dry products must be marked ICC-21C followed by the authorized net weight to which drum was constructed, for example, ICC-21C115.

(2) Drums for inside plastic containers for liquids must be marked ICC-21CP followed by the authorized net weight for dry products and the authorized net weight for liquid products to which the drum was constructed, for example, ICC-21CP115/245.

(3) Marks specified in paragraph (a) (1) and (2) of this section shall be understood to certify that the fiber drum complies with all specification requirements.

(4) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and be located just above, below, or following the mark specified in paragraph (a) (1) or (2) of this section.

#### Subpart I—Specifications for Tank Cars

In § 78.280-22 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4588, June 26, 1956) to read as follows:

§ 78.280 Specification ICC-103-W; fusion-welded steel tanks to be mounted on or forming part of a car.

#### § 78.280-22 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.281-21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4590, June 26, 1956) (24 F.R. 8061, Oct. 6, 1959) to read as follows:

§ 78.281 Specification ICC-103A-W; fusion-welded steel tanks to be mounted on or forming part of a car.

#### § 78.281-21 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in

letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) When safety valves are applied, date on which safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.282-20 amend paragraph (a) (3) and (5) (21 F.R. 4592, June 26, 1956) to read as follows:

§ 78.282 Specification ICC-103B-W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.

#### § 78.282-20 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(5) Date on which the interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.283-21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4594, June 26, 1956) to read as follows:

§ 78.283 Specification ICC-103C-W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

#### § 78.283-21 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.284-22 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4597, June 26, 1956) to read as follows:



§ 78.284 Specification ICC-104-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.285-18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4598, June 26, 1956) to read as follows:

§ 78.285 Specification ICC-105A100-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.285-18 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.286-18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4600, June 26, 1956) to read as follows:

§ 78.286 Specification ICC-105A300-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.286-18 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.287-18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4602, June 26, 1956) to read as follows:

§ 78.287 Specification ICC-105A400-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.287-18 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.288-18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4603, 4604, June 26, 1956) to read as follows:

§ 78.288 Specification ICC-105A500-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.288-18 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.289-13 amend paragraph (e); in § 78.289-18 amend paragraph (a) (3), (4), and (5) (23 F.R. 7659, Oct. 3, 1958) (21 F.R. 4605, June 26, 1956) to read as follows:

§ 78.289 Specification ICC-105A600-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.289-13 Safety valves.

(e) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 450 pounds per square inch, and one frangible disc device of approved

design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 495 pounds per square inch. Tank must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 400 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.289-18 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.290-18 amend paragraph (a) (3), (4), and (5) (25 F.R. 3111, 3112, April 12, 1960) to read as follows:

§ 78.290 Specification ICC-112A500-W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.290-18 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.291-21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4608, June 26, 1956) to read as follows:

§ 78.291 Specification ICC-103AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.291-21 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into

the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.292-21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4610, June 26, 1956) to read as follows:

**§ 78.292 Specification ICC-103A-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.**

**§ 78.292-21 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.296-21 amend paragraph (a) (3), (5), and (6) (21 F.R. 4618, June 26, 1956) to read as follows:

**§ 78.296 Specification ICC-103B100-W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.**

**§ 78.296-21 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.297-21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4620, June 26, 1956) to read as follows:

**§ 78.297 Specification ICC-103D-W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.**

**§ 78.297-21 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.298-21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4622, 4623, June 26, 1956) to read as follows:

**§ 78.298 Specification ICC-103E-W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.**

**§ 78.298-21 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.299-20 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4624, June 26, 1956) (24 F.R. 8062, Oct. 6, 1959) to read as follows:

**§ 78.299 Specification ICC-103A-N-W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.**

**§ 78.299-20 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those

cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.300-18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4626, June 26, 1956) to read as follows:

**§ 78.300 Specification ICC-105A300-AL-W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.**

**§ 78.300-18 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.301-19 amend paragraph (a) (3), (4), and (5) (21 F.R. 4628, June 26, 1956) to read as follows:

**§ 78.301 Specification ICC-109A300-W; fusion-welded steel tanks to be mounted on or forming part of a car.**

**§ 78.301-19 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.302-19 amend paragraph (a) (3), (4), and (5) (22 F.R. 2237, April 4, 1957) to read as follows:



§ 78.302 Specification ICC-109A100-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.302-19 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.303-11 amend paragraph (a) (3), (4), (5), and (6) (22 F.R. 4801, July 9, 1957) to read as follows:

§ 78.303 Specification ICC-111A100-W-1; fusion-welded steel tanks, or ICC-111A100-F-1, forge-welded steel tanks fabricated by conversion from existing ICC-105A300, 400, or 500 series tanks to be mounted on or forming part of a car.

§ 78.303-11 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.304-11 amend paragraph (a) (3), (4), (5), and (6) (22 F.R. 4803, July 9, 1957) (24 F.R. 8063, Oct 6, 1959) to read as follows:

§ 78.304 Specification ICC-111A100-W-2; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.304-11 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently

into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) When safety valves are applied, date on which safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.305-11 amend paragraph (a) (3), (4), (5), and (6) (22 F.R. 4804, July 9, 1957) to read as follows:

§ 78.305 Specification ICC-111A100-W-3; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.305-11 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.306-11 amend paragraph (a) (3), (4), and (5); cancel paragraph (a) (6); redesignate paragraph (a) (7), (8), and (9) as paragraph (a) (6), (7), and (8) respectively (22 F.R. 4806, July 9, 1957) (24 F.R. 3603, May 5, 1959) to read as follows:

§ 78.306 Specification ICC-111A100-W-4; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.306-11 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least 3/8 inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and directly behind or within 3 feet of the right or left side of the ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY  
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "(naming material) ----- clad tank." Lined tanks must be stenciled on the tanks, or jacket if lagged, "(naming material) ----- lined tank." These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

In § 78.307-18 amend paragraph (a) (3), (4), and (5) (22 F.R. 4808, July 9, 1957) to read as follows:

§ 78.307 Specification ICC-105A200-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.307-18 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.308-18 amend paragraph (a) (3), (4), and (5) (22 F.R. 4810, July 9, 1957) to read as follows:

§ 78.308 Specification ICC-105A200-AL-W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.308-18 Marking.

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party



assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.309-11 amend paragraph (a) (3), and (5) (23 F.R. 7663, Oct. 3, 1958) to read as follows:

**§ 78.309 Specification ICC-111A100-W-5; acid resistant lined fusion-welded steel tanks to be mounted on or forming part of a car.**

**§ 78.309-11 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(5) Date on which the interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.310-11 amend paragraph (a) (3), (4), (5), and (6) (24 F.R. 3604, May 5, 1959) to read as follows:

**§ 78.310 Specification ICC-111A60-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.**

**§ 78.310-11 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.311-11 amend paragraph (a) (3), (4), (5), and (6) (24 F.R. 3606, May 5, 1959) to read as follows:

**§ 78.311 Specification ICC-111A100-W-6; fusion-welded alloy steel tanks to be mounted on or forming part of a car.**

**§ 78.311-11 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.312-18 amend paragraph (a) (3), (4), and (5) (22 F.R. 4812, July 9, 1957) to read as follows:

**§ 78.312 Specification ICC-112A400-W; fusion-welded steel tanks, or ICC-112A400-F, forge-welded steel tanks fabricated by conversion from existing ICC-105A500 tanks to be mounted on or forming part of a car.**

**§ 78.312-18 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.313-19 amend paragraph (a) (3), (4), and (5) (23 F.R. 2335, April 10, 1958) to read as follows:

**§ 78.313 Specification ICC-109A200-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.**

**§ 78.313-19 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subpara-

graph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.314-19 amend paragraph (a) (3), (4), and (5) (22 F.R. 4813, 4814, July 9, 1957) to read as follows:

**§ 78.314 Specification ICC-109A300-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.**

**§ 78.314-19 Marking.**

(a) \* \* \*

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

[F.R. Doc. 62-3489; Filed, Apr. 10, 1962; 8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1142; Amdt. 418]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Aero Commander Models 520 and 560 Aircraft

There have been several reported cases of chafing of the fuel supply line in the wing trailing edge and leakage of fuel from the drain lines in the aft fuselage and electronic equipment area of Aero Commander Models 520 and 560 aircraft. These conditions can cause rupture of the main fuel supply line as well as fire within the fuselage. Accordingly, an airworthiness directive is necessary to require modification of the wing trailing edge and replacement of aluminum drain tubing with flexible hose assemblies.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489),

§ 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

**AERO COMMANDER.** Applies to Models 520 and 560 aircraft with Serial Numbers 1 through 230.

Compliance required within the next 25 hours' time in service after the effective date of this directive.

As a result of reported cases of fluid line chafing in the wing trailing edge area and fuel leakage in the aft fuselage and electronic equipment area, the following corrective action is required:

(a) Replace the fuel system aluminum drain tubing with flexible hose assemblies in accordance with Aero Commander Service Bulletin No. 77 dated March 16, 1962, or FAA approved equivalent.

(b) Modify the wing trailing edge between wing Stations 24.00 and 59.00 in accordance with Aero Commander Service Bulletin No. 79 dated March 16, 1962, or FAA approved equivalent.

This amendment shall become effective April 11, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

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

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

[F.R. Doc. 62-3458; Filed, Apr. 10, 1962; 8:45 a.m.]

[Reg. Docket No. 1144; Amdt. 419]

**PART 507—AIRWORTHINESS DIRECTIVES**

**Canadair Model CL-44D4 Aircraft**

Investigation of a recent engine failure on a Canadair Model CL-44D4 aircraft disclosed that the engine breather duct overheat detector did not give a warning of overheat prior to engine failure because it was set at too high a temperature range. Since this condition is likely to exist on other aircraft of the same type design, an airworthiness directive is necessary to require replacement or recalibration of the detector until corrective engine modifications are developed.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

**CANADAIR.** Applies to all Model CL-44D4 Aircraft.

Compliance required within next 50 hours' time in service after the effective date of this AD.

As an interim measure, pending development of corrective engine modifications, either replace the engine breather duct overheat detectors, with new detectors P/N 28-50603-8 set to 165° C. ±15° C. or recalibrate the detectors per Canadair or Fenwal instructions, to operate at 165° C. ±15° C. Re-identify the recalibrated detectors as P/N 28-50603-8.

(Canadair Service Information Circular 165, Amendment A, dated March 16, 1962, covers this subject.)

This amendment shall become effective April 11, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 6, 1962.

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

[F.R. Doc. 62-3517; Filed, Apr. 10, 1962; 8:52 a.m.]

**SUBCHAPTER E—AIR NAVIGATION REGULATIONS**

[Airspace Docket No. 62-AL-10]

**PART 600—DESIGNATION OF FEDERAL AIRWAYS**

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

**Alteration of Federal Airway, Control Area Extension and Reporting Point**

The purpose of these amendments to the regulations of the Administrator is to change the name of the Middleton Island, Alaska, radio range to the Middleton Island, Alaska, radio beacon wherever it appears in Parts 600 and 601. This action is taken as the result of the conversion of the Middleton Island, Alaska, radio range station to a radio beacon.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In the text of § 600.303 (14 CFR 600.303) "to the Middleton Island, Alaska, radio range station" is deleted and "to the Middleton Island, Alaska, RBN" is substituted therefor.

2. In the text of § 601.1310 (14 CFR 601.1310) "the Middleton Island, Alaska, radio range station," is deleted and "the Middleton Island, Alaska, RBN," is substituted therefor.

3. In the text of § 601.5001 (14 CFR 601.5001) "Middleton Island, Alaska, RR." is deleted and "Middleton Island, Alaska, RBN." is substituted therefor.

These amendments shall become effective 0001 e.s.t. May 31, 1962.

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

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

D. D. THOMAS,  
*Director, Air Traffic Service.*

[F.R. Doc. 62-3459; Filed, Apr. 10, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-117]

**PART 600—DESIGNATION OF FEDERAL AIRWAYS**

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

**Alteration of Federal Airways, Associated Control Areas and Reporting Points**

The purpose of these amendments to the regulations of the Administrator is to change the name of the Oxnard, Calif., VOR to the Ventura, Calif., VOR wherever it appears in Parts 600 and 601. This action is taken due to the misunderstandings resulting from the name Oxnard being assigned to adjacent navigational facilities, the Oxnard VOR and the Oxnard Air Force Base, Calif., VORTAC.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

In the caption and/or text of the following sections "Oxnard" is deleted wherever it appears and "Ventura" is substituted therefor.

1. Section 600.6025 (14 CFR 600.6025, 26 F.R. 2221, 4052, 7803, 11727).

2. Section 600.6027 (14 CFR 600.6027, 26 F.R. 2221).

3. Section 600.6107 (27 F.R. 1595).

4. Section 600.6485 (26 F.R. 2221).

5. Section 601.6485 (14 CFR 601.6485).

6. Section 601.7001 (14 CFR 601.7001).

These amendments shall become effective 0001 e.s.t. May 31, 1962.

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

Issued in Washington, D.C., on April 5, 1962.

D. D. THOMAS,  
*Director, Air Traffic Service.*

[F.R. Doc. 62-3460; Filed, Apr. 10, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-23]

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

**Alteration of Control Zone**

The purpose of this amendment to Part 601 of the regulations of the Administrator is to alter the South Bend, Ind., control zone (§ 601.2123).

The South Bend control zone is designated within a 5-mile radius of the St. Joseph County Airport and within 2 miles either side of the South Bend ra-



dio range station west course extending from the 5-mile radius zone to 12 miles west of the radio range station.

The control zone extension based on the South Bend radio range station west course is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on this navigational aid.

Since the change effected by this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by revoking § 601.2123 *South Bend, Ind., control zone*.

2. In the text of § 601.1984 (14 CFR 601.1984) the following is added:

South Bend, Ind.: St. Joseph County Airport (latitude 41°42'15" N., longitude 86°18'50" W.).

These amendments shall become effective 0001 e.s.t. May 31, 1962.

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

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

D. D. THOMAS,  
Director, Air Traffic Service.

[F.R. Doc. 62-3461; Filed, Apr. 10, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-15]

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

##### Alteration of Control Zone

The purpose of this amendment to § 601.2313 of the regulations of the Administrator is to alter the description of the Pittsburgh, Pa., control zone.

The Pittsburgh control zone is presently designated, in part, on the River, Pa., radio beacon. Effective March 15, 1962, the identification of the River radio beacon was changed to identify it as the Greater Pittsburgh ILS outer marker compass locator.

Therefore, action is taken herein to delete reference to the River radio beacon in the description of the Pittsburgh control zone and to substitute the Greater Pittsburgh ILS outer marker therefor.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2313 (14 CFR 601.2313) is amended to read:

#### § 601.2313 Pittsburgh, Pa., control zone.

Within a 5-mile radius of the Greater Pittsburgh Airport (latitude 40°29'20" N., longitude 80°13'25" W.); within 2 miles either side of the 090° bearing from the airport extending from the 5-mile radius zone to 10 miles E of the OM; and within 2 miles either side of the 270° bearing from the airport extending from the 5-mile radius zone to 10 miles W of the Clinton, Pa., RBN.

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

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

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

D. D. THOMAS,  
Director, Air Traffic Service.

[F.R. Doc. 62-3462; Filed, Apr. 10, 1962; 8:45 a.m.]

[Airspace Docket No. 61-FW-36]

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

##### Alteration of Control Zone

On January 27, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 835) stating that the Federal Aviation Agency proposed to alter the Jacksonville, N.C., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2081 (26 F.R. 10877) is amended to read:

#### § 601.2081 Jacksonville, N.C., control zone.

Within a 3-mile radius of the New River MCAF (latitude 34°42'25" N., longitude 77°26'35" W.) and within 2 miles either side of the 046° and 226° bearings from the New River RBN extending from the 3-mile radius zone to 12 miles NE and SW of the RBN, excluding the portion which would coincide with R-5306C. The portion of this control zone which would coincide with R-5307 shall be used only after obtaining prior approval from appropriate authority.

This amendment shall become effective 0001 e.s.t. May 31, 1962.

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

Issued in Washington, D.C., on April 5, 1962.

D. D. THOMAS,  
Director, Air Traffic Service.

[F.R. Doc. 62-3463; Filed, Apr. 10, 1962; 8:45 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. C-30]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Michael-Lawrence Co., Inc., and Samuel Swimmer

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*; § 13.155 *Prices*: 13.155-50 *Forced or sacrifice sales*; § 13.170 *Qualities or properties of product or service*: § 13.170-30 *Durability or permanence*; § 13.170-34 *Economizing or saving*; § 13.175 *Quality of product or service*; § 13.240 *Special or limited offers*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Michael-Lawrence Co., Inc., et al., Inglewood, Calif., Docket C-30, Nov. 21, 1961]

*In the Matter of Michael-Lawrence Co., Inc., a Corporation, and Samuel Swimmer, Individually and as an Officer of Said Corporation*

Consent order requiring Inglewood, Calif., manufacturers of their "Sincere" "Outside White Paint" to cease representing falsely in letters and advertising literature mailed to purchasers that they offer limited amounts of distress merchandise at special reduced prices; and to cease misrepresenting the durability, quality, ingredients, and guarantee of their said paint.

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

*It is ordered*, That respondents Michael-Lawrence Co., Inc., a corporation, and its officers, and Samuel Swimmer, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their "Sincere" brand of paint or any other paint of substantially the same composition or possessing substantially the same properties, whether sold under said name or any other name, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(a) Any amount is a reduced price for their paint, unless it is less than the price at which respondents usually and customarily sell their paint in the normal course of business.

(b) Said paint is distress merchandise or that it is necessary to sell any designated quantity immediately, or at any other time.

(c) Only a limited or designated quantity of paint is available for sale.

(d) Said paint is of excellent durability or provides excellent protection; or that it possesses any degree of durability or provides any degree of pro-



tection that is not in accordance with the facts.

(e) Respondents sell more than one grade of paint.

(f) Said product is guaranteed, unless the terms and conditions of such guarantee and the manner and form in which the guarantor will perform are clearly set forth.

(g) One coat of said paint gives solid coverage or that one or any number of coats give coverage to any degree that is not in accordance with the facts.

(h) Said paint will not crack or yellow after years of exposure.

(i) Said paint is not subject to mildew.

(j) Titanium is a major ingredient in said paint.

*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: November 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 62-3464; Filed, Apr. 10, 1962; 8:46 a.m.]

[Docket No. C-29]

**PART 13—PROHIBITED TRADE PRACTICES**

**The Vandever Co., Inc.**

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: § 13.155-70 Percentage savings. 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.

(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, The Vandever Company, Inc., Tulsa, Okla., Docket C-29, Nov. 21, 1961]

Consent order requiring Tulsa, Okla., furriers to cease violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose the names of animals producing the fur contained in fur products and that certain products contained artificially colored fur, and represented falsely through such statements as "½ price fur sale", that prices were reduced in the stated percentage; and failing to maintain adequate records as a basis for price claims.

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

*It is ordered*, That the Vandever Company, Inc., a corporation, and its officers, and respondent's 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 fur products,

or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

2. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact.

B. Represents directly or by implication, through percentage savings claims that the prices of fur products are reduced in direct proportion to the percentage of savings stated when such is not the fact.

2. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

*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: November 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 62-3465; Filed, Apr. 10, 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**

**Certain Inert Ingredients in Pesticide Formulations; Exemption From Requirement of Tolerances**

Comments received on the proposal published in the FEDERAL REGISTER of November 14, 1961 (26 F.R. 10640), to exempt certain inert ingredients in pesti-

cide formulations from the requirement of a tolerance, have been considered. On the basis of these comments, the following changes have been made in the proposed regulation:

1. "Paraformaldehyde" is being added to the list, in addition to "Formaldehyde," as a source of this chemical, and a limitation of 1 percent in terms of formaldehyde is applied to both.

2. The term "Miscellaneous component" wherever it occurred in the proposal is replaced by a description of the purpose for which the material is used.

3. Definitions of "Soap" and "Zeolite" are being included in conjunction with these terms.

4. The term "Calcium carbonate" is being added after "Calcite."

5. "Methyl chloride" is listed in paragraph (c) rather than (d).

Certain other minor changes have been made for clarification purposes.

The comments received also included suggestions that certain additional inert ingredients be added to the list. Information on these is being considered in conjunction with a future proposal.

The Commissioner of Food and Drugs has concluded, on the basis of data before him, that the establishment of tolerances for these inert ingredients in pesticide formulations is not necessary for the protection of the public health. Therefore, under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 408(c), 68 Stat. 512, 21 U.S.C. 346a (c)), delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That § 120.6 (21 CFR 120.6) of the pesticide regulations be amended by adding thereto the following new paragraphs:

**§ 120.6 Exemptions from the requirement of a tolerance.**

\* \* \* \* \*

(c) Residues of the following materials are exempted from the requirement of a tolerance when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest:

Inert ingredients	Limits	Uses
Acetic acid.....	.....	Catalyst.
Acetone.....	.....	Solvent, cosolvent.
Ammonium bicarbonate.	.....	Surfactant, suspending agent, dispersing agent.
Ammonium hydroxide.	.....	Solvent, cosolvent, neutralizer, solubilizing agent.
Ammonium stearate.	.....	Surfactant.
Anyl acetate.....	.....	Solvent, cosolvent, attractant.
Animal glue.....	.....	Surfactant, adhesive.
Apple pomace.....	.....	Solid diluent, carrier.
Attapulgite-type clay.	.....	Solid diluent, carrier, thickener.
Benzoic acid.....	.....	Preservative for formulation.
Calcareous shale....	.....	Solid diluent, carrier.
Calcite.....	.....	Do.
Calcium carbonate..	.....	Do.
Calcium silicate.....	.....	Do.
Calcium stearate.....	.....	Do.
Casein.....	.....	Surfactant, emulsifier, wetting agent.
Citric acid.....	.....	Sequestrant.
Cocoa shells.....	.....	Solid diluent, carrier.
Coconut oil.....	.....	Surfactant, emulsifier, wetting agent.

Inert ingredients	Limits	Uses
Coffee grounds		Solid diluent, carrier.
Corn cobs		Do.
Cornstarch		Do.
Cottonseed oil		Safener.
Dextrin		Surfactant, suspending agent, dispersing agent.
Dextrose		Solid diluent, carrier.
Diatomite (diatomaceous earth).		Do.
Sodium phosphate.		Anticaking agent, conditioning agent.
Dolomite		Solid diluent, carrier.
Ethyl acetate		Solvent, cosolvent.
Ethylenediaminetetraacetic acid.	3% of pesticide formulation.	Sequestrant.
Ethylenediaminetetraacetic acid, tetrasodium salt.	5% of pesticide formulation.	Do.
Glycerol		Solvent, cosolvent.
Granite		Solid diluent, carrier.
Gum arabic (acacia)		Surfactant, suspending agent, dispersing agent.
Gypsum		Solid diluent, carrier.
Hydrochloric acid		Solvent, neutralizer.
Kaolinite-type clay		Solid diluent, carrier.
Magnesium carbonate.		Anticaking agent, conditioning agent.
Magnesium chloride.		Safener.
Magnesium lime.		Solid diluent, carrier.
Magnesium silicate		Do.
Magnesium sulfate		Solid diluent, carrier, safener.
Methyl chloride		Propellant.
Mica		Solid diluent, carrier.
Molasses		Attractant.
Montmorillonite-type clay.		Solid diluent, carrier.
Orange pomace		Do.
Peanut shells		Do.
Pyrophyllite		Do.
Rice bran		Do.
Soap (sodium or potassium salts of fatty acids).		Surfactant, emulsifier, wetting agent.
Sodium acetate		Buffer.
Sodium acid pyrophosphate.		Surfactant, suspending agent, dispersing agent, buffer.
Sodium hexametaphosphate.		Surfactant, emulsifier, wetting agent, suspending agent, dispersing agent, buffer.
Sodium propionate		Preservative for formulation.
Sodium silicate		Surfactant, emulsifier, wetting agent, stabilizer, inhibitor.
Sodium sulfate		Solid diluent, carrier.
Sodium tripolyphosphate.		Buffer, surfactant, suspending agent, dispersing agent, anticaking agent, conditioning agent.
Sorbitol		Antidusting agent.
Soybean flour		Surfactant.
Sucrose		Solid diluent, carrier, safener.
Talc		Solid diluent, carrier.
Tetrasodium pyrophosphate.		Anticaking agent, conditioning agent.
Tricalcium phosphate.		Surfactant, suspending agent, dispersing agent, anticaking agent, conditioning agent.
Trisodium phosphate.		Surfactant, emulsifier, wetting agent.
Urea		Stabilizer, inhibitor.
Vermiculite		Solid diluent, carrier.
Walnut shells		Do.
Wheat bran		Do.
Zeolite (hydrated alkali aluminum silicate).		Do.

(d) The following materials are exempted from the requirement of a tolerance when used in accordance with good

agricultural practice as inert ingredients in pesticide formulations applied to growing crops only:

Inert ingredients	Limits	Uses
Benzene		Solvent, cosolvent.
n-Butyl alcohol		Do.
Cyclohexane		Do.
Cyclohexanone		Do.
Dioxane		Do.
Ethylene dichloride (1,2-dichloroethane)		Do.
Formaldehyde	Not more than 1% of pesticide formulation.	Preservative for formulation.
Hexane (including isomeric hexanes).		Solvent, cosolvent.
Isopropyl alcohol		Solvent, cosolvent, stabilizer, inhibitor.
Methyl alcohol		Solvent, cosolvent.
Methyl ethyl ketone		Do.
Methyl isobutyl ketone		Do.
Methylene chloride (dichloromethane)		Do.
Paraformaldehyde	Not more than 1% of pesticide formulation as formaldehyde.	Preservative for formulation.
Toluene		Solvent, cosolvent.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing.

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
MISCELLANEOUS			
. . .	. . .	. . .	. . .
Ethylene-alkene-1 copolymers (ethylene-1-olefin copolymers).	In packaging materials, containers, and equipment intended for contact with food; extractability limitation as described in § 121.2510.	Jan. 1, 1963	

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

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(c), 68 Stat. 512; 21 U.S.C. 346a(c))

Dated: April 3, 1962.

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

[F.R. Doc. 62-3502; Filed, Apr. 10, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use of the following food additive, under the conditions prescribed in this order.

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following new item:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

*Effective date.* This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929 as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: April 3, 1962.

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

[F.R. Doc. 62-3500; Filed, Apr. 10, 1962; 8:50 a.m.]

**PART 121—FOOD ADDITIVES**

**Subpart C—Food Additives Permitted in Animal Feed or Animal Feed Supplements**

**MALATHION**

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by American Cynamid Company, Post Office Box 400, Princeton, New Jersey, and other relevant material, has concluded that the following food additive regulation should issue with respect to residues of malathion in dehydrated citrus pulp for cattle feed when present therein as a result of the application of the pesticide to bagged citrus pulp during storage. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625) the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

**§ 121.228 Malathion.**

A tolerance of 50 parts per million (0.005 percent) is established for residues of malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) in dehydrated citrus pulp for cattle feed, when present therein as a result of the application of the pesticide to bagged citrus pulp during storage. Where tolerances have been established under section 408 of the act on the fresh fruit, the total residue of malathion in the dried citrus pulp shall not be greater than that prescribed in this section.

Any person who will be adversely affected by the foregoing order may 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. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 3, 1962.

GEO. P. LARRICK,

Commissioner of Food and Drugs.

[F.R. Doc. 62-3501; Filed, Apr. 10, 1962; 8:50 a.m.]

**PART 121—FOOD ADDITIVES**

**Subpart D—Food Additives Permitted in Food for Human Consumption**

**POLYOXYETHYLENE (20) SORBITAN TRISTEARATE; SORBITAN MONOSTEARATE; POLYSORBATE 60**

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Lever Brothers Company, 390 Park Avenue, New York 22, New York, and other relevant material, has concluded that the following amended regulations should issue with respect to the food additives polyoxyethylene (20) sorbitan tristearate, sorbitan monostearate, and polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), alone or in combination, in whipped vegetable oil topping. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.1008 (26 F.R. 439), 121.1029 (26 F.R. 109), 121.1030 (26 F.R. 4739)) are amended in the following respects:

1. In § 121.1008, paragraph (c) is amended by adding thereto a new subparagraph (3), reading as follows:

**§ 121.1008 Polyoxyethylene (20) sorbitan tristearate.**

\* \* \* \* \*

(c) \* \* \*

(3) As an emulsifier in whipped vegetable oil topping with or without one or a combination of the following:

- (i) Sorbitan monostearate;
- (ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate);

whereby the maximum amount of the additive or additives used does not exceed 0.40 percent of the weight of the finished whipped vegetable oil topping.

2. In § 121.1029, paragraph (c)(1) is amended by inserting the name "polysorbate 60" preceding the name "polyoxyethylene (20) sorbitan monostearate" and by adding thereto the name "polyoxyethylene (20) sorbitan tristearate." As amended, paragraph (c)(1) reads as follows:

**§ 121.1029 Sorbitan monostearate.**

\* \* \* \* \*

(c) \* \* \*

(1) As an emulsifier in whipped vegetable oil topping, with or without one or a combination of the following:

- (i) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate);
- (ii) Polyoxyethylene (20) sorbitan tristearate;

whereby the maximum amount of the additive or additives used does not exceed 0.40 percent of the weight of the finished whipped vegetable oil topping.

3. In § 121.1030, paragraph (c)(1) is amended by inserting after "sorbitan monostearate" the name "polyoxyethylene (20) sorbitan tristearate." As amended, paragraph (c)(1) reads as follows:

**§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).**

\* \* \* \* \*

(c) \* \* \*

(1) As an emulsifier in whipped vegetable oil topping with or without one or a combination of the following:

- (i) Sorbitan monostearate;
- (ii) Polyoxyethylene (20) sorbitan tristearate;

whereby the maximum amount of the additive or additives used does not exceed 0.40 percent of the weight of the finished whipped vegetable oil topping.

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

Dated: April 5, 1962.

GEO. P. LARRICK,

Commissioner of Food and Drugs.

[F.R. Doc. 62-3499; Filed, Apr. 10, 1962; 8:50 a.m.]

**PART 121—FOOD ADDITIVES**

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

**SODIUM NITRATE-UREA COMPLEX**

The Commissioner of Food and Drugs, having evaluated a petition (FAP 516) filed by Glassine and Greaseproof Manufacturers Association, 122 East 42d Street, New York 17, N.Y., and other relevant material, has concluded that the following regulation should issue with respect to a complex of sodium nitrate and urea used as a plasticizer in glassine and greaseproof paper used for packaging



dry food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2516 Sodium nitrate-urea complex.

Sodium nitrate-urea complex may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Sodium nitrate-urea complex is a clathrate of approximately two parts urea and one part sodium nitrate.

(b) Sodium nitrate-urea complex conforming to the limitations prescribed in subparagraph (1) of this paragraph is used as provided in subparagraph (2) of this paragraph.

(1) *Limitations.* (i) It is used as a plasticizer in glassine and greaseproof paper.

(ii) The amount used does not exceed that required to accomplish its intended technical effect or exceed 15 percent by weight of the finished paper.

(2) *Conditions of use.* The glassine and greaseproof papers are used for packaging dry food or as the food-contact surface for dry food.

Any person who will be adversely affected by the foregoing order may 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. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 3, 1962.

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

[F.R. Doc. 62-3481; Filed, Apr. 10, 1962;  
8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline Hydrochloride- (or Tetracycline Phosphate Complex-) Nystatin Capsules

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of tetracycline or tetracycline-containing drugs (21 CFR 141c.224, 146c.224) are amended as follows:

1. Section 141c.224(b)(5) is amended to read as follows:

§ 141c.224 Tetracycline hydrochloride-nystatin capsules; tetracycline phosphate complex-nystatin capsules.

(b) . . . .

(5) *Identity.* Weigh approximately 20 milligrams of the sample in a 100-milliliter glass-stoppered volumetric flask, add about 75 milliliters absolute methyl alcohol, and shake mechanically for 30 minutes. Dilute to volume with methyl alcohol. Transfer 10.0 milliliters of this solution to a 100-milliliter volumetric flask and dilute to volume with methyl alcohol. Within 2 hours, determine the absorption peak at 230  $m\mu$ , 291  $m\mu$ , 305  $m\mu$ , and 319  $m\mu$  and the shoulder at 279 $\pm$ 2  $m\mu$ , using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100 percent transmission with absolute methyl alcohol. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 220  $m\mu$  to 320  $m\mu$ . If a non-recording spectrophotometer is used, the exact positions of the peaks and shoulder should be determined for the particular instrument used. The ratio of the two absorbancies ( $A_{290}/A_{279}$ ) should be not less than 0.90 and not more than 1.25.

2. Section 146c.224(a) is amended by changing the last sentence therein to read as set forth below. As amended, paragraph (a) reads as follows:

§ 146c.224 Tetracycline hydrochloride nystatin capsules; tetracycline phosphate complex-nystatin capsules.

(a) Each capsule contains not less than 100,000 units of nystatin. The nystatin used is produced by the growth of *Streptomyces noursei*. It is a white

to yellow to light-tan powder. It is very slightly soluble in water, moderately soluble in methyl alcohol, butyl alcohol, or propyl alcohol. Its potency is not less than 2,000 units per milligram. It is nontoxic. Its pH in a 3-percent aqueous suspension is not less than 6.5 and not more than 8.0. Its moisture content is not more than 5 percent. It exhibits absorption maxima, within  $\pm 2 m\mu$ , at 230  $m\mu$ , 291  $m\mu$ , 305  $m\mu$ , and 319  $m\mu$  when dissolved in methyl alcohol and the ratio of the absorption peak at 230 $\pm$ 2  $m\mu$  and the middle of the shoulder at 279 $\pm$ 2  $m\mu$ ,  $A_{290}/A_{279}$ , is not less than 0.90 and not more than 1.25.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments have been prepared in collaboration with interested members of the affected industry and present no points of controversy.

*Effective date.* This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER. (Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: April 3, 1962.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.  
[F.R. Doc. 62-3498; Filed, Apr. 10, 1962;  
8:50 a.m.]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Capsules Demethylchlortetracycline Hydrochloride

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146c.252) are amended as follows:

Section 146c.252 *Capsules demethylchlortetracycline hydrochloride* is amended in the following respects:

1. Paragraph (a) is amended by changing the second sentence to read: "Each capsule shall contain not less than 50 milligrams of demethylchlortetracycline hydrochloride, except if it is intended for veterinary use each capsule shall contain not less than 25 milligrams."

2. Paragraph (c) is amended to read as follows:

(c) *Labeling*—(1) *If it is packaged for dispensing and intended for use by man.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package

shall bear on the outside wrapper or container and the immediate container the statement "Expiration date -----," the blank being filled in with the date that is 36 months after the month during which the batch was certified.

(2) If it is packaged for dispensing and intended solely for veterinary use. Its label and labeling shall comply with all requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement, "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

I find that demethylchlortetracycline hydrochloride capsules intended for treating bacterial infections in dogs are safe and efficacious for use, under the conditions prescribed. I further find that notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of these amendments, since the conditions pertinent to the certification of the drug under section 507 of the statute have been complied with and since the amendments concerning labeling are editorial in nature.

*Effective date.* This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 3, 1962.

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

[F.R. Doc. 62-3497; Filed, Apr. 10, 1962; 8:49 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

#### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

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

#### PART 1—GENERAL PROVISIONS

1. Revise §§ 1.102, 1.201-5, 1.201-14, and 1.201-15 to read as follows:

##### § 1.102 Applicability of subchapter.

This subchapter shall apply to all purchases and contracts made by the Department of Defense, within or outside the United States (but see § 1.109-4), for the procurement of supplies or services which obligate appropriated funds (including available contract authorizations), unless otherwise specified herein,

except transportation services procured by transportation requests, transportation warrants, bills of lading, and similar transportation forms. (Procurement of these excepted transportation services shall be in accordance with specific regulations and instructions issued by the Defense Traffic Management Service (DTMS), Military Sea Transportation Service (MSTS), Military Air Transport Service (MATS), and the Departments.)

##### § 1.201-5 Department and Military Department.

"Department and Military Department" include the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Supply Agency.

##### § 1.201-14 Procuring activity.

"Procuring activity" includes, for the Army, the technical services, the Zone of Interior armies, the National Guard Bureau, the Military District of Washington, and the selected major oversea commands; for the Navy, each Bureau, the Office of Naval Research, the Aviation Supply Office, the Military Sea Transportation Service and the United States Marine Corps; for the Air Force, the Air Force Logistics Command and the Air Force Systems Command; for the Defense Supply Agency, the Defense Supply Centers, and the Defense Traffic Management Service. It also includes any other procuring activity hereafter established. The number and designation of particular procuring activities of any Military Department may be changed by directive of the Secretary.

##### § 1.201-15 Secretary.

"Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of any Military Department. Secretary shall also include the Director and Deputy Director of the Defense Supply Agency, except to the extent that any law or executive order limits the exercise of authority to persons at the Secretarial level. In the latter situation, such authority shall be exercised by the Assistant Secretary of Defense (Installations and Logistics).

2. In § 1.308(b), revise subparagraph (24) and add new subparagraph (25); and add new sentence to § 1.702(b), to read as follows:

##### § 1.308 Records of contract actions.

\* \* \* \* \*

(b) \* \* \*

(24) information appropriate for renegotiation purposes (see § 3.808-6); and

(25) any additional documents reflecting actions peculiar to a specific activity or service.

##### § 1.702 General policy.

\* \* \* \* \*

(b) \* \* \* As to research and development contracts with small business concerns, see § 3.107 of this subchapter.

3. Revise §§ 1.707, 1.707-1, 1.707-2, 1.707-3, 1.707-4, 1.707-5, 1.707-6, 1.707-7, and 1.708, to read as follows:

##### § 1.707 Subcontracting with small business concerns.

##### § 1.707-1 General.

(a) It is the policy of the Government to enable small business concerns to be considered fairly as subcontractors to contractors performing work or rendering services as prime contractors or subcontractors under Government procurement contracts, and to assure that prime contractors and subcontractors having small business subcontracting programs will consult through the purchasing activity with the SBA at its request.

(b) The SBA is not authorized, however, to prescribe the extent to which any contractor or subcontractor shall subcontract or specify the concerns to which subcontracts shall be granted, nor does it vest in SBA authority respecting the administration of individual prime contracts or subcontracts.

##### § 1.707-2 Small business subcontracting program.

The Government's small business subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with small business concerns. In contracts which range from \$5,000 to \$500,000, the contractor undertakes the obligation of accomplishing the maximum amount of small business subcontracting which is consistent with the efficient performance of the contract. This undertaking is set forth in the contract clause prescribed in § 1.707-3(a). In contracts which may exceed \$500,000, the contractor is required, pursuant to the clause set forth in § 1.707-3(b) to undertake a number of specific responsibilities designed to assure that small business concerns are considered fairly in the subcontracting role and to impose similar responsibilities on major subcontractors. (The liaison officer required by the latter clause may also serve as liaison officer for labor surplus area matters.)

##### § 1.707-3 Required clauses.

(a) The "Utilization of Small Business Concerns" clause below shall be included in all contracts in amounts which may exceed \$5,000 except (1) contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico; and (2) contracts for services which are personal in nature:

##### UTILIZATION OF SMALL BUSINESS CONCERNS (JAN. 1958)

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

(b) The "Small Business Subcontracting Program" clause below shall be included in all contracts which may exceed \$500,000, which contain the clause required by paragraph (a) of this section and which, in the opinion of the



purchasing activity, offer substantial subcontracting possibilities. Prime contractors who are to be awarded contracts that do not exceed \$500,000 but which, in the opinion of the purchasing activity, offer substantial subcontracting possibilities, shall be urged to accept the clause.

**SMALL BUSINESS SUBCONTRACTING PROGRAM  
(FEB. 1962)**

(a) The Contractor agrees to establish and conduct a small business subcontracting program which will enable small business concerns to be considered fairly as subcontractors and suppliers under this contract. In this connection, the Contractor shall:

(1) Designate a liaison officer who will (i) maintain liaison with the Government on small business matters, (ii) supervise compliance with the "Utilization of Small Business Concerns" clause, and (iii) administer the Contractor's "Small Business Subcontracting Program."

(2) Provide adequate and timely consideration of the potentialities of small business concerns in all "make-or-buy" decisions.

(3) Assure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of small business concerns. Where the Contractor's lists of potential small business subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(4) Maintain records showing (i) whether each prospective subcontractor is a small business concern, (ii) procedures which have been adopted to comply with the policies set forth in this clause, and (iii) with respect to the letting of any subcontract (including purchase orders) exceeding \$10,000, information substantially as follows:

(A) Whether the award went to large or small business.

(B) Whether less than three or more than two small business concerns were solicited.

(C) The reason for non-solicitation of small business if such was the case.

(D) The reason for small business failure to receive the award if such was the case when small business was solicited. The records maintained in accordance with (iii) above may be in such form as the individual Contractor may determine, and the information shall be summarized quarterly and submitted by the purchasing department of each individual plant or division to the Contractor's cognizant small business liaison officer. Such quarterly summaries will be considered to be management records only and need not be submitted routinely to the Government; however, records maintained pursuant to this clause will be kept available for review.

(5) Notify the Contracting Officer before soliciting bids or quotations on any subcontract (including purchase orders) in excess of \$10,000 if (1) no small business concern is to be solicited, and (ii) the Contracting Officer's consent to the subcontract (or ratification) is required by a "Subcontracts" clause in this contract. Such notice will state the Contractor's reasons for non-solicitation of small business concerns, and will be given as early in the procurement cycle as possible so that the Contracting Officer may give the Small Business Administration timely notice to permit SBA a reasonable period to suggest potentially qualified small business concerns through the Contracting Officer. In no case will the procurement action be held up when to do so would, in the Contractor's judgment, delay performance under the contract.

(6) Include the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial small business subcontracting opportunities.

(7) Cooperate with the Contracting Officer in any studies and surveys of the Contractor's subcontracting procedures and practices that the Contracting Officer may from time to time conduct.

(8) Submit DD Form 1140 reports, in triplicate, to the Military Department that reviews his subcontracting program, except that where the Contractor elects to report on a corporate rather than a plant basis, he may submit his reports to the Military Department having industrial readiness planning responsibility at the corporate headquarters.

(b) A "small business concern" is a concern that meets the pertinent criteria established by the SBA and set forth in paragraph 1-701 of the Armed Services Procurement Regulation.

(c) The Contractor agrees that, in the event he fails to comply with his contractual obligations concerning the small business subcontracting program, this contract may be terminated, in whole or in part, for default.

(d) The Contractor further agrees to insert, in any subcontract hereunder which is in excess of \$500,000 and which contains the "Utilization of Small Business Concerns" clause, provisions which shall conform substantially to the language of this clause, including this paragraph (d), and to notify the Contracting Officer of the names of such subcontractors; except that the subcontractor will submit the DD Form 1140 reports to the Military Department having industrial readiness planning responsibility or plant cognizance. (A subcontractor may request advice from the nearest military purchasing or contract administration activity as to the Military Department to which he should submit his reports.)

**§ 1.707-4 Responsibility for reviewing the subcontracting program.**

(a) Only one Department shall be responsible for reviewing a contractor's Small Business Subcontracting Program. Subject to paragraph (b) of this section, such review shall be the responsibility of:

(1) The Department having industrial readiness planning responsibility at the plant where the contract is being performed; or

(2) If subparagraph (1) of this paragraph is inapplicable, the Department having plant cognizance procurement responsibility (see § 5.1100-2(b) of this subchapter); or

(3) If neither subparagraph (1) nor (2) of this paragraph is applicable, the Department assigned the responsibility through coordinated action of the Director of Small Business Policy of the Department of Defense and the Small Business Advisors of the Departments.

(b) In appropriate instances, however; when jointly determined by the Director of Small Business Policy and the Small Business Advisors of the Departments, criteria other than those specified in paragraph (a) of this section may be used in assigning responsibility to a Department for reviewing an individual contractor's Small Business Subcontracting Program.

(c) The Department placing a contract with a prime contractor containing the "Small Business Subcontracting Program" clause shall either (1) assume re-

sponsibility for reviewing the subcontracting program of the prime contractor if such Department meets the criteria specified in paragraph (a) or (b) of this section, or (2) promptly request in writing the Small Business Advisor of the Department which does meet such criteria to assume responsibility for review of this program.

(d) Promptly upon receipt of the names of subcontractors who will participate in the Small Business Subcontracting Program, the Department concerned will assume, or provide for the assumption of, responsibility for review of each subcontractor's program in accordance with procedures set forth in paragraph (a) or (b) of this section.

(e) The responsible Department will determine the adequacy of the contractor's Small Business Subcontracting Program and bring any deficiencies to the attention of the contractor's designated liaison officer with a request for corrective action.

**§ 1.707-5 Reports on DD Form 1140.**

(a) In connection with the submission of DD Form 1140 Reports under the "Small Business Subcontracting Program" clause, a subcontractor may contact the nearest military purchasing or contract administration activity and request advice as to the Department to which he should submit reports. The military purchasing or contract administration activity shall, through channels, submit such a request to the Small Business Advisor of the Department concerned. The Small Business Advisor shall submit it to the Director for Small Business Policy of the Department of Defense for his determination in coordination with the Small Business Advisors of the Departments.

(b) Each Department shall forward to the Assistant Secretary of Defense (Comptroller), by March 15 and September 15, a copy of each DD Form 1140 received for the semiannual periods ending December 31 and June 30, respectively.

**§ 1.707-6 Subcontracting studies and surveys.**

Each purchasing activity shall assist the SBA to obtain such reasonably obtainable information and records concerning the subcontracting of its prime contractors and its subcontractors, having contracts that contain the Small Business Subcontracting Program clause, as the SBA may deem necessary. Accordingly, the contracting officer or his representative, separately, or together with a representative of SBA may periodically conduct studies and surveys of the contractor's subcontracting procedures and practices and those of his subcontractors. Such studies and surveys may originate with the purchasing activity in order to have available the pertinent data concerning subcontracting by its primes, or, if such data is not currently available, the studies and surveys may originate upon the request of the SBA for such data. On the basis of the foregoing studies, surveys, and records, the SBA may make recommendations to the purchasing activity regarding methods for increasing small busi-



ness participation in subcontract awards. SBA and the purchasing activity will freely interchange, at the operating level, information resulting from these surveys.

**§ 1.707-7 SBA review of agency records.**

To the extent that subcontracting records are maintained in purchasing or contract administration activities, such records shall be made available to SBA, upon request for review.

**§ 1.708 Mobilization planning.**

The policy of placing a fair proportion of purchases and contracts with small business concerns (see § 1.702) applies in the field of mobilization planning and each Military Department shall continually study its industrial readiness planning procedures to include the Small Business Program, to the maximum practical extent.

4. Revise §§ 1.805, 1.805-1 and 1.805-2, and add new §§ 1.805-3 and 1.805-4, to read as follows:

**§ 1.805 Subcontracting with labor surplus area concerns.**

**§ 1.805-1 General policy.**

It is the policy of the Government to promote equitable opportunities for labor surplus area concerns to compete for defense subcontracts and to encourage placement of subcontracts with concerns which will perform such contracts substantially in areas of persistent or substantial labor surplus, in the order of priority described in § 1.802 where this can be done, consistent with efficient performance of contracts, at prices no higher than are obtainable elsewhere.

**§ 1.805-2 Labor surplus area subcontracting program.**

The Government's labor surplus area subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with labor surplus area concerns. In contracts which range from \$5,000 to \$500,000, the contractor undertakes the simple obligation of using his best efforts to place his subcontracts with concerns which will perform such subcontracts substantially in areas of persistent or substantial labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. This undertaking is set forth in the contract clause prescribed in § 1.805-3(a). In contracts which may exceed \$500,000, the contractor is required, pursuant to the clause set forth in § 1.805-3(b), to undertake a number of specific responsibilities designed to insure achievement of the objectives referred to above and to impose similar responsibilities on major subcontractors.

**§ 1.805-3 Required clauses.**

(a) The "Utilization of Concerns in Labor Surplus Areas" clause set forth below shall be inserted in all contracts in amounts which may exceed \$5,000, except:

(1) Contracts with foreign contractors which, including all subcontracts thereunder, are to be performed en-

tirely outside the United States, its possessions, and Puerto Rico;

(2) Contracts for services which are personal in nature; and

(3) Contracts for construction.

**UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS (FEB. 1962)**

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in areas of persistent or substantial labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (i) Persistent labor surplus area concerns which are also small business concerns; (ii) other persistent labor surplus area concerns; (iii) substantial labor surplus area concerns which are also small business concerns; (iv) other substantial labor surplus area concerns; and (v) small business concerns which are not labor surplus area concerns.

(b) The "Labor Surplus Area Subcontracting Program" clause below shall be included in all contracts which may exceed \$500,000, but which contain the clause required by paragraph (a) of this section and which, in the opinion of the purchasing activity, offer substantial subcontracting possibilities. Prime contractors who are to be awarded contracts that do not exceed \$500,000, which in the opinion of the purchasing activity offer substantial subcontracting possibilities, shall be urged to accept the following clause:

**LABOR SURPLUS AREA SUBCONTRACTING PROGRAM (FEB. 1962)**

(a) The Contractor agrees to establish and conduct a program which will encourage labor surplus area concerns to compete for subcontracts within their capabilities. In this connection, the Contractor shall:

(1) Designate a liaison officer who will (i) maintain liaison with duly authorized representatives of the Government on labor surplus area matters, (ii) supervise compliance with the "Utilization of Concerns in Labor Surplus Areas" clause, (iii) administer the Contractor's Labor Surplus Area Subcontracting Program;

(2) Provide adequate and timely consideration of the potentialities of labor surplus area concerns in all "make-or-buy" decisions;

(3) Assure that labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of labor surplus area concerns;

(4) Maintain records showing procedures which have been adopted to comply with the policies set forth in this clause; and

(5) Include the "Utilization of Concerns in Labor Surplus Areas" clause in subcontracts which offer substantial labor surplus area subcontracting opportunities.

(b) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it in "Areas of Substantial and Persistent Labor Surplus" or in "Areas of Substantial Labor Surplus," as designated by the Department of Labor. A concern shall be deemed to perform a substantial

proportion of a contract in a labor surplus area if the costs that the concern will incur on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the price of such contract.

(c) The Contractor further agrees, with respect to any subcontract hereunder which is in excess of \$500,000 and which contains the clause entitled "Utilization of Concerns in Labor Surplus Areas," that he will insert provisions in the subcontract which will conform substantially to the language of this clause, including this paragraph (c), and that he will furnish the names of such subcontractors to the Contracting Officer.

**§ 1.805-4 Responsibility for reviewing subcontracting program.**

Only one Department shall be responsible for reviewing a contractor's labor Surplus Area Subcontracting Program. Departmental responsibility shall be assigned and carried out in accordance with § 1.707-4.

5. In § 1.1003-9, revise paragraphs (a) (1) and (d); and revise Subpart K to read as follows:

**§ 1.1003-9 Preparation and transmittal.**

(a) \* \* \*

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

Synopsis, Commerce Department, Field Service, Chicago, Ill.

\* \* \* \* \*

(d) (1) Notices which invite the submission of information as to research and development capabilities in specific fields of interest shall be headed "Research and Development Sources Sought." This shall be followed by a statement similar to the following: "Firms having research and development capabilities in the field of ----- and whose facilities

(Be specific)

and personnel include -----

(Describe in substantial detail minimum facilities and personnel required)

are invited to submit complete information to the purchasing office listed above. Information furnished should include the total number of employees and professional qualifications of scientists, engineers, and technical personnel; a description of general and special facilities; an outline of previous projects; a statement regarding industrial security clearance, if previously granted; and other available descriptive literature. This is not a request for a proposal."

(2) Notices of specific procurements of research and development projects may state that only those sources which have been technically evaluated will be requested to submit proposals. When it is intended to award a contract based on earlier unsolicited proposals for research and development work, the notice shall so state. The name of the proposed contractor shall be given and a brief description of the work proposed, provided that information submitted in

confidence is not revealed. The notice may state that a contract is in progress of being awarded and therefore, other proposals cannot be considered for this procurement.

### Subpart K—Qualified Products

#### § 1.1101 General.

(a) Where it is necessary to test products in advance of their procurement in order to obtain products of requisite quality, such products may be subjected to qualification tests to determine if they are qualified for use. The results of such testing and approval are set forth in a qualified products list. Testing of a product for compliance with the requirements of a specification in advance of, and dependent of any specific procurement action, is known as qualification testing. The entire process by which products are obtained from suppliers, examined and tested, and then identified on a list of qualified products is known as qualifications.

(b) Qualified products are those products which, in accordance with specifications containing qualification requirements, have been subjected to examination and tests and have been found to satisfy all requirements of the applicable specification. Qualified products lists identify the specification, manufacturer, item by part or model number or trade name, place of manufacture, and the test report involved. Suppliers whose products have successfully completed qualification testing and who furnish evidence thereof, are eligible for award although not yet included on the qualified products list.

(c) Specifications which require products to be tested and qualified are identified in the Department of Defense Index of Specifications and Standards. Chapter IV, Defense Standardization Manual (M200) is the basic directive concerning the qualified products and qualification procedures. Copies of the Index and the Manual may be obtained by the public from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

#### § 1.1102 Responsibility for qualification.

The specification is the only medium for establishing a requirement for qualification. The preparing activity identified in the specification is responsible for qualification.

#### § 1.1103 Justification for inclusion of qualification requirements.

Subject to approval by: in the case of the Army, the Office of the Deputy Chief of Staff, Logistics; in the Navy, the Office of Navy Material; and in the Air Force, the Directorate of Systems Services (AFSSV), Headquarters, USAF; a qualification requirement may be included in a specification when one or more of the following conditions exist:

(a) The time required for testing in connection with production would unduly delay delivery of the supplies being purchased;

(b) The tests would require special equipment not commonly available;

(c) The costs of repetitive testing would be excessive; or

(d) The interest of the Government requires assurance, prior to award, that the product is satisfactory for its intended use.

#### § 1.1104 Availability of lists.

Qualified products lists are intended for the use of the Government and its contractors, subcontractors, prospective bidders, and suppliers. Lists may be obtained by prospective bidders or suppliers who require these lists in furnishing supplies or services to the Government or its contractors. Lists are also available to the public upon request. When a person is provided with, or given access to, a qualified products list he should be advised as follows:

(a) The list has been prepared for use by or for the Government in the procurement of products covered by the specification and such listing of a product is not intended to and does not constitute indorsement of the product by the Department of Defense.

(b) All products listed have been qualified under the requirements for the product as specified in the latest effective issue of the applicable specification;

(c) The list may be revised or amended as necessary, and subject to change without notice;

(d) The listing of a product does not release the supplier from compliance with the specification requirements; and

(e) Use of the information for advertising or publicity purposes is expressly forbidden.

#### § 1.1105 Opportunity for qualification.

Upon determination that a product is to be covered by a qualified products list, manufacturers shall be urged to submit their products for qualification and where possible shall be given sufficient time to arrange for qualification testing prior to issuance of the initial invitation for bids or request for proposals for the item as a qualified product. Appropriate notice of such determination shall be furnished to the U.S. Department of Commerce, 433 West Van Buren Street, Chicago 7, Illinois, for publication in the daily "Synopsis of U.S. Government Proposed Procurement, Sales and Contracts Award." The publicity given to the requirement for qualification testing shall include the following:

(a) An intention to establish a qualified products list for a product;

(b) The specification number and nomenclature of the product, and the name and address of the office to which the request for qualification should be submitted; and

(c) Notice that in making future awards consideration shall be given only to such products as have been accepted for inclusion in a qualified products list.

Lists shall always be kept open for inclusion of products from additional suppliers.

#### § 1.1106 Clarification of qualification requirements.

When there is any question concerning qualification requirements in a specification, the activity that prepared the

specification will furnish clarification when requested by the contracting activity.

#### § 1.1107 Procurement of qualified products.

##### § 1.1107-1 General.

(a) Whenever qualified products are to be procured, only bids or proposals offering products which have been qualified prior to the opening of bids or the award of negotiated contracts shall be considered in making an award. Suppliers having products which have been tested and qualified in accordance with the specification but which have not been listed on the applicable qualified products list, should be given consideration and an opportunity to offer evidence of such qualification before award is made.

(b) To encourage suppliers to make timely arrangements for qualification of their products, contracting officers shall be governed by subparagraphs (1) through (3) of this paragraph.

(1) *Synopsis of proposed procurement.* The purchasing activity shall publicize the proposed procurement in the Synopsis, in accordance with § 1.1003 promptly upon receipt of the purchase request.

(2) *Solicitation period.* The maximum time feasible, consistent with timely accomplishment of the procurement, should be allowed between issuance of the invitation for bids, or the request for proposals, and the opening of bids or the award of negotiated contracts. However, contracting officers shall insure that the solicitation period allows at least a minimum of 30 calendar days between the issuance and opening dates. Periods of less than 30 days may be set in cases of urgency provided the justification for a shorter opening be in writing and made part of the procurement file. In appropriate cases, advance notice of procurements of qualified products may be given suppliers through the use of preinvitation notices. Such notices shall identify the specification requiring qualification and shall specify the time within which such qualification must be accomplished.

(3) *Distribution.* In procuring qualified products by formal advertising, invitations for bids will be extended to suppliers in the same manner as if a qualified product were not involved, and will not be restricted to suppliers whose products have been qualified.

##### § 1.1107-2 Notice.

In procurements involving qualified products, the following provision shall be inserted in invitations for bids.

With respect to products requiring qualification, awards will be made only for such products that have, prior to time set for opening of bids, been tested and qualify for inclusion in the Qualified Products List identified below, whether or not such products have actually been included in the list by that date. Suppliers are urged to communicate with the office designated below and arrange to have the products that they propose to offer tested for qualification. Suppliers having products which have been tested and qualified but not yet listed are requested to submit evidence of such qualification with their bids or offers, so that they may be given consideration.



(SEP. 1961)

(Identify the qualified products list involved and give the name and address of the office, as identified in the specification, with which manufacturers should communicate.)

The above provision shall be appropriately modified and used in negotiated procurements. Contracting officers shall forward requests from suppliers concerning qualification of products to the activity designated in the specification.

§ 1.1107-3 Effect of debarment or suspension.

Notwithstanding any other provision of this subpart, the inclusion of a product on the qualified products lists may be denied, and the qualification of a listed product may be withdrawn, by the Department concerned, without notification to the manufacturer, if the name of the manufacturer appears on the lists of debarred or ineligible bidders which are maintained pursuant to Subpart F of this part. With reference to Type B listings, the provisions of this section shall be applicable only if the qualified product is in the category prescribed by the Secretary of Labor (see § 1.603).

§ 1.1108 Waiver of qualification requirements.

When procuring a product under a specification which includes qualification requirements, such qualification requirements can be waived only by the activity that prepared the specification. In appropriate cases, when requested by the contracting officer, the preparing activity may waive qualification requirements. A notice, issued by the preparing activity, directing a waiver of the qualification requirement, constitutes adequate authorization for waiver of product qualification requirements. Where waivers have been granted, invitation for bids and requests for proposals shall specifically indicate that the qualification requirement is inapplicable. Such information shall also be included in any required Department of Commerce Synopsis of the procurement.

§ 1.1109 Inadequate competition.

In connection with an individual procurement of a qualified product, the contracting officer shall review the applicable qualified products list to ascertain whether the number of sources is adequate for competition prior to inviting bids or soliciting proposals. If, in the opinion of the contracting officer, the number of sources is inadequate, action shall be taken as prescribed below:

(a) The contracting officer should request the activity that prepared the specification to provide information concerning the status of tests on additional products, including the date when such tests will be completed, so that the opening of bids or the submission of proposals may be so scheduled as to allow completion of the tests.

(b) If no tests are contemplated or under way, the contracting officer should further request the preparing activity to advise whether a means of quality assurance other than qualification approval may be substituted in the procurement.

§ 1.1110 Reporting nonconformance with specification requirements.

If a supplier on the qualified products list repeatedly submits products not meeting specification requirements for inspection, resubmits products previously rejected without correcting the defects, or is otherwise unsatisfactory in the performance of contracts, he shall be reported to the activity that prepared the specification for a determination as to whether the supplier's product shall be removed from the list.

§ 1.1111 Misuse of qualified products list information.

Misuse of qualified products list information, such as for advertising or publicity purposes, shall be reported promptly to the preparing activity.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

6. Revise § 2.201(c) (2); in § 2.406-3, revise paragraph (b) (3) and add new paragraph (b) (4); in § 2.407-6, revise paragraph (a) (1) and add new paragraph (a) (3); and revise §§ 2.502(b) and 2.503-1 (a) (8) and (b) (4), to read as follows:

§ 2.201 Preparation of invitation for bids.

- (c) If a construction contract is to include the clause set forth in § 4.104-2 of this subchapter, a notice that, unless he has submitted such description with his bid, the successful bidder must furnish the contracting officer within (number) days after award a description of the work which he intends to perform with his own organization (e.g., earthwork, paving, brickwork, or roofing), the percentage of the total work this represents, and the estimated cost thereof.

§ 2.406-3 Other mistakes.

- (3) Department of the Air Force: To the Staff Judge Advocate, Headquarters, Air Force Logistics Command. (4) Defense Supply Agency: The Counsel.

§ 2.407-6 Equal low bids.

(a) (1) Where two or more low bids are equal in all respects, considering all factors except the priorities set forth in subparagraph (2) of this paragraph, award shall be made in accordance with the order of priorities therein. Where two or more low bids are equal in all respects, considering all factors including the priorities set forth in subparagraph (2) of this paragraph, award shall be made by a drawing by lot which shall be witnessed by at least three persons and which may be attended by the bidders or their representatives, subject to subparagraph (3) of this paragraph.

(3) If the application of the priorities in subparagraph (2) of this paragraph results in two or more bidders being

eligible for award, the award shall be made to the concern that will make the most extensive use of small business subcontractors, rather than by drawing lots. If two or more bidders still remain eligible for award, the award shall be made by a drawing by lot limited to such bidders.

§ 2.502 Conditions for use.

(b) definite criteria exist for evaluating technical proposals, such as applicable design and performance requirements, and special requirements for operational suitability and ease of maintenance; however, such criteria shall not include consideration of capacity or credit as defined in § 1.705-6 of this chapter;

§ 2.503-1 Step one.

(a) Requests for Technical Proposals. \* \* \*

(8) a statement that in the second step of the procurement only bids based upon technical proposals determined to be acceptable, either initially or as a result of discussions, will be considered for award; and that each bid in the second step must be based on the bidder's own technical proposal; and

(b) Receipt and evaluation of technical proposals. \* \* \*

(4) Technical evaluation of the proposals will be based upon the criteria contained in the request for technical proposals and such evaluation will not include consideration of capacity or credit as defined in § 1.705-6 of this chapter.

PART 3—PROCUREMENT BY NEGOTIATION

7. In § 3.101, revise paragraphs (o), (p), (q), (r), (s) and (t), and add new paragraph (u); revise § 3.107-4; and revise paragraph (a) in § 3.108, to read as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

(o) Consideration of the soundness of prospective contractor's management of labor resources, including wage rates, number of workers and total estimated labor hours, with particular attention to possible uneconomical practices found in labor management agreements or in company policy, especially in the selection of contractors for development and production of major weapon systems and subsystems;

(p) Consideration of the extent of subcontracting;

(q) Consideration of the existing and potential workload of the prospective supplier;

(r) Consideration of broadening the industrial base by the development of additional suppliers;

(s) Consideration of whether the contractor requires Government-furnished property, machine tools, or facilities; or Government-operated test facilities;



(t) Consideration of contract performance in facilities located in dispersed sites; and

(u) Advantages or disadvantages to the Government that might result from making multiple awards.

#### § 3.107-4 Solicitation.

(a) In order to minimize the preparation of technical proposals, which can be both costly and wasteful of scientific or engineering manpower, contracting officers should request proposals only from sources which have been technically evaluated and found qualified to perform research and development in the specific field of science or technology involved. Where there is no substantial question as to the choice of the source, as where only one source is found fully qualified as a result of thorough technical evaluation or the purpose of the contract is to explore an idea or initial development submitted in confidence by one firm, solicitations may be limited to a single source. Where several sources are found fully qualified technically, proposals generally shall be solicited from each such source. Sources which become known as a result of publication of synopses of specific procurements shall be sent requests for proposals only if such sources have been technically evaluated or if such evaluation can be made consistent with required procurement actions. In all procurements of research and development in which no small business firm was solicited for a proposal, a statement shall be included in the procurement file setting forth the reasons for not soliciting small business.

(b) In addition to paragraph (a) of this section, exploratory request may be used to determine the existence of ideas or prior work in specific fields of research. However, the request for such information should clearly state that it does not impose any obligation on the Government or signify a firm intention of the Government to enter into a contract.

#### § 3.108 Negotiation of initial production contracts for technical or specialized military supplies.

(a) The production of important new technical or specialized military supplies generally involves development, evaluation, and initial production phases. Examples of such supplies are tanks, radar, guided missiles, aircraft, rockets, and equipment of similar complexity; major components of such equipment as the foregoing; and any items of technical or specialized nature necessary for the use, maintenance or operation of such equipment. Contracting officers shall avoid, wherever practicable, awarding initial production contracts for supplies until completion of the development and evaluation phases. At the time of placing the initial production contract, it is essential that the Government be completely free to select the contractor as the best interest of the Government may dictate. In the placement and administration of research or development contracts, no commitments shall be made to contractors with respect to obtaining subsequent production contracts.

8. Revise §§ 3.210-2(k) and 3.605-I (b), to read as follows:

#### § 3.210-2 Applications.

(k) When the contemplated procurement is for commercial transportation, including time, space, trip, and voyage charters, except for such transportation services as are furnished by common carriers (for which negotiation is authorized under § 3.217, and section 321 of the Transportation Act of 1940, 49 U.S.C. 65), and including services for the operation of Government-owned vehicles, vessels or aircraft;

#### § 3.605-1 Limitation on use.

(b) The supplies or services are immediately available;

#### § 3.804-2 [Amendment]

9. In § 3.804-2(b)(2), change the internal reference "§ 3.805-1(a)(2)" to read "§ 3.805-1(a)."

10. In § 3.808-2, revise paragraph (g) and (h); add new § 3.808-6; and in § 3.902-1, revise paragraphs (f), (g), (h), (i), (j) and (k), and add paragraph (l), to read as follows:

#### § 3.808-2 Factors for determining fee or profit.

(g) *Contractor's performance.* In addition to the factors set forth in § 3.101, the contractor's past and present performance should be evaluated in such areas as quality of product, quality control, scrap and spoilage, efficiency in cost control (including need for and reasonableness of cost incurred), meeting delivery schedules, timely compliance with contractual provisions, creative ability in product development (giving consideration to commercial potential of product), engineering (including inventive, design simplification, and development contributions), management of subcontract programs, management of Government property, and any unusual services furnished by the contractor. Where a contractor has consistently achieved excellent results in the foregoing areas in comparison with other contractors in similar circumstances, such performance merits a proportionately greater opportunity for profit or fee. Conversely, a poor record in this regard should be reflected in determining what constitutes a fair and reasonable profit or fee.

(h) *Subcontracting.* (1) In negotiating the profit or fee, the nature and extent of any subcontracting should be considered, particularly as it bears on the contractor's performance, administrative responsibility, financial investment, and degree of risks as outlined above. The degree and nature of subcontract programs vary on a broad spectrum. While it is not possible to define precisely the exact profit or fee treatment to be accorded each situation, the general guidelines which follow will be taken into consideration.

(2) The evaluation of a contractor's subcontracting program should not consist merely of applying arbitrary percentages of profit to subcontract prices in negotiating the prime contract price.

A relatively large amount of subcontracting need not make for negotiation of a lesser profit or fee—the character and circumstances of the subcontracting and the effect on the prime contractor's costs must be taken into account. Although purchased material and subcontracted work are usually properly included in the base upon which profit is computed, instances may arise in which a significant portion or portions of a contract are subcontracted in such a way that only a minimum amount of responsibility or risk remains with the prime contractor. In such a case, the amount of fee or profit should be less than where the contractor assumes substantial risk. Of primary importance is the degree to which the subcontracting provides a better product and lower costs, with timely delivery, and in which the contractor assumes heavy managerial effort, responsibility, and risk.

(3) In establishing a contractor's fee or profit, favorable consideration shall be given to:

(i) The company's policies and procedures which energetically support Government, small business, and labor surplus area programs;

(ii) Any unusual efforts which the contractor displays in subcontracting with small business and labor surplus area concerns, particularly for developmental type work likely to result in later production opportunities; and

(iii) Effectiveness of the company in subcontracting with and furnishing assistance to such concerns, as compared to other comparable contractors.

In this connection, it is the responsibility of the purchasing activity to examine the contractor's past and present effectiveness and plans for seeking out qualified small business and labor surplus area concerns, and to require the contractor during negotiations to document his past, present, and planned performance in these areas.

#### § 3.808-6 Renegotiation information.

The purchasing activity will document the contract file in sufficient detail to indicate those factors considered under § 3.808-2(h)(3), so that appropriate information can be supplied to the Renegotiation Board.

#### § 3.902-1 General.

(f) The purchasing activity will review the "make-or-buy" program, to determine if all appropriate items are included or if it contains items that should be deleted because of their relatively minor importance. In all considerations relative to a "make-or-buy" program, the purchasing activity will obtain the advice and assistance of all appropriate personnel whose knowledge would contribute to the adequacy of all facets of the review. Before agreeing to a "make-or-buy" program (or consenting to any change therein which, in the opinion of the contracting officer, would reduce the anticipated participation of small business), the purchasing activity shall invite the advice and counsel of the SBA by permitting SBA representatives regularly assigned to the activity to review all pertinent facts and make

recommendations thereon. Such review by SBA should be concurrent with the review of the purchasing activity (or, in the case of changes, the contracting officer). Where urgent circumstances do not permit such a concurrent review, or where SBA fails to respond on a timely basis, the contracting officer shall include an explanatory statement in the contract file and shall transmit a copy to the SBA representative.

(g) Proposed "make" items shall not be agreed to when the products or services under consideration:

(1) Are not regularly manufactured or provided by the contractor, and in the opinion of the contracting officer are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices no higher than if the contractor should make or provide the product or service; or

(2) Are regularly manufactured or provided by the contractor, and are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices lower than if the contractor should make or provide the product or services; provided, that such items may be agreed to, notwithstanding subparagraph (1) of this paragraph and this subparagraph (2), if in the opinion of the contracting officer the overall cost of the contract to the Government would be increased if the item were "bought."

(h) After agreement on the program is reached, the contracting office shall notify the contractor as to the Government's approval of the program and shall inform the contractor as to any requirement for further review during performance of the contract. For example, if follow-on procurements occur, the procuring activity and the contractor will review the existing "make-or-buy" program to determine whether it should be revised.

(i) The following clause shall be incorporated in all cost-reimbursement, price redetermination, or incentive type contracts as to which a "make-or-buy" program has been agreed upon.

**CHANGES TO MAKE-OR-BUY PROGRAM  
(JUL. 1960)**

The Contractor agrees to perform this contract in accordance with the "make-or-buy" program attached to this contract except as hereinafter provided. If the Contractor desires to change the "make-or-buy" program, he shall notify the Contracting Officer in writing of the proposed change reasonably in advance and shall submit justification in sufficient detail to permit evaluation of the proposed change. Changes in the place of performance of work on any "make" item in the "make-or-buy" program are subject to this requirement. With respect to items deferred at the time of negotiation of this contract for later additions to the "make-or-buy" program, the Contractor shall notify the Contracting Officer of each proposed addition at the earliest possible time, together with justification in sufficient detail to permit evaluation. The Contractor shall not, without the written consent of the Contracting Officer, make changes or additions to the program; provided that in his discretion, the Contracting Officer may ratify in writing any changes or additions and such ratification shall constitute the consent of the Contracting Officer required by this clause. The "make-or-buy" program attached to this contract shall be deemed to be

modified in accordance with the written consent or ratification by the Contracting Officer.

(j) On applicable contracts, the cognizant contract administration office will establish a procedure with the contractor to insure timely compliance with the terms of the contract clause. This procedure will include provisions for processing changes to the established "make-or-buy" program and for obtaining "make-or-buy" decisions for items reserved for deferred decisions or unidentified at the time of contract negotiation.

(k) Approval of the contractor's purchasing system (§ 3.903) shall not constitute approval of the "make-or-buy" program where the latter is required.

(l) When a "make-or-buy" program is agreed upon with a contractor, or there are changes or additions to a "make-or-buy" program, the consideration given each item on such program will be documented in the contract file. If a contract (including supplemental agreements for new procurement), except those specifically exempted by paragraph (b) of this section, does not include the clause entitled "Changes to Make-or-Buy Program", the contracting officer will document the contract file with a written statement of facts to sustain and make clear the appropriateness of the determination not to include the clause. Such determination will be based on one of the following: (i) The contract is on a firm fixed-price basis, (ii) the contract is not exempt but there are no items which can be identified as requiring a "make-or-buy" program as defined in paragraph (a) of this section; or (iii) a deviation has been approved pursuant to § 1.109 of this subchapter.

**PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT**

11. Revise § 4.106 to read as follows:

**§ 4.106 Small construction contracts.**

Notwithstanding the provision of § 3.602(a) of this subchapter, all proposed small purchases of construction estimated to cost more than \$2,000 shall be formally advertised, and lesser small purchases may be formally advertised. However, where negotiations have been commenced and the contract price proves to be more than \$2,000 but not more than \$2,500, § 3.203 of this subchapter may be used as authority to negotiate. Either Standard Form 19 or DD Form 1155 shall be used for construction contracts of \$2,000 or less. (See § 16.401-3 of this subchapter.)

**PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT**

12. Add new Subpart I to Part 5, to read as follows:

**Subpart I—Use of General Services Administration Supply Source by Prime Contractors in Performing Cost-Reimbursement Type Contracts**

**§ 5.900 Applicability.**

This subpart applies only to procurement of supplies to be delivered in the

United States, its possessions, or Puerto Rico.

**§ 5.901 Policy.**

Where the Government is to furnish supplies to the contractor, or the contractor is to acquire them for the account of the Government, the contracting officer may authorize the contractor to utilize General Services Administration supply sources in performing a cost-reimbursement type contract. Before issuing such an authorization, the contracting officer shall determine that it is in the best interest of the Government, considering price, delivery, contract administration, and recommendations of the contractor.

**§ 5.902 Limitation.**

Contractors shall not be authorized to utilize General Services Administration supply sources in connection with the performance of fixed-price type contracts, even though such contracts provide for price adjustment, escalation, redetermination, or cost-reduction incentive.

**§ 5.903 Authorization.**

**§ 5.903-1 Basic authority.**

Contractors shall be authorized to utilize General Services Administration supply sources only (a) where title to property ordered under Federal Supply Schedule contracts will pass to and vest in the Government directly from the Federal Supply Schedule contractor (rather than through the prime contractor), or (b) where title to Government-owned property ordered from General Services Administration stores stock will remain in the Government.

**§ 5.903-2 Use of form.**

Authorizations by the contracting officer shall be in writing, substantially in the form set out in § 5.906, and shall cite the contract number, specify any applicable limitations, such as the period of eligibility, and contain any other pertinent information including requirements relative to ordering, receiving, inspection, and payment.

**§ 5.903-3 Distribution.**

Copies of each authorization shall be forwarded by the contracting officer to the General Services Administration, Federal Supply Service, Office of Supply Operations, General Services Building, Washington 25, D.C., and to the General Services Administration regional office (see § 5.204) serving the geographical area in which the facilities of the authorized prime contractor are located.

**§ 5.904 Procedure.**

**§ 5.904-1 Purchase order under Federal Supply Schedule contracts.**

(a) Orders by contractors under Federal Supply Schedule contracts shall be placed in accordance with the provisions of the applicable Federal Supply Schedule and the authorization. Such orders shall be accompanied by a copy of the authorization (unless a copy was previously furnished to the Federal Supply Schedule contractor) and shall contain the statement set out in paragraph 2.a. of the authorization form in § 5.906.



(b) Where a General Services Administration certificate of unavailability is required, such as in the case of manually operated typewriters, the contractor will obtain the certificate from the nearest General Services Administration regional office and will attach it to his purchase order.

**§ 5.904-2 Purchase orders for General Services Administration stock.**

Orders by contractors for General Services Administration stores stock shall be placed in accordance with the authorization. Such orders shall contain the statement set out in paragraph 2.b. of the authorization form in § 5.906.

**§ 5.905 Furnishing information to contractors.**

Contracting officers shall assist contractors in obtaining pertinent Federal Supply Schedules (see § 5.101) and the General Services Administration Stores Stock Catalog (see § 5.203), and shall furnish them with other information, such as requirements for General Services Administration certificates of unavailability.

**§ 5.906 Form of authorization to contractors.**

Subject: Authorization to Purchase from GSA Supply Sources.

-----  
(Contractor's Name)  
-----  
(Address)  
-----

1. You are hereby authorized to act for the Government (Department of the -----) as follows:

a. The purchasing of property for acquisition under Contract No. ----- which is available for purchase by Government agencies either directly from the General Services Administration Stores Depots or under Federal Supply Schedules, subject to the limitations set forth herein.

b. The issuance of tax exemption certificates in lieu of the payment of State or other taxes for which the Government (Department of the -----) is not liable on property purchased under this authorization.

2.a. *Purchase Orders Under Federal Supply Schedule Contracts.* Order will be placed in accordance with the terms and conditions of the attached Federal Supply Schedule and this authorization. A copy of the authorization will be attached to the order (unless a copy was previously furnished to the Federal Supply Schedule contractor) and shall contain the following statement:

This order is placed in behalf of the (Insert name of Department), in furtherance of United States Government Contract No. (Insert contract number), pursuant to written authorization dated -----, [\*-----]. Title to property delivered hereunder shall vest in the United States Government. In the event of any inconsistency between the terms and conditions of this order and those of your Federal Supply Schedule contract, the latter will govern.

b. *Purchase Orders for Items in the General Services Administration Stores Stock Catalog.* Orders will be placed in accordance with the attached General Services Administration Stores Stock Catalog and this authorization. Include the address to which billings are to be sent. Bills are not issued by General Services Administration until after shipment has been made, and should therefore be paid promptly. Necessary adjustments if any will be made by General

Services Administration subsequent to payment. All orders will contain the following statement:

This order is placed in behalf of the (Insert name of Department), in furtherance of United States Government Contract No. (Insert contract number), pursuant to written authorization dated -----, [\*-----]. Title to property delivered hereunder shall remain in the United States Government.

3. (Other provisions.)

4. This authority hereby granted is not transferable or assignable.

-----  
(Contracting Officer)

\*Insert "a copy of which is attached," or "a copy of which you have on file," or other suitable language, as appropriate.

**§ 5.907 Contract clause.**

Insert the following clause in all cost-reimbursement contracts under which the Government is to furnish supplies to the contractor, or the contractor is to acquire them for the account of the Government:

**GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES (SEP. 1961)**

The Contracting Officer may issue the Contractor an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired under such an authorization shall be in the Government. All property acquired under such an authorization shall be subject to the provisions of paragraphs (c) through (k) of the clause of this contract entitled "Government Property."

**PART 6—FOREIGN PURCHASES**

13. Revise §§ 6.101(a) and 6.204-4(a) and revise the introductory portion of § 6.204-5, to read as follows:

**§ 6.101 Definitions.**

As used in this subpart, the following terms have the meanings set forth below.

(a) "End products" means articles, materials, and supplies, which are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts, but excluding installation and other services to be performed after delivery.

**§ 6.204-4 Contract listing of excepted nondomestic construction materials.**

(a) The clause set forth below shall be included in all contracts for construction, except those executed on either Standard Form 19 or DD Form 1155, and any articles, materials, and supplies which have been the subject of additional determinations pursuant to § 6.206 shall be listed thereunder.

**NONDOMESTIC CONSTRUCTION MATERIALS  
(Nov. 1958)**

The requirements of the clause of this contract entitled Buy American Act do not apply to construction materials or their components either included in the list set forth in paragraph 6-206 of the Armed Services Procurement Regulation or as set forth below:

(Insert List here)

**§ 6.204-5 Contract clause.**

The clause set forth below shall be inserted in all contracts for construction, except those executed on Standard Form 19 and DD Form 1155.

**PART 7—CONTRACT CLAUSES**

14. Revise § 7.103-1 and in § 7.103-8, revise the contract clause and add sentence to section, as follows:

**§ 7.103-1 Definitions.**

**DEFINITIONS (FEB. 1962)**

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "head of the agency" or "Secretary" means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

Additional definitions may be included provided they are not inconsistent with the foregoing clause or the provisions of this subchapter.

**§ 7.103-8 Assignment of claims.**

**ASSIGNMENT OF CLAIMS (FEB. 1962)**

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating \$1,000 or more, claims for monies due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to an assignee of any monies due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or set-off.

(b) In no event shall copies of this contract or any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

Where Standard Form 32 is used, the Form need not be changed to delete the



parenthetical sentence at the end of paragraph (a) of this clause.

15. Revise § 7.104-14; in § 7.104-15, revise clause heading and add sentence to section; revise §§ 7.104-20 and 7.104-22; and add new §§ 7.104-38 and 7.104-39, as follows:

**§ 7.104-14 Utilization of small business concerns.**

In accordance with the requirements of § 1.707-3(a) of this subchapter, insert the clause set forth therein.

**§ 7.104-15 Examination of records.**

EXAMINATION OF RECORDS (FEB. 1962)

Where Standard Form 32 is used, the Form need not be changed to delete the parenthetical sentence preceding paragraph (a) of the clause.

**§ 7.104-20 Utilization of concerns in labor surplus areas.**

In accordance with the requirements of § 1.805-3(a) of this subchapter, insert the clause set forth therein.

**§ 7.104-22 Small Business Subcontracting Program.**

In accordance with the requirements of § 1.707-3(b) of this subchapter, insert the clause set forth therein.

**§ 7.104-38 Labor Surplus Area Subcontracting Program.**

In accordance with the requirements of § 1.805-3(b) of this subchapter, insert the clause set forth therein.

**§ 7.104-39 Interest.**

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118 of this chapter.

16. In § 7.108, revise clause heading and revise first sentence of clause paragraph (j) (2), and add footnote, as follows:

**§ 7.108 Incentive Price Revision Clause**

INCENTIVE PRICE REVISION (FEB. 1962)

(j) *Limitation on payments.* (1) This paragraph (j) shall not apply after final price revision to the full extent permitted by this contract.

(2) Within forty-five (45) days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer \* a cumulative statement setting forth:

\*Insert, in contracts of the Department of the Navy, the words "with a copy thereof to the office or offices designated in this contract to make payments thereunder."

17. In § 7.203-8, revise clause heading and add clause paragraph (h); revise §§ 7.203-9, 7.203-26, and 7.204-19; and add new §§ 7.204-28, 7.204-29, and 7.204-30, to read as follows:

**§ 7.203-8 Subcontracts.**

SUBCONTRACTS (FEB. 1962)

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

**§ 7.203-9 Utilization of small business concerns.**

In accordance with the requirements of § 1.707-3(a) of this subchapter, insert the clause set forth therein.

**§ 7.203-26 Utilization of concerns in labor surplus areas.**

In accordance with the requirements of § 1.805-3(a) of this subchapter, insert the clause set forth therein.

**§ 7.204-19 Small Business Subcontracting Program.**

In accordance with the requirements of § 1.707-3(b) of this subchapter, insert the clause set forth therein.

**§ 7.204-28 General Services Administration supply sources.**

In accordance with the instructions of § 5.907 of this subchapter, insert the clause set forth therein.

**§ 7.204-29 Labor Surplus Area Subcontracting Program.**

In accordance with the requirements of § 1.805-3(b) of this subchapter, insert the clause set forth therein.

**§ 7.204-30 Interest.**

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118.

18. Revise §§ 7.302-8, 7.302-26, and 7.303-11; and add new §§ 7.303-25 and 7.303-26, as follows:

**§ 7.302-8 Utilization of small business concerns.**

In accordance with the requirements of § 1.707-3(a) of this subchapter, insert the clause set forth therein.

**§ 7.302-26 Utilization of concerns in labor surplus areas.**

In accordance with the requirements of § 1.805-3(a) of this subchapter, insert the clause set forth therein.

**§ 7.303-11 Small Business Subcontracting Program.**

In accordance with the requirements of § 1.707-3(b) of this subchapter, insert the clause set forth therein.

**§ 7.303-25 Labor Surplus Area Subcontracting Program.**

In accordance with the requirements of § 1.805-3(b) of this subchapter, insert the clause set forth therein.

**§ 1.303-26 Interest.**

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118 of this chapter.

19. Revise § 7.402-3(b) (1); in § 7.402-8, revise clause heading and add clause paragraph (h); revise §§ 7.402-9, 7.402-27, and 7.403-13; and add new §§ 7.403-23, 7.403-24, and 7.403-25, as follows:

**§ 7.402-3 Allowable cost, fixed fee, and payment.**

(b) (1) In the foregoing clause, insert in contracts of the Department of the Army and the Department of the Air Force, the words, "the Contracting Officer," and insert, in the contracts of the Department of the Navy, the words "the Comptroller of the Navy (Contract Audit Division)" in the spaces designated by an asterisk (\*). For approvals with regard to fixed-price type subcontracts providing for progress payments, pursuant to paragraph (c) of the foregoing clauses, the standards shall be the same as those governing progress payments on fixed-price type prime contracts, as provided by § 163.83 of this chapter.

**§ 7.402-8 Subcontracts.**

SUBCONTRACTS (FEB. 1962)

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

**§ 7.402-9 Utilization of small business concerns.**

In accordance with the requirements of § 1.707-3(a) of this subchapter, insert the clause set forth therein.

**§ 7.402-27 Utilization of concerns in labor surplus areas.**

In accordance with the requirements of § 1.805-3(a) of this subchapter, insert the clause set forth therein.

**§ 7.403-13 Small Business Subcontracting Program.**

In accordance with the requirements of § 1.707-3(b) of this subchapter, insert the clause set forth therein.

**§ 7.403-23 General Services Administration supply sources.**

In accordance with the instructions of § 5.907 of this subchapter, insert the clause set forth therein.

**§ 7.403-24 Labor Surplus Area Subcontracting Program.**

In accordance with the requirements of § 1.805-3(b) of this subchapter, insert the clause set forth therein.

**§ 7.403-25 Interest.**

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118 of this chapter.

20. Add new § 7.504-3; revise § 7.601; in § 7.602-3, add new sentence immediately following the contract clause; in § 7.602-4, add new sentence immediately following the contract clause; in § 7.602-11, add new sentence immediately following the contract clause; and add new § 7.603-17, as follows:

**§ 7.504-3 Interest.**

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118.

**§ 7.601 Applicability.**

As used throughout this subpart, the term "fixed-price construction contract" means any contract (other than a short form construction contract (see § 16.401-3 (a) through (c) of this subchapter), a letter contract, a notice of award, or a modification not effecting new procurement) which (a) is entered into at a fixed price (with or without any provision for price redetermination, escalation, or other form of price revision as covered in § 3.403 of this subchapter), and (b) is for construction as defined in § 1.201-22 of this subchapter.

**§ 7.602-3 Changes.**

Where Standard Form 23A is used, the words "Disputes clause of this contract" in the foregoing paragraph need not be substituted for "Clause 6 of these General Provisions."

**§ 7.602-4 Changed conditions.**

Where Standard Form 23A is used, the words "Disputes clause of this contract" in the foregoing paragraph need not be substituted for "Clause 6 of these General Provisions."

**§ 7.602-11 Inspection and acceptance.**

Where Standard Form 23A is used, the words "Termination for Default—Damages for Delay—Time Extensions clause of this contract" in the foregoing paragraph need not be substituted for "Clause 5 of these General Provisions".

**§ 7.603-17 Interest.**

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118.

**PART 8—TERMINATION OF CONTRACTS**

21. Revise §§ 8.507-6(c) and 8.709(b) to read as follows:

**§ 8.507-6 Foreign contractor inventory.**

(c) The property disposal (contracting) officer shall approve sales contracts and requests for approval of resales or exports only if (1) the proposed purchaser's name does not appear on a

consolidated list of ineligible, debarred and suspended bidders and (2) if the sales contract contains a provision prohibiting exports by purchasers and sub-purchasers to Soviet-controlled areas (as defined in § 6.401-2 of this subchapter), Cuba, or the Republic of the Congo (formerly Belgian Congo).

**§ 8.709 Default clause for fixed-price construction contracts.**

(b) During a period of national emergency, paragraph (d) of the above clause may be changed by deleting the word "unforeseeable" and inserting the phrase "other than normal weather," after the word "causes" wherever it appears. Where Standard Form 23A is used, the words "Disputes clause of this contract" in the foregoing paragraph need not be substituted for "Clause 6 of these General Provisions."

**PART 9—PATENTS, DATA, AND COPYRIGHTS**

22. Revise the introductory portion of § 9.104 and revise the contract clause therein; revise § 9.202-5; and in § 9.203-1, revise clause heading and clause paragraphs (b), (c), and (f), as follows:

**§ 9.104 Notice and assistance.**

The Government should be notified by the contractor of all claims of infringement in connection with the performance of a Government contract which come to the contractor's attention. The contractor should also assist the Government to the extent of evidence and information in the possession of the contractor, in connection with any suit against the Government, or any claim against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of or resulting from the performance of the contract. Accordingly, the clause set forth below shall be included in all contracts in excess of \$10,000 for supplies, construction, or experimental, developmental, or research work; except where Standard Form 32 is prescribed for use (in which case the clause may in the discretion of the contracting officer be used in lieu of that included in Standard Form 32); provided, that the clause set forth below shall not be included in contracts:

**NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (FEB. 1962)**

The provisions of this clause shall be applicable only if the amount of this contract exceeds \$10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice of claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any suit against the Government, or any claim against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, upon re-

quest, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except in those cases in which the Contractor has agreed to indemnify the Government against the claim being asserted.

**§ 9.202-5 Copyrights.**

It is the Department of Defense policy that the Contractor shall not, without the written approval of the Contracting Officer, include copyrighted matter in data furnished to the Government unless the contractor provides the Government with the written permission of the copyright owner to use such matter in the manner provided in the contract. As to data first produced or composed under a contract, the contractor may secure a copyright except that the Government shall receive the right to duplicate, use and disclose such data for any purpose whatsoever and to have others so do. However, for certain data produced or composed for the Department, such as (a) motion pictures and works relating thereto, and (b) histories and other works relating to operation of the Department of Defense, the Government may desire that no claim of copyright be established in such data (see §§ 9.204-2 and 9.204-3 of this subchapter).

**§ 9.203-1 Basic data clause.****DATA (FEB. 1962)**

(b) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive and irrevocable license throughout the world for Government purposes to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all Subject Data now or hereafter covered by copyright.

(c) The Contractor shall not include in the Subject Data any copyrighted matter, without written approval of the Contracting Officer, unless he provides the Government with the written permission of the copyright owner for the Government to use such copyrighted matter in the manner provided in paragraph (b) above.

(f) Unless otherwise limited below, the Government may duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data delivered under this contract.

**PART 10—BONDS AND INSURANCE**

23. In § 10.404-1, revise the clause heading and clause paragraph (b) (vi), as follows:

**§ 10.404-1 Negotiated fixed-price type contracts.****GROUND AND FLIGHT RISK (FEB. 1962)**

(b) For the purposes of this clause:

(vi) The term "flight crew members" means the pilot, the co-pilot and, unless otherwise specifically provided in the Schedule, the flight engineer, navigator, bombardier-navigator, and defensive systems operator, when required, or assigned to their respective crew positions, to conduct any flight on behalf of the Contractor.



## PART 12—LABOR

24. Revise § 12.101; add new §§ 12.101-1 and 12.101-2; and revise §§ 12.102-2, 12.102-3, 12.102-4 and 12.102-5, as follows:

## § 12.101 Labor relations.

## § 12.101-1 General.

Each Department shall maintain and encourage the best possible relations with industry and labor in order that the Government may procure needed supplies and services without delay and at reasonable prices. All problems arising out of the labor relations of private contractors, and all communications with labor organizations or Federal agencies relative thereto, shall be handled in accordance with procedures prescribed by each respective Department and consistently with paragraphs (a) through (e), of this section.

(a) The Departments shall exchange information with respect to labor matters for the purpose of maintaining a uniform labor policy throughout the Department of Defense.

(b) With respect to labor relations matters in general, no Department shall take any independent action the result of which would have the effect of establishing major policy, unless such action falls within an established policy of the Department of Defense, or unless approval of the Office of the Assistant Secretary of Defense (Manpower) has been obtained. Each Department must determine for itself what actions involve major policy. Recommendations for plant seizure or for injunctive action against labor or management would be examples of actions establishing major policy.

(c) Where any labor dispute significantly affects, or threatens to affect, important procurement, the Department concerned shall notify the Office of the Assistant Secretary of Defense (Manpower) and any other interested Department of all information relevant thereto, in accordance with Department of Defense Directive Number 1135.3, dated January 8, 1953, Subject: Participation in Industrial Relations Matters Affecting Procurement.

(d) Each Department shall remain impartial in, and shall refrain from taking a position on the merits of a dispute as between labor and private management. No Department shall undertake the conciliation, mediation, or arbitration of a labor dispute.

(e) Each Department shall take other action in connection with labor relations problems which is consistent with its procurement responsibilities, as for example:

(1) Giving notice of the existence of a labor dispute, which affects, or threatens to affect, procurement of supplies or services, to the Government agency which has responsibility for conciliation, mediation, arbitration, or other action with respect thereto;

(2) Advising the Government agency responsible for action with respect to labor disputes, or the parties to a labor dispute, of factual information pertaining to procurement of the supplies or

services involved, to the extent consistent with security regulations; or

(3) Seeking to obtain such voluntary agreement between management and labor as will permit, notwithstanding the general continuance of the dispute, uninterrupted procurement of military supplies and services, provided such activity does not involve the Department in the merits of a labor difference or dispute.

## § 12.101-2 Contract pricing and administration.

(a) Nothing in § 12.101-1 should be construed to relieve a contracting officer from his responsibility to achieve efficient contract pricing and administration.

(b) Contractor labor policies and compensation practices, whether or not they are provided for in labor-management agreements, are not an acceptable basis for allowance of cost in cost-reimbursement-type contracts or for recognition of costs in pricing fixed-price-type contracts if and insofar as they result in unreasonable costs to the Government. Part 15 of this subchapter particularly § 15.205-6(a) explains that the term "unreasonable costs" includes costs resulting from practices that are discriminatory against the Government or unwarranted in the context of the particular contract work.

(c) In some cases, labor disputes may give rise to work stoppages which cause delays in the timely performance of important contracts. The contracting officer should impress on the contractor that he will be held accountable for delays that are reasonably avoidable. It should be emphasized that the standard contract clauses dealing with default, excusable delays, etc., do not relieve the contractor of delays that are not beyond his or his subcontractors' control. A delay caused by a strike which is an unfair labor practice and which the contractor could not reasonably prevent can be excused only to the extent that it does not go beyond the point at which a reasonably diligent contractor could resume the delayed performance by ending the strike by such means as:

(1) Filing a charge with the National Labor Relations Board so as to permit the NLRB to seek injunctive relief in court;

(2) Recourse to the procedures of the Missile Sites Labor Commission, or other available Government procedures; or

(3) Use of the National Joint Board for the Settlement of Jurisdictional Disputes, or other private Boards or organizations for the settlement of disputes.

## § 12.102-2 Policy.

It is the policy of the Department of Defense that all contracts will be performed, so far as practicable, without the use of overtime, particularly as a regular employment practice. Overtime shall be limited to and be the minimum needed for the accomplishment of specific work. Contractors shall utilize whatever work schedule results in the lowest overall cost to the Government consistent with contract delivery and performance requirements. Extra-pay shifts and multi-shift work should be scheduled, as required, to achieve these objectives.

## § 12.102-3 Procedures.

(a) To prevent uneconomic use of overtime, extra-pay shifts, or multi-shifts at Government expense, or of any one of these where another would be more economical, the following clause shall be included in all contracts in excess of \$10,000, except firm fixed-price contracts, fixed-price contracts with escalation not providing for labor escalation, and fixed-price contracts providing for price redetermination prospectively only.

## PAYMENT FOR OVERTIME AND SHIFT PREMIUMS (FEB. 1962)

The contract price shall not include any amount on account of overtime premiums or shift premiums, except to the extent that they either (i) are approved in writing on behalf of the Government or (ii) are paid for work:

(A) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(C) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) Which will result in lower overall cost to the Government. In cost-reimbursement type contracts, the words "Allowable cost" should be substituted for "The contract price" at the start of the foregoing clause, and the foregoing clause shall be designated (a) and the following subparagraph (b) may be added:

(b) The cost of overtime premiums or shift premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allowable to the work under this contract.

(b) Overtime for which overtime premium will be at Government expense shall not be approved under a contract where the contractor is already obligated, without the right to additional compensation, to meet the required delivery date.

(c) Where overtime premiums or shift premiums are being paid in connection with the performance of Government contracts, the continued need therefor shall be subject to periodic review in accordance with Departmental procedures.

(d) Where two or more Military contracting activities have concurrent contracts at a single facility and the approval of payments of overtime premiums or shift premiums by one such activity is likely to affect the performance of, or payments in connection with, contracts of another such activity, the activities concerned will agree as to which will represent them in (1) determining whether such payments shall be approved pursuant to § 12.102-4 and (2) scheduling of periodic reviews. Decisions of such representative shall be binding upon all contracting activities concerned. Ordinarily, in the absence of evidence to the contrary, a contracting activity may rely on the contractor's



statement that such approval will not affect the performance of, or payments in connection with, any contract of another activity. If the contracting activities do not agree within a reasonable time on which one will represent them, the Secretary concerned (or in the case where two or more Military Departments are involved, Assistant Secretary of Defense (Installations and Logistics)) shall be requested to appoint the representative.

#### § 12.102-4 Approvals.

(a) Overtime premiums and shift premiums at Government expense may be approved by an official designated as provided in paragraph (b) of this section when he determines in writing that such approval:

(1) Is necessary to meet the delivery or performance schedules, and such schedules are determined to be consistent with essential military objectives;

(2) Is necessary to make up for delays beyond the control and without the fault or negligence of the contractor; or

(3) Is necessary to eliminate foreseeable production bottlenecks of an extended nature which cannot be eliminated in any other way.

(b) The Deputy Chief of Staff, Logistics, for the Army, the Chief of Naval Material, for the Navy, the Director of Procurement Management, \*Headquarters, USAF, for the Air Force, and the Executive Director for Procurement and Production, for the Defense Supply Agency, are authorized, without power of delegation, to designate officers and civilian officials for the purpose of approving overtime premiums and shift premiums at Government expense.

(c) Such approvals shall ordinarily be prospective, but may be retroactive where justified by the circumstances.

(d) Such approvals may be for an individual contract, project, or program, or for a plant, division, or company, as most practicable.

#### § 12.102-5 Exceptions.

The approval requirements under § 12.102-4 do not apply to overtime premiums or shift premiums which are paid for work:

(a) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, or breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(b) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(c) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature

and cannot reasonably be interrupted or otherwise completed; or

(d) Which will result in lower overall cost to the Government.

However, the cost of such overtime premiums or shift premiums may be allowed, or considered in pricing only to the extent that the amount thereof is reasonable and properly allowable to the work involved.

### PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

25. Revise §§ 15.205-6(a)(4) and 15.105-25 to read as follows:

#### § 15.205-6 Compensation for personal services.

(a) *General.* \* \* \*

(4) Notwithstanding any other provisions of this section costs of compensation are not allowable to the extent that they result from provisions of labor-management agreements that, as applied to work in the performance of Government contracts, are determined to be unreasonable either because they are unwarranted by the character and circumstances of the work or because they are discriminatory against the Government. The application of the provisions of a labor-management agreement designed to apply to a given set of circumstances and conditions of employment (for example, work involving extremely hazardous activities or work not requiring recurrent use of overtime) is unwarranted when applied to a Government contract involving significantly different circumstances and conditions of employment (for example, work involving less hazardous activities or work continually requiring use of overtime). It is discriminatory against the Government if it results in individual personnel compensation (in whatever form or name) in excess of that being paid for similar non-Government work under comparable circumstances. Disallowance of costs will not be made under this subparagraph unless:

(i) The contractor has been permitted an opportunity to justify the costs, and

(ii) Due consideration has been given to whether unusual conditions pertain to the Government contract work, imposing burdens, hardships, or hazards on the contractor's employees, for which compensation that might otherwise appear unreasonable is required to attract and hold necessary personnel.

#### § 15.205-25 Overtime, extra-pay shift and multishift premiums.

Premiums for overtime, extra-pay shifts, and multishift work are allowable to the extent approved pursuant to § 12.102-4, or permitted pursuant to § 12.102-5 of this subchapter.

### PART 16—PROCUREMENT FORMS

26. Revise §§ 16.303-2(b)(8) and 16.401-3 to read as follows:

#### § 16.303-2 Conditions for use.

\* \* \* \* \*

(b) *Use as a purchase order of not more than \$2,500.* \* \* \*

(8) When used for construction contracts of \$2,000 or less for work within the United States, the clauses set forth in §§ 12.403-2 (b) and (c) and 12.403-4 of this subchapter shall be added as appropriate.

#### § 16.401-3 Conditions for use.

(a) *Advertised contracts not to exceed \$2,000.* Standard Form 19 shall be used for construction contracts not in excess of \$2,000 executed as a result of formal advertising. Standard Form 22 also may be used. When the contract may exceed \$2,000, the following language shall be inserted in the space provided in the bid portion of Standard Form 19 prior to the issuance of the invitation:

If this bid exceeds \$2,000, the bidder shall furnish with his bid a bid bond in an amount equal to ----- percent of his bid; failure to submit the bond on time is cause for rejection of the bid. The undersigned further agrees, if this bid exceeds \$2,000 (i) to comply with the Labor Standards Provisions Applicable to Contracts in Excess of \$2,000 (Standard Form 19A) in lieu of Provision 10 hereof; (ii) to pay not less than the minimum hourly rates of wages set forth in the specifications; and (iii) to furnish a performance bond in an amount equal to ----- percent and a payment bond in an amount equal to 50 percent of the contract price with surety or sureties acceptable to the Government.

(Aug. 1959)

(b) *Negotiated contracts not exceeding \$2,000.* Either Standard Form 19 or DD Form 1155 shall be used for construction contracts of \$2,000 or less executed as a result of negotiation.

(c) *Contracts estimated to exceed \$2,000 but not to exceed \$10,000.* Standard Forms 19 and 19A shall be used for these construction contracts executed as a result of formal advertising. Standard Form 22 also may be used. The additional language set forth in paragraph (a) of this section shall be inserted in the bid portion of Standard Form 19 prior to issuance of the invitation.

(d) *Contracts estimated to exceed \$10,000.* Standard Forms 19A, 20, 21, 22, 23, and 23A shall be used for these construction contracts executed as a result of formal advertising.

[ASPR, Rev. 7, Feb. 15, 1962] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

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

[F.R. Doc. 62-3466; Filed, Apr. 10, 1962; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and  
Conservation Service

[ 7 CFR Parts 1004, 1010 ]

[ Docket Nos. AO-160-A24; AO-276-A4 ]

### MILK IN PHILADELPHIA, PENNSYLVANIA, AND WILMINGTON, DELAWARE, MARKETING AREAS

#### Decision 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), a public hearing was held at Philadelphia, Pennsylvania, on February 9, 1962, pursuant to notice thereof issued on January 25, 1962 (27 F.R. 898).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Secretary of Agriculture on March 9, 1962 (27 F.R. 2414; F.R. Doc. 62-2476) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

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

1. The accounting for added nonfat milk solids used in the production of dietary products and other fortified fluid milk products under each of the orders.
2. Modification of the conditions for pooling, under each of the orders, of multiple plants operated by the same handler.
3. Clarification of the classification rule under the Philadelphia order concerning interplant transfers of milk or skim milk disposed of for Class II uses.

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

(1) Accounting relative to dietary products and other fortified fluid milk products: Fortified fluid milk products, including dietary products, should be classified, under the respective orders, as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additives such as flavoring, etc. The skim milk "equivalent" of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

Under the existing classification provisions of both the Philadelphia and Wilmington orders the products included in Class I are those fluid milk products, including fortified products, which are

disposed of for fluid consumption. Because of the perishability of the finished products, only inspected milk is used. Local producers furnish essentially the full Class I milk requirements. When nonfat milk solids in the form of nonfat dry milk, dry whole milk or condensed skim milk are added to a fluid milk product to increase the nonfat milk solids content of the finished product, the skim milk equivalent of the total nonfat milk solids in the product is included currently in the computed volume of Class I milk.

Both orders provide for individual-handler pooling and there is no provision for a compensatory payment on other source milk utilized in Class I. However, producer milk is given priority of assignment in Class I, and, hence, to the extent that skim milk in producer receipts is available, producer milk is assigned to Class I utilization to the full skim milk equivalent of other source nonfat milk solids received in concentrated form and used for both product fortification or reconstitution.

Proprietary handlers proposed that skim milk equivalent accounting for nonfat milk solids used in fortification (including dietary products) be discontinued. They contended that Class I pricing on the skim milk equivalent of nonfat milk solids used in the fortification of Class I products is unrealistic and results in an undue cost to handlers. It was their position that the product cost resulting from the "skim milk equivalent" basis of classification of dietary fluid milk products greatly aggravated a cost situation which previously existed as to fortified skim milk. They are disadvantaged in competing with similar products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products which are distributed through grocery stores, drug stores, food establishments and similar outlets. Removal of the requirement of skim milk equivalent accounting on all types of fortified fluid milk products would permit more competitive resale pricing of such items and hence create a greater demand for them.

Producers did not oppose the suggested change in accounting procedure.

Fortified fluid milk products customarily result from the addition of some form of concentrated nonfat milk solids to milk or skim milk in fluid form to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by removal of water.

Nonfat dry milk and condensed skim milk used in fortification ordinarily are derived from unpriced milk or milk which

has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing. It, therefore, should be continued in the orders.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only moderately increases the volume of the product and it may not be concluded from the evidence that the added solids displace producer milk in Class I beyond the minor increase in volume which results, if at all.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account and pay for this inflated volume in Class I. Nevertheless, it is practicable and administratively necessary to maintain, in principle, full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure when flavoring and other nonmilk additives are used for processing unfortified products. The dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting procedure to be employed for fortified products.

The amendatory language of the respective orders hereinafter set forth will implement these conclusions.



Producer representatives raised the point that the proposed change in accounting procedure has a mathematical effect on the computation of the index of Class I milk disposition in the Class I price formula and on the "supply-demand adjuster" which also is a part of the price formula. They contended that any change in accounting procedure should not be permitted to affect the Class I price level as currently computed.

The 1957-1958 base period data used in computing the current index of Class I milk disposition includes the skim equivalent of the relatively small amounts of nonfat solids used to fortify fluid milk products at that time. Although the amounts of fortified Class I products were much smaller in 1957-1958 than now, the inclusion of their skim milk equivalent in the base period data for index purposes resulted in a slight overstatement of total Class I volume in relationship to available producer milk supplies. This is so because in the base period, as at present, there was no necessity for handlers to obtain their additional solids for fortification from producer milk. Outside, ungraded, sources were eligible for this use of solids.

Although tending to benefit producers, the effect of such inclusion in the base period data has been minute. To adjust the formula precisely for the change in accounting procedure would require certain base period data which are not available in the record. On the other hand, sufficient information is contained in the evidence to demonstrate that the adjustment of the base period data would have a de minimis effect on the price formula computation which combines five indices relating to wholesale commodity prices, paid by Pennsylvania farmers, prices received by Pennsylvania farmers for products other than dairy, Midwestern condensery prices and Class I sales. Each index itself is a sample or estimate of the data it represents. Yet a relatively minor change in any of these estimated data could have as significant an effect on the price as the minute change in the Class I sales index suggested by producers for the purpose of achieving mathematical accuracy for this one index.

The contention of producer representatives referred to above was repeated in an exception filed. To eliminate the effect of the change in accounting procedure on the Class I price formula, it was proposed that the base period data relative to fortified skim milk sales (include in the base index figure) be adjusted by an amount equivalent to the increased, current level of fortified skim milk sales on the skim milk equivalent basis (less weight of solids). It was reasoned that "any change in the accounting procedure should have a neutral effect with respect to the Class I price formula." In our view, however, the method proposed for adjustment of the base period data does not produce a neutral effect on the price formula. The base period data would be adjusted by a statistical figure which had no significance or application during the base period and will no longer have significance as a measure of fortified skim milk

volumes sold. Adjustment of the base period data to exclude the skim milk equivalent of actual fortified skim milk volumes sold in the base period would produce the neutral effect exceptors suggest. As stated above, the record does not contain the data to accomplish this, but in any case, the effect of making such an adjustment would be minute. The small benefit which has accrued to producers from use of the skim milk equivalent basis in the past is not in itself adequate basis for its continued use, especially when the added solids involved need not be derived from producer milk.

It is necessary, in accordance with the price standards of the statute, to consider the total effect of the formula as a stimulus to adequate supply. Since the base period, producer milk supplies have increased slightly in relation to the total fluid needs for such milk and are adequate even though there has been a gradual but steady growth in the sale of fortified fluid milk products. In view of this tendency toward increasing supplies, it may be reasonably concluded that the present Class I formula does not require the proposed revision as to the Class I sales index or any modification of the supply-demand adjuster and that it will continue to result in a general level of prices meeting the criteria of the statute.

(2) Producer milk plant definition: The definitions of "producer milk plant" (Philadelphia order) and "fluid milk plant" (Wilmington order), which describe the plants at which milk received from dairy farmers will be included in the individual handler's "pool" and priced in accordance with the minimum price provisions of the respective orders, should be modified.

The Philadelphia order definition provides that country receiving plants operated by the same handler may be considered, under certain conditions, a unit for the purpose of meeting the performance requirements of such definition. More specifically, a handler operating a pasteurizing and bottling plant and two or more qualified country receiving plants may consider as a unit any of such receiving plants as he may designate for the purpose of maintaining pool eligibility for the milk in such plants.

Recent changes in methods of farm-to-plant milk delivery have tended to make the present provision inadequate. With the rapid growth of bulk tank handling of milk in the Philadelphia market, some multiple-plant handlers soon will be in the position of operating only one receiving station. One large company which in the past has operated several plants under the order has closed all but two of its receiving stations. One of the remaining stations is receiving only small quantities of milk and is continuing in operation only to meet the order stipulation that it have two receiving stations to form a unit. This type of operation is uneconomical for the handler but is necessary to maintain pooling eligibility for a supply vital to its fluid milk needs on an annual basis. Another large company has stated its

intention to close two of its three country receiving plants later this year. Without a revision in the basis of unit pooling, the third plant, a necessary facility, cannot retain eligibility as part of the handler's system. Difficult marketing situations for producers are expected as the result of plant closings unless the provision is modified.

Under the present wording of the producer milk plant definition, a single country receiving station cannot qualify for the unit pooling privilege of such definition (§ 1004.7(b)) (formerly § 961.7(b)) and the milk at such a plant is not eligible for pooling and pricing under the order unless the plant individually meets in full the shipping requirements described in the definition.

To meet such standard some milk from the single receiving plant must be allocated to Class I during eight months of the year, and in four months of the year an additional requirement is the shipment from such plant to a pasteurizing or bottling plant on 11 or more days. Pooling on the latter basis would inject needless uncertainties into the marketing of the milk of some producers. In certain instances, at least, producers and handlers would find it difficult to determine until the month following the month of shipment whether or not a particular plant (and supply of milk) would be eligible for pooling. This would tend to foster disorderly marketing conditions for producers.

The Wilmington order, as originally written as it has continued to the present time, contains no provision for system reporting and pooling by the handler other than when some milk from a receiving station actually is allocated to Class I during the month.

For the past few months a large plant at Camden, New Jersey, formerly regulated under the Philadelphia order, has been regulated by Order No. 10 because of Class I milk distributed from this plant in the Wilmington marketing area. This plant does not receive a sufficient supply of milk directly from producers and therefore the handler has been reporting as a system the Camden plant and a country receiving station located at Worton, Maryland. This system reporting has been possible only because of the allocation to Class I of some of the milk shipped from the Worton plant. During certain months of the year, particularly the flush production months, such an allocation might not be possible for this handler and in such event producers shipping to the Worton plant would not, for the particular month, be associated with the Wilmington market. Out of concern for its ability to qualify this plant under Order No. 10, the company expects to include the Worton plant in its Order No. 4 system for the month of February.

It is concluded that in the interest of orderly marketing the producer milk plant definition of the Philadelphia order should be revised to provide unit pooling when a handler operates a pasteurizing or bottling plant and one or more receiving plants; also that similar, complementary language providing for unit pooling should be included in the fluid



milk plant definition of the Wilmington order.

(3) The classification rule of the Philadelphia order affecting certain interplant transfers of milk and skim milk should be clarified.

A question has arisen as to whether the classification rules on interplant shipments of milk and skim milk should be clarified in their application to milk or skim milk disposed of by a handler to a "nonproducer milk plant" where it is assembled together with milk or skim milk received from other handlers (and sometimes from nonregulated sources), and prepared for shipment to other nonproducer milk plants or commercial establishments for Class II use.

At present several small handlers dispose of their surplus milk to a small unregulated creamery where the aggregate quantities accumulated are disposed of to a baking company. The creamery performs no manufacturing operations but sometimes separates whole milk into cream and skim milk prior to shipment to the baking company. Such creamery is a convenient, economical outlet for the surplus milk of several small handlers. The current application of the interplant classification rule provides that milk and skim milk so disposed of from the creamery shall be Class II milk.

In another instance, a non-processing milk handler accepts, as a broker, surplus quantities of milk and cream from small handlers at a cold storage facility. Such purchases, generally in small lots, are assembled and held under refrigeration until sold to cheese manufacturers or commercial establishments processing soups, candies, or other non-dairy foods. The handler, in his capacity as a broker, provides a second convenient outlet for the surplus milk of several small handlers. By current interpretation of the provision the milk so handled is classified as Class II milk.

The operator of the refrigeration facility indicated his view that the language of the provision might be interpreted to consider the milk he handles as a sale directly from the originating handler to a consumer (the establishment where ultimately converted into another product such as soup or candy). In such event the interplant classification provisions would not be applicable and a Class I classification automatically would apply to any such milk or skim milk.

It is concluded that the language of the classification rules on interplant shipments should be clarified as they apply to the above types of transactions.

**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 issuance 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 agreement 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 respective 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, marketing agreements upon which hearings have been held.

**Rulings on exceptions.** In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

**Marketing agreement and order.** Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

**It is hereby ordered.** That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

**Referendum orders; determination of representative period; and designation of referendum agent.** It is hereby directed that referenda be conducted to determine whether the issuance of the attached orders amending the orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas, are approved or favored by the producers, as defined under the terms of the respective orders, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale with the aforesaid marketing areas.

The month of December 1961 is hereby determined to be the representative period for the conduct of such referenda.

L. S. Iverson is hereby designated agent of the Secretary to conduct such separate referenda in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referenda to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on April 6, 1962.

JOHN P. DUNCAN, JR.,  
Assistant Secretary.

*Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area*  
§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order 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) **Findings upon the basis of the hearing record.** 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) 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,

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby 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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete the second proviso of § 1004.7 (b) (formerly § 961.7(b)) and substitute therefor the following proviso: "And provided further, That in the case of a systemic operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a producer milk plant(s) under paragraph (a) of this section and one or more receiving plant(s), any such receiving plant(s) as the handler may designate shall be included within such system upon written notice to the market administrator setting forth the receiving plant(s) to be included and the period during which such designation shall apply. Such notice and notice of any changes in designation, shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

2. Delete the first parenthetical clause of § 1004.41(a) (formerly § 961.41(a)) and substitute therefor: "(including reconstituted milk or skim milk on the basis of the milk or skim milk equivalent of nonfat milk solids used for such purpose and milk and skim milk in any fortified Class I product in an amount equal to the weight of milk or skim milk in the same volume of unfortified product of like nature and butterfat content)".

3. Delete § 1004.44(c) (formerly § 961.44(c)) and substitute therefor the following:

(c) As Class I milk if transferred in bulk to a nonproducer milk plant, or refrigerated holding facility, unless: (1) The handler claims a Class II utilization; (2) the receiver maintains books and records showing the utilization and disposition of all milk and skim milk at his plant, or refrigerated holding facility, which are made available if requested by the market administrator for the purpose of verification; and (3) not less than an equivalent amount of milk or skim milk was:

(i) Actually utilized in the nonproducer milk plant or disposed of from such plant as Class II milk; or

(ii) In the case of a refrigerated holding facility, actually disposed of therefrom as Class II milk or transferred to a nonproducer milk plant: *Provided*, That the market administrator is permitted, on request, to verify from the books and records of milk utilization and disposition at such nonproducer milk plant that not less than an equivalent quantity of milk or skim milk was utilized in, or disposed of from, such plant as Class II milk.

4. Change the period at the end of § 1004.46 (formerly § 961.46) to a colon and add the following proviso: "*Provided*, That if any of the water contained in the milk or skim milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of such product shall be considered to be an amount equivalent to the nonfat milk solids therein plus all the water originally associated with such solids."

5. Amend § 1004.47(a)(4) (formerly § 961.47(a)(4)) to read as follows:

(4) Subtract from the remaining products in each class, in sequence beginning with Class II milk, the product pounds in receipts of other source milk: (i) In the form of cream containing 18 percent or more butterfat; (ii) utilized in reconstituted and fortified products; and (iii) in other Class II products which are reprocessed or converted to another product during the month.

*Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area*

#### § 1010.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order 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) Findings upon the basis of the hearing record. 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wilmington, Delaware, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) 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 said marketing area, and the minimum prices specified in the order as hereby 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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wilmington, Delaware, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Replace the period at the end of § 1010.7 with a colon and add the following proviso: "*Provided*, That in the case of a systemic operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a fluid milk plant under paragraph (a) of this section and one or more receiving plant(s), any such receiving plant(s) as the handler may designate shall be included within his system upon written notice to the market administrator setting forth the receiving plant(s) to be included and the period during which such designation shall apply. Such notice and notice of any changes in designation shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

2. Delete the first parenthetical clause of § 1010.41(a) and substitute therefor the following: "(including reconstituted milk or skim milk on the basis of the milk or skim milk equivalent of nonfat milk solids used for such purpose and milk and skim milk in any fortified Class I product in an amount equal to the weight of milk or skim milk in the same volume of unfortified product of like nature and butterfat content)."

3. Change the period at the end of § 1010.45 to a colon and add the following proviso: "*Provided*, That if any of the water contained in the milk or skim milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of such product shall be considered to be an amount equivalent to the nonfat milk solids therein plus all the water originally associated with such solids."



[ 7 CFR Part 1195 ]<sup>1</sup>

[Docket No. AO 239-A1]

**TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA****Decision With Respect to Proposed Amendment of Marketing Agreement and Order Regulating Handling**

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Quincy, Florida, beginning on January 22, 1962, after notice thereof published in the FEDERAL REGISTER (26 F.R. 12528; 27 F.R. 121), with respect to a proposed amendment of Marketing Agreement No. 112 and Order No. 83 (7 CFR Part 983; 17 F.R. 4971, 5052, 5058; as suspended at 20 F.R. 585; 21 F.R. 648) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in a designated production area in Florida and Georgia, hereinafter referred to collectively as the "order", to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act".

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, in this proceeding, dated March 13, 1962. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published March 22, 1962, in the FEDERAL REGISTER (F.R. Doc. 62-2726; 27 F.R. 2695). No exception to said recommended decision was filed.

It is hereby ordered, That all of this decision, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said amended marketing agreement are identical with those contained in the said annexed order which will be published with this decision.

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

(a) Change the definition of the term "prime", and eliminate the definition of the term "top";

(b) Change the composition of the membership of the Control Committee by (1) decreasing from 5 to 3 the number of members who shall be growers who are not handlers, (2) increasing from 4 to 7 the number of members who shall be growers and who are also handlers, and (3) decreasing from 2 to 1 the number of handlers who are not growers;

(c) Provide flexibility as to the time nominations of eligible members for consideration by the Secretary in select-

ing members who are to serve on the Control Committee during the fiscal period ending January 31, 1963 (in the event the proposed order is approved and becomes effective prior to that date), are to be submitted to the Secretary;

(d) Provide flexibility as to the time the Control Committee is required to consider, prepare, and submit to the Secretary a proposed marketing policy, including a report thereon, and require that the Committee concurrently submit to the Secretary proposed regulations, if any, with respect thereto, for the handling of Type 62 tobacco during the fiscal period;

(e) Require the Control Committee to give growers and handlers reasonable notice of the contents of each report on a marketing policy submitted by the Control Committee to the Secretary;

(f) Authorize the Control Committee to recommend to the Secretary regulations regarding the quantity of tobacco leaves that may be handled, such quantity to be in terms of the number of tobacco leaves per tobacco plant, and to provide that with respect to any recommendation by the Control Committee which relates to a modification in a regulation regarding the maximum number of leaves that may be handled, the Control Committee shall specify the number of leaves per plant which should be fixed by the Secretary;

(g) Fix, as the initial regulation, the number of tobacco leaves, in terms of the number of leaves per tobacco plant, that may be handled and authorize the Secretary to modify such number of tobacco leaves by separate regulations increasing or decreasing, as the circumstances may warrant, the number of such leaves of tobacco plants that may be handled, and provide that the maximum number of leaves of tobacco plants grown in the production area in the calendar year 1962 or in any subsequent year that may be handled pursuant to the initial regulation shall be the number of leaves equal to the product of 18 multiplied by the total number of plants grown in the production area in such year;

(h) Consolidate the provisions of § 983.54(a) and § 983.61 of the order into a single section of the proposed order;

(i) Change paragraph (b) of § 983.55 of the order to paragraph (c) of such section, and to insert a new paragraph (b) regarding the procedure for the issuance of handling certificates;

(j) Provide a minimum period of time during which each handler and each subsidiary and affiliate thereof shall keep (retain) books and records required by § 983.60 of the order; and

(k) Provide for making other changes in the order as may be necessary to make the entire marketing agreement and order conform with any amendment thereof that may result from the hearing.

**Findings and conclusions.** The findings and conclusions on the aforementioned material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows (numbers in parentheses are those used in the order as proposed to be amended, herein referred to as the

"proposed order", which differ from those in the order):

(a) The term "prime" as defined in the order means to "pick tobacco leaves as they ripen, beginning at the bottom of the tobacco stalk and removing a few leaves at a time". The definition, taken literally, is possible of being interpreted to mean that tobacco leaves are required to be picked in exact order of appearance on the stalk, beginning at the bottom of the plant, in order for the term "prime" to be applicable. The record brings out that such an interpretation is not requisite to the regulatory program as proposed to be amended. The term "prime" should be defined as hereinafter set forth to mean "to pick tobacco leaves from tobacco stalks". As so defined, the term "prime" will serve the amended program realistically since the picking of tobacco leaves in exact sequence of appearance on the stalk is not always practiced. Under the provisions of the order (currently suspended), the 7 top leaves of a tobacco plant that has not been topped, and the 4 top leaves of a tobacco plant that has been topped, are not eligible for handling. While such provisions tended to effectuate the declared policy of the act during the years the program was operative until suspension, new strains of tobacco were developed which produced more leaves per stalk than the strains that were grown at the time the program became effective. During the period that the current program was not in suspension, it was of utmost importance that none of the top leaves as above discussed be handled. The definition of the term "prime" was thus designed to fit the then customary practice of picking the leaves as they ripened. Under the program as proposed to be amended, the record clearly shows that some leaves may not be picked but that a later-ripened leaf farther up the stalk may be picked, due to the natural desire of a grower to pick for handling the best leaves from any given plant within the permitted maximum number of eligible leaves.

Under the proposed order the term "top" will be irrelevant because, as the record shows, the program as proposed to be amended conditions nothing upon whether a plant is topped or is not topped, and such definition, therefore, should not be carried over into the proposed order.

(b) The composition of the Control Committee is recommended to be changed as set forth in the proposed order. The record makes clear that grower representation will be greater under the proposed order in that (1) the number of handler members who are not growers is reduced from 2 to 1, and (2) while the number of grower members who are not handlers is reduced from 5 to 3 with an increase from 4 to 7 in the number of members who are growers and are also handlers, the total number of members who are growers in some capacity is 10 rather than 9 as under the order. According to the record, this change in composition, along with the elimination of specific geographical distribution of mem-

<sup>1</sup> Originally 7 CFR Part 983.



bership requirements of the committee members, is necessary to accommodate the relative increase, since the order became effective, in the number of growers who are also handlers and to assure the availability of potential members for each membership category who would be eligible to serve on the committee. A considerable shift has occurred during the past ten years in which the number of growers who were not handlers have become growers who are also handlers. This shift, brought on partly by the formation of additional cooperatives, necessitates a decrease in the number of members of the committee who are growers only with a corresponding increase in the number of members who are growers and are also handlers, in order to assure equitable representation and availability of potential membership for the grower category and also for the category of growers who are also handlers. There is only one handler who is not a grower; hence the necessity of reducing the number of members in the handler category from 2 to 1. The geographical requirement in the order regarding membership eligibility, if carried over into the proposed order, would render ineligible some highly capable otherwise potential members and make it necessary to select members who in some instances would prefer that others serve on the committee rather than they.

(c) It was recommended in testimony at the hearing that paragraph (a) and paragraph (b) (3) of § 983.23 (§ 1195.23) *Nominations* be changed to read as in the proposed order. In the event the proposed order should become effective prior to January 31, 1963, the first fiscal period thereof will end on that date. It is not practical to provide any period of time within which nominees are to be submitted to the Secretary for selection to serve on the committee during such "initial" fiscal period for the reason that there is no way of determining now whether or when the proposed order may become effective. Should the proposed order be approved and become effective, it is to be assumed that nominations for committee membership will be made as promptly as possible thereafter so as to enable the Secretary to select the members of the "initial" committee. The successor members will, of course, be nominated and selected as provided in the order, the relevant provisions of which are carried over into the proposed order. The change in paragraph (b) (3) is simply to conform the wording therein to the recommended change in the number of handler members on the committee who are not growers. Accordingly, the provisions of the proposed order should reflect the foregoing.

(d) The record shows that the Control Committee should not be required to consider, prepare, and submit to the Secretary, a proposed marketing policy, including a report thereon, at the "beginning" of each fiscal period, as prescribed by § 983.50(a) of the order. In the event the order is amended as a result of this proceeding, a rigid time specification for the consideration, preparation and submission of a mar-

keting policy for the fiscal period in which the proposed order became effective would be particularly burdensome. Hence, it is recommended that the phraseology of the section, in the proposed order, dealing with the marketing policy permit the performance of such duties as soon as practical after a fiscal period begins, thereby affording the committee adequate time for thorough deliberations.

The record further supports the expansion of this section to provide that the marketing policy and report thereon submitted by the Control Committee to the Secretary shall be accompanied by such regulations, if any, as may be recommended by the committee to be applicable to the handling of tobacco during the period covered by the marketing policy. Thus, growers and handlers will be informed as early as practicable in a fiscal period of possible regulations that may be in effect and thereby enable them to adjust their operations accordingly. The proposed order should so provide. The committee will thereby be afforded adequate time in which to carefully consider matters and information relevant to the preparation of a marketing policy and report thereon including the supply and demand for tobacco, tobacco prices at the grower level and handler level, trend and level of consumer income, and other relevant factors as set forth in the proposed order, and also to carefully develop proposed regulations for the handling of tobacco in line with the marketing policy.

(e) The provisions of paragraph (d) of § 983.50 of the order, relative to the notice required to be given by the Control Committee to growers and handlers with respect to the marketing policy report, should be the same as those of paragraph (d) of § 983.52 of the order regarding the notice required to be given by the committee to growers and handlers of each regulation, modification, suspension and termination. The record reflects that under the provisions of § 983.52(d) of the order which require that the committee "give reasonable notice—to growers and handlers", all such persons have consistently been apprised of the Secretary's actions pursuant to § 983.52 of the order. Similarly, growers and handlers, under the order, have been kept informed of the committee's marketing policy reports. It is recognized that full and adequate notice to growers and handlers with respect to the marketing policy report of the committee is of great importance. However, no useful purpose would be served for a continued requirement, in the proposed order, that all growers and handlers be notified of the committee's marketing policy report when the giving of reasonable notice by the committee has been very effective for notice purposes. Full and adequate notice thus being assured, no question should arise as to whether any difference in the method of giving notice is intended as between notification of the Secretary's regulations and of the committee's marketing policy reports. The notice requirements should be as hereinafter set forth.

(f) As the record shows, a change in paragraph (a) of § 983.51 of the order

was recommended to provide that any recommendation by the committee to the Secretary regarding the quantity of tobacco leaves that may be handled shall be in terms of the number of leaves per tobacco plant, and that any such recommendation shall specify the number of leaves per tobacco plant which should be fixed by the Secretary. Evidence adduced at the hearing shows that limiting the handling of tobacco leaves to a fixed maximum of 18 leaves per tobacco plant would tend to effectuate the declared policy of the act. The amount of tobacco handled would be limited to the amount the market would take and the better quality leaves would be handled. The committee should also furnish the Secretary its recommendation of any modification it feels should be made in the number of leaves per tobacco plant that may be handled, in order that the Secretary may have the benefit of the committee's knowledge set forth in tangible form for his use in determining whether and the extent to which a change in the regulations limiting the handling of tobacco is justified. The provision contained in § 983.51(a) of the order providing that the committee's recommendations to the Secretary may be based on the location of leaves on the tobacco plant, with consideration to whether the tobacco plant was topped or was not topped, is not consonant with the provisions of the proposed order and should be eliminated. The proposed order implements these recommended changes.

(g) As supported by the record, paragraph (a) of § 983.52 (§ 1195.52) of the proposed order includes a provision that each regulation issued by the Secretary, upon his finding from the committee's recommendation or other information, that to limit the quantity of tobacco leaves (in terms of the number of leaves per tobacco plant) that may be handled would tend to effectuate the declared policy of the act, shall specify the maximum number of tobacco leaves that may be handled. Also, the section provides that any modification with respect to the maximum number of tobacco leaves may be accomplished by issuance of a separate regulation increasing or decreasing, as the circumstances may warrant, the number of leaves that may be handled. These provisions are necessary because they not only provide a fixed amount of tobacco leaves the handling of which will tend to effectuate the declared policy of the act, but also provide flexibility making it possible, through issuance of a separate regulation, to adjust the number of leaves that may be handled, up or down, as the circumstances warrant. It is possible that the present supply and demand situation for tobacco will change to an extent requiring a corresponding change in the number of tobacco leaves that may be handled, and it is essential that the Secretary be provided authority to make such a change as provided in the proposed order. The proposed order provides that the Secretary shall notify the committee of each such regulation or modification thereof, and the committee will be in position, therefore, to give notice thereof to growers and han-

dlers as required by the proposed order. A provision contained in paragraph (a) of § 983.52 of the order, whereunder the location of leaves on the tobacco stalk could be taken into account by the Secretary in specifying the number of leaves that may be handled, should not be carried over into the proposed order to conform with the provisions of the proposed order under which the location of leaves on the tobacco plant is not pertinent.

Paragraph (c) of § 983.52 of the order should not be carried over into the proposed order. The provisions of paragraph (c) of the order are not necessary because they are not relevant or consistent with the provisions of the proposed order. Paragraph (c) prohibited the Secretary from issuing any regulation that would limit or prohibit the handling of more than (1) the seven top leaves of a plant that was not topped or (2) the four top stalk leaves of a tobacco plant that was topped. While such provision was applicable under the order, the proposed order does not contain any provision limiting the handling of leaves on the basis of where the leaves appear on the stalk or whether the tobacco stalk (plant) was topped.

The record shows that the better quality leaves on a tobacco plant normally are among the first 18 leaves primed. A survey report, submitted on behalf of the proponents of the proposed amendment of the order at the hearing and reflected on the record, shows that, on the basis of 16,083,882 pounds of tobacco handled from the 1959, 1960 and 1961 crops, 58.2 percent of the tobacco leaves primed and contained in the bottom 18 leaves consisted of the better quality tobacco. The balance of 41.8 percent of the tobacco leaves contained in the bottom 18 leaves consisted to a large extent of lower grade tobacco. In the tobacco consisting of the 19th leaf and leaves above the 19th leaf on the tobacco plant, only four-tenths of 1 percent consisted of the better quality tobacco. Tobacco of this lower grade represents tobacco only a nominal portion of which has a ready market with the result that the remainder overhangs the market and depresses the price of the better grades. The 16,083,882 pounds of tobacco were handled by 14 of the 22 handlers of Type 62 tobacco in the Florida-Georgia production area who handled tobacco for approximately 66 percent of the growers in such area. It is manifest from the record that, by limiting the handling of Type 62 tobacco as hereinafter provided in the proposed order, the desired quality of tobacco would be made available for handling (including a nominal amount of the lower grade tobacco for which there is a market), and that the amount of tobacco would be equitably apportioned among the producers and be in line with the amount of tobacco the market will take without depressing the price receivable by producers for the tobacco. By the uniform application of the maximum number of leaves per plant permitted to be handled, as provided in the proposed order, there would result an equitable apportionment among producers of the total quantity of tobacco permitted to be han-

dled; and the record shows such to be the general belief. Thus, the proposed order would afford each grower the opportunity to make available for handling the same maximum number of the best leaves from his tobacco plants, within the tolerance provided.

Section 983.53 (§ 1195.53) *Initial regulation* of the proposed order fixes the maximum number of leaves of tobacco plants grown in the production area in the calendar year 1962 or in any subsequent year that may be handled at the number of leaves equal to 18 multiplied by the total number of plants grown in the production area in such year. Thus, such initial regulation has the effect of fixing a total quantity of tobacco leaves grown in the production area that may be handled, and such total quantity is consistent with the sum of the individual number of leaves per tobacco plant that may be certified by the committee as eligible for handling. It is consistent with the information contained in the aforementioned survey report.

(h) As supported by the record paragraph (a) of § 983.54 of the order should be eliminated since the effect of its provisions are repeated in § 983.61 of the order. Section 983.54(a) provides, in slightly different phraseology from that in § 983.61, that no handler shall handle tobacco except in accordance with the regulations. This is what § 983.61 also provides. The compliance provisions should appear in one place in the proposed order as hereinafter set forth so as to avoid confusion and possible misinterpretation.

(i) It is necessary that the committee know that tobacco leaves are eligible for handling before it can issue a handling certificate therefor. The expansion of § 983.55 (§ 1195.55) as provided in the proposed order, affords a definite basis on which the committee can determine whether tobacco leaves are eligible for handling.

There should be carried over into the proposed order a provision that any handler may handle tobacco leaves from the first three primings without a handling certificate because (1) there will be no instances where the first three primings will contain more than the maximum number of tobacco leaves permitted under the initial regulations in the proposed order to be handled and (2) there are not currently available enough barns to house simultaneously all primings of a tobacco crop. By the time all the tobacco leaves that are to be primed from a tobacco plant have been primed, the first one or two primings, and sometimes the third priming, are ready to be handled. It would be uneconomical for growers to build additional barns and delay the handling of the first three primings when the total number of leaves contained in the first three primings does not exceed the maximum number of leaves per plant initially permitted under the proposed order to be handled.

Before tobacco leaves from the fourth and subsequent primings can be handled, the handler should be required to obtain a handling certificate which has been issued by the Control Committee to the producer which covers the tobacco and

which evidences that the tobacco covered thereby is eligible for handling.

Before the Control Committee can be in position to issue a handling certificate to a producer for particular tobacco leaves, it will be necessary to have the tobacco leaves and the tobacco field in which grown inspected in order to determine that the tobacco primed (fourth and subsequent primings) therefrom and to be handled is eligible for handling. While the initial regulation in the proposed order fixes the maximum number of tobacco leaves (in terms of the number of leaves per tobacco plant) eligible for handling, the practical aspects of priming tobacco are such that a tolerance is advisable whereunder as many as 2 leaves in addition to such maximum number of leaves may be primed from an individual plant without rendering tobacco leaves from such field ineligible for handling, provided, that the average number of leaves primed per plant in the field does not exceed the maximum number of leaves per tobacco plant that may be handled. The absence of such a tolerance would render it a very impractical operation because the labor used in picking tobacco leaves from tobacco stalks cannot be relied upon to exercise the care that would be necessary to limit the number of leaves primed from each and every plant to the maximum number of leaves permitted to be handled. Such tolerance of 2 leaves per plant is reasonable and should result in no abuse of the program. As hereinbefore stated, primings beginning with the 19th leaf contain some good grade tobacco, and it is consistent with the information in the survey report reflected on the record to conclude that the two additional leaves as a rule will be of fairly good quality.

To give effect to the proposal, the provision discussed in the following paragraph should be inserted as paragraph (b) of § 983.55 (§ 1195.55), and the present paragraph (b) of § 983.55 conformingly designated as paragraph (c) of § 983.55 (§ 1195.55).

Upon application by a grower to the Control Committee for the issuance of a handling certificate for tobacco grown in a particular field, the committee shall issue such a certificate if it determines that the tobacco leaves involved are eligible for handling. Before issuing any such handling certificate, the committee should be required to have the tobacco inspected as well as the field in which grown and have on record a report of that inspection. In determining the number of tobacco leaves of a particular field eligible for handling and to be covered by a handling certificate, the committee should issue the handling certificate for the tobacco leaves in accordance with the following:

(1) To the extent that not more than the applicable maximum number of leaves per tobacco plant specified for the then current fiscal period were primed from each tobacco plant in such field and constitute the leaves to be certified; or

(2) To the extent that not more than such applicable maximum number of leaves per tobacco plant plus two addi-



tional leaves were primed from any tobacco plant in such field and of the tobacco leaves constituting the leaves to be certified the average number of leaves primed per tobacco plant does not exceed the applicable maximum number of leaves.

(j) As supported by the record, § 983.60 of the order should be amended in the proposed order to require that each handler and each subsidiary and affiliate thereof shall keep (retain), for a period of five years, such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary. This provision exists in the order except for the time above specified as the required period records are to be retained. Retaining the books and records for five years would cause no hardship to the persons required to retain them, particularly in view of the fact that the records are customarily retained even longer than five years by handlers. Even though such books and records are customarily retained by handlers for more than five years, such period of time (five years) is considered reasonable and adequate from the standpoint of need to examine them on the part of the Control Committee or of the Secretary, and no purpose would be served by specifying a longer period. Any question that may arise with respect to the handling of tobacco by any handler should be cleared up and any necessary action with respect thereto would have been taken before the expiration of such 5-year period. Some reasonable time limit such records are to be retained is desirable, however, and the proposed order so provides.

(k) The record contains the recommendation that conforming changes in the marketing agreement and order should be made, as necessary, to make the entire marketing agreement and order conform with any amendment thereof that may result from the hearing. Such conforming changes are reflected in the proposed order.

**Reactivation.** The record shows that it is the desire and intent of growers and handlers in the production area: (1) That the regulatory program governing the handling of Type 62 shade-grown cigar-leaf tobacco be amended as hereinafter set forth; and, should the Secretary issue an amended marketing order program, the issuance of which is approved by the requisite number of growers, (2) that the suspension of the current order be terminated, thus reactivating the program in its amended form. As hereinabove discussed, the production and marketing of Type 62 tobacco have changed during the past several years so that operations under the regulatory program in its present form would not now tend to effectuate the declared policy of the act. Moreover, operations under the order as herein proposed to be amended would be adapted to, and recognize, current production and marketing conditions and would tend to effectuate the declared policy of the act.

The proposed amended marketing agreement and order, as hereinafter set forth, embody both the provisions of the current order which are not being changed as a result of this promulgation proceeding and the new or modified provisions recommended herein. All of these provisions are necessary for operations under the proposed order and would constitute a suitable and workable program for Type 62 tobacco as would tend to effectuate the declared policy of the act.

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

(2) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, regulate the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

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

(4) There are no differences in the production and marketing of Type 62 shade-grown cigar-leaf tobacco covered hereby that require the prescription of different terms applicable to different parts of the production area; and

(5) All handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

**Referendum order.** Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period beginning February 1, 1961, and ending January 31, 1962, both dates inclusive, (which is hereby determined to be a representative period for the purpose of such referendum), have been engaged, within the designated production area of Florida and Georgia, in the production for market of Type 62 shade-grown cigar-leaf tobacco as defined in the amended order annexed to this decision and referendum order (said production area consisting of those counties, or portions thereof, bordering the Florida-Georgia State line and lying between the Suwanee River on the east and the Flint and Apalachicola Rivers on the west) to ascertain whether or not such producers favor the issuance of the annexed amended order. O. P. McArthur,

State Executive Director, Florida ASC State Committee, 412 Northeast 16th Avenue, Gainesville, Florida, and William L. Lanier, State Executive Director, Georgia ASC State Committee, Old Post Office Building, P. O. Box 1552, Athens, Georgia, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, are hereby designated as the agents of the Secretary of Agriculture to conduct the referendum.

(a) For purposes of such referendum:

(1) "Producer" means any individual, partnership, corporation, association, or other business unit who or which: (i) Owns and farms land, resulting in his or its ownership of the Type 62 shade-grown cigar-leaf tobacco produced thereon; (ii) rents and farms land, resulting in his or its ownership of all or a portion of the Type 62 shade-grown cigar-leaf tobacco produced thereon; or (iii) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the Type 62 shade-grown cigar-leaf tobacco produced thereon. Ownership of, or leasehold interest in, land and the acquisition, in any manner other than as hereinbefore set forth, of legal title to the Type 62 shade-grown cigar-leaf tobacco grown thereon shall not be deemed to result in such owners or lessees becoming producers. For the purpose of this definition, the term "partnership" shall be deemed to include a husband and wife with respect to land the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or under community property laws, as community property.

(2) Each producer shall be entitled to only one vote in such referendum, except that: (i) In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote in the referendum; and (ii) a cooperative association of producers, bona fide engaged in marketing the Type 62 shade-grown cigar-leaf tobacco proposed to be regulated, or in rendering services for or advancing the interests of the producers of such Type 62 shade-grown cigar-leaf tobacco, may, if it elects to do so, vote for the producers who are members of, stockholders in, or under contract with such association. Each ballot cast by, or on behalf of, a producer shall reflect the total volume of the Type 62 shade-grown cigar-leaf tobacco of which he or it was the producer during the representative period determined by the Secretary.

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors.

(b) The agents designated by the Secretary to conduct such referendum shall perform their functions subject to, and at the direction of, the Director of the Tobacco Division, Agricultural Stabilization and Conservation Service (ASCS).

(c) Such agents shall:



(1) Conduct the referendum in the manner herein prescribed, by giving an opportunity to producers, who, during the period February 1, 1961 through January 31, 1962, have been engaged, within the specified production area, in the production for market of Type 62 shade-grown cigar-leaf tobacco, to cast their ballots relative to the issuance of such order or amendment.

(2) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(3) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(4) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, methods of voting, eligibility requirements, and other pertinent information, and (ii) by such other means as said agents may deem advisable.

(5) Make available to producers and the aforesaid cooperative associations copies of the text of the proposed amended order, instructions on voting, and appropriate ballot and other necessary forms.

(6) In the event such agents determine that ballots may be cast by mail, cause all the material specified in paragraph (c) (5) hereof to be mailed to each such cooperative association and each such producer whose name and address is known.

(7) In the event such agents determine that ballots may be cast at polling places, determine the necessary number of polling places, and designate and announce such polling places and the hours during which each such polling place will be open: *Provided*, That all such polling places shall remain open at least four (4) consecutive daylight hours during each day announced.

(8) In the event such agents determine that ballots may be cast at meetings of producers, determine the necessary number of meeting places, and designate and announce such meeting places, and the time of each such meeting.

(d) Said agents may appoint any person or persons deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed may be authorized by said agents to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment of subagents, shall be performed by said agents):

(1) Give public notice of the referendum in the manner specified herein;

(2) Preside at a meeting of producers or as poll officer at a polling place;

(3) Distribute ballots and the aforesaid text to producers and receive any ballots which are cast; and

(4) Obtain the name and address of each person receiving or casting a ballot

and inquire into the eligibility of such person to vote in the referendum.

(e) Said agents and their appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, or if a ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, and the results of any investigations made with respect thereto.

(f) At the conclusion of the referendum, the agents shall prepare for, and submit to, the Tobacco Division, ASCS, the following:

(1) All ballots received by the agents and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots; and

(3) A detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

(g) The Director, Tobacco Division, ASCS, may designate any of the said agents to serve as an agent-in-charge to receive the material specified in paragraph (f) hereof. Each such agent-in-charge shall canvass the ballots and list them. The original tabulation shall then be forwarded, together with the ballots and other required documents, to the Director, Tobacco Division, ASCS.

(h) The Tobacco Division, ASCS, thereafter shall prepare and submit to the Secretary, a report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(i) All ballots shall be treated as confidential; and the contents of ballots shall not be divulged except as provided herein or as the Secretary may direct.

(j) The Director, Tobacco Division, ASCS, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid annexed order, and of this order may be examined: In the Office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C.; at the Office of the Florida ASC State Committee, 412 Northeast 16th Avenue, Gainesville, Florida; at the Office of the Georgia ASC State Committee, Old Post Office Building, P.O. Box 1552, Athens, Georgia; at the Offices of the ASC county committees in Gadsden, Madison and Leon Counties in Florida, and in Decatur and Grady Counties in Georgia. Ballots to be cast in the referendum, and other necessary forms and instructions, may

be obtained from the aforesaid referendum agents or any of the appointees.

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

Dated: April 2, 1962.

ORVILLE L. FREEMAN,  
Secretary of Agriculture.

*Amended Order<sup>1</sup> Regulating Handling of Type 62 Shade-Grown Cigar-Leaf Tobacco Grown in Designated Production Area of Florida and Georgia*

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<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

AUTHORITY: §§ 1195.0 to 1195.72 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1195.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said 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.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Quincy, Florida, beginning on January 22, 1962, upon a proposed amendment of the marketing agreement and order regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

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

(2) The said order as hereby proposed to be amended regulates the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

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

(4) There are no differences in the production and marketing of Type 62 shade-grown cigar-leaf tobacco covered hereby that require the prescription of different terms applicable to different parts of the production area; and

(5) All handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Order relative to handling.* It is, therefore, ordered that, on and after the effective time hereof, all handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia shall be in conformity to, and in compliance with, the terms and conditions of said order as hereby amended; and the terms and conditions of said amended order are as follows:

DEFINITIONS

§ 1195.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, and any other officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to act in his stead.

§ 1195.2 Act.

"Act" means Public Act Number 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1195.3 Person.

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

§ 1195.4 Tobacco.

"Tobacco" means all Type 62 shade-grown cigar-leaf tobacco, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title), that is grown in the production area and harvested after the effective date of this part.

§ 1195.5 Production area.

"Production area" means those counties bordering the Georgia-Florida State line and lying between the Suwanee River on the east and the Flint and Apalachicola Rivers on the west.

§ 1195.6 Grower; producer.

"Grower" or "producer" means any person who is engaged in a proprietary capacity, in the commercial production of tobacco.

§ 1195.7 Handler; packer.

"Handler" or "packer" means the first person, including any grower, who handles tobacco on his own behalf or on behalf of others after harvest and farm curing (initial drying from the green state).

§ 1195.8 Handle; pack.

"Handle" or "pack" means to receive, bulk, sweat, sort, select, bale, or otherwise prepare tobacco for market, or to market tobacco.

§ 1195.9 Prime.

"Prime" means to pick tobacco leaves from tobacco stalks.

§ 1195.10 Field.

"Field" means a field of tobacco within the confines of a single shade covering.

§ 1195.11 Fiscal period.

"Fiscal period" means the 12-month period beginning on February 1 and ending on January 31 of the following year, both dates inclusive: *Provided*, That the first fiscal period shall begin on the effective date of this part.

§ 1195.12 Control Committee; Committee.

"Control Committee" or "Committee" means the Control Committee established pursuant to § 1195.20.

CONTROL COMMITTEE

§ 1195.20 Establishment and membership.

(a) *Establishment.* A Control Committee consisting of 11 members is hereby established to administer the terms and provisions of this part. For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member, and, unless otherwise specified, all provisions of this part applicable to a member shall be applicable to his alternate.

(b) *Membership representation—(1) Growers who are not handlers.* Three members shall be growers who are not handlers. Any such member may be an officer, employee or agent of a grower.

(2) *Growers who are also handlers.* Seven members shall be growers who are also handlers. Any such member may be an officer, employee or agent of a grower.

(3) *Handlers who are not growers.* One member shall be a handler who is not a grower. Such member may be an officer, employee or agent of the handler.

§ 1195.21 Term of office.

(a) *Initial members.* The term of office of each initial member of the Committee shall be the first fiscal period.

(b) *Successor members.* The term of office of each successor member shall be two consecutive fiscal periods.

(c) *General.* In the event a successor to any such member has not been selected and has not qualified by the end of the term of office of the respective member, such member shall continue to serve until his successor is selected and has qualified. Each member shall commence to serve on the date on which he qualifies.

§ 1195.22 Selection of members.

The Secretary shall select the various members of the Control Committee, and their respective alternates, on the basis and in the manner prescribed in §§ 1195.20 and 1195.23. However, with respect to the selection of the initial members of the Committee, the Secretary may make such selection without regard to any nominations.

§ 1195.23 Nominations.

(a) *Certain members.* For the consideration of the Secretary in making the selection of the members of the Committee who are to serve during the fiscal period ending on January 31, 1963, nominations for eligible members may be submitted by growers and handlers. Nominations for the grower members who are not handlers may be submitted by growers who are not handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the grower members who are also handlers may be submitted by growers who are also handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the handler member who is not a grower may be submitted by handlers or by groups, including associations, of such handlers.

Such nominations may be by virtue of elections conducted by groups of such handlers. Such nominations shall be submitted to the Secretary as soon as practical after the beginning of such fiscal period.

(b) *Successor members.* In order to provide nominations for successor members:

(1) The Control Committee shall hold or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are not handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are not handlers.

(2) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are also handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are also handlers.

(3) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of handlers who are not growers for the purpose of designating nominees from among whom the Secretary may select the handler member who is not a grower.

(4) The Control Committee shall give adequate notice of each such meeting to all growers and handlers who may be eligible to participate in the respective nominations.

(5) The Secretary may prescribe additional rules and regulations not inconsistent with the provisions of this part, relative to the election of nominees for members on the Committee. Such action may be pursuant to recommendations of the Committee.

(6) At each such meeting held to nominate members on the Control Committee, those eligible to participate therein shall elect a chairman and secretary therefor. The chairman of each such meeting shall announce the name of each person for whom a vote has been cast, and the number of votes received by each shall be recorded in the minutes. Thereafter, the minutes of such meeting, including such information, shall be transmitted to the Secretary. In obtaining nominations, all persons eligible to participate therein shall be given a reasonable opportunity to vote.

(7) Only those eligible persons who are in attendance at any such meeting may participate in the designation of, and voting for, nominees. Each such person shall be entitled to cast but one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each member position for which he is eligible to participate in the designation and voting.

(8) Nominations for members shall be supplied to the Secretary not later than December 1 of the year in which the respective meeting was held, in such manner and form as the Secretary may prescribe.

#### § 1195.24 Failure to nominate.

If nominations are not supplied to the Secretary within the time and in the manner and form specified by the Secretary pursuant to § 1195.23(b), the Secretary may, without regard to nominations, select the Committee members on the basis prescribed in § 1195.20.

#### § 1195.25 Qualification.

Each person selected by the Secretary as a member of the Committee shall, prior to serving on the Committee, qualify by filing a written acceptance with the Secretary within 15 days after being notified of such section.

#### § 1195.26 Alternate members.

An alternate for a member of the Committee shall, in the event of the member's absence, act in the place and stead of that member; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of such member until a successor for the unexpired term of said member is selected and has qualified.

#### § 1195.27 Substitutes for members.

In the event the alternate who is authorized to act in the place and stead of a member is unable, or fails, to attend a meeting of the Committee, such member may designate any other alternate for a member of the same group as that represented by the absent member to act in his place and stead, and, pending such designation, the Secretary may designate such substitute.

#### § 1195.28 Vacancies.

To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Committee, to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Nominations may be submitted to the Secretary for his consideration in making such selection. The designation of nominees from among whom the Secretary may select a successor shall be in accordance with the provisions of this part applicable to the designation of nominees for successors to members of the Committee. In the event that such nominations are not submitted to the Secretary within 30 days after the beginning of the vacancy, the Secretary may select a successor without regard to such nomination.

#### § 1195.29 Compensation.

Members of the Control Committee shall serve without compensation, but shall be reimbursed for reasonable expense necessarily incurred in the performance of their duties under this part.

#### § 1195.30 Powers.

The Control Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

#### § 1195.31 Duties.

The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To select, from among its membership, a chairman and such other officers as may be necessary; to select subcommittees composed of committee members; and to adopt such rules and regulations for the conduct of its business as it deems advisable;

(c) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(d) To keep such minutes, books, and other records as will clearly reflect all of its acts and transactions and which shall be subject to examination at any time by the Secretary;

(e) To furnish to the Secretary information as to all of its activities, including a copy of the minutes of each meeting, and such other information as the Secretary may request;

(f) To cause the books and other records of the Committee to be audited by one or more competent accountants at least once each fiscal period and at such other times as the Control Committee may deem necessary or as the Secretary may request, which report shall show the receipt and expenditure of funds collected pursuant to this part and a copy of each such report shall be furnished to the Secretary;

(g) To give to the Secretary the same notice of meetings of the Control Committee as is given to the members of the Committee; and

(h) With the approval of the Secretary, to issue such regulations as may be necessary and appropriate for the carrying out of the provisions of this part.

#### § 1195.32 Procedure.

(a) The Control Committee may, upon the selection and qualification of nine of its members, organize and commence to function. It may hold meetings only after due notice to its members. The Secretary may designate the time and place of the initial meeting of the committee.

(b) A quorum shall consist of nine members, including alternate members and substitutes then serving in the place and stead of any members, in attendance at the meeting; and all decisions of the Committee shall require not less than seven concurring votes of the members who are present at such meeting.

(c) The Committee may permit voting by mail or telegraph upon due notice to all members: *Provided*, That this method of voting shall not be used at an assembled meeting to obtain votes from absent members: *Provided further*, That when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption.



**EXPENSES AND ASSESSMENTS****§ 1195.40 Use of funds collected.**

All funds received by the Committee, pursuant to this part shall be used only for the purposes authorized in this part.

**§ 1195.41 Budget and expenses.**

The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during the then current fiscal period for its maintenance and functioning. The Committee shall, not later than 30 days after the beginning of each fiscal period, prepare and submit to the Secretary a budget of its proposed expenses for such fiscal period and a proposed rate of assessment, together with a report thereon. The funds to cover such expenses shall be acquired by levying assessments upon handlers as provided in this part.

**§ 1195.42 Assessments.**

(a) Each handler who first handles tobacco shall, with respect to such tobacco, pay to the Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the Committee during the then current fiscal period. Each such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of tobacco handled by him as the first handler thereof during the applicable fiscal period and the total quantity of tobacco handled by all handlers as the first handlers thereof during the same fiscal period.

(b) In order to provide funds to carry out the functions of the Committee, handlers may make advance payments of assessments.

**§ 1195.43 Rate of assessment.**

(a) The Secretary shall fix the rate of assessment to be paid by such handlers; and such rate shall be fixed after consideration of the Committee's recommendations and other available information applicable thereto.

(b) The Secretary may increase the rate of assessment at any time during a fiscal period in order to secure sufficient funds to cover any later finding of the Secretary relative to the expenses of the Committee.

**§ 1195.44 Refunds.**

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

**§ 1195.45 Accountability of Committee members for funds and property.**

The Secretary may, at any time, require the Committee, its members, employees, agents, and all other persons to account for all receipts and disbursements for which they are responsible. Whenever any person ceases to be a member of the Control Committee, he

shall account to his successor, to the Committee, or to such person as the Secretary may designate for all receipts, disbursements, funds, books and records, and other property (in his possession or under his control) pertaining to the activities of the Committee for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, the Committee, or person designated by the Secretary the right to all of such funds and property and all claims vested in such person.

**§ 1195.46 Legal action for collection of assessments.**

The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, legal action against any handler for the collection of such handler's pro rata share of the aforesaid expenses.

**REGULATION****§ 1195.50 Marketing policy and report.**

(a) At or as soon as practical after the beginning of each fiscal period the Committee shall consider, prepare, and submit to the Secretary, a proposed marketing policy, including a report thereon and proposed regulation, if any, with respect thereto, for the handling of tobacco during such period.

(b) In developing its marketing policy, the Committee shall investigate relevant supply and demand conditions for tobacco. In such investigation, the Committee shall give appropriate consideration to the following:

(1) Estimated supply of and demand for tobacco (after considering carry-over, production, disappearance, and like factors);

(2) Market price of tobacco by grade and quality at the grower-level and the handler-level;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(c) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions, the Control Committee shall formulate a new or revised marketing policy in the manner heretofore indicated and shall submit such marketing policy, including a report thereon, to the Secretary.

(d) The Control Committee shall give reasonable notice thereof to growers and handlers of the contents of each such report. The Committee may also publish such report in newspapers, selected by the Committee, of general circulation in each county in which Type 62 shade-grown cigar-leaf tobacco is produced.

**§ 1195.51 Recommendation for regulation.**

(a) Whenever the Committee deems it advisable to limit, during any specified period or periods, the handling of tobacco pursuant to this part it shall recommend to the Secretary the quantity in terms of the number of leaves per tobacco plant, and the grade or quality of tobacco leaves, or either thereof deemed by it advisable to be handled. In making such recommendation, the Committee shall

give consideration to the factors referred to in § 1195.50. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation. With respect to any such recommendation which relates to the maximum number of leaves that may be handled, the committee shall specify the number of leaves per plant which should be fixed by the Secretary.

(b) The Committee may recommend the modification, suspension, or termination of any regulation pursuant to this part whenever it finds that to do so will tend to effectuate the declared policy of the act. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation. With respect to any such recommendation which relates to the maximum number of leaves that may be handled, the committee shall specify the number of leaves per plant which should be fixed by the Secretary.

**§ 1195.52 Issuance of regulation.**

(a) Whenever the Secretary finds from the recommendation and information submitted by the Committee, or from other available information, that to limit the quantity (in terms of the number of leaves per tobacco plant) of tobacco leaves, and the grade or quality of tobacco leaves, or either thereof, that may be handled would tend to effectuate the declared policy of the act, he shall so limit the handling of tobacco during a specified period or periods. Each such regulation shall specify the maximum number (in terms of the number of leaves per tobacco plant) of tobacco leaves, and the grade or quality of tobacco leaves, or either thereof, that may be handled.

(b) The Secretary may modify, suspend, or terminate any regulation pursuant hereto whenever he finds, from the recommendation and information submitted by the Committee, or from other available information, that to do so will tend to effectuate the declared policy of the act. Any such modification with respect to the maximum number of tobacco leaves that may be handled may be accomplished by the issuance of a separate regulation increasing or decreasing, as the circumstances may warrant, the number "18" appearing in § 1195.53.

(c) The Secretary shall notify the Control Committee of each such regulation, modification, suspension, and termination; and the Committee shall give reasonable notice thereof to growers and handlers.

**§ 1195.53 Initial regulation fixing number of leaves that may be handled.**

Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified, or terminated pursuant to this part: (a) The maximum number of leaves primed from any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1195.55(b)(2); and (b) the maximum number of leaves primed from all to-

bacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during such fiscal period.

#### § 1195.54 Limitations on handling.

No person, whether as principal, agent, broker, legal representative, or otherwise, shall, unless specifically authorized in writing by the Control Committee, handle more than the first three primings of tobacco grown in any field of any producer unless prior to such handling the Control Committee had issued a "handling certificate" with respect to such tobacco.

#### § 1195.55 Issuance of handling certificates.

(a) Each grower shall, with respect to the tobacco of each of his fields, be entitled, upon application to the Control Committee, or its representative, in such manner and form as it may with the approval of the Secretary require, to a certification of the Committee of such tobacco of the grower as may be eligible for handling. Each such certificate shall state the name of the grower and the name of the handler, and identify the field in which the certificated tobacco was grown. Notwithstanding any other provision of this part unless otherwise provided in this part, no such certificate shall be issued with respect to any tobacco the handling of which is prohibited pursuant to this part.

(b) Upon application by a grower to the Control Committee for the issuance of a handling certificate for tobacco grown in a particular field, the committee shall issue such a certificate if it determines that the tobacco leaves involved are eligible for handling. Before issuing any such handling certificate, the committee shall have the tobacco inspected as well as the field in which grown and shall have on record a report of that inspection. In determining the number of tobacco leaves of a particular field eligible for handling and to be covered by a handling certificate, the committee shall issue the handling certificate for the tobacco leaves in accordance with the following:

(1) To the extent that not more than the applicable maximum number of leaves per tobacco plant specified for the then current fiscal period were primed from each tobacco plant in such field and constitute the leaves to be certified; or

(2) To the extent that not more than such applicable maximum number of leaves per tobacco plant plus two additional leaves were primed from any tobacco plant in such field and of the tobacco leaves constituting the leaves to be certified the average number of leaves primed per tobacco plant does not exceed the applicable maximum number of leaves.

(c) Any grower who is dissatisfied with any determination by the Control Committee, on his application for the issuance of a handling certificate, may file a protest with the Committee: *Provided*, That such protest is in writing and filed

promptly. The grower may submit with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of handling certificates is unlimited and plenary; and any decision by the Secretary with respect to any handling certificate shall be final and conclusive.

#### § 1195.56 Identification of tobacco handled.

The Committee may, with the approval of the Secretary, adopt requirements of identification by handlers of tobacco handled by them during such periods of time as the Committee deems necessary.

#### § 1195.57 Exemption certificates.

(a) The Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) The Control Committee may issue certificates of exemption to any grower who applies for such exemption and furnishes proof, satisfactory to the Committee, that by reason of Acts of God or other conditions beyond his control and reasonable expectation he will be prevented because of any regulation pursuant to this part from handling, or having handled, as large a proportion of his production of tobacco during the then current fiscal period as the estimated average proportion of production of tobacco permitted to be handled during such fiscal period. Each such exemption certificate shall permit the grower to handle, or have handled, a proportion of his production equal to the aforesaid estimated average proportion of production. The Committee shall maintain a record of all applications submitted for exemption certificates and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of tobacco thus to be exempted, and a record of all exempted tobacco handled. Such additional information as the Secretary may require shall be in the record of the Committee. The Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of tobacco thus exempted, and such additional information as may be requested by the Secretary.

(c) Any grower who is dissatisfied with any determination by the Control Committee on his application for the issuance of an exemption certificate may file a protest with the Committee: *Provided*, That such protest is in writing and filed promptly. The grower may submit, with the protest, such evidence and supporting data and information as he deems appropriate to substantiate

his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any decision by the Secretary with respect to any exemption certificate shall be final and conclusive.

(d) The Committee shall be permitted at any time to make a thorough investigation of any grower's or handler's claim pertaining to exemptions.

#### MISCELLANEOUS

#### § 1195.60 Books and records.

(a) Each handler and each subsidiary and affiliate thereof shall keep, and retain for five years, such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary.

(b) Upon the request of the Committee made with the approval of the Secretary, each handler shall furnish to the Committee, in such manner and at such time as may be prescribed, such information as will enable the Committee to exercise its powers and perform its duties under this part.

#### § 1195.61 Compliance.

Except as provided in this part, no handler shall handle tobacco, the handling of which is prohibited pursuant to this part and no handler shall handle tobacco except in conformity to the provisions of this part.

#### § 1195.62 Right of the Secretary.

The members of the Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, determination, decision, or other act of the Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

#### § 1195.63 Amendment.

Amendments to this part may be proposed, from time to time, by the Committee or by the Secretary.

#### § 1195.64 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under this part and during the existence of this part.



**§ 1195.65 Agents.**

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

**§ 1195.66 Derogation.**

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**§ 1195.67 Personal liability.**

No member or alternate of the Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

**§ 1195.68 Separability.**

If any provision of this part is declared invalid, or the applicability of this part to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof, to any other person, circumstance, or thing shall not be affected thereby.

**§ 1195.69 Effective time.**

The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached to this part and shall continue in force until terminated in any of the ways specified in this part.

**§ 1195.70 Termination.**

(a) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part, or regulations pursuant to this part, whenever he finds that such provisions or regulations do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of growers who, during the preceding fiscal period, have been engaged in the production of tobacco for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such tobacco produced for market; but such termination shall be effective only if announced on or before January 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the

provisions of the act authorizing them cease to be in effect.

**§ 1195.71 Proceedings after termination.**

(a) Upon the termination of the provisions of this part, the then functioning members of the Committee shall continue as trustees (for the purpose of liquidating the affairs of the Committee) of all funds and the property then in the possession of, or under control of, the Committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred, or delivered by the Committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of the said Committee and upon the said trustees.

**§ 1195.72 Effect of termination or amendment.**

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise, in connection with any provision of this part, or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to any such violation.

[F.R. Doc. 62-3551; Filed, Apr. 10, 1962; 8:52 a.m.]

**DEPARTMENT OF THE INTERIOR****National Park Service****[ 36 CFR Part 1 ]****FISHING****Notice of Proposed Rule Making**

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend 36 CFR 1.4 as set forth below. The purpose of this amendment is to require any person fishing in the waters of the national monuments in Alaska to secure a State of

Alaska sport fishing license in conformity with the laws of that State.

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 Director, National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

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

APRIL 4, 1962.

Paragraph (a) of § 1.4 is amended and revised to read as follows:

**§ 1.4 Fishing.**

(a) Any person fishing in the waters of the Yosemite, Sequoia Kings Canyon, Lassen Volcanic, Grand Canyon, Rocky Mountain, Grand Teton, Acadia, Wind Cave, Great Smoky Mountains, Shenandoah, Everglades, and Zion National Parks, and the monuments under the jurisdiction of the National Park Service, must secure a sport fishing license, as required by the laws of the State in which such park or monument, or portion thereof, is situated. Fishing in all parks and monuments shall be done in conformity with the laws of the State in which such park or monument, or portion thereof, is situated, regarding open seasons, size of fish, and limit of catch, except as otherwise provided in the following paragraphs of this section.

[F.R. Doc. 62-3467; Filed, Apr. 10, 1962; 8:46 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 Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of O,O-diethyl S-2-(ethylthio)ethyl phosphorodithioate in or on peanut hay and rice straw at 5 parts per million and in or on peanuts, pineapples, rice, and spinach at 0.75 part per million.

The analytical method proposed in the petition for determining residues of O,O-diethyl S-2-(ethylthio)ethyl phosphorodithioate is a phosphorus method with a chromatographic step designed to remove the naturally occurring phosphorus compounds. In addition, a paper



chromatographic procedure for the qualitative identification of residues of this pesticide chemical is proposed.

Dated: April 3, 1962.

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

[F.R. Doc. 62-3482; Filed, Apr. 10, 1962;  
8:47 a.m.]

[ 21 CFR Part 120 ]

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

**Notice of Filing of Petition**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Shell Chemical Company, Division of Shell Oil Company, Suite 1103, 1700 K Street NW., Washington 6, D.C., proposing the establishment of tolerances for residues of N<sup>2</sup>-benzyladenine at 1 part per million in or on the following raw agricultural commodities: Asparagus, beets (including tops), broccoli, brussels sprouts, cabbage, carrots (including tops), cauliflower, celery, chinese cabbage, chives, collards, endive, escarole, green beans (succulent form), green onions, kale, kohlrabi, leeks, lettuce (butter, cos, head, and red), mint, mustard greens, new zealand spinach, parsley, peas (succulent form), radishes (including tops), rape, salsify (including tops), shallots, soybeans (succulent form), spinach, swiss chard, turnips (including tops), watercress.

The analytical method proposed in the petition for determining residues of N<sup>2</sup>-benzyladenine involves reduction to an amino compound that is diazotized and coupled with N-(1-naphthyl)-ethylene-diamine to form a colored azo dye, the absorbance of which is determined at 510 millimicrons.

Dated: April 3, 1962.

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

[F.R. Doc. 62-3483; Filed, Apr. 10, 1962;  
8:48 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 657) has been filed by Franklin Research Company, 5134 Lancaster Avenue, Philadelphia 31, Pennsylvania, proposing amendment of § 121.2526 of the food additives regulations to provide for

the safe use of polysorbate 80 and propylene glycol alginate as components of resinous and polymeric coatings for paper and paperboard.

Dated: April 4, 1962.

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

[F.R. Doc. 62-3492; Filed, Apr. 10, 1962;  
8:48 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 742) has been filed by Pabst Brewing Company, 917 West Juneau Street, Milwaukee 1, Wisconsin, proposing the amendment of § 121.210 *Amprolium* of the food additive regulations to provide for the addition of bacitracin in amprolium medicated animal feed, as follows:

Grams/ton of complete feed	Limitations	Indications for use
50 to 100	Chickens	Prevention of chronic respiratory disease, infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever).
100 to 200	do	Treatment of chronic respiratory disease, infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever).

Dated: April 5, 1962.

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

[F.R. Doc. 62-3493; Filed, Apr. 10, 1962;  
8:49 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 750) has been filed by Pitman-Moore Company, Division of The Dow Chemical Company, P.O. Box 1656, Indianapolis 6, Indiana, proposing the issuance of a regulation to provide for the safe use of iron-carbohydrate chelate complex as a dietary source of iron for human use.

Dated: April 5, 1962.

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

[F.R. Doc. 62-3494; Filed, Apr. 10, 1962;  
8:49 a.m.]

[ 21 CFR Part 121 ]

**FOOD ADDITIVES**

**Notice of Filing of Petition**

A petition (FAP 736) has been received from Thiokol Chemical Corporation, 780 N. Clinton Avenue, Trenton 7, New Jersey. The Food and Drug Administration has informed the petitioner that the petition was deficient in certain specified respects and was therefore not acceptable for filing. In accordance with § 121.51(i)(1) of the food additive regulations, the petitioner has requested that the petition be filed as submitted, and it is therefore filed.

The petition proposes the issuance of a regulation to provide for the safe use of di(butoxy-ethoxy-ethyl) formal as a plasticizer in natural and synthetic rubber compositions. The resulting rubber compositions are to be used in applications in which they will come in contact with foods generally.

Dated: April 5, 1962.

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

[F.R. Doc. 62-3495; Filed, Apr. 10, 1962;  
8:49 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 740) has been filed by U.S. Industrial Chemicals Company, 99 Park Avenue, New York 16, New York, proposing the amendment of § 121.2508 of the food additive regulations by adding other ethylene-alkene-1 copolymers (ethylene-1-olefin copolymers) to ethylene butene-1 now regulated under § 121.2508. These copolymers comprise the group of aliphatic hydrocarbons having 3 to 8 carbon atoms. This group includes ethylene butene-1 copolymer now regulated under § 121.2508. Extractability limitations and methods will remain as described in § 121.2510. The petitioner proposes to use these copolymers in contact with food.

Dated: April 3, 1962.

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

[F.R. Doc. 62-3496; Filed, Apr. 10, 1962;  
8:49 a.m.]

**FEDERAL AVIATION AGENCY**

[ 14 CFR Part 601 ]

[Airspace Docket No. 62-WE-20]

**CONTROL ZONE**

**Proposed Designation**

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

409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a control zone at the Sonoma County Airport, Santa Rosa, Calif. The proposed control zone would be designated from 0600 to 2200 hours local standard time, daily, within a 3-mile radius of Santa Rosa, Sonoma County Airport, Calif. (latitude 38°30'30" N., longitude 122°48'45" W.), excluding the portion which would coincide with the Hamilton AFB, Calif., Restricted Area/Military Climb Corridor (R-2522). This control zone would provide protection for aircraft operating at the Sonoma County Airport. Communications and weather reporting service would be provided to aircraft operating within the proposed control zone by the FAA control tower scheduled to be commissioned at Santa Rosa approximately June 1, 1962.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on April 5, 1962.

CLIFFORD P. BURTON,  
Acting Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-3466; Filed, Apr. 10, 1962;  
8:46 a.m.]

## SMALL BUSINESS ADMINISTRATION

[ 13 CFR Part 121 ]

### COTTON BROAD-WOVEN FABRIC MANUFACTURERS

#### Proposed Definition as Small Business for Purpose of SBA Business Loan

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of small business for manufacturers of cotton broad-woven fabrics for the purpose of receiving SBA business loans.

The present definition of small business for such manufacturers is a concern which is independently owned and operated, is not dominant in its field of operation, and together with its affiliates employs 750 or less persons. It is intended to raise the size standard to 1,000 or less persons.

Interested persons may file with the Small Business Administration, within thirty days after publication in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the new definition.

All correspondence shall be addressed to:

Samuel S. Solomon, Director,  
Office of Small Business Size Standards,  
Small Business Administration,  
Washington 25, D.C.

It is proposed to change the definition of small business for cotton broad-woven fabric manufacturers for the purpose of SBA loans as follows:

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5008, 6642, 8592, 10633, 10634) is hereby further amended by deleting from "Schedule A" hereof under the heading "Textile Mill Products" the item "2233—Fabrics, cotton broad-woven—750," and substituting in lieu thereof "2233—Fabrics, cotton broad-woven—1000."

JOHN E. HORNE,  
Administrator.

[F.R. Doc. 62-3457; Filed, Apr. 10, 1962;  
8:45 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. R-212]

[ 18 CFR Part 141 ]

### LICENSEES OF PRIVATELY OWNED MAJOR UTILITY AND INDUSTRIAL PROJECTS

#### Proposed Annual Report Form

APRIL 5, 1962.

Promulgation of a New Annual Report Form prescribed for all Licensees of Privately Owned Major Projects (Utility and Industrial) Subject to the Federal Power Act, F.P.C. Form No. 9.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend effective for the reporting year 1961, § 141.13 of the Commission's Regulations Under the Federal Power Act "Form No. 8, Report of claimed increases and decreases in licensed project plant accounts."

3. The general purpose of this proceeding is to promulgate a new Annual Report form which combines the reporting requirements of this Commission's Licensed Project Section of F.P.C. Form No. 1,<sup>1</sup> F.P.C. Form No. 8,<sup>2</sup> F.P.C. Form 1E (18 CFR 141.6)<sup>3</sup> and F.P.C. Form 1D (18 CFR 141.5).

4. The proposed revised § 141.13, "Annual report form for licensees of major projects (utility and industrial) subject to the Federal Power Act" to appear in Part 141—Statements and Reports (Schedules), of Subchapter D—Approved Forms, Federal Power Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations would provide as follows:

#### § 141.13 Form No. 9, Annual report form for licensees of privately owned major projects (utility and industrial).

(a) The form of Annual Report for licensees of privately owned projects under Commission license (major) whether utility or industrial shall be designated as F.P.C. Form No. 9<sup>4</sup> in the Commission's Regulations Under the Federal Power Act and is prescribed for the calendar year 1961 and thereafter.

(b) Each licensee of a privately owned project under Commission license (major) whether utility or industrial shall prepare and file with the Commission for the year beginning January 1, 1961, on or before the last day of the third month following the close of the calendar year ended December 31, unless otherwise authorized or directed by the Commission, an original and two conformed copies, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

(c) This annual report contains the following schedules:

<sup>1</sup> The Licensed Project Section of F.P.C. Form No. 1 was promulgated initially by order of October 12, 1937. Order No. 238 (26 F.R. 11897, December 13, 1961) prescribed a revised F.P.C. Form No. 1, and revised § 141.1(d) of the Commission's Regulations Under the Power Act prescribing that form, which eliminated from the Report Form the Schedule Pages comprising the Licensed Project Section.

<sup>2</sup> Form No. 8 was promulgated initially by Commission order of June 7, 1938 (it was then denominated F.P.C. Form 75).

<sup>3</sup> Form No. 1E was promulgated initially by O. C. Merrill, Executive Secretary of the Federal Power Commission in October 1932 pursuant to authority granted to him by Order No. 10 of June 2, 1921, First Ann. Rep. Federal Power Commission pp. 132-136 (1921).

<sup>4</sup> Filed as part of the original document.

Identification.  
 General Instructions.  
 Information Concerning Licenses and Location of Records.  
 Licensed Project Plant.  
 Additions—Licensed Project Plant.  
 Retirements—Licensed Project Plant.  
 Adjustments—Licensed Project Plant.  
 Accumulated Provisions for Depreciation of Licensed Project Plant.  
 Accumulated Provisions for Amortization of Licensed Project Plant.  
 Depreciation Expense for Licensed Project.

Amortization Expense for Licensed Project.  
 Amortization Reserve—Federal.  
 Information Concerning Operation of Licensed Projects and the Sale or Use of Energy Produced.  
 Energy Generated and Energy Delivered by Licensed Projects.  
 Verification.

5. Schedules of the Licensed Project Section of F.P.C. Form No. 1 and of Form No. 8 which have been significantly revised in the proposed Form No. 9 are as follows:

F.P.C. Form No. 9 schedule heading	Form No. 9 page No.	Form No. 1 page No.	Form No. 8 page No.
Identification.....	Front cover.....	Front cover.....	Front cover.....
General Instructions.....	Back front cover.	Back front cover.	Back front cover.
Licensed Project Plant.....	2-3.....		4-5.....
Additions and Betterments—Licensed Project Plant.....	4-5.....		6-7.....
Retirements—Licensed Project Plant.....	6-7.....		8-9.....
Adjustments—Licensed Project Plant.....	8.....		10-11.....
Accumulated Provisions for Depreciation of Licensed Project Plant.....	9.....	709.	

6. The exact nature of each of the proposed revisions is fully set forth in the respective accompanying schedule sheets. The changes would be accomplished primarily through the modification of existing schedules. Three new schedules would be added: Accumulated Provisions for Amortization of Licensed Project Plant; Amortization Expense for Licensed Project; and Amortization Reserve—Federal.

7. The proposed revisions will adapt the Annual Report Form to all changes prescribed in the Uniform System of Accounts, effective January 1, 1961. The more important revisions may be stated briefly as follows:

(a) The information called for by the proposed Report Form previously was contained in four separate forms: the

Licensed Project Section of Form No. 1, Form No. 8, Form 1E, and Form 1D;

(b) The proposed Report Form is a comprehensive restatement of reporting requirements, including the elimination of certain data requirements now deemed not necessary or available from other sources;

(c) The format and arrangement of the schedule pages has been improved;

(d) Clearer instructions have been added to simplify accurate reporting of information;

(e) The instructions have been revised to explicitly cover all property authorized by each license; and

(f) It is anticipated that the use of a single combined form will result in considerable economies for the reporting licensees and for the Commission's staff.

8. It should be noted that the proposed Form No. 9 is required to be filed annually by licensees of all major private projects (Utility and industrial). It should also be noted that Form No. 1E and Form 1D heretofore required of certain industrial licensees by § 141.6 and § 141.5 of the Commission's Regulations Under the Federal Power Act (18 CFR 141.6, 141.5) are proposed to be superseded by the Report Form proposed herein.

9. The proposed new § 141.13 to Part 141 of this Commission's regulations under the Federal Power Act and the proposed Annual Report, F.P.C. Form No. 9 herein described and set forth are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act particularly sections 3(13), 4(a), (b), (c), 301 (a), 302, 304, 309 and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U.S.C. 796 (13), 797 (a), (b), (c), 825 (a) 825a, 825c, 825h, and 825j).

10. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than April 27, 1962, data, views, comments, and suggestions in writing concerning the proposed revised report form and regulations. An original and nine conformed copies of any such submittals should be filed. The Commission will consider any such written submittals before acting on the proposed revised report form and regulations.

GORDON M. GRANT,  
 Acting Secretary.

[F.R. Doc. 62-3469; Filed, Apr. 10, 1962; 8:46 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-s]

### TRACTOR PARTS FROM ITALY

#### Purchase Price; Foreign Market Value

APRIL 6, 1962.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of certain undercarriage parts and integral parts thereof, for crawler-type tractors imported from Italy is less or likely to be less than the foreign market value, as defined by sections 203 and 205 respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of certain undercarriage parts and integral parts thereof, for crawler-type tractors from Italy pursuant to § 14.9 of the Customs Regulations (19 CFR-14.9).

The complaint in this case was made by the firm of Letts Industries Incorporated.

[SEAL]

PHILIP NICHOLS, Jr.,  
*Commissioner of Customs.*

[F.R. Doc. 62-3491; Filed, Apr. 10, 1962;  
8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

### ALASKA

#### Notice of Proposed Withdrawal and Reservation of Lands

The General Services Administration has filed an application, Serial Number A.056553 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for use in connection with the Federal inter-agency motor pool.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 6th and Cordova, Anchorage, Alaska.

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

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will

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be sent to each interested party of record.

The lands involved in the application are:

ANCHORAGE TOWNSITE—EAST ADDITION

Block 23: Lots 1 and 2;  
Block 24: Lots 4, 5, and 6

Containing 35,000 square feet.

WALTER F. HOLMES,  
*Acting Chief, Division of  
Lands and Minerals Management.*

[F.R. Doc. 62-3515; Filed, Apr. 10, 1962;  
8:52 a.m.]

### CALIFORNIA

#### Notice of Proposed Withdrawal and Reservation of Land

APRIL 3, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 0163324, for the withdrawal of certain lands from location and entry, under the general mining laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation dated February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands for the Daley Canyon Recreation Area, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

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

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

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 3 W.,  
Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Lots 1  
and 2.

The above described area contains 176.71 acres of Federal land. The lands are located in San Bernardino County, Calif.

ROLLA E. CHANDLER,  
*Manager.*

[F.R. Doc. 62-3516; Filed, Apr. 10, 1962;  
8:52 a.m.]

### CALIFORNIA

#### Notice of Proposed Withdrawal and Reservation of Land

APRIL 3, 1962.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Los Angeles 0160873, for the withdrawal of certain lands from location and entry, under the general mining laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation dated February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands for the Dogwood Public Campground, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Box 723, Riverside, Calif.

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

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

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 3 W.,  
Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The above described area contains 120 acres of Federal land. The lands are located in San Bernardino County, Calif.

ROLLA E. CHANDLER,  
*Manager.*

[F.R. Doc. 62-3470; Filed, Apr. 10, 1962;  
8:46 a.m.]

[No. 62-15]

### OREGON

#### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 30, 1962.

The Assistant Secretary, Department of Agriculture, has filed through the Manager of the Portland Land Office an application, Serial No. Oregon 011667, for the withdrawal of the lands described below from all forms of appropriation

under the general mining laws only. The withdrawal will be subject to valid existing rights.

Field studies by the Forest Service show that land is needed for the protection of existing and planned improvements for the Forks Guard Station and Bone Point, Desolation Butte, and Silver Butte Lookout Administrative sites in the Umatilla National Forest; and that space is needed for administration buildings, residences, water system, trailer court, and storage area for the Chemult Ranger Station in Winema National Forest, Oreg., transferred from Deschutes National Forest, July 1, 1961.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay Street, Portland 12, Oreg.

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

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

The lands involved in the application are:

**WILLAMETTE MERIDIAN, OREGON**

**UMATILLA NATIONAL FOREST**

*Forks Guard Station Administrative Site*

T. 7 S., R. 34 E.,  
 Sec. 2: SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 Total, 50 acres.

*Bone Point Lookout Administrative Site*

T. 7 S., R. 31 E.,  
 Sec. 6: SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$   
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 Total, 10 acres.

*Desolation Butte Lookout Administrative Site*

T. 8 S., R. 34 E.,  
 Sec. 30: E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$   
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 Total, 10 acres.

*Silver Butte Lookout Administrative Site*

T. 8 S., R. 35 E.,  
 Sec. 6: Lot 5.  
 Total, 27.20 acres.

**WINEMA NATIONAL FOREST**

**Chemult Ranger Station**

T. 27 S., R. 8 E.,  
 Sec. 17: W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 20: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 Total, 100 acres.

Total area to be withdrawn aggregates 197.20 acres.

**RUSSELL E. GETTY,**  
*State Director.*

[F.R. Doc. 62-3471; Filed, Apr. 10, 1962;  
 8:46 a.m.]

**ATOMIC ENERGY COMMISSION**

[Docket No. 50-62]

**UNIVERSITY OF VIRGINIA**

**Notice of Proposed Issuance of Amendment to Facility License**

Please take notice that the Atomic Energy Commission proposes to issue to the University of Virginia an amendment to Facility License No. R-66, substantially as set forth below, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervenor as provided by the Commission's "Rules of Practice" (Title 10, CFR, Chapter I, Part 2). The proposed amendment would authorize the licensee to use an atmospheric concentration reduction factor of 500 in the computation of the concentrations of gaseous radioactive isotopes released from the stack of the University's research reactor at Charlottesville, Virginia. The stack also serves as the discharge stack for an adjacent hot cell. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment dated November 21, 1961 submitted by the University of Virginia and (2) a hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

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

For the Atomic Energy Commission.

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

[License No. R-66; Amdt. 2]

Pursuant to the authority in Parts 30 and 50, 10 CFR, License No. R-66 is hereby amended to authorize the University of Virginia to utilize a concentration reduction factor of 500 for radioactive argon and fission product noble gases released as stack effluent in connection with the operation of the University of Virginia Reactor in accordance with the application for license amendment

dated November 21, 1961, and the conditions and limitations of this license.

Date of issuance:

For the Atomic Energy Commission.

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

[F.R. Doc. 62-3472; Filed, Apr. 10, 1962;  
 8:46 a.m.]

[Docket No. 50-187]

**NORTHROP CORP.**

**Notice of Extension of Completion Date**

Please take notice that the Atomic Energy Commission has issued an order extending to December 31, 1962 the latest completion date specified in Construction Permit No. CPRR-63 for the construction of the TRIGA Mark F type nuclear reactor at the Northrop Corporation plant in Hawthorne, California.

Copies of the Commission's order and of the application by Northrop Corporation are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

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

For the Atomic Energy Commission.

**R. L. KIRK,**  
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 62-3473; Filed, Apr. 10, 1962;  
 8:46 a.m.]

**FEDERAL AVIATION AGENCY**

[OE Docket No. 61-CE-70]

**PROPOSED TELEVISION ANTENNA STRUCTURES**

**Notice of Hearing**

The State of Minnesota, Department of Aeronautics and the Minneapolis/St. Paul Metropolitan Airports Commission have petitioned the Administrator for a hearing with respect to the determination issued by this Agency's Obstruction Evaluation Branch under this docket number on January 17, 1962, (27 F.R. 793), that the two antenna structures proposed by KSTP, Inc., United Television, Inc., Twin State Broadcasting, Inc., and Midwest Radio-Television, Inc., near Minneapolis and St. Paul, Minnesota would not be hazards to air navigation.

The Administrator has determined that the substance of the petitions has adequate foundation and has granted a hearing in order to determine the effect of the proposed construction on the safety of aircraft and the efficient utilization of navigable airspace.

Notice is hereby given that a prehearing conference will be held at 10 a.m., May 15, 1962, and a public hearing will be held at 10 a.m., May 16, 1962, both at the Radisson Hotel, 45 South Seventh Street, Minneapolis, Minn.

The following are designated as Parties to the hearing:

1. Air Line Pilots Association.
2. Aircraft Owners and Pilots Association.
3. Air Transport Association of America.
4. Department of the Air Force.
5. Department of the Army.
6. Department of the Navy.
7. KSTP, Inc.
8. Midwest Radio-Television, Inc.
9. Minnesota Business Aircraft Association.
10. Minneapolis/St. Paul Metropolitan Airports Commission.
11. National Business Aircraft Association.
12. State of Minnesota Department of Aeronautics.
13. Twin State Broadcasting, Inc.
14. United Television, Inc.

Designation as a Party does not require participation in the hearing. Any person not designated who believes his activities would be substantially affected by the proposed construction may request the Presiding Officer for designation as a Party to the hearing.

Issued: March 30, 1962.

W. THOMAS DEASON,  
Presiding Officer.

[F.R. Doc. 62-3474; Filed, Apr. 10, 1962;  
8:47 a.m.]

## FEDERAL MARITIME COMMISSION

### ALCOA STEAMSHIP CO., INC., ET AL.

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8086-2, between Alcoa Steamship Company, Inc., American Export Lines, Inc., American President Lines, Ltd., and seventeen other U.S. flag common carriers by water, modifies the basic agreement of the Atlantic & Gulf American-Flag Berth Operators Agreement (Numbered 8086), which covers an arrangement for the collaboration of the parties with respect to rates and related matter in connection with the transportation of cargo for MSTs and related shipper services in the foreign trades to and from U.S. Atlantic and Gulf of Mexico ports, and to and from ports in territories and possessions of the United States, also between foreign ports. The purpose of this modification is to (1) include the trade to and from U.S. Great Lakes ports within the scope of the agreement; (2) provide for negotiation by the parties with MSTs of rates, terms and conditions for transportation services under the agreement, either as a body, through committees, or through selected representatives; (3) change provisions with respect to meetings and voting; (4) provides for furnish-

ing the Federal Maritime Commission with copies of all schedules of rates, charges and conditions of carriage negotiated with MSTs, as well as certified copies of minutes and/or true and complete record of all actions of the parties under the agreement; (5) add provisions setting forth procedure to insure strict compliance with the terms of the agreement by all parties, and for handling violations thereof; and (6) modify provisions governing admission and withdrawal of participating parties.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 62-3512; Filed, Apr. 10, 1962;  
8:51 a.m.]

### MOHEGAN INTERNATIONAL CORP. ET AL.

#### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. Mohegan International Corp., New York is party to each agreement.

No. 8823 with Stone Forwarding Company, Inc. (Houston).  
No. 8838 with John H. Faunce, Inc. (Phila.).  
No. 8839 with Seaport Shipping Co. (Portland).

Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87-254. The terms of the agreements are identical.

The agreements are cooperative working arrangements under which the parties will perform freight forwarding services for each other. Forwarding fees are subject to negotiation, and agreement on each transaction depending on the services to be performed. Ocean freight brokerage is to be divided equally. These agreements may be cancelled by either party giving written notice to the other of its desire to terminate.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request

for hearing should such hearing be desired.

Dated: April 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 62-3513; Filed, Apr. 10, 1962;  
8:51 a.m.]

### PORT OF GOLD BEACH AND CRESCENT CITY MARINE WAYS AND DRYDOCK CO.

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8815, between the Port of Gold Beach, Oregon, and Crescent City Marine Ways and Drydock Co., provides for a ten year lease of certain terminal facilities and property in the Port of Gold Beach. It further provides for regulation of certain terminal rates and services and diversion of cargoes from Frankport, Oregon, that can be handled at Gold Beach.

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

Dated: April 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 62-3514; Filed, Apr. 10, 1962;  
8:51 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP62-26]

### OHIO FUEL GAS CO.

#### Notice of Application and Date of Hearing

APRIL 5, 1962.

Take notice that on July 31, 1961, as supplemented on September 25, 1961, November 2, 1961, and December 13, 1961, The Ohio Fuel Gas Company (Applicant), 99 North Front Street, Columbus 15, Ohio, filed an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon resale natural gas service to Ohio Gas Company (Ohio Gas) for its Millersburg Division, Holmes and Coshocton Counties, Ohio; and for a certificate of public convenience and necessity authorizing the acquisition and operation of



certain jurisdictional facilities of Ohio Gas' Millersburg Division in Holmes County, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The application shows that all of the Millersburg Division will be acquired and operated by Applicant. Specifically the jurisdictional facilities involved are: Approximately 26,050 feet of 6-inch pipeline, 20,000 feet of 4-inch pipeline, 62,200 feet of 3-inch pipeline, 850 feet of 2-inch pipeline, and a 50 BHP Compressor Station, together with all appurtenant facilities.

The application shows that the Millersburg Division is far removed from Ohio Gas' principal operating area at Bryan, Ohio; furthermore, the Millersburg and Bryan Divisions are not interconnected and the distance factor has caused problems in supervision and administration. Ohio Gas, therefore, desires to sell the subject facilities. Applicant states that none of its facilities presently being used to serve Ohio Gas will be abandoned, and that these facilities, together with those proposed to be acquired, will be used by Applicant in the distribution of natural gas at retail in the Millersburg area.

Applicant will acquire the Millersburg Division at a price based on the depreciated original cost of the properties less contributions in aid of construction on the closing date. The estimated price for the properties is \$409,035; of this amount an estimated \$142,165 is attributable to jurisdictional facilities.

Applicant states that it will operate the subject facilities without interruption of service to existing consumers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and Commission's rules of practice and procedure, a hearing will be held on April 30, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the in-

termediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 62-3475; Filed, Apr. 10, 1962; 8:47 a.m.]

[Project No. 2106]

**PACIFIC GAS AND ELECTRIC CO.**

**Notice of Prehearing Conference**

APRIL 4, 1962.

Take notice that a prehearing conference will be held on April 26, 1962, at 10 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., as requested, in the above-designated matter.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-3476; Filed, Apr. 10, 1962; 8:47 a.m.]

[Docket No. CP62-198]

**SOUTHERN NATURAL GAS CO.**

**Notice of Application and Date of Hearing**

APRIL 4, 1962.

Take notice that on February 21, 1962, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham 2, Alabama, filed in Docket No. CP62-198 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the 12-month period commencing August 7, 1962, at a total cost not to exceed \$3,000,000, with no single project to exceed a cost of \$500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas which will be purchased from producers thereof in various areas generally coextensive with said system.

Applicant proposes to finance the subject facilities from cash on hand or cash which will be available from current operation.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 3, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington,

D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-3477; Filed, Apr. 10, 1962; 8:47 a.m.]

[Docket No. G-3623, etc.]

J. R. WELCH ET AL.

**Notice of Applications and Date of Hearing**

APRIL 4, 1962.

J. R. Welch (successor to Clyde D. & Carl D. Jackson d.b.a. Jackson Brothers), Docket Nos. G-3623, G-3624 and CI61-1234; Rex Oil & Gas Company (successor to United Carbon Company), Docket Nos. G-3913 and CI62-533; D. W. Pickett, Jr. (Operator), et al. (successor to E. A. Graham), Docket Nos. G-4885 and CI61-594; Leonard Cain (successor to Big Run Oil & Gas Company), Docket Nos. G-4958 and CI61-663; Charles E. Young (Operator), et al. (successor to Ethel S. Jones and H. F. Simonton), Docket Nos. G-5426, G-5482, G-5509 and G-20100; Stekoll Petroleum Corporation (successor to Beaver Lodge Oil Corporation), Docket Nos. G-6886 and CI60-468; James D. Hancock and James D. Hancock, Jr. (successor to Hanco Oil & Gas Company, Ltd.), Docket Nos. G-6950 and G-15160; The Southeastern Drilling Corporation, et al. (successor to W. P. Clements, Jr.), Docket Nos. G-7051, G-7052 and CI60-72; Trident Corporation (successor to W. F. Seeger), Docket Nos. G-7627 and CI61-1150; Herd Oil & Gas Company (successor to J. H. Herd), Docket Nos. G-7875 and G-15446; Redfern Oil Company (successor to John J. Redfern, Jr.) Docket Nos. G-7878 and G-15447; Marlin Exploration, Inc. (Operator), et al. (successor to Petersen Petroleum Corporation), Docket Nos. G-8060 and CI60-161; Stekoll Petroleum Corporation (successor to Oroco Oil and Gas Company), Docket Nos. G-8091 and CI60-302; Graham-Michaelis Drilling Company (successor I. W. Siegel), Docket Nos. G-8244 and CI61-851; L. G. Pigott (successor to Neal Oil & Gas Company), Docket Nos. G-8390 and CI62-132; American Petrofina Company of Texas (successor

to Roy H. Bettis, et al.), Docket Nos. G-8744 and CI161-672; General American Oil Company of Texas (successor to Delhi-Taylor Oil Corporation), Docket Nos. G-8908, G-14121 and G-16583; M. D. Abel, et al. d.b.a. Abel & Bancroft (Operator), et al. (successor to W. E. Bakke (Operator), et al.), Docket Nos. G-9712, G-15257 and CI62-600; M. M. Conn (successor to Diversa, Inc.), Docket Nos. G-10948 and CI61-1673; James A. Rehler, et al. (Operator), et al. (successor to The Atlantic Refining Company (Operator), et al.), Docket Nos. G-11407 and CI62-189; D. W. Pickett (Operator), et al. (successor to Sinclair Oil & Gas Company and Midwest Oil Corporation), Docket Nos. G-11426, G-18736 and CI61-1255; Consolidated Oil & Gas Inc. (Operator), et al. (successor to Colorado Western Exploration, Inc. (Operator), et al.), Docket Nos. G-11896, G-15036 and G-17796; Stekoll Petroleum Corporation (successor to Beaver Lodge Oil Corporation (Operator), et al.), Docket Nos. G-13106, CI60-425 and CI60-445; Sinclair Oil & Gas Company (Operator) (successor to Cabot Corporation (Operator)), Docket Nos. G-13383 and CI62-160; Edward Garvin Oil & Gas Company (successor to Merchants Oil & Gas Company), Docket Nos. G-14706 and CI61-845; Barber Gas Operations, Inc. (successor to Starkan Gas Company), Docket Nos. G-15440, G-15441 and CI61-779; Forsythe Gas Conservation Company, Inc. (Operator) (successor to Lloyd L. Gray d.b.a. Graell Gas Service Company), Docket Nos. G-18483 and CI61-786; Heritage Petroleum Corporation (Operator), et al. (successor to Layton Brown Drilling Company, Inc. (Operator), et al.), Docket Nos. G-18674 and CI61-1567; Marine Drilling, Inc. (successor to W. H. Hudson and Stekoll Petroleum Corporation), Docket Nos. G-19159, G-19184 and CI61-747; Cleary Petroleum, Inc. (Operator), et al. (successor to W. B. Cleary, Inc. (Operator), et al.), Docket Nos. G-19242 and CI61-1226; Anadarko Production Company (successor to Kansas-Colorado Utilities, Inc.), Docket Nos. G-19543 and CI61-742; Rancho Grande Oil Company (successor to Southland Company of Edinburg (Operator), et al.), Docket Nos. CI60-326 and CI62-116.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale or sales of natural gas in interstate commerce previously authorized to their respective predecessors in interest. These sales, as represented in the respective applications, amendments and supplements thereto, on file with the Commission and open to public inspection, are proposed to be continued by the assignee Applicants in accordance with the terms of the respective original basic contracts (and any amendments and/or supplements thereto) which have been accepted for filing and are subject to appropriate redesignation.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 7, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 27, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-3478; Filed, Apr. 10, 1962;  
8:47 a.m.]

## OFFICE OF EMERGENCY PLANNING

### Declassification of Certain Stockpile Data

Pursuant to Executive Order 10501, as amended, and after consultation with the heads of the agencies concerned, I have found that materials objectives determined and materials inventories acquired under the Acts of June 7, 1939, and July 23, 1946, are not official information affecting the national defense within the meaning of that Order, and the amounts thereof are hereby determined to be unclassified.

Dated: April 6, 1962.

EDWARD A. McDERMOTT,  
Acting Director.

[F.R. Doc. 62-3503; Filed, Apr. 10, 1962;  
8:50 a.m.]

## DELAWARE

### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Ex-

ecutive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 9, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the States of Delaware, Maryland, New Jersey, and Virginia adversely affected by severe storm, high tides and flooding, beginning on or about March 6, 1962, and in those areas of the State of West Virginia adversely affected by recent flooding, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Delaware to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 9, 1962:

The counties of:

Kent.  
New Castle.  
Sussex.

Dated: April 6, 1962.

EDWARD A. McDERMOTT,  
Acting Director.

[F.R. Doc. 62-3504; Filed, Apr. 10, 1962;  
8:50 a.m.]

## KENTUCKY

### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 12, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the Commonwealth of Kentucky adversely affected by floods beginning on or about February 26, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the Commonwealth of Kentucky to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 12, 1962:

The counties of:

- |            |           |
|------------|-----------|
| Bell.      | Letcher.  |
| Breathitt. | Magoffin. |
| Carroll.   | Martin.   |
| Carter.    | Morgan.   |
| Clay.      | Owsley.   |
| Floyd.     | Perry.    |
| Franklin.  | Pike.     |
| Greenup.   | Powell.   |
| Jefferson. | Trigg.    |
| Johnson.   | Union.    |
| Knott.     | Warren.   |
| Knox.      | Wayne.    |
| Lawrence.  | Whitley.  |
| Lee.       | Wolfe.    |

Dated: April 6, 1962.

EDWARD A. McDERMOTT,  
*Acting Director.*

[F.R. Doc. 62-3505; Filed, Apr. 10, 1962;  
8:50 a.m.]

**MARYLAND**

**Notice of Major Disaster**

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 9, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the States of Delaware, Maryland, New Jersey, and Virginia adversely affected by severe storm, high tides and flooding, beginning on or about March 6, 1962, and in those areas of the State of West Virginia adversely affected by recent flooding, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Maryland to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 9, 1962:

The county of:

Worcester.

Dated: April 6, 1962.

EDWARD A. McDERMOTT,  
*Acting Director.*

[F.R. Doc. 62-3506; Filed, Apr. 10, 1962;  
8:50 a.m.]

**VIRGINIA**

**Notice of Major Disaster**

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957,

Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 9, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the States of Delaware, Maryland, New Jersey, and Virginia adversely affected by severe storm, high tides and flooding, beginning on or about March 6, 1962, and in those areas of the State of West Virginia adversely affected by recent flooding, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Virginia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 9, 1962:

The counties of:

- |                |                |
|----------------|----------------|
| Accomack.      | Nansemond.     |
| Gloucester.    | Norfolk.       |
| Isle of Wight. | Northampton.   |
| Lancaster.     | Princess Anne. |
| Mathews.       | York.          |
| Middlesex.     |                |

The cities of:

- |                 |             |
|-----------------|-------------|
| Virginia Beach. | Portsmouth. |
| Hampton.        | Norfolk.    |

Dated: April 6, 1962.

EDWARD A. McDERMOTT,  
*Acting Director.*

[F.R. Doc. 62-3507; Filed, Apr. 10, 1962;  
8:50 a.m.]

**WEST VIRGINIA**

**Notice of Major Disaster**

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 9, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the States of Delaware, Maryland, New Jersey, and Virginia adversely affected by severe storm, high tides and flooding, beginning on or about March 6, 1962, and in those areas of the State of West Virginia adversely affected by recent flooding, to be of

sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of West Virginia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 9, 1962:

The counties of:

- |          |           |
|----------|-----------|
| Boone.   | McDowell. |
| Cabell.  | Mingo.    |
| Clay.    | Nicholas. |
| Fayette. | Putnam.   |
| Kanawha. | Raleigh.  |
| Lincoln. | Wayne.    |
| Logan.   | Wyoming.  |
| Mason.   |           |

Dated: April 6, 1962.

EDWARD A. McDERMOTT,  
*Acting Director.*

[F.R. Doc. 62-3508; Filed, Apr. 10, 1962;  
8:50 a.m.]

**SECURITIES AND EXCHANGE  
COMMISSION**

[File No. 1-3848]

**APEX MINERALS CORP.**

**Order Summarily Suspending Trading**

APRIL 5, 1962.

The common stock, \$1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

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

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

*It is ordered,* Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 6, 1962, to April 15, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
*Secretary.*

[F.R. Doc. 62-3479; Filed, Apr. 10, 1962;  
8:47 a.m.]



[File No. 1-1842]

**MERGENTHALER LINOTYPE CO.****Notice of Application To Withdraw From Listing and Registration and of Opportunity for Hearing**

APRIL 5, 1962.

In the matter of Mergenthaler Linotype Company, capital stock, File No. 1-1842.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following: There has been no trading in the stock on the Boston Stock Exchange for at least 5 years. The stock remains listed on several other exchanges.

Upon receipt of a request, on or before April 20, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 62-3480; Filed, Apr. 10, 1962;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 623]

### MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 6, 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 special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a peti-

tion 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 64750. By order of April 2, 1962, the Transfer Board approved the transfer to Donald A. LeClair, doing business as James Broderick Trucking Co., Tildahill Road, Florida, Mass., of Certificates Nos. MC 60924 and MC 60924 Sub 4, issued August 8, 1960, and January 16, 1950, respectively, to Edward James Broderick and Lillian Gregory, doing business as James Broderick Trucking Company, 519 Union Street, North Adams, Mass., authorizing the transportation of: Machinery, uncrated, between North Adams, Mass., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island and Vermont, and between North Adams, Mass., on the one hand, and, on the other, points in Maine; and machinery and machinery parts, crated, between North Adams, Mass., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, Vermont, and Maine.

No. MC-FC 64775. By order of April 2, 1962, the Transfer Board approved the transfer to Merle J. Taggart, Denver, Colo., of Certificate No. MC 113520, issued July 9, 1953, to Harry B. Monk and Georgie L. Monk, doing business as Farmers Lumber and Supply Company, Durango, Colo., authorizing the transportation of: Forest products, and sawmill products, between points in Colorado and Wyoming, and between points in Colorado and Wyoming, on the one hand, and, on the other, points in Utah, Nebraska, and New Mexico, and those within a specified Kansas and Oklahoma territory. Leslie R. Kehl, 526 Denham Building, Denver 2, Colo., attorney for applicants.

No. MC-FC 64927. By order of April 2, 1962, the Transfer Board approved the transfer to George Creutzberger doing business as Defender Auto Express, Mt. Vernon, N.Y., of Certificate No. MC 76447, issued March 2, 1962, to Expressway Trucking Inc., Long Island City, N.Y., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Westchester County, N.Y. Bowes & Millner, 1060 Broad Street, Newark, N.J., attorneys for transferee. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., attorney for transferor.

No. MC-FC 64936. By order of April 2, 1962, the Transfer Board approved the transfer to Murphy Trucking Co., Inc., Denver, Ind., of a portion of Certificate No. MC 109612 Sub 2, issued November 7, 1961, to Lee Motor Lines, Inc., Muncie, Ind., authorizing the transportation, over regular routes, of fertilizer and superphosphate, from the site of the Virginia-Carolina Chemical Corporation plant at St. Bernard, Ohio, to specified area and points in Indiana; from Fort Wayne and Remington, Ind., to the site of the Vir-

ginia-Carolina Chemical Corporation plant at St. Bernard, Ohio, grain, fertilizer, commercial feeds and ingredients thereof, unprocessed agricultural products, and livestock, between points in Indiana on and north of U.S. Highway 40 extending from the Illinois-Indiana State line through Terre Haute, Indianapolis, Greenfield, and Richmond to the Indiana-Ohio State line, on the one hand, and, on the other, specified area and points in Illinois; fertilizer, from Rushville and Seymour, Ind., and points within 10 miles of Rushville and Seymour, to points in that part of Indiana on and north of U.S. Highway 40 extending from the Illinois-Indiana State line, and points in that part of Illinois on and north of U.S. Highway 40 extending from the Illinois-Missouri State line through East St. Louis, Mulberry Grove, Brownstown, Effingham, Greenup, and Marshall to the Illinois-Indiana State line. Ferdinand Born, 1019 Chamber of Commerce, Indianapolis, Ind. Donald Smith, 512 Fidelity Building, Indianapolis, attorneys for applicants.

No. MC-FC 64946. By order of April 2, 1962, the Transfer Board approved the transfer to Roy E. Culp Grain Elevator, Inc., Brookston, Ind., of Certificates Nos. MC 109767 and MC 109767 Sub 1, issued May 12, 1950 and April 25, 1952, respectively, to Carl Culp and Roy Culp, a partnership, doing business as Culp Bros., Remington, Ind., authorizing the transportation, over irregular routes, of commercial feed, from Gibson City, Ill., and points in Illinois within the Chicago, Ill., Commercial Zone, to Remington, Ind., and points within 10 miles of Remington; commercial fertilizer, from Streator, Ill., and points in Illinois within the Chicago, Ill., Commercial Zone, supra, Remington, Ind., and points within 10 miles of Remington; hybrid seed corn, from Remington, Ind., and points within 10 miles of Remington, to points in Illinois within 150 miles of Remington; grain, from Remington, Ind., to points in Illinois within 150 miles of Remington; livestock, between Remington, Ind., and points within 10 miles of Remington, on the one hand, and, on the other, points in Illinois within 150 miles of Remington; commercial feeds, from Peoria, Ill., to Remington, Ind., and points within 10 miles of Remington; and commercial feed ingredients, from Peoria, Ill., and points in Illinois in the Chicago, Ill., Commercial Zone, to Remington, Ind., and points within 10 miles of Remington. John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind., attorney for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-3488; Filed, Apr. 10, 1962;  
8:48 a.m.]

[Notice 205]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 6, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with serv-

ice at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

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

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

#### MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 33), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 271, Akron 9, Ohio, filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill., and Montgomery, Ala., over Interstate Highway 65, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind.; from South Bend, Ind. over U.S. Highway 31 to Columbus, Ind., thence over Alternate U.S. Highway 31, via Seymour, Ind. to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E to Louisville, Ky., also from Sellersburg over U.S. Highway 31W to Louisville; from Louisville, Ky. over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 31, via Birmingham, Ala., to Montgomery, and return over the same routes.

No. MC 2202 (Deviation No. 34), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 271, Akron 9, Ohio, filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fremont, Ohio, over U.S. Highway 20 to Chicago, thence over U.S. Highway 54 to Fullerton, Ill., thence over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction By-Pass U.S. Highway 66 (formerly a portion of U.S. Highway 66), thence over By-Pass U.S. Highway 66 to junction City U.S. Highway 66, near Mitchell, Ill., thence over City U.S. Highway 66, via East St. Louis, Ill., to St.

Louis, Mo., and return over the same route.

No. MC 2202 (Deviation No. 35), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Wichita, Kans., over Interstate Highway 35 to junction Interstate Highway 35E, thence over Interstate Highway 35E to Dallas, Tex., and (B) from the junction of Interstate Highways 35 and 35W, over Interstate Highway 35W to Fort Worth, Tex., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Fort Worth, over U.S. Highway 377 to Denton, Tex.; from Oklahoma City, Okla., over U.S. Highway 66 to El Reno, Okla.; from Pond Creek, Okla., over U.S. Highway 81 to Fort Worth; and from Pond Creek, Okla., over U.S. Highway 81 to Newton, Kans., and return over the same routes.

No. MC 10928 (Deviation No. 10), SOUTHERN-PLAZA EXPRESS, INC., P.O. Box 10572, Dallas 7, Tex., filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Stafford and Springfield, Mo., over Interstate Highway 44, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Stafford over U.S. Highway 66 to Springfield, and return over the same route.

No. MC 10928 (Deviation No. 11), SOUTHERN-PLAZA EXPRESS, INC., P.O. Box 10572, Dallas 7, Tex., filed March 19, 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 the junction of U.S. Highway 75 and Interstate Highway 45, approximately 10 miles south of Dallas, Tex., over Interstate Highway 45 to junction U.S. Highway 75, approximately 11 miles south of Corsicana, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between the said junctions over U.S. Highway 75, and return over the same route.

No. MC 13123 (Deviation No. 10), WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, filed March 16, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., (B) from Cincinnati, Ohio, over Interstate Highway 75 to Lexington, Ky., (C) from Louisville, Ky.,

over Interstate Highway 64 to Lexington, Ky., (D) from Columbus, Ohio, over Interstate Highway 71 to Cincinnati, Ohio, (E) from Cincinnati, Ohio, over Interstate Highway 74 to Indianapolis, Ind., (F) from Jeffersonville, Ind., over Interstate Highway 65 to junction U.S. Highway 31, near Seymour, Ind., thence over U.S. Highway 31 to junction Interstate Highway 65, near Columbus, Ind., thence over Interstate Highway 65 to Indianapolis, Ind., (G) from Providence, R.I., over Rhode Island Highway 146 to junction Massachusetts Highway 146, thence over Massachusetts Highway 146 to Worcester, Mass., (H) from Chicago, Ill., over Interstate Highway 94 to Milwaukee, Wis., (I) from Chicago, Ill., over Interstate Highway 90 to Rockford, Ill., (J) from Indianapolis, Ind., over Interstate Highway 74 to Rock Island, Ill., and (K) from Rock Island, Ill., over Interstate Highway 80 to junction U.S. Highway 66, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Hartford over U.S. Highway 5 to Springfield; also from Hartford over Alternate U.S. Highway 5 to Springfield; from Cincinnati over U.S. Highway 25 to Lexington; from Louisville over U.S. Highway 60 to Lexington; from Columbus over Ohio Highway 3 to Washington Court House, Ohio, thence over U.S. Highway 22 to Cincinnati; from Cincinnati over U.S. Highway 52 to junction Indiana Highway 46, thence over Indiana Highway 46 to junction U.S. Highway 421, thence over U.S. Highway 421 to Indianapolis; from Jeffersonville, over Indiana Highway 62 to junction Indiana Highway 107, thence over Indiana Highway 107 to junction U.S. Highway 421 (formerly Indiana Highway 29); thence over U.S. Highway 421 to Indianapolis; from Providence over Rhode Island Highway 122 to the Rhode Island-Massachusetts State line, thence over Massachusetts Highway 122 to Worcester; from Chicago over U.S. Highway 41 to Milwaukee; also from Chicago over Illinois Highway 42 to junction Wisconsin Highway 32, (formerly Wisconsin Highway 42), thence over Wisconsin Highway 32 to Milwaukee; from Chicago over U.S. Highway 20 to Rockford; from Indianapolis over U.S. Highway 136 (formerly Indiana Highway 32 and Illinois Highway 10) to Danville, Ill., thence over U.S. Highway 150 to Rock Island; and from Rock Island over U.S. Highway 6 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Interstate Highway 80, and return over the same routes.

No. MC 35320 (Deviation No. 7), T.I.M.E. FREIGHT, INC., P.O. Box 1120, Lubbock, Tex., filed March 19, 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 Huntingdon, Tenn., over U.S. Highway 70 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 70, near Brownsville, Tenn., and return over the



same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Brownsville over U.S. Highway 79 to Paris, Tenn.; and from Nashville, Tenn., over U.S. Highway 70S (formerly U.S. Highway 70) to junction U.S. Highway 70, thence over U.S. Highway 70 to Atwood, Tenn., and return over the same routes.

No. MC 45657 (Deviation No. 4), PICWALSH FREIGHT CO., 731 Campbell Avenue, St. Louis 15, Mo., filed March 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Indianapolis, Ind. and Cincinnati, Ohio, over U.S. Highway 52, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, over U.S. Highway 421 (formerly Indiana Highway 29) to junction U.S. Highway 50, thence over U.S. Highway 50 to Cleves, Ohio, thence over Ohio Highway 264 to Cincinnati, and return over the same route.

No. MC 52746 (Deviation No. 1), MISSOURI CONSOLIDATED FREIGHTWAYS CORPORATION, 715 South 25th Avenue, Bellwood, Ill., filed March 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Topeka and Junction City, Kans., over Interstate Highway 70, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Mo., over U.S. Highway 40, via Victory Junction, Kans., to junction U.S. Highway 24, at or near Wamego, Kans., thence over U.S. Highway 24 (formerly U.S. Highway 40) to junction Kansas Highway 18, thence over Kansas Highway 18 (formerly U.S. Highway 40) to Junction City, thence over U.S. Highway 40 to Salina, Kans., thence over U.S. Highway 81 to McPherson, Kans., thence over U.S. Highway 50N to Great Bend, Kans., thence over Kansas Highway 45 to Dodge City, Kans., thence over U.S. Highway 283 to Minneola, Kans.; also from McPherson over Kansas Highway 17, via Hutchinson, Kans., to junction U.S. Highway 54, thence over U.S. Highway 54 to Minneola, Kans., thence over U.S. Highway 54 to Liberal, and return over the same routes.

No. MC 66562 (Deviation No. 10), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y., filed March 29, 1962. Attorney William H. Marx, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route as follows: From West Elizabeth, Pa., over Pennsylvania Highway 51 to junction Alternate Pennsylvania Highway 71, thence over Alternate Pennsylvania Highway 71 to

junction Pennsylvania Highway 88, at Speers, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Pittsburgh, Pa., over unnumbered highways to Dravosburg, Pa., thence over Pennsylvania Highway 837 to Monongahela, Pa., thence over Pennsylvania Highway 31 to junction Pennsylvania Highway 906, thence over Pennsylvania Highway 906 to Monessen, Pa., thence across the Monongahela River to North Charleroi, Pa., thence over Pennsylvania Highway 88 to West Brownsville, Pa., thence over U.S. Highway 40 to Brownsville, Pa., and return over the same route.

No. MC 78632 (Deviation No. 7), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed March 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill. and Milwaukee, Wis., over Interstate Highway 94, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 41 to Milwaukee, thence over city streets to West Allis, Wis.; also from Chicago over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, thence over city streets to West Allis, Wis., and return over the same routes.

No. MC 78632 (Deviation No. 8), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed March 26, 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 Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Indianapolis, over U.S. Highway 52 to Cincinnati; also from Indianapolis over U.S. Highway 52 to junction Indiana Highway 1, thence over Indiana Highway 1 to Lawrenceburg, Ind., thence over U.S. Highway 50 to Cincinnati, and return over the same routes.

No. MC 106401 (Deviation No. 4), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte 1, N.C., filed March 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 29 and Interstate Highway 85, approximately 2 miles east of Kings Mountain, N.C., over Interstate Highway 85 to junction U.S. Highway 29, approximately 6 miles south of Greenville, S.C.,

and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From the North Carolina-Virginia State line over U.S. Highway 1 to Henderson, N.C., thence over U.S. Highway 158 to Oxford, N.C., thence over U.S. Highway 70 to Greensboro, N.C., thence over Alternate U.S. Highway 29, via High Point, N.C., and Thomasville, N.C. to junction U.S. Highway 29, thence over U.S. Highway 29 to the North Carolina-South Carolina State line; and from Atlanta, Ga., over U.S. Highway 29 to Lyman, S.C., thence over Alternate U.S. Highway 29, via Spartanburg and Gaffney, S.C., to Grover, N.C., thence over U.S. Highway 29 to Charlotte, N.C., thence over North Carolina Highway 49, via Newell and Harrisburg, N.C., to junction unnumbered highway, thence over unnumbered highway to Concord, N.C., thence over Alternate U.S. Highway 29, via Kannapolis, N.C., to junction U.S. Highway 29, thence over U.S. Highway 29 to High Point, N.C., thence over Alternate U.S. Highway 29 to Greensboro, N.C., thence over Alternate U.S. Highway 70, via Burlington, N.C., to junction U.S. Highway 70, thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., return over the same routes.

No. MC 106401 (Deviation No. 5), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte 1, N.C., filed March 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From Durham, N.C., over Interstate Highway 85 to junction U.S. Highway 29, near China Grove, N.C., and (B) from the junction of U.S. Highway 29 and Interstate Highway 85, approximately 6 miles north of Charlotte, N.C., over Interstate Highway 85 to junction U.S. Highway 29, near Belmont, N.C., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From the North Carolina-Virginia State line over U.S. Highway 1 to Henderson, N.C., thence over U.S. Highway 158 to Oxford, N.C., thence over U.S. Highway 15 to Durham, thence over U.S. Highway 70 to Greensboro, N.C., thence over Alternate U.S. Highway 29, via High Point and Thomasville, N.C., to junction U.S. Highway 29, thence over U.S. Highway 29 to the North Carolina-South Carolina State line; from Atlanta, Ga., over U.S. Highway 29 to Lyman, S.C., thence over Alternate U.S. Highway 29, via Spartanburg and Gaffney, S.C., to Grover, N.C., thence over U.S. Highway 29 to Charlotte, N.C., thence over North Carolina Highway 49, via Newell and Harrisburg, N.C., to junction unnum-



bered highway, thence over unnumbered highway to Concord, N.C., thence over Alternate U.S. Highway 29, via Kannapolis, N.C., to junction U.S. Highway 29, thence over U.S. Highway 29 to High Point, N.C., thence over Alternate U.S. Highway 29 to Greensboro, N.C., thence over Alternate U.S. Highway 70, via Burlington, N.C., to junction U.S. Highway 70, thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa.; from Charlotte, over U.S. Highway 29 to Greensboro, N.C., thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to New York, N.Y., and return over the same routes.

No. MC 106456 (Deviation No. 7), SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Fessler Lane, Nashville, Tenn., filed March 26, 1962. Attorney James R. Browder, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Vincennes, Inc., over Illinois Highway 33 to junction Illinois Highway 1, approximately 3 miles east of Robinson, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Vincennes over U.S. Highway 50 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Illinois Highway 33, approximately 3 miles east of Robinson, and return over the same route.

No. MC 107037 (Deviation No. 1), BROWN TRANSFER COMPANY, 2001 Avenue A, Kearney, Nebr., filed March 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Omaha and Lincoln, Nebr., over interstate Highway 80, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Grand Island, Nebr., over U.S. Highway 281 to junction U.S. Highway 34, thence over U.S. Highway 34 to Lincoln, thence over U.S. Highway 6 to Omaha, and return over the same route.

No. MC 116523 (Deviation No. 1) (CORRECTION), KEYSTONE TRUCK LINES, INC., 321 Heavy Traffic Way, Tulsa, Okla., filed February 21, 1962, and published in the March 7, 1962, issue of the FEDERAL REGISTER page 2194. This notice should read as follows: Carrier proposes to operate as a *common carrier*, by motor vehicle of *Classes A and B Explosives*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over U.S. Highway 69 to Savanna, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The no-

tice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over U.S. Highway 169 to Tulsa, Okla., thence over U.S. Highway 64 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Oklahoma Highway 72, thence over Oklahoma Highway 72 to junction U.S. Highway 266, thence over U.S. Highway 266 to U.S. Highway 69, thence over U.S. Highway 69 to Savanna, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Deviation No. 8), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt., filed March 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 5 and Interstate Highway 91, north of Putney, Vt., over Interstate Highway 91 to Brattleboro, Vt., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Bellows Falls, Vt., over U.S. Highway 5 to Brattleboro, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 62-3509; Filed, Apr. 10, 1962;  
8:51 a.m.]

[Notice 434]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 6, 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 PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 1658 (Sub-No. 46), filed March 23, 1962. Applicant: NORWALK TRUCK LINE, INC. of DELAWARE, Manheim Pike, Lancaster, Pa. Applicant's representative: M. M. Emery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving off-route points in Mentor Township, Lake County, Ohio, in connection with applicant's regular route operations to and from Cleveland, Ohio.

NOTE: Common control may be involved.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 2990 (Sub-No. 17), filed December 26, 1961. Applicant: BLUE ARROW TRANSPORT LINES, INC., 2501 South Paulina Street, Chicago, Ill. 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: *Meats, meat products, and meat by-products, and commodities distributed by meat packing houses*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and, *such equipment, materials and supplies* used in the conduct of such business, serving Momence, Ill., as an off-route point in connection with applicant's presently authorized regular route operations to and from Chicago, Ill.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 7920 (Sub-No. 5), filed February 5, 1962. Applicant: HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, Ohio. Applicant's attorney: Robert N. Krier.

3430 Le Veque-Lincoln Tower, Fifty West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *supplies, equipment and materials used in the conduct of such business*, serving the plant site of Agar Packing Company, at Momence, Ill., as an off-route point in connection with applicant's authorized regular-route operations in Illinois, Indiana, Ohio, Pennsylvania, and New York.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 10761 (Sub-No. 114), filed December 11, 1961. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Appendix A & C in description case Ex Parte MC-45, and *supplies, equipment and materials, used in the conduct of such business, and refused and rejected shipments*, serving the site of the Agar Packing Company plant at Momence, Ill., in connection with applicant's present authorized regular-route operations between Chicago, Ill., and St. Louis, Mo.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 20783 (Sub-No. 58), filed March 2, 1962. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. 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: *Meat, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from Momence, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before examiner Alton R. Smith.

No. MC 30844 (Sub-No. 61), filed January 29, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Stockton, Linville, Lewis and Mitchell, the 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by

motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in Appendices A and C in *Descriptions in Certificates*, Ex Parte No. MC-45, and *supplies, equipment and materials used in the conduct of such business*, between the plant site of the Agar Packing Company at Momence, Ill., and points in Colorado, Connecticut, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 41404 (Sub-No. 26), filed November 27, 1961. Applicant: ARGO COLLIER TRUCK LINES CORPORATION, Martin, Tenn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in 61 M.C.C. 209 and 766, from the site of the Agar Packing Company plant located at Momence, Ill., to Paducah and Fulton, Ky., and points in Alabama, Louisiana, Mississippi, Georgia, and Tennessee.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 42329 (Sub-No. 152), filed April 2, 1962. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McNerny, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), and serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's authorized regular-route operations.

**NOTE:** Applicant states that through stock ownership it is controlled by McLean Trucking Company.

**HEARING:** May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 52709 (Sub-No. 158), filed January 31, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as defined in subdivisions A, B and C of Appendix I to the report in *Descriptions in Motor Carriers Cer-*

*tificates*, 61 M.C.C. 209 and 766, from Momence, Ill., to points in Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, and New Mexico.

**NOTE:** Applicant states it controls United Freight, Inc., and Inter State Express, Inc.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 52752 (Sub-No. 10), filed January 3, 1962. Applicant: WESTERN TRANSPORTATION COMPANY, a corporation, 1300 West 35th Street, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and commodities distributed by meat packinghouses*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and *such equipment, materials and supplies* used in the conduct of such business, serving Momence, Ill., as an off-route point in connection with applicant's presently authorized regular route operations to and from Chicago, Ill.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 69116 (Sub-No. 64), filed December 26, 1961. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. 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: *Meats, meat products, and meat by-products, and commodities distributed by meat packing houses*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and, *such equipment, materials and supplies* used in the conduct of such business, serving Momence, Ill., as an off-route point in connection with applicant's presently authorized regular route operations.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 71096 (Sub-No. 41), filed March 23, 1962. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: M. M. Emery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's regular route operations, to and from Cleveland, Ohio.

**NOTE:** Common control may be involved.



**HEARING:** May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 75185 (Sub-No. 233) (RE-PUBLICATION), filed December 29, 1961, published FEDERAL REGISTER, issue of January 31, 1962. Applicant: SERVICE TRUCKING CO., INC., P.O. Box 276, Federalsburg, Md. Applicant's attorney: James W. Lawson, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Momence, Ill., to points in New York, New Jersey, Pennsylvania, Delaware, Virginia, and Maryland.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 80388 (Sub-No. 9), filed February 16, 1962. Applicant: CHICAGO-INDIANA FREIGHT LINES, INC., 3808 South Western Avenue, Chicago, Ill. Applicant's attorney: Euguene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *materials, supplies and equipment used in the conduct of such business*, between the plant site of Agar Packing Company, at or near Momence, Ill., and Louisville, Ky., and points in Indiana.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 1, or if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 80430 (Sub-No. 102), filed January 15, 1962. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 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 regular routes, transporting: *Meat, meat by-products and articles distributed by meat packing houses*, as described in Appendix A and C in description case Ex Parte MC-45, also *supplies, equipment and materials*, used in the conduct of such business, serving the site of Momence, Ill., as an off-route point in connection with applicant's authorized regular-route operations.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 93393 (Sub-No. 3), filed December 4, 1961. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON, doing business as NIGHTWAY TRANSPORTATION CO., 4106 South Emerald

Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Schanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat-packing houses*, as described in 61 M.C.C. 209 and 766, from the site of the Agar Packing Company plant in Momence, Ill., to points in that part of Indiana bounded by a line beginning at the junction of U.S. Highways 6 and 41 near Hammond, Ind., and extending in a southerly direction along U.S. Highway 41 to junction U.S. Highway 52, thence in a southeasterly direction along U.S. Highway 52 to Indianapolis, Ind., thence in a northeasterly direction along U.S. Highway 36 to junction Indiana Highway 9, thence in a northerly direction along Indiana Highway 9 to junction Indiana Highway 32, thence in an easterly direction along Indiana Highway 32 to Winchester, Ind., thence in a northerly direction along U.S. Highway 27 to Fort Wayne, Ind., thence in a westerly direction along U.S. Highway 30 to Valparaiso, Ind., thence in a northwesterly direction along Indiana Highway 130 to junction U.S. Highway 6, and thence in a westerly direction along U.S. Highway 6 to point of beginning, including points on the indicated portions of the highways specified.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 94265 (Sub-No. 80), filed December 1, 1961. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in subdivisions A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *supplies, equipment and materials* used in the conduct of such business, from Momence, Ill., to Aberdeen Proving Grounds, Aberdeen, the Army Chemical Center and the Edgewood Arsenal, Edgewood, Fort George G. Meade, the U.S. Naval Air Station, Patuxent River, the U.S. Naval Training Center, Bainbridge, Baltimore and Landover, Maryland, the District of Columbia, and points in Virginia and North Carolina.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 95540 (Sub-No. 406), filed February 21, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products* as defined by the Commission, and *prepared foods*, from Momence, Ill., to points in

Alabama, Florida, Georgia, North Carolina, South Carolina, and to Denver, Colo., New Orleans, La., and Omaha, Nebr.

**NOTE:** Applicant states it is under common control with Arctic Express, Inc., through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 107515 (Sub-No. 378), filed December 18, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Otis E. Stovall, Suite 214-217 Grant Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and packing-house products*, as described by the Commission, in Ex Parte MC-43, from Momence, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.).

**NOTE:** Applicant states, "J. L. Lawhon, President of Refrigerated Transport Co., Inc., and owner of one-half of the stock holds permits as a contract carrier, which authorized the transportation of carbonated beverages. None of his shippers can be shippers of Refrigerated Transport Co., Inc. The Commission repeatedly has authorized the dual authority."

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 107906 (Sub-No. 17), filed December 26, 1961. Applicant: TRANSPORT MOTOR EXPRESS, INC., Box 958 Meyer Road, Fort Wayne, Ind. 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: *Meats, meat products, and meat by-products, and commodities distributed by meat packing houses*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and *such equipment, materials and supplies* used in the conduct of such business, serving Momence, Ill., as an off-route point in connection with applicant's presently authorized regular route operations to and from Chicago, Ill.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 108586 (Sub-No. 52), filed December 26, 1961. Applicant: STEFFKE FREIGHT CO., a corporation, P.O. Box 990, Wausau, Wis. 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: *Meats, meat products, and meat by-products, and commodities distributed by meat packing houses*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and, *such equipment, materials and*



supplies used in the conduct of such business, serving Momence, Ill., as an off-route point in connection with applicant's presently authorized regular route operations.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 110193 (Sub-No. 42), filed January 15, 1962. Applicant: **SAFEWAY TRUCK LINES, INC.**, 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Howell Ellis, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing houses* as described in Appendix I, A and C, in *Descriptions in Certificates*, Ex Parte No. MC-45, and *supplies, equipment and materials* used in the conduct of such business, between the plant site of AGAR Packing Co., at Momence, Ill., and points in New York, New Jersey, Massachusetts, Rhode Island, and Connecticut; Philadelphia, Pa., and points within 20 miles thereof; Baltimore, Md.; Washington, D.C.; points in that part of Pennsylvania on and south of U.S. Highway 22 from the Ohio-Pennsylvania state line to Nanty Glo, Pa., and on and west of U.S. Highway 219 from Nanty Glo to the Pennsylvania-Maryland state line; points in that part of Ohio south of U.S. Highway 20 extending from the Ohio-Indiana state line to and including Toledo, Ohio, and on and north of U.S. Highway 40; points in that part of Indiana south of U.S. Highway 20 extending from the Indiana-Illinois state line to the Indiana-Ohio state line, and on, north and east of U.S. Highway 52, between the Indiana-Illinois state line and Indianapolis, Ind., and U.S. Highway 40 extending between Indianapolis, Ind., and the Indiana-Ohio state line; Denver, Colo.; points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska state line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River; points in that part of Kansas on and east of U.S. Highway 281; points in Missouri on and west of U.S. Highway 65; points in that part of Iowa on and west of U.S. Highway 65 from Lineville, Iowa, to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls to Sioux City, Iowa; and St. Louis, Mo.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 111812 (Sub-No. 157), filed March 12, 1962. Applicant: **MIDWEST COAST TRANSPORT, INC.**, P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh meats and packing-house products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Momence, Ill., to points in

Arizona, California, Colorado, Montana, Nevada, Utah, Idaho, Oregon, Washington, and New Mexico.

**NOTE:** Applicant states Mrs. Jane A. Lewis, wife of applicant's president, holds a 50 per cent interest in Dakota Express, Inc., a common carrier.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 111956 (Sub-No. 7), filed March 28, 1962. Applicant: **SUWAK TRUCKING COMPANY**, a corporation, 1105-1115 Fayette Street, Washington, Pa. Applicant's attorney: Frank C. Roney, 143 West Pike Street, Canonsburg Pa. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's regular-route operations to and from Cleveland, Ohio.

**HEARING:** May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 113267 (Sub-No. 55), filed December 4, 1961. Applicant: **CENTRAL & SOUTHERN TRUCK LINES, INC.**, 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packing houses* (as described in description case ex Parte MCC 45 Appendix A & C) and *supplies, equipment and materials* used in the conduct of the meat packing business, from the Plant Site of the Agar Packing Co., located at or near Momence, in Kankakee County, Ill., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

**NOTE:** Applicant has pending contract carrier authority MC 50132 Sub 57. Applicant states they are "stockholders and officers" in the following Motor Carriers of passengers and their baggage, newspapers and express, Industrial Bus Lines, Inc., MC 114168, Vandalla Bus Lines, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 113651 (Sub-No. 39), filed December 18, 1961. Applicant: **INDIANA REFRIGERATOR LINES, INC.**, 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, arti-*

*cles distributed by meat packing houses*, as described in lists A and C in Appendix 1 in 61 M.C.C. 209, 766, from Momence, Ill., to points in Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina Tennessee, Virginia, West Virginia, Kentucky, Maryland, Missouri, Connecticut, Maine, Delaware, New Hampshire, Vermont, and the District of Columbia, and (2) *refused, rejected and damaged products*, as described above, and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers* as defined by the Commission in Paragraph D in Appendix I of 61 M.C.C. 209, 766, from points in Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Kentucky, Maryland, Missouri, Connecticut, Delaware, New Hampshire, Maine, Vermont and the District of Columbia, to Momence, Ill.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 113678 (Sub-No. 20), filed March 9, 1962. Applicant: **CURTIS, INC.**, 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Donald E. Leonard, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat and packing house products, meat by-products, dairy products and articles distributed by meat packinghouses*, from Momence, Ill., to points in Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, New Mexico, and Colorado.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 113843 (Sub-No. 44), filed December 11, 1961. Applicant: **REFRIGERATED FOOD EXPRESS, INC.**, 315 Summer Street, Boston, Mass. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products and commodities used by packinghouses*, as defined in paragraphs A, C and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Momence, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *returned, rejected and refused shipments* on return.

**NOTE:** Applicant indicates common control with Mercury Truck Lines, Inc. (MC-F-6781).

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 117815 (Sub-No. 8), filed December 18, 1961. Applicant: **PULLEY FREIGHT LINES, INC.**, 2341 Easton Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Appendix I, Lists A and C to the report in 61 M.C.C. 272, 273 from Momence, Ill., to points in Iowa on and east of U.S. Highway 69.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 118272 (Sub-No. 6), filed January 29, 1962. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats and packing house products*, as defined by the Commission, and serving Momence, Ill., as an off-route point in connection with applicant's regular route operation between Kansas City, Kans., and Chicago, Ill.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 118407 (Sub-No. 6), filed March 9, 1962. Applicant: NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing business as N.I.C.E., INC., and NATE'S TRUCK LINE, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat and packing-house products, meat by-products, dairy products, and articles distributed by meat packinghouses*, from Momence, Ill., to points in Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, New Mexico, and Colorado.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 119697 (Sub-No. 4), filed December 1, 1961. Applicant: CHRISTPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in 61 M.C.C. 209 and 766, from the site of Agar Packing Company plant located at Momence, Ill., to Fort Wayne, Ind., Hillsboro, Ohio, and points in Ohio on and north of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 22 to Cincinnati, Ohio, and thence along the Ohio River to the Ohio-Indiana State line.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 119792 (Sub-No. 3), filed December 4, 1961. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney:

Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in 61 M.C.C. 209 and 766, (a) from the plant site of Agar Packing Company, in Momence, Ill., to St. Louis, Mo., East St. Louis and National City, Ill., and (b) from the plant site of Agar Packing Company in Momence, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Chattanooga, Memphis, Nashville, Murfreesboro, and Tullahoma, Tenn.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 119928 (Sub-No. 3), filed February 19, 1962. Applicant: C & E TRUCKING CORPORATION, 1311 South Olive Street, South Bend 19, Ind. Applicant's attorney: Eugene L. Cohn, 1 North LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *materials, supplies and equipment used in the conduct of such business*, between the plant site of Agar Packing Company, at or near Momence, Ill., and points in Indiana and Michigan.

**HEARING:** May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 73, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 62-3510; Filed, Apr. 10, 1962; 8:51 a.m.]

[Notice 435]

**MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS**

APRIL 6, 1962.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1641 (Sub-No. 52), filed February 2, 1962. Applicant: PEAKE TRANSPORT SERVICE, INC., Chester,

Nebr. Applicant's attorney: C. J. Bur-rill, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil, asphalt, asphaltic oils, and road oils* from Sugar Creek, Mo., to points in Nebraska, and *damaged and rejected shipments*, on return.

**HEARING:** May 29, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 2960 (Sub-No. 4), filed August 15, 1961. Applicant: D. A. BEARD TRUCK LINES CO., a corporation, 4100 Eastex Freeway, P.O. Box 938, Houston, Tex. Applicant's attorney: Joe G. Fender, 314 Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, livestock, 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 Houston, Tex., and Lake Charles, La., over U.S. Highway 90, serving no intermediate points except for interchange with other common carriers at Beaumont, Tex., only.

NOTE: Applicant requests that any duplication with present authority be eliminated.

**HEARING:** May 14, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi. This hearing is for applicant's presentation only, on a consolidated record with No. MC 87511 (Sub-No. 9), Saia Motor Freight Line, Inc., Houma, La.

No. MC 3790 (Sub-No. 9), filed February 19, 1962. Applicant: WILLIAMS TRANSFER, INC., 117 Farris Street, Excelsior Springs, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, uncrated household goods, and commodities requiring special equipment), between Lawson, Mo., and Kansas City, Mo.-Kans.; from Lawson over Missouri Highway D to junction U.S. Highway 69, thence over U.S. Highway 69 to Kansas City, and return over the same routes, serving no intermediate points.

**HEARING:** May 31, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 7555 (Sub-No. 43), filed March 26, 1962. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 7, Ellerbe, N.C. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit, poultry and vegetable containers*, wooden, and *wooden crate material and pallets* (1) from Bainbridge, Ga., to points in New York, New Jersey, Ohio, Pennsylvania, North Carolina, and South



Carolina, and (2) from Macon, Ga., to points in New York, New Jersey, Ohio, Pennsylvania, Virginia, North Carolina, and South Carolina.

**HEARING:** May 29, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 9837 (Sub-No. 5), filed March 13, 1962. Applicant: RED CIRCLE FREIGHT LINES, INC., 175 Front Street, Brooklyn 1, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, from Baltimore, Md., to Fair Lawn, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

**NOTE:** Applicant states "it has been transporting the considered traffic, as it now is, for over 30 years from Baltimore, Md., to its contract-shipper's present warehouse location at Hawthorne in Passaic County, N.J. The shipper, The Great Atlantic & Pacific Tea Company, is relocating this warehouse to Fairlawn in Bergen County, N.J., which is an incorporated community immediately contiguous to Hawthorne, N.J., also an incorporated community. Both the applicant and the shipper desire to continue the service by applicant at the new warehouse location."

**HEARING:** May 18, 1962, at 346 Broadway, New York, N.Y., before Examiner Francis A. Welch.

No. MC 10761 (Sub-No. 111), filed August 25, 1961. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Joseph, Mo., and Indianapolis, Ind.; from St. Joseph, over U.S. Highway 36 to Indianapolis, and return over the same route, as an alternate route only, for operating convenience, serving no intermediate or off-route points, in connection with applicant's authorized regular route operations.

**HEARING:** May 18, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 11207 (Sub-No. 206), filed February 23, 1962. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, P.O. Box 1271, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar, lime and limestone*, in bulk and in packages, palletized or not palletized, from Birmingham, Ala., and points within a 65-mile radius of Birmingham, to points in Georgia, Missis-

issippi, Tennessee, and Florida west of the Apalachicola River, and *empty pallets and damaged and rejected shipments*, on return.

**HEARING:** May 18, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William R. Tyers.

No. MC 20783 (Sub-No. 57), filed March 2, 1962. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. 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: *Food, food preparations and foodstuffs*, in vehicles equipped with mechanical refrigeration, (1) from Atlanta, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (2) between Atlanta, Ga., and points in Kentucky.

**HEARING:** May 31, 1962, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 29566 (Sub-No. 69), filed December 28, 1961. Applicant: SOUTH-WEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products, asbestos-cement products, building materials, roofing materials, and insulating materials and materials and supplies used in the installation of such commodities* (except liquid commodities, in bulk, in tank vehicles) from Medicine Lodge, Kans., to points in Colorado and Oklahoma; and (2) *gypsum board paper* from Pryor, Okla., to Medicine Lodge, Kans.

**NOTE:** Applicant states that it is under common control with Bulk Motor Transport, Inc. (MC-F-7189)

**HEARING:** June 5, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 86.

No. MC 29566 (Sub-No. 70), filed March 13, 1962. Applicant: SOUTH-WEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's representative: Vernon M. Masters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures* (animal or poultry feeding), in mixed shipments with salt and pepper and related articles, from Hutchinson, Kans., to points in Missouri except Kansas City, St. Joseph, and St. Louis.

**NOTE:** Applicant states that it is under common control with Bulk Motor Transport, Inc. (MC-F-7189)

**HEARING:** June 5, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 30844 (Sub-No. 64), filed March 12, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, dairy products, and articles distributed by meat packing-houses*, as described in Appendix I to

*Descriptions in Motor Carriers Certificates* 61 M.C.C. 209, from Lexington, Nebr., to points in Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, West Virginia, and the District of Columbia.

**HEARING:** May 31, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 30844 (Sub-No. 65), filed March 14, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to points in Minnesota, Wisconsin, Illinois, Nebraska, Kansas, Colorado, and Missouri.

**HEARING:** June 4, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner J. Thomas Schneider.

No. MC 30844 (Sub-No. 67), filed March 28, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, frozen and unfrozen, from points in Connecticut, Massachusetts, New Hampshire, New York, N.Y., Commercial Zone, and Rhode Island, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

**HEARING:** May 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 31600 (Sub-No. 526), filed March 8, 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: *Dry plastic materials*, in bulk, in tank vehicles, from Leominster, Mass., to Roanoke, Va.

**HEARING:** May 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 31600 (Sub-No. 527), filed March 8, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Melamine*, in bulk, in tank or hopper type vehicles from Wallingford, Conn., to Chicago, Ill., and Odenton, Md.

**HEARING:** May 18, 1962, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 42487 (Sub-No. 536) (AMENDMENT), filed January 22, 1962, published in the FEDERAL REGISTER, issue of March 14, 1962, republished this issue as amended March 22, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175

Linfield Drive, Menlo Park, Calif. Applicant's attorney: Roland E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Torrance, Calif., to New Haven, Conn., Dover, Del., Dalton, Ga., Mishawaka, Ind., Fall River, Mass., Waynesville, N.C., Akron, Canton, Dayton, Fremont, Willard, and Ashland, Ohio, Providence, R.I., and Chattanooga, Tenn.

NOTE: The purpose of this republication is to add Ashland, Ohio, as a destination point.

HEARING: Remains as assigned April 23, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Samuel C. Shoup.

No. MC 50935 (Sub-No. 8), filed March 5, 1962. Applicant: WOLVERINE TRUCKING COMPANY, a corporation, 1233 Saint Aubin, Detroit 7, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., to points in Pennsylvania and West Virginia, and *empty beverage containers*, on return.

HEARING: June 1, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Warren C. White.

No. MC 52709 (Sub-No. 152), filed December 14, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (address same as that of applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* from Chicago, Ill., to points in Montana, Idaho, Oregon, Washington, and Wyoming; and (2) *frozen foods* from Deerfield, Ill. to points in Montana, Idaho, Oregon, Washington, Wyoming, Colorado, Utah, Nevada, and California.

NOTE: Applicant states that it "controls United Freight, Inc., and Inter State Express, Inc., both of which are wholly-owned by applicant."

HEARING: May 22, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 52709 (Sub-No. 156), filed January 12, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy*, in bulk, in tank vehicles, from points in California to Clermont, Ky.

NOTE: Applicant states it controls United Freight Inc., and Inter State Express, Inc., both of which are wholly-owned by applicant.

HEARING: May 21, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 52751 (Sub-No. 29), filed February 5, 1962. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: Wil-

liam A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Fort Dodge, Iowa, to points in Nebraska and South Dakota.

NOTE: Applicant states it is presently authorized to perform the proposed service from Fort Dodge, Iowa to points in South Dakota by traversal of Minnesota gateways within 30 miles of Nassau, Minn.

HEARING: May 21, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 59117 (Sub-No. 17), filed March 26, 1962. Applicant: ELLIOTT TRUCK LINES, INC., Box 1, Vinita, Okla. Applicant's attorney: James F. Miller, 500 Board of Trade Building., Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, Dry, Fertilizer Compounds, Dry, Fertilizer Ingredients, Dry, and Urea, Dry*, in bulk, in bags or in containers, from points in Texas, to points in Kansas and Oklahoma, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: June 7, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 59117 (Sub-No. 18), filed March 28, 1962. Applicant: ELLIOTT TRUCK LINE, INC., Box 1, Vinita, Okla. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, fertilizer compounds, fertilizer ingredients and urea*, in bags and containers, in mixed truckloads with any of the above commodities in bulk, from points in Texas, to points in Kansas and Oklahoma, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: June 8, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 61506 (Sub-No. 13), filed February 21, 1962. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Applicant's attorney: Theodore M. Forbes, Jr., Suite 825, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as defined in Appendix XIII of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, including *naphtha* (but exclusive of all other acids and chemicals also defined in Appendix XV therein), from Charleston, S.C., to points in Kentucky, and *rejected products*, on return.

HEARING: May 25, 1962, at 680 West Peachtree Street N.W., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 76177 (Sub-No. 286), filed January 15, 1962. Applicant: BAGGETT

TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting supplies and nitro-carbo-nitrate*, from Flintstone, Ga., to points in North Carolina, South Carolina, Florida, Mississippi, and Tennessee. Applicant holds contract authority under MC 89778; therefore, dual operations may be involved.

NOTE: Applicant states that it controls Alabama Highway Express.

HEARING: May 15, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William R. Tyers.

No. MC 85934 (Sub-No. 22), filed February 28, 1962. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in hopper and dump type vehicles, from the site of The Dow Chemical Company plant located at Midland, Mich., to points in Illinois; point in Indiana south of U.S. Highway 40; and points in Ohio south of U.S. Highway 40 and east of Ohio Highway 13, except points in Licking and Muskingum Counties, Ohio, located south and east respectively, of those two highways.

NOTE: Applicant states that A. F. Posnik & Company, a Michigan corporation, is under common ownership and management with applicant and holds common carrier authority under MC 110824.

HEARING: May 31, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Warren C. White.

No. MC 87511 (Sub No. 9), filed April 21, 1961. Applicant: SAIA MOTOR FREIGHT LINE, INC., 900 Magnolia Avenue, Houma, La. 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 requiring special equipment, and those injurious or contaminating to other lading), (1) Between Thibodaux, La., and Baton Rouge, La., from Thibodaux over Louisiana Highway 1 using the bridge across the Mississippi River to Baton Rouge, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (2) Between New Iberia, La., and Opelousas, La., from New Iberia over Louisiana Highway 31 to Opelousas, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (3) Between Abbeville, La., and Ville Platte, La., from Abbeville over U.S. Highway 167 to Ville Platte, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (4) Between New Iberia, La., and Jennings, La., from New Iberia over Louisiana Highway 14 to Lake



Arthur, La., thence over Louisiana Highway 26 to Jennings, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (5) Between Kaplan, La., and the Louisiana-Texas State line, from Kaplan over Louisiana Highways 35, 82, and 27 through Pecan Island, Creole, and Cameron, La., to Sabine Lake on State line, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (6) Between Creole, La., and Lake Charles, La., from Creole over Louisiana Highways 27 and 14 to Lake Charles, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (7) Between Holly Beach, La., and Sulphur, La., from Holly Beach over Louisiana Highway 27 through Hackberry, La., to Sulphur, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (8) Between Rayne, La., and Lawtell, La., from Rayne over Louisiana Highway 35 through Church Point, La., to Lawtell, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (9) Between Kinder, La., and junction of U.S. Highway 165 with U.S. Highway 90, from Kinder over U.S. Highway 165 to its junction with U.S. Highway 90 near Iowa, La., and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (10) Between Kaplan, La., and Eunice, La., from Kaplan over Louisiana Highway 13 through Crowley, La., to Eunice, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (11) Between Brannon, La., and Avery Island, La., from Brannon over Louisiana Highway 329 to Avery Island, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (12) Between Brannon, La., and Louisa, La., from Brannon over Louisiana Highways 85 and 83 to Louisa, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways, including service to Weeks, La.; (13) Between Baldwin, La., and end of Louisiana Highway 319 past Louisa, La., from Baldwin over Louisiana Highways 83 and 319 to end of road past Louisa, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (14) Between New Orleans, La., and the Louisiana-Mississippi State Line, from New Orleans over U.S. Highway 61 to Laplace, La., thence over U.S. Highway 51 to the Louisiana-Mississippi State line, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (15) Between Mandeville, La., and Ponchatoula, La., from Mandeville over Louisiana Highway 22 to Ponchatoula, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (16) Between Denham Springs, La., and Amite, La., from Denham Springs over Louisiana Highways 16 and 63 to Amite,

and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (17) Between Kentwood, La., and Easleyville, La. (also known as Liverpool, La.), from Kentwood over Louisiana Highways 38 and 43 to Easleyville or Liverpool, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (18) From New Orleans, La., to junction U.S. Highway 190 near Covington, La., from New Orleans over Lake Pontchartrain Toll causeway to its junction with U.S. Highway 190 near Covington, and return over the same route, serving no intermediate or off-route points; (19) Between Golden Meadow, La., and Grand Isle, La., from Golden Meadow over Louisiana Highway 1 to Grand Isle, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (20) Between Houma, La., and end of Louisiana Highway 315 through Theriot, La., from Houma over Louisiana Highway 315 through Theriot, La., to end of Louisiana Highway 315, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (21) Between Houma, La., and junction of Louisiana Highways 57 and 56 through Dulac, La., from Houma over Louisiana Highway 57 through Dulac to junction of Louisiana Highways 57 and 56, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (22) Between Houma, La., and Cocodrie, La., from Houma over Louisiana Highway 56 to Cocodrie, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (23) Between Bourg, La., and end of Louisiana Highway 665 through Montegut, La., from Bourg over Louisiana Highway 665 to its termination past Montegut, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (24) Between Lafayette, La., and the Louisiana-Texas State line, from Lafayette over U.S. Highway 90 to the Louisiana-Texas State line, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (25) Between Houston, Tex., and the Texas-Louisiana State line, with no service at intermediate or off-route points in Texas except as follows: from Houston, serving a 10-mile radius of the Commercial Zone of Houston, Tex., as defined by the Commission, over U.S. Highway 90 to the Texas-Louisiana State line, and return over the same route, with service at the intermediate point of Beaumont, Tex., restricted to traffic interchanged to or from common carriers by motor vehicle; (26) Between Houston, Tex., and the Texas-Louisiana State line through Port Arthur, Tex., with service at no intermediate or off-route points in Texas, from Houston over U.S. Highway 10 at its junction with Louisiana Highway 73, thence over Louisiana Highway 73 through Port Arthur, Tex., to its junction with Louisiana Highway 82 at the Louisiana-Texas State line, and re-

turn over the same route, serving no intermediate or off-route points, as an alternate route; (27) Between junction U.S. Highway 90 and Texas Highway 235 near Vidor, Tex., and Kinder, La., from junction U.S. Highway 90 and Texas Highway 235 near Vidor, over Texas Highway 235 to its junction with Louisiana Highway 12, thence over Louisiana Highway 12 and U.S. Highway 190 to Kinder, and return over the same route, with no service at intermediate or off-route points, closed doors; (28) Between New Orleans, La., and Slidell, La., from New Orleans over U.S. Highway 11 to Slidell, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (29) Between Baton Rouge, La., and Laplace, La., from Baton Rouge over U.S. Highway 61 to Laplace, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (30) Between Baton Rouge, La., and Slidell, La., from Baton Rouge over U.S. Highway 190 to Slidell, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (31) Between Lake Arthur, La., and Lake Charles, La., from Lake Arthur over Louisiana Highway 14 to Lake Charles, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (32) Between Gueydan, La., and Midland, La., from Gueydan over Louisiana Highway 91 to Midland, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (33) Between New Orleans, La., and Venice, La., from New Orleans over Louisiana Highway 23 to Venice, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; and (34) in the transportation of *general commodities*, from, to, and between Baton Rouge, La., and Kinder, La., closed doors, with no additional service rendered to intermediate or off-route points, from Baton Rouge over U.S. Highway 190 to Kinder, and return over the same route, with restrictions above.

**HEARING:** May 14, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board 246, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi. This hearing is for applicant's presentation only, on a consolidated record with No. MC 2960 (Sub-No. 4), D. A. Beard Truck Lines Co., Houston, Tex.

No. MC 92983 (Sub-No. 403), filed February 12, 1962. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and spirits*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, New York, and Pennsylvania.

**HEARING:** May 23, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 94201 (Sub-No. 46), filed January 2, 1962. Applicant: BOWMAN

TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. Applicant's attorney: Donald L. Morris, 325 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities of unusual value, dangerous explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Georgia on and north of U.S. Highway 78, including Atlanta, Ga., and points within fifteen (15) miles thereof, on the one hand, and on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

**HEARING:** May 16, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William R. Tyers.

No. MC 95540 (Sub-No. 403) (CORRECTION), filed February 14, 1962, published FEDERAL REGISTER March 28, 1962, corrected March 30, 1962, republished as corrected this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. The purpose of this republication is to remove the "Note", in regard to "dual operations", as erroneously shown in previous publication.

**HEARING:** Remains as assigned April 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 100666 (Sub-No. 36) (REPUBLICATION), filed October 16, 1959, published FEDERAL REGISTER, issue of January 13, 1960, and republished this issue. Applicant: MELTON TRUCK LINES, INC., Crossett, Ark. Applicant's attorney: Max C. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. By application filed October 16, 1962, applicant sought authority to transport roofing and materials used in the installation thereof (except in bulk, in tank vehicles), and asbestos siding, (1) between points within 250 miles of Texarkana, Tex., including Texarkana, but excluding points in Mississippi, and (2) between points in the territory described in (1) above, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. A Report and Order of the Commission, division 1, decided March 15, 1962, and served March 26, 1962, which embraced No. MC-C-2764, Milton Truck Lines, Inc., states: The application proposes to duplicate the 250-mile radius of Texarkana described in its present certificate. Although in the past territorial authority has been granted in terms of a radius about a particular point, it has been our experience that a grant in this form leads to interpretative problems and is impracticable and administratively undesirable. In this case four important shipping points, Memphis, Joplin, Oklahoma City, and Houston, are situated at or near the periphery of the 250-mile radius of Texarkana. In view of this, we shall restate the territorial description here in the manner set forth in the findings. The new de-

scription does not exactly coincide with the boundaries of the 250-mile radius, and in some places may reach beyond those boundaries. Opposing carriers were present at the hearing and do not appear to be prejudiced by these new boundaries, but other members of the public who relied upon notice of the application as published in the FEDERAL REGISTER may have an interest which has been prejudiced by the lack of proper notice. Interested persons are, of course, entitled to rely upon the authenticity and accuracy of matters published in the FEDERAL REGISTER. In the circumstances, authority embracing our findings therein will be republished to cover the new territorial and commodity description and the issuance of the certificate granted herein will be withheld until the elapse of 30 days from the date of such republication, during which period any proper party in interest may file a protest and petition for further hearing. The Report finds with respect to MC 100666 (Sub-No. 36), that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of composition or prepared roofing, including composition shingles, asbestos siding, and materials used in the installation thereof when moving at the same time and in the same vehicle with composition or prepared roofing, or composition shingles, or asbestos siding, (1) between Memphis, Tenn., points in Arkansas, points in Newton, McDonald, and Jasper Counties, Mo., points in Texas on and east and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 81 to Waco, Tex., thence along Texas Highway 6 to its intersection with U.S. Highway 290 at or near Hempstead, Tex., thence along U.S. Highway 290 to Houston, Tex., thence along Interstate Highway 10 to Winnie, Tex., thence along Texas Highway 73 to Port Arthur, Tex., thence along Texas Highway 87 to Orange, Tex., thence along U.S. Highway 90 to the Texas-Louisiana State line, points in Louisiana on and north and west of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to the Amite River, thence along the Amite River to the Louisiana-Mississippi State line, and points in Oklahoma on and southeast of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to Oklahoma City, Okla., thence along U.S. Highway 66 to junction U.S. Highway 81 to the Oklahoma-Texas State line; and (2) between points in (1) above, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder; that unless otherwise ordered a certificate authorizing such operations should be granted after the elapse of 30 days from the date of

republication in the FEDERAL REGISTER of a statement of this application as modified by these findings and on condition that applicant shall in writing request the coincidental modification of its certificate in No. MC-100666 (Sub-No. 1) be deleting therefrom authority to transport composition shingles between points within 250 miles of Texarkana, Tex., including Texarkana but not including points in Mississippi; and between points in that territory on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

No. MC 101219 (Sub-No. 41), filed March 22, 1962. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York 18, N.Y. Applicant's attorney: Francis P. Barrett, Professional Building, 25 Bryant Avenue, East Milton 86, (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments on hangers and cut piece goods*, between Fall River, New Bedford, Boston and Waltham, Mass., on the one hand, and, on the other, points in Hartford, New Haven, Fairfield, Middlesex, and Tolland Counties, Conn.

**HEARING:** May 28, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 103378 (Sub-No. 226), filed January 31, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Alabama, Florida, and those points in Tennessee, west of U.S. Highway 27.

**HEARING:** May 25, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 103993 (Sub-No. 160), filed January 29, 1962. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Campers and camper coaches*, designed for installation on pickup trucks, in initial movements, in truckaway service, from points in Indiana to points in the United States, including Alaska, but excluding Hawaii; and, (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

**HEARING:** May 16, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 104210 (Sub-No. 63), filed March 5, 1962. Applicant: THE TRANSPORT COMPANY, INC., 2728 Agnes Street, Corpus Christi, Tex. Applicant's attorney: Cecil E. Burney, 918 Petroleum



Tower, Corpus Christi, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, and acids and chemicals*, between points in Texas, on the one hand, and, on the other, ports of entry in Texas on the International Boundary line between the United States and Mexico.

**HEARING:** May 31, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 294, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 105813 (Sub-No. 63), filed April 2, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. 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: *Canned and preserved foodstuffs*, (1) from Mount Summit and Shirley, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and New Orleans, La., and (2) from Collinsville, Ill., to points in Alabama, Arkansas, Kentucky, Mississippi, Tennessee, West Virginia, and New Orleans, La.

**HEARING:** April 13, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Joseph A. Reilly.

No. MC 106456 (Sub-No. 38), filed March 16, 1962. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Fessler Lane, Box 180, Nashville, Tenn. Applicant's attorney: J. R. Browder, Super Service Motor Freight Co., Fessler Lane, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, and those requiring special equipment), serving Milford, Ill., as an intermediate point in connection with applicant's presently authorized regular route operations, restricted to traffic moving between Milford, Ill., on the one hand, and, on the other, authorized points south and east of Nashville, Tenn., including Nashville.

**HEARING:** May 11, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 107107 (Sub-No. 206), filed March 23, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and Confectionery, Advertising, Promotional and Display Materials and Racks and Premiums*, from Chicago, Ill., to points in Alabama.

**HEARING:** May 21, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William R. Tyers.

No. MC 107107 (Sub-No. 207), filed March 27, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and packinghouse products*, as described by the Commission in Ex Parte No. MC 43, from Booneville, Miss., to points in Alabama, Florida, Georgia, Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, West Virginia, Virginia, Rhode Island, and the District of Columbia.

**HEARING:** April 27, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner William J. Cave.

No. MC 107295 (Sub-No. 71) (AMENDMENT), filed August 7, 1961, published in FEDERAL REGISTER issue of December 20, 1961, amended February 2, 1962, and republished, as amended, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe* (other than iron and steel, attachments, parts and fittings therefor), from the plant site of the Orangeburg Manufacturing Co., Division of Flintkote Co. in Rootstown Township, Portage County, Ohio, to points in West Virginia, Pennsylvania, New Jersey, New York, Mississippi, Alabama, Minnesota, Kansas, and Louisiana.

**CONTINUED HEARING:** May 16, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White, on a consolidated record with MC 111398 (Sub-No. 2), Fischbach Trucking Co., a Corporation, Akron, Ohio, and MC 60014 (Sub-No. 8), Aero Trucking, Inc., Oakdale, Pa., and MC 117574 (Sub-No. 60), Daily Express, Inc., Carlisle, Pa.

No. MC 107403 (Sub-No. 393), filed March 5, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, (1) from Toledo, Ohio, to points in West Virginia and Kentucky, and (2) between Toledo, Ohio, and points in Illinois.

**NOTE:** Common control may be involved.

**HEARING:** May 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 107496 (Sub-No. 233), filed February 21, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from Humboldt, Kans., to points in Texas on and north of U.S. Highway 66.

**NOTE:** Common control may be involved. It is further noted that applicant has contract carrier authority under MC 119136 and Subs thereunder, therefore, dual operations may be involved.

**HEARING:** June 6, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 107515 (Sub-No. 379), filed January 4, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, in vehicles equipped with mechanical refrigeration, from Rock Island, Ill., to points in North Carolina, South Carolina, Alabama, Florida, Georgia, and Tennessee (except Memphis, Tenn.).

**NOTE:** Common control may be involved.

**HEARING:** May 15, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 107515 (Sub-No. 385), filed March 1, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission, from Gaffney S.C., to points in Texas.

**NOTE:** Applicant states that J. L. Lawhon, its president and owner of one half of its stock, holds contract authority under MC-104589, the dual operations being authorized by the Commission.

**HEARING:** May 29, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 108449 (Sub-No. 137), filed December 11, 1961. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions, rejected and returned shipments*, between points in Iowa, Illinois, Indiana, Missouri, and Kentucky.

**NOTE:** Applicant states the proposed service will be "Restricted to shipments originating at consumer bulk plants or consumer storage facilities". It is further noted that Moore Motor Freight Lines, Inc., is a wholly owned subsidiary.

**HEARING:** May 25, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 108449 (Sub-No. 143), filed March 14, 1962. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road "C", Saint Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oyster shells, fish meal and fish scrap* from Council Bluffs, Iowa, and Omaha, Nebr., to points in Iowa, Nebraska, South Dakota and Minnesota.

**NOTE:** Applicant states that Moore Motor Freight Lines, Inc., is its wholly owned subsidiary.

**HEARING:** June 1, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. before Examiner Alton R. Smith.

No. MC 109692 (Sub-No. 16), filed January 8, 1962. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a corporation, 51 Central Avenue, Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, bags, and mixed shipments of bulk and bags, from points in Ellsworth County, Kans., to points in Missouri and *refused and rejected shipments* of the above-specified commodity, on return.

**HEARING:** June 4, 1962, at the Hotel Pick-Kansan, Topeka, Kansas, before Joint Board No. 36.

No. MC 110098 (Sub-No. 31), filed April 2, 1962. Applicant: ZERO REFRIGERATED LINES, 815 Merida Streets, Station A, Box 4066, San Antonio 7, Tex. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

**HEARING:** April 23, 1962, at the Texas State Hotel, Houston, Tex., before Examiner Allen W. Hagerty.

No. MC 110420 (Sub-No. 302) (AMENDMENT), filed November 8, 1961, published in the FEDERAL REGISTER issue of January 24, 1962, republished as amended March 13, this issue. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesive*, in bulk, in tank vehicles, from Chicago, Ill., to points in Wisconsin, Iowa, Indiana, Nebraska, Minnesota, Michigan, Missouri, Ohio, Kentucky, Tennessee, and Pawtucket, R.I.; (2) *liquid softener*, in bulk, in tank vehicles, from Peoria, Ill., to points in Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, and Tennessee; (3) *talc*, dry, in bulk, in tank or hopper type vehicles, from Great Lakes, Ill., to Sun Prairie, Wis.; (4) *rosin*, in bulk, in tank vehicles, from Columbia, Miss., to Chicago, Ill.; (5) *animal blood, ground bone, and ground animal offal, and blends or mixtures thereof*, in bulk, in tank vehicles, from points in Iowa and Wisconsin to Rockford, Ill.

**NOTE:** The purpose of this republication is to show in item (5) the substitution of "points in Iowa and Wisconsin" in lieu of "Sioux City and Spencer, Iowa and Madison, Wis." as points of origin.

**HEARING:** May 16, 1962, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 110698 (Sub-No. 205), filed February 19, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road,

Greensboro, N.C. Applicant's attorney: Dale Woodall, 9020 La Porte Expressway, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon tetrachloride*, in bulk, in tank vehicles, from Dallas, Tex., to Midland, Mich.

**NOTE:** Applicant states that capital stock of Ryder Tank Line, Inc., is owned by Ryder System, Inc.

**HEARING:** May 28, 1962, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner J. Thomas Schneider.

No. MC 110937 (Sub-No. 2), filed March 19, 1962. Applicant: NORMAN A. NILES, doing business as NILES STABLES, 450 Fairbrook, Northville, Mich. Applicant's attorney: Richard M. Maher, 1731 First National Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses and stable equipment*, between points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, on the one hand, and, on the other, points in California and Arizona.

**HEARING:** May 28, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Warren C. White.

No. MC 112306 (Sub-No. 11), filed November 2, 1961. Applicant: C. AND R. TRANSFER CO., a corporation, 1315 West Blackhawk, Sioux Falls, S. Dak. Applicant's attorney: T. M. Bailey, 350 Northwest Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractor's materials and supplies*; (2) *Such commodities which, by reason of size or weight, require the use of special equipment or special handling, and related contractor's materials and supplies*, when transported in connection with commodities which by reason of the size or weight, require the use of special equipment or special handling; and (3) *General commodities*, including Class A and Class B explosives, commodities in bulk and commodities requiring special equipment, but excluding household goods as defined by the commission; (a) from points in South Dakota to railheads in South Dakota, for subsequent movement by rail in interstate commerce; and (b) from railheads in South Dakota, after prior transportation in interstate commerce by rail, to points in South Dakota, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

**HEARING:** June 5, 1962, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Joint Board No. 230, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 112972 (Sub-No. 2), filed March 12, 1962. Applicant: HERSHEL A. RIDDLE, P.O. Box 2055 (National Station), Springfield, Mo. Applicant's attorney: Carl V. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from Springfield, Mo., to points in the Kansas City, Mo.-Kansas Commercial Zone, as defined by the Commission.

**HEARING:** June 1, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 113267 (Sub-No. 59), filed December 27, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, articles distributed by meat packing houses*, in vehicles equipped with mechanical refrigeration, from Bushnell, Ill. to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

**NOTE:** Applicant states that its officers are officers and stockholders in the following motor carriers of passengers: Industrial Bus Lines, Inc., and Vandalia Bus Line, Inc., and further, that Oliver and Kathryn Anderson (Applicant's President and Sec-Treasurer, respectively) are officers and stockholders in Caseyville Bus Line, Inc.

**HEARING:** May 24, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 114533 (Sub-No. 39), filed February 8, 1962. Applicant: B. D. C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), (a) between Kansas City, Mo., on the one hand, and on the other, points in Kansas, and (b) between Joplin, Mo., on the one hand, and on the other, Parsons, Kansas; and (2) *proofs, cuts, copy and photoengravings* between Parsons, Kans., and Kansas City, Mo.

**HEARING:** May 28, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 115669 (Sub-No. 23), filed December 19, 1961. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, and other related items* when shipped with feed, including *fly spray, mange oil, empty bags and other containers, advertising matter, materials and premiums* from Burlington, Wis., to points in Kansas, Colorado, and that portion of Missouri on and north of U.S. Highway 36 and on and west of U.S. Highway 65 (except Saint Joseph), beginning at the Kansas-Missouri boundary line thence continuing eastward on U.S. Highway 36 to the



junction of U.S. Highways 36 and 65, thence northward on U.S. Highway 65 to the Missouri-Iowa boundary; and (2) other related items when shipped with animal and poultry feed including fly spray, mange oil, empty bags and other containers, advertising matter, materials and premiums, from Burlington, Wis., to points in the counties in that portion of Nebraska south of a line beginning at the Wyoming-Nebraska boundary, extending eastward along the northern boundaries of Scotts Bluff, Morrill, Garden, Arthur, McPherson, Logan, Custer, Valley, Greeley, Boone, Platte, Colfax, Dodge, and Washington Counties and ending at the Iowa-Nebraska boundary and (3) rejected shipments on return.

NOTE: Applicant states that it presently holds authority to transport animal and poultry feed from Burlington, Wis., to the Nebraska destinations as shown.

HEARING: May 28, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 115669 (Sub-No. 25), filed March 19, 1962. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) Salt and salt compounds, pepper (ground), in packages, and mineral mixtures (animal and poultry feeding), from Hutchinson, Kans., to points in Missouri except Kansas City, St. Joseph, and St. Louis; (b) salt and salt compounds from Lyons and Kanopolis, Kans., to points in Missouri, except Kansas City, St. Joseph and St. Louis; and (c) rejected shipments and exempt and otherwise authorized commodities on return trips.

NOTE: Applicant specifies that the pepper in (a) above, is to move in mixed truckloads with salt and salt compounds.

HEARING: May 24, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 115841 (Sub-No. 105), filed April 2, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products and packinghouse products, from Booneville, Miss., to points in Delaware, the District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, West Virginia, Virginia, Rhode Island, and Connecticut.

HEARING: April 27, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner William J. Cave.

No. MC 115874 (Sub-No. 4), filed February 23, 1962. Applicant: BARNEY BURKE, doing business as BARNEY BURKE TRANSFER COMPANY, 100 Wentworth Avenue, Millen, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, poles, plywood and veneer, (1) from points in Georgia, Florida, and South Carolina, to

points in Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Indiana, Illinois, North Carolina, Virginia, West Virginia, Ohio, Michigan, Maryland, Pennsylvania, New Jersey, and New York, and (2) from points in Louisiana, Ohio, Pennsylvania, and West Virginia, to points in North Carolina, South Carolina, and Georgia.

HEARING: May 28, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 115946 (Sub-No. 14), filed March 7, 1962. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Savannah, Ga. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia, in bulk, in tank vehicles, from Savannah, Ga., to points in Florida, South Carolina, North Carolina, and points in Tennessee on and east of U.S. Highway 27.

HEARING: May 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 116077 (Sub-No. 122), filed March 7, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Mellie Esperson Building, Houston, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulphur, in bulk, from points in Wood and Hopkins Counties, Texas, to points in Arkansas, Oklahoma, New Mexico, Kansas, Missouri, and Texas.

HEARING: May 29, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner J. Thomas Schneider.

No. MC 116544 (Sub-No. 19), filed March 9, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 Fairview Avenue, Carthage, Mo. Applicant's attorneys: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 14, Md., and Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Potatoes and potato products, frozen and unfrozen, cooked, uncooked, and blanched, (1) from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; (2) from points in Grand Forks County, Park River, and Grafton, N. Dak., and Crookston and East Grand Forks, Minn., to Mankato, Minn., and Sioux City, Iowa; and (3) from Sioux City, Iowa, and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; and empty containers or other such incidental facilities (not specified) used in transport-

ing the above commodities, on return trips.

HEARING: May 31, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Alton R. Smith.

No. MC 117212 (Sub-No. 2), filed March 26, 1962. Applicant: LEAMINGTON TRANSPORT (WESTERN) LIMITED, 971 Dugald Street, Winnipeg, Manitoba, Canada. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Meats, fresh, frozen, salted, cooked, cured and preserved, meat products, meat by-products, and dairy products, as defined by the Commission in Ex Parte MC-45, from points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Indiana, Ohio, and Wisconsin, to Ports of Entry on the International Boundary Line between the United States and Canada at or near Detroit and Port Huron, Mich., (2) general commodities (except those of unusual value, Classes A and B explosives, livestock, 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), from St. Paul, Minn., to Ports of Entry on the International Boundary Line between the United States and Canada at or near Detroit and Port Huron, Mich., and (3) meat casings, from Ports of Entry on the International Boundary Line between the United States and Canada at or near Detroit and Port Huron, Mich., to Chicago, Ill., and Hartford, Wis. RESTRICTION: Transportation shall be restricted to foreign commerce only.

HEARING: May 14, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James O'D. Moran.

No. MC 117344 (Sub-No. 78), filed August 31, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry commodities (except sand, gravel and cement), in bulk, in tank and hopper-type vehicles, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified above, between points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: May 14, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 117557 (Sub-No. 5), filed February 21, 1962. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: *Road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Cedar Rapids and Manchester, Iowa, to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, and Utah).

NOTE: Applicant states that it presently holds authority to transport road-building and earth-moving machines from Cedar Rapids, Iowa, to the territory indicated above, and that no duplication is sought.

HEARING: May 24, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 117730 (Sub-No. 4), filed November 22, 1961. Applicant: MARIE KOUBENEC, doing business as R. KOUBENEC MOTOR SERVICE, 641 Maple Lane, Batavia, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in La Salle County, Ill., to points in Indiana, Kentucky, Michigan, Iowa, Minnesota, Missouri, Ohio, and Wisconsin (except sand, in containers, from points in La Salle County, Ill., to points in Wisconsin, Minnesota, and points in Missouri on and west of U.S. Highway 65).

HEARING: May 15, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 118159 (Sub-No. 9), filed March 26, 1962. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway (P.O. Box 10216), New Orleans 21, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming, and *exempt commodities*, on return.

HEARING: May 21, 1962, at the Jung Hotel, New Orleans, La., before Examiner J. Thomas Schneider.

No. MC 118415 (Sub-No. 7), filed February 26, 1962. Applicant: WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Box 124, Menomonie, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-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, from Whitehall, and La Crosse, Wis., to Kansas City, Kans., and St. Louis and Kansas City, Mo.; and (2) *empty containers or other such incidental facilities*

(not specified) used in transporting the commodities as above, *refused products and shipments, and exempt commodities* on return.

NOTE: In view of applicant's contract authority applications (MC-123585 and subs thereunder) dual operations may be involved.

HEARING: June 1, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Alton R. Smith.

No. MC 118468 (Sub-No. 10), filed March 14, 1962. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, dry, in bulk and in bags, between Eagle Grove, Iowa, on the one hand, and, on the other, points in Colorado, Kansas, and Wyoming.

NOTE: Applicant states the proposed operation would be limited to a transportation service to be performed under a continuing contract, or contracts with the following shippers now served by applicant: M & M Livestock Products Company; Boone Valley Cooperative Processing Association; Consumers Cooperative Association; and Eagle Mills, Inc.

HEARING: May 25, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 118808 (Sub-No. 4), filed March 8, 1962. Applicant: A. B. C. EXPRESS COMPANY, a corporation, Fifth Street and Columbia Avenue, Philadelphia 2, Pa. Applicant's attorney: A. C. Vance, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, between Cherry Hill, Delaware Township, N.J., Bloomfield and Newark, N.J., and Philadelphia, Pa.

HEARING: May 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 118846 (Sub-No. 1), filed February 8, 1962. Applicant: DALE JESSUP, R.R. No. 1, Canby, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from Salt Lake City, Utah, to Johnstown and Gloversville, N.Y.

NOTE: Applicant states the proposed operation will be limited to a transportation service to be performed under a continuing contract with the J. W. Summerhays & Sons Company and the Utah Wool Pulling Company.

HEARING: May 15, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 119311 (Sub-No. 2), filed February 12, 1962. Applicant: HAROLD E.

YOUNG, doing business as YOUNG'S SERVICE, 2663 St. Mary's, Omaha, Nebr. Applicant's attorney: Clayton H. Shrout, 1004 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles, semi-trailers and buses, and serviceable trucks and tractors for replacement of wrecked or disabled vehicles, by use of wrecker equipment only*, between points in Nebraska and Council Bluff, Iowa, on the one hand, and, on the other, points in Missouri, Kansas, Iowa, South Dakota, Minnesota, Wyoming, Colorado, and Illinois.

HEARING: June 1, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 119388 (Sub-No. 5), filed July 17, 1961. Applicant: GLEN R. ELLIS, 3502 Divine Avenue, Chattanooga, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Joseph and St. Louis, Mo., Peoria, Belleville, and East St. Louis, Ill., Fort Wayne and South Bend, Ind., Covington, Ky., and Milwaukee, Wis., to Athens, Cleveland, and Chattanooga, Tenn. (2) *Malt beverages*, from Tampa and Orlando, Fla., to Chattanooga, Tenn., and *empty malt beverage containers*, on return in (1) and (2) above.

HEARING: May 14, 1962, at the U.S. Post Office and Court House, Chattanooga, Tenn., before Examiner William R. Tyers.

No. MC 119934 (Sub-No. 41), filed February 12, 1962. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint products*, in bulk, in tank vehicles, from Fort Wayne, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and *damaged and rejected shipments* of the above-specified commodities, on return.

HEARING: May 14, 1962, 11:30 a.m. in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 123111 (Sub-No. 1), filed February 27, 1962. Applicant: QUEENSWAY TANK LINES, LIMITED, Chesterville, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and dry bulk calcium chloride*, from Syracuse, N.Y., to ports of entry on the International Boundary line between the United States and Canada along the Niagara Frontier and St. Lawrence River. RE-



**RESTRICTION:** The service proposed herein is restricted to the transportation in international commerce of property originating in the United States and destined to the Dominion of Canada. (2) *Bulk liquids*, in tank vehicles, from ports of entry on the United States-Canada boundary line between the Province of Ontario and the state of New York to Syracuse and Plattsburgh, N.Y. **RESTRICTION:** The operations authorized herein are subject to the condition that any service to be performed under this grant of authority shall be restricted to transportation of bulk liquids, in tank vehicles, moving in foreign commerce only from ports of entry on the International Boundary line between the United States and the Dominion of Canada, between the Province of Ontario and the State of New York to Plattsburgh and Syracuse, N.Y.

**HEARING:** May 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 123797 (Sub-No. 1) (AMENDMENT), filed July 25, 1961, published FEDERAL REGISTER issue August 2, 1961, amended February 27, 1962, and republished as amended this issue. Applicant: THEODORE PACHIOS, doing business as MAIL DELIVERY SERVICE, 433 Main Street, Stamford, Conn. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Express messenger delivery service of documents, letters and general commodities in packages of parcels not exceeding 50 pounds each, in shipments not exceeding 100 pounds each* (excluding non-negotiable instruments, commercial papers, cash letters, and checks moved therewith on behalf of banks and banking institutions; negotiable instruments, currency or bullion, and excluding Classes A and B explosives, household goods as defined by the Commission), between points in Fairfield County, Conn., on the one hand, and, on the other, points in Massachusetts, New Jersey, Rhode Island, the District of Columbia, and points in New York and Pennsylvania on and east of U.S. Highway 15.

**NOTE:** Applicant states the above commodities to be transported only in passenger automobiles, station wagons, or in one-half ton panel trucks. The purpose of this republication is to clarify the commodities proposed to be transported.

**CONTINUED HEARING:** May 24, 1962, at the Bond Hotel, Hartford, Conn., before Examiner Francis A. Welch.

No. MC 123875 (Sub-No. 1), filed March 5, 1962. Applicant: ADOLPH A. GUARILL, doing business as GUARILL TRUCKING COMPANY, 1221 South 25th Street, Fort Dodge, Iowa. Applicant's attorney: Don N. Kersten, 411 Snell Building, Fort Dodge, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile clay products*, from Fort Dodge, Iowa, to points in Minnesota south of and including U.S. Highway 2, and *pallets*, on return.

**NOTE:** Applicant states that the proposed service will be "restricted to one Company—Kalo Brick & Tile Co. of Fort Dodge, Iowa."

**HEARING:** May 10, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 124054, filed November 20, 1961. Applicant: MERLIN HERRMANN, Luverne, Minn. Applicant's attorney: Mort B. Skewes, Luverne, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock bunk feeders, poultry brooder stoves, hens' nests and cages, poultry and livestock building ventilation equipment, chimney caps, poultry equipment, water softeners, water conditioning equipment, and pig feeding equipment*, crated, partly crated and uncrated, from the plant site of A. R. Wood Manufacturing Company, Luverne, Minn., to points in South Dakota, Iowa, Nebraska, Kansas, Wyoming, Wisconsin, Illinois, Indiana, points in that part of Michigan lying south of U.S. Highway 16, points in that part of Missouri lying north of U.S. Highway 24, and points in that part of Colorado lying east of U.S. Highway 87 and north of U.S. Highway 36.

**NOTE:** Applicant states he proposes to haul by contract with A. R. Wood Manufacturing Company and its sales organizations, namely, Norwood Products Company, Northco, Inc., Fibremold Company and Automatic Feeding Systems Company. This applicant holds common carrier authority under Docket MC 96323 and Sub-No. 3, and if this contract authority is granted dual operations may be involved.

**HEARING:** June 6, 1962, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner A. Lane Cricher.

No. MC 124124, filed December 29, 1961. Applicant: DONALD L. CASKEY, doing business as CASKEY LUMBER COMPANY, Akron, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Hunters, Wash., Priest River, Idaho, and Columbia Falls, Mont., to Akron, Iowa.

**HEARING:** June 4, 1962, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner A. Lane Cricher.

No. MC 124191, filed February 5, 1962. Applicant: DAVID EDWARD HALL, North Main Street, Vandalia, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, dry, in bulk, and in bags, from East St. Louis, Ill., to Vandalia, Laddonia, and Perry, Mo.

**NOTE:** Applicant states it proposes to transport exempt commodities, on return.

**HEARING:** May 21, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124202, filed February 9, 1962. Applicant: MAURICE WAYNE FORBIS, Centralia, Mo. Applicant's attorney: Robert L. Hawkins, Jr., 235 East High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and agricultural fertilizer* from East St. Louis, Ill., to Centralia, Mo., and points within 12 miles thereof.

**NOTE:** Applicant proposes to transport *livestock* from destination points, as set forth above, to East St. Louis, Ill., and St. Louis, Mo.

**HEARING:** May 21, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124202 (Sub-No. 1), filed March 16, 1962. Applicant: MAURICE WAYNE FORBIS, Centralia, Mo. Applicant's attorney: Robert L. Hawkins, Jr., 235 East High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizer*, from Fort Madison, Iowa, to Centralia, Mo.

**HEARING:** May 23, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

No. MC 124223, filed February 14, 1962. Applicant: JOHN ROSS, Perry, Kans. Applicant's attorney: Erle W. Francis, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill feed and dry fertilizer*, in bulk, packages, bags and containers, from St. Joseph and Kansas City, Mo., to points in Jefferson County, Kans., that part of Shawnee County, Kans., on and east of U.S. Highway 75 and on and north of U.S. Highway 40, points in that part of Douglas County, Kans., lying south of the Kansas River, on and north of U.S. Highway 40 and on and west of U.S. Highway 59, and points in that part of Douglas County north of the Kansas River, including all points on the above mentioned highways.

**HEARING:** May 29, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 124251, filed February 28, 1962. Applicant: JACK JORDAN, INC., P.O. Box 244, Highway 41, North, Dalton, Ga. Applicant's attorney: John W. Stokes, Jr., Bank of Dalton Building, Dalton, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, (1) from points in Rabun County, Ga., to points in North Carolina; and (2) from points in Whitfield County, Ga., to points in Mississippi, Arkansas, Tennessee, Alabama, South Carolina, and North Carolina.

**HEARING:** June 1, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 124252, filed March 8, 1962. Applicant: HAROLD P. COLLIER, doing business as HAROLD COLLIER TRUCKING, Pittsburgh Road, Uniontown, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., and Cleveland, Ohio, to Uniontown, Washington, Greensburg, McKeesport, Carrolltown, Johnstown, and Belle Vernon, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

**HEARING:** May 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 124259, filed March 8, 1962. Applicant: CAIN BROS., INC., 3413 Crystle Road, Terre Haute, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Chicago, Ill., to points in Alabama, the District of Columbia, Florida, Georgia, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin, and *empty malt beverage containers used in transporting malt beverages*, on return.

**NOTE:** Applicant states the above transportation service will be performed under a continuing contract or contracts with Atlas Brewing Company and Atlantic Brewing Company, both of Chicago, Ill.

**HEARING:** May 17, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 124261, filed March 8, 1962. Applicant: R & O DELIVERY INC., 509 West 52d Street, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Books, files, interoffice correspondence and memoranda and advertising matter used in connection therewith*, from Saddle Brook, N.J., to New York, N.Y., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

**HEARING:** May 17, 1962, at 346 Broadway, New York, N.Y., before Examiner Francis A. Welch.

No. MC 124265, filed March 8, 1962. Applicant: JOHN CRONIN AND ANDREW STEINERT, doing business as J AND A PARCEL SERVICE, 53-24 195th Street, Flushing, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (a) *Caps, gowns, robes, and accessories; and Girls' Gym and Athletic Outfits; and (b) Worn and used caps, gowns, robes, and accessories; and Worn and used Girls' Gym and Athletic Outfits*, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, Connecticut, Rhode Island, Virginia, Maryland, Delaware, and the District of Columbia.

**NOTE:** Applicant states the above-specified commodities will be for a specific Grade School, Grammar School, Parochial School, High School, College, Choir, Pulpit, Confirmation, Graduation, and Judicial ceremony or function.

**HEARING:** May 17, 1962, at 346 Broadway, New York, N.Y., before Examiner Francis A. Welch.

No. MC 124270, filed March 12, 1962. Applicant: SCOTT TYSON, INC., P.O.

Box 7048, 225 West 26th, Houston 8, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Quarried stone*, from points in Williamson, Burnet, and Travis Counties, Tex., to points in New Mexico, Arizona, and California, and *exempt commodities*, on return.

**HEARING:** June 1, 1962, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner J. Thomas Schneider.

No. MC 124271, filed March 6, 1962. Applicant: PAUL EUGENE ROMSBURG, doing business as HILLSIDE COAL & OIL COMPANY, South Water Street, Frederick, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a contract carrier, by motor vehicle, in dump trucks only, over irregular routes, transporting: *Lumber, plumbing supplies and fixtures, and electrical supplies*, only when one or more of the latter items are transported in the same truck with a load of lumber, from the plant site of the Wickes Lumber Company, Frederick Junction, Md., to points in Maryland, the District of Columbia, Adams, Cumberland, Franklin, and York Counties, Pa., points in Arlington, Clark, Fairfax, Fauquier, Frederick, Loudoun, Prince William, and Warren Counties, Va., and Alexandria, Va., and points in Berkeley, Grant, and Jefferson Counties, W. Va., and *rejected shipments* of the above-specified commodities, on return.

**NOTE:** Applicant states the above-proposed service is to be performed under a continuing contract with Wickes Lumber Company.

**HEARING:** May 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 124272, filed March 12, 1962. Applicant: JOY HOWERTON, Star Route, Berryville, Ark. Applicant's attorney: Louis W. Cowan, 221 Woodruff Building, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, mixed and manufactured, in bulk and in containers, between points in Arkansas and Missouri, as follows: In Benton, Washington, Carroll, Madison, Boone and Newton Counties, Ark., and in Barry, Stone, and Taney Counties, Mo., and that part of Lawrence County, Mo., lying south of U.S. Highway 60.*

**HEARING:** May 23, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 91.

No. MC 124276, filed March 15, 1962. Applicant: FORREST OLSON, INC., 540½ Main Street, Zumbrota, Minn. Applicant's attorney: Harry Holmes, Zumbrota, Minn. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, insecticides, livestock feeders and premiums and advertising matter relating to such products*, from Zumbrota, Minn.,

to points in Wisconsin and points in Pierce, Pepin, Buffalo, St. Croix, Dunn, Eau Claire, and Trempealeau, Wis., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

**NOTE:** Applicant states the commodities will be delivered to rural farm consumers residing in the Wisconsin Counties, as shown above.

**HEARING:** May 28, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. before Joint Board No. 142 or if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 124278, filed March 15, 1962. Applicant: HARRY M. WIGGINS AND LIONEL F. WIGGINS, doing business as WIGGINS & SON, Route 1, Prairie City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Truck and wagon hoists, plow mulcher attachments, wagon boxes, and wagon gears*, from Prairie City, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

**NOTE:** Applicant states, the proposed operation would be limited to a service performed under continuing contract with Dowden, Incorporated.

**HEARING:** May 23, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 124285, filed March 19, 1962. Applicant: BERT A. ULBERG, ARTHUR R. ULBERG AND J. A. VANDIVER, a partnership, doing business as ULBERG AND VANDIVER, 325 North Phillips Avenue, Sioux Falls, S. Dak. Applicant's attorney: R. G. May, 316 Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, repossessed and stolen motor vehicles, buses, tractors, trailers, trucks, and tractors for replacement of wrecked and disabled tractors* and (2) *replacement vehicles* (trailers) to transport the cargo being hauled by the wrecked, disabled, repossessed or stolen trucks, buses, tractors, trailers and motor vehicles, between points in South Dakota, Minnesota, Iowa, and Nebraska.

**HEARING:** June 6, 1962, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner A. Lane Cricher.

No. MC 124312, filed March 27, 1962. Applicant: LEE J. GLESSNER, Mt. Echo (Ohio County), W. Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fuel oil*, bulk, in tank vehicles, from Tiltonsville, Ohio, to points in Ohio County, W. Va.

**HEARING:** May 18, 1962, in Room 5405-7, Fifth Floor, U.S. Court House and Federal Office Building, 500 Quarrier St., Charleston, W. Va., before Joint Board No. 61, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.



## MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 37), filed March 5, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, (1) between Oakland, N.J., and Paramus, N.J.; from junction U.S. Highway 202 and access roads leading to New Jersey Highway 208, in Oakland, N.J., over access roads to New Jersey Highway 208, thence over New Jersey Highway 208 to its junction with access roads leading to New Jersey Highway 4 in Fair Lawn, N.J., thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to its junction with access roads leading to New Jersey Highway 17, in Paramus, thence over access roads to New Jersey Highway 17 in Paramus, and return over the same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 17 to New Jersey Highway 4, in Paramus, and leading from New Jersey Highway 4 to New Jersey Highway 208 in Fair Lawn, N.J. and leading from New Jersey Highway 208 to U.S. Highway 202 in Oakland, N.J., serving all intermediate points in Oakland, Franklin Lakes and Wyckoff, N.J., (2) between points in Franklin Lakes, N.J.; from junction Franklin Avenue and Colonial Road in Franklin Lakes, over Colonial Road to junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Franklin Lakes, and return over same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Colonial Road, in Franklin Lakes, serving all intermediate points, (3) between points in Wyckoff, N.J.; from junction Franklin Avenue and Wyckoff Avenue, in Wyckoff, over Wyckoff Avenue to its junction with Russell Avenue, thence over Russell Avenue to its junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Wyckoff, and return over the same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Russell Avenue, in Wyckoff, serving all intermediate points, and (4) between points in Wyckoff, N.J.; from junction Wyckoff Avenue and Russell Avenue, in Wyckoff, over Wyckoff Avenue to its junction with Grandview Avenue, thence over Grandview Avenue to its junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Wyckoff, and return over the same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Grandview Avenue, in Wyckoff, serving all intermediate points.

NOTE: Applicant states that the foregoing routes are restricted to traffic moving to and from New York, N.Y., by way of the Lincoln Tunnel. Applicant further states David

Rukin, who manages and controls applicant, also manages and controls West Fordham Transportation Corp., MC 116921, and Limousine Rental Service, Inc., MC 115456.

HEARING: May 14, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 668 (Sub-No. 78), filed March 26, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, (1) between Oakland, N.J., and Hawthorne, N.J., beginning at the junction of U.S. Highway 202 and New Jersey Highway 208, thence over New Jersey Highway 208 to the junction of New Jersey Highway 208 and Goffle Road in Hawthorne, and return over the same route, serving all intermediate points, (2) between Oakland, N.J., and Franklin Lakes, N.J.; from the junction of U.S. Highway 202 and New Jersey Highway 208, over New Jersey Highway 208 to junction Long Hill Road, thence over Long Hill Road to the Franklin Lakes—Oakland Municipal boundary line, when such Long Hill Road becomes Franklin Lake Road, to the junction of Colonial Road, thence over Colonial Road to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (3) between points in Franklin Lakes, N.J.; from the junction Franklin Lake Road and Colonial Road, over Franklin Lake Road to junction Ewing Avenue, thence over Ewing Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (4) between Franklin Lakes, N.J., and Wyckoff, N.J.; from the junction Franklin Lake Road and Ewing Avenue to the municipal boundary line of Wyckoff, at which point Franklin Lake Road becomes Sicomac Avenue, thence over Sicomac Avenue to junction Russell Avenue, thence over Russell Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (5) between Wyckoff, N.J., and Wyckoff, N.J.; from junction Sicomac Avenue and Russell Avenue, over Sicomac Avenue to junction Cedar Hill Avenue, thence over Cedar Hill Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (6) between Midland Park, N.J., and Wyckoff, N.J.; from junction Central Avenue and Godwin Avenue in Midland Park, over Central Avenue to junction Newtown Road at the Wortendyke Station, thence over Newtown Road to junction Wyckoff Avenue; thence over Wyckoff Avenue to junction Grand View Avenue, thence over Grand View Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (7) between Midland Park, N.J., and Wyckoff, N.J.; from junction of Central Avenue and Newtown Road at the Wortendyke Station,

over Maple Drive to junction Cedar Hill Avenue, thence over Cedar Hill Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (8) between Wyckoff, N.J., and Wyckoff, N.J.; from junction Cedar Hill Avenue and Wyckoff Avenue, over Wyckoff Avenue to junction Grand View Avenue, thence over Grand View Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, and (9) between Wyckoff, N.J., and Wyckoff, N.J.; from junction Cedar Hill Avenue and Wyckoff Avenue, over Wyckoff Avenue to Russell Avenue, thence over Russell Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points. NOTE: Applicant states "the President of the applicant herein owns and controls Northeast Coach Lines, a corporation authorized in Docket No. MC 110373, MC-F-4231, to transport passengers and their baggage via regular routes between New York, N.Y., and Culvers Lake, N.J. In MC-F-7645, consummated March 30, 1961, the President has also been authorized to acquire stock control of Warwick-Greenwood Lake and New York Transit, Inc., providing regular route service between Warwick, N.Y. and New York, N.Y., via New Jersey. Neither of the above companies serve points involved in the instant application. Both the applicant and such other companies, however, have the same New York, N.Y. terminus."

HEARING: May 15, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 108136 (Sub-No. 9), filed February 8, 1962. Applicant: VALLEY CAB COMPANY, INCORPORATED, Main Street, Moodus, Conn. Applicant's attorney: Sidney Axelrod, 326 State Street, New London, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled door to door service, limited to the transportation of not more than six (6) passengers in any one vehicle, not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, during the season extending from May 28th to September 10th of each year, inclusive, between points in the towns of Old Saybrook and Branford, Conn., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission.

HEARING: May 22, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 119932 (Sub-No. 1), filed March 19, 1962. Applicant: O'FALLON-BELLEVILLE COACH CO., INC., 102 West State Street, O'Fallon, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passen-*

gers and their baggage, in Charter operations, between O'Fallon, Shiloh, Belleville, and Lebanon, Ill., on the one hand, and, on the other, points in Missouri.

NOTE: Common control may be involved.

HEARING: May 22, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124246, filed February 28, 1962. Applicant: BRUCE VANDERBROOK AND LOUIS VANDERBROOK, doing business as WESTERN HOLIDAY LINES, 73 Mountain Road, Manchester, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip, all-expense, escorted pleasure and sightseeing tours, in seasonal operations between June 1 and October 1, inclusive, annually, beginning and ending at Manchester, Conn., and extending to points in New York, New Jersey, Pennsylvania, Ohio, Kentucky, Missouri, Kansas, Colorado, Utah, Arizona, California, Nevada, Wyoming, South Dakota, Iowa, Illinois, Indiana, West Virginia, and Idaho.

HEARING: May 21, 1962, at the Bond Hotel, Hartford, Conn., before Examiner Francis A. Welch.

No. MC 124286, filed March 19, 1962. Applicant: RAYMOND J. BARREDO, Boston Post Road, Westbrook, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in door-to-door service in special operations, between Westbrook and Saybrook, Conn., on the one hand, and, on the other, New York, N.Y. and points in Westchester, Rockland, and Nassau Counties, N.Y. and points in Bergen, Passaic, Hudson, Essex, and Union Counties, N.J.

HEARING: May 23, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 30126 (Sub-No. 9), filed March 28, 1962. Applicant: LOUIS N. VILLALANTI, doing business as VILLALANTI FREIGHT LINES, Morenci, Ariz. Applicant's attorney: Earl H. Carroll, 363 North First Avenue, Phoenix 3, Ariz. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: *Fire clay*, from Clay Pit, N. Mex., to Douglas, Ariz. as follows: from Clay Pit, located approximately two (2) miles south of New Mexico Highway 9, thence west over U.S. Highway 80 to Douglas, serving no intermediate points.

No. MC 47761 (Sub-No. 5), filed April 2, 1962. Applicant: THE RIVERSIDE TRUCK AND STORAGE CO., INC., 1118 Adams Street, Bay City, Mich. Authority sought to operate as a contract carrier, by motor vehicle, over irregular

routes, transporting: *Soap, soap products and products of soap manufacturing plants*, between points in Ogemaw, Iosco, Gladwin, Arenac, Midland, Bay, Gratiot, Saginaw, Shiawassee, Genesee, Lapeer, Tuscola, Sanilac, Huron, Clare, and Isabella Counties, Mich., and returned and rejected shipments, on return.

NOTE: Applicant states it presently holds authority to transport soap and soap products in the above named territory, the purpose of this application is to include products of soap manufacturing plants. Applicant states the proposed operation will be performed under continuing contracts with persons who operate soap manufacturing plants.

No. MC 89524 (Sub-No. 4), filed February 23, 1962. Applicant: HOLLEY BROTHERS COMPANY, INC., 804 1/2 North Fourth Street, Kentland, Ind. Applicant's attorney: James D. Collins, 802 Board of Trade Building, 143 North Meridian Street, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Superphosphate*, in bulk, in dump vehicles, from Ashkum, Morris, and Calumet City, Ill., to Remington, Ind., and (2) *Fertilizer*, in bulk, in dump vehicles, from Remington, Ind., to points in Champaign, Ford, Iroquois, Kankakee, Livingston, Vermilion, and Will Counties, Ill.

NOTE: Applicant states the proposed service as shown in (1) above will be to and from the plant site of Virginia-Carolina Chemical Corporation, at or near Remington, Ind.

No. MC 107496 (Sub-No. 239), filed March 26, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: Henry L. Fabritz, Box 855, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Milwaukee, Wis., to Lockport, Ill.

NOTE: Dual operations may be involved. Also applicant states that it is wholly owned by John Ruan, and controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corp., an Illinois corporation.

No. MC 107496 (Sub-No. 240), filed April 2, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe line interface*, in bulk, in tank vehicles, from Madison, Wis., to East Chicago, Ind.

NOTE: Common control may be involved.

No. MC 111196 (Sub-No. 25), filed March 15, 1962. Applicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's representative: R. M. Hamilton, 1801 West State Street, Alliance, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in

bulk, and those requiring special equipment), between Brecksville and Cleveland, Ohio.

NOTE: Applicant holds authority to serve Brecksville, Ohio, as an interchange point and wishes only to add Cleveland for the same service, also, Brecksville is being used for the purpose of joinder with applicant's present authority. It is further noted that common control may be involved.

RESTRICTION: Service shall be limited to traffic, interchange with other carriers at both Cleveland and Brecksville, Ohio.

No. MC 112713 (Sub-No. 93), filed March 26, 1962. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 92d at State Line, Kansas City 14, Mo. Applicant's attorney: John M. Records (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between South Bend, Ind., and St. Louis, Mo.; from South Bend over Indiana Highway 2 to the Indiana-Illinois State line, thence over Illinois Highway 17 to Kankakee, Ill., thence over U.S. Highway 54 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction Interstate Highway 55, thence over Interstate Highway 55 to St. Louis, and return over the same route, serving no intermediate points, over an alternate route for operating convenience only.

No. MC 114789 (Sub-No. 10), filed April 2, 1962. Applicant: NATION-WIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's attorney: William S. Rosen, Builders Exchange, Minneapolis 2, Minn. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Dairy products, dried milk products and animal and poultry feed*, from Minneapolis, Minn., to Shreveport, La., and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant states the proposed service will be limited to Land O'Lakes Creameries, Inc.

No. MC 115162 (Sub-No. 73), filed March 28, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 3020 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Brick*, from the plant site of Henry Brick Company located at or near Selma, Ala., to points in Georgia, Tennessee, and Mississippi.

NOTE: Applicant states he proposes to transport exempt commodities, on return.

No. MC 117106 (Sub-No. 1), filed April 2, 1962. Applicant: DEAN VADER, Route 1, Twin Falls, Idaho. Applicant's attorney: Kenneth G. Bergquist, Sonna Building, Boise, Idaho. Authority sought to operate as a common carrier, by motor



vehicle, over irregular routes; transporting: *Prefabricated homes or buildings* (knocked down), in sections, from Chehalis, Wash., to points in Nevada.

No. MC 119530 (Sub-No. 4), filed April 2, 1962. Applicant: CLARENCE M. MAY AND SCOTT PEARSON, doing business as MAY TRUCKING CO., P.O. Box 398, Payette, Idaho. Applicant's attorney: Kenneth G. Bergquist, Sonna Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and cement products*, in containers or in bulk, from Lime, Oregon, to points in Nevada on and north of U.S. Highway 30 (except points in Washoe County, Nev.).

#### MOTOR CARRIERS OF PASSENGERS

No. MC 106120 (Sub-No. 1), filed March 28, 1962. Applicant: BADGER COACHES, INC., 1313 Regent Street, Madison 5, Wis. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, in seasonal operations between April 1 and November 15, (1) from Milwaukee, Wis., thence over U.S. Highway 41 to its junction with Interstate Highway 94 near the Wisconsin-Illinois State Line, thence over Interstate Highway 94 to the interchange of Interstate Highways 94 and 294, thence over Interstate Highway 294 to its junction with Illinois Highway 1A, thence over Illinois Highway 1A to Washington Park Race Track at Homewood, Ill., and return over the same route, serving no intermediate points, (2) from the junction of Interstate Highway 94 and Illinois Highway 22 over Illinois Highway 22 to its junction with Illinois Highway 83; thence over Illinois Highway 83 to its junction with Illinois Highway 53, thence over Illinois Highway 53 to its junction with U.S. Highway 14, thence over U.S. Highway 14 to Wilke Road, thence over Wilke Road to Arlington Park Race Track, and return over the same route, serving no intermediate points, and (3) from the interchange of Interstate Highways 294 and 90, thence over Interstate Highway 90 to and over city streets to Hawthorne Race Track at Cicero, Ill., and return over the same route, serving the intermediate point of Sportsmen Park, Cicero, Ill., but serving no other intermediate points.

NOTE: Applicant states "Herman E. Meier, President and Treasurer of the applicant, and also the controlling stockholder of applicant is also the president and treasurer of Badger Bus Lines, Inc., an intrastate and interstate common motor carrier of passengers operating in interstate commerce between Madison, Wisconsin and Freeport, Illinois, and is also the controlling stockholder of said Badger Bus Lines, Inc."

No. MC 116677 (Sub-No. 2), filed March 7, 1962. Applicant: EUGENE ALBERT GUIDO, doing business as SHERIDAN TRAVEL BUREAU, 3329 Niagara Falls Boulevard, North Tonawanda, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Authority

sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof, and not including children under the age of ten (10) years who do not occupy a seat or seats, in seasonal operations between April 15 and October 31, inclusive, of each year, beginning and ending at points in Niagara and Erie Counties, N.Y., and extending to ports of entry on the United States-Canada Boundary Line at Niagara Falls and Lewiston, N.Y.

NOTE: Applicant states that any duplication with present authority will be eliminated.

#### NOTICE OF FILING OF PETITIONS

No. MC 35628 and Subs 1, 6, 86, 109, 111, 118, 121, 134, 141, 154, 155, 156, 159, 163, 166, 169, 171, 174, 176, 179, 181, 184, 187, 199, 206, 207, 209, 210, 211, 213, 214, 218, 219, 220, 221, and 233, (CORRECTION) (PETITION FOR MODIFICATION OF CERTIFICATES), filed January 4, 1962, published FEDERAL REGISTER, issue of February 7, 1962, and republished this issue. Petitioner: INTERSTATE MOTOR FREIGHT SYSTEM, Grand Rapids, Mich. Petitioner's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Notice of the filing of the subject petition wherein petitioner seeks the removal of the exception in its Certificates pertaining to the transportation of dangerous inflammables was published in the FEDERAL REGISTER, issue of February 7, 1962. The petition, filed January 4, 1962, makes reference on page two and page five to a Certificate No. MC 35628 (Sub-No. 11). For that reason reference to that subsequent filing docket number Sub 11 was made in the previous notice of filing. Further processing of the petition reveals that docket No. MC 35628 (Sub-No. 11) covered a temporary authority which expired May 14, 1942. Accordingly, reference to that sub number in the petition and in the previous notice of filing was in error.

No. MC 119531 AND MC 30697 (Sub-No. 1) (PETITION FOR INTERPRETATION OF AUTHORITY, REOPENING OF PROCEEDING, AND MODIFICATION OF AUTHORITY), filed March 12, 1962. Petitioner: DIECKBRADER EXPRESS, INC., Cincinnati, Ohio. Petitioner's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. The authority sought to be interpreted and modified is contained in Certificate No. MC 119531, and reads as follows: Pulpboard and machinery used in the manufacture of pulpboard and pulpboard boxes, between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Ohio, and Michigan. The authority was originally granted to petitioner as a result of a proceeding in docket No. MC 30697 (Sub-No. 1), later consolidated into Permit No. MC 30697 and subsequently as a result of a conversion proceeding under section 212(c) of the Act, incorporated into Certificate No. MC 119531 as described above. Peti-

tioner requests that the above-described authority of petitioner be interpreted as permitting the transportation of "pulpboard boxes" between Chicago, Ill., and points in Indiana, Ohio, and Michigan. In the alternative, that the proceeding in docket No. MC 30697 (Sub-No. 1) be reopened, and the authority granted therein to transport the commodities specified above, be modified to read: "pulpboard and machinery used in the manufacture of pulpboard and pulpboard boxes" between Chicago and the above-named States. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 120554 (Sub-No. 3) (PETITION TO MODIFY), filed March 14, 1962. Petitioner: NICK ENCAPERA, doing business as CALIFORNIA BUS SERVICE, California, Pa. By Certificate No. MC 120554 Sub-No. 3, issued February 27, 1962, petitioner was authorized to transport passengers and their baggage in the same vehicle with passengers, in a regular-route service, between Washington and Uniontown, Pa., serving no intermediate points, over U.S. Highway 40, and return. By petition filed March 14, 1962, petitioner seeks modification of the Certificate so as to authorized service between the above-named points, serving all intermediate points. Any person or persons desiring to oppose petitioner's proposal, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-8109 (CORRECTION) J & M TRANSPORTATION CO., INC.—PURCHASE—J & M ENTERPRISES, INC. (WILLIAM C. SANDOZ, TRUSTEE), published in the March 28, 1962, issue of the FEDERAL REGISTER on page 2876. Authority sought to be transferred should have included the following: *Salt, pepper*, in packages, in mixed shipments with salt, as a *common carrier* over irregular routes, from Hutchinson, Kans., and Winnfield, La., to points in Alabama, Georgia, and Florida; *salt and salt products* and of *pepper*, in packages, when transported in mixed loads, with salt and salt products, from Marysville and St. Clair, Mich., and Rittman and Akron, Ohio, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

No. MC-F-8115. Authority sought for purchase by KING VAN LINES, INC., 6800 East Kellogg, P.O. Box 1025, Wichita, Kans., of a portion of the operating rights of EXPRESS VAN LINES, INC., 9219 Harford Road, Baltimore 14, Md., and for acquisition by W. C. KING, also of Wichita, Kans., of control of such

rights through the purchase. Applicants' attorney and representative respectively: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla., and Carl F. Weber, President, Express Van Lines, Inc., 9219 Harford Road, Baltimore 14, Md. Operating rights sought to be transferred. *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Riverside and Imperial Counties, Calif., and between points in Riverside and Imperial Counties, Calif., on the one hand, and, on the other, points in California. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Maryland, Delaware, Michigan, Kentucky, Connecticut, Rhode Island, Ohio, Vermont, New Hampshire, Massachusetts, Virginia, West Virginia, Illinois, Indiana, Missouri, Nebraska, North Dakota, Oklahoma, Minnesota, Wisconsin, Kansas, Iowa, Colorado, Arizona, New Mexico, Texas, Arkansas, California, Washington, Oregon, Idaho, Montana, Utah, Wyoming, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8116. Authority sought for merger into E. & L. TRANSPORT COMPANY, 14201 Prospect Avenue, Dearborn, Mich., of the operating rights and property of E. & L. TRANSPORT CO. OF KENTUCKY, P.O. Box 13007 Camp Taylor Station, Louisville 13, Ky., and for acquisition by TRANSCO, INC., and in turn by DONALD C. HAYDEN, also of Dearborn, Mich., of control of such rights and property through the transaction. Applicants' attorney: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be merged: (A) *New automobiles, new trucks, and new chassis*, in initial movements, in truckaway and driveaway service, as a *common carrier* over irregular routes from Louisville, Ky., to certain points in Indiana, Kentucky, Ohio, Virginia, and West Virginia, *bodies and cabs*, from Louisville, Ky., to points in the destination area described above; *new automobiles, new trucks, and new truck chassis*, in initial movements, in truckaway service, from Louisville, Ky., to points in Maryland; *new automobiles, new trucks, and new truck chassis*, in secondary movements, in truckaway service, from Cincinnati, Ohio, to points in Maryland; *new automobiles and new truck cabs and bodies* when moving in the same vehicle with new automobiles, new trucks and new truck chassis, from Louisville, Ky., and Cincinnati, Ohio to points in Maryland; *automobiles, trucks, tractors, bodies, and chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in truckaway service, from Louisville, Ky., to Detroit and Dearborn, Mich., Cincinnati, Ohio, and Chicago, and Hegewisch, Ill., points in Indiana, and certain points in Illinois, (B) *new automobiles, new trucks, new trailers, new bodies, new cabs, new chassis, and automobile parts and accessories*, when such parts and accessories are incidental to equipment of cars actually trans-

ported, in initial movements, in truckaway service, from places of manufacture and assembly in Louisville, Ky., to points in Georgia, Tennessee, Kentucky, Indiana, Ohio, points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and certain points in Illinois, *automobiles, trucks, trailers, bodies, cabs, and chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in truckaway service, from points in Kentucky, to Chicago, Ill., points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, certain points in Illinois, and points in Georgia, Tennessee, Kentucky, Indiana, and Ohio, *new automobiles, new trucks, new trailers, and new chassis*, in initial movements, in driveaway service, from places of manufacture and assembly in Louisville, Ky., to points in Alabama, Georgia, Indiana, Kentucky, North Carolina, Ohio, Tennessee, Virginia, West Virginia, points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and points in Illinois, *automobiles, trucks, trailers, and chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in driveaway service, from points in Kentucky to Chicago, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, certain points in Illinois, and points in Alabama, Georgia, Indiana, Kentucky, North Carolina, Ohio, Tennessee, Virginia, and West Virginia, *automobiles, trucks, trailers, bodies, cabs, and chassis*, in truckaway service, from Louisville, Ky., to points in North Carolina, Virginia, and West Virginia, *new automobiles, new trucks, new bodies, new cabs, new chassis* (except trailer chassis), and *automobile parts and accessories* when such parts and accessories are incidental to equipment of cars actually transported, in initial movements, in driveaway service, from places of manufacture or assembly in Louisville, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, *new automobiles, new trucks, new bodies, new cabs, new chassis* (except trailer chassis), and *automobile parts and accessories* when such parts and accessories are incidental to equipment of cars actually transported, in initial movements, in truckaway service, from places of manufacture and assembly in Louisville, Ky., to points in Alabama, Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, *automobiles, trucks, bodies, cabs, and chassis* (except trailer chassis), new, used, unfinished, or wrecked, in secondary movements, in driveaway service, from Louisville, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, *automobiles, trucks, bodies, cabs, and chassis*, (except trailer chassis), new, used, unfinished, and wrecked, in secondary movements, in truckaway service, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, *new automobiles, new trucks, new chassis, and automobile parts and accessories* when such parts and accessories are incidental to the equipment of cars actually transported, in initial movements, in truckaway service, from Louis-

ville, Ky., to Moffett, Okla., and Texarkana, Tex., *airplane parts*, from Louisville, Ky., and points within one mile thereof, to Robertson, Mo., Cincinnati, Columbus, and Dayton, Ohio, Buffalo, N.Y., and points within 10 miles of Buffalo, N.Y., *jigs, fixtures, and lay-outs*, used in the manufacture and assembly of airplanes, and *airplane parts and assemblies*, from Louisville, Ky., and points within one mile thereof, to Robertson, Mo., with the RESTRICTION that the authority granted under (B) above may not be combined or tacked with any other authority granted herein above for the purpose of performing through service, (C) *automobiles, trucks, tractors, automobile chassis, and truck chassis*, in initial movements, in truckaway and driveaway service, and *motor vehicle bodies*, from points in Jefferson County, Ky., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, (except points on and south of U.S. Highway 24), Iowa, Kansas, Maine, Massachusetts, Michigan, Missouri (except St. Louis), Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming, and the District of Columbia, *automobiles, trucks, tractors, automobile chassis, and truck chassis*, in initial movements, in driveaway service, and *motor vehicles bodies*, from points in Jefferson County, Ky., to Moffett, Okla., and Texarkana, Tex., and *automobiles, trucks, and chassis*, in initial movements, in truckaway service, from points in Jefferson County, Ky., to Quapaw, Okla. E. & L. TRANSPORT COMPANY is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8117. Authority sought for purchase by HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C., of the operating rights of HANCOCK-TRUCKING, INCORPORATED, 1917 West Maryland Street, Evansville, Ind., and for acquisition by S. H. MITCHELL, also of Winston-Salem, N.C., of control of such rights through the transaction. Applicants' attorneys and representative respectively: James E. Wilson, 1111 E Street NW., Washington 4, D.C., A. W. Flynn, P.O. Box 127, Greensboro, N.C., and Frank C. Philips, Box 612, Winston-Salem, N.C. Operating rights sought to be transferred: *General commodities*, except dangerous explosives, and except petroleum products in tank trucks, livestock, sand, gravel, and coal in bulk, as a *common carrier* over regular routes between Evansville, Ind., on the one hand, and, on the other, Chicago, Ill., Henderson and Louisville, Ky., St. Louis, Mo., Indianapolis, Ind., and Detroit, Mich., serving certain intermediate and off-route points, between Hayesville, Ind., and junction Indiana Highway 45 and U.S. Highway 50, serving no intermediate points, between Indianapolis, Ind., and junction Indiana Highway 67 and U.S. Highway 41, between junction Indiana Highways 67 and 57 and junction Indi-



ana Highway 57 and U.S. Highway 41, serving no intermediate or off-route points, and over several alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, between Vincennes, Ind., and junction U.S. Highway 150 and Indiana Highway 56 serving all intermediate points, between St. Louis, Mo., and Cincinnati, Ohio, serving certain intermediate and off-route points, between Indianapolis, Ind., and Columbus, Ohio, serving the intermediate point of Springfield, Ohio, between Chicago, Ill., and St. Louis, Mo., serving certain intermediate and off-route points, between Detroit, Mich., and Chicago, Ill., serving all intermediate points, between Detroit, Mich., and Pittsburgh, Pa., between Chicago, Ill., and Cleveland, Ohio, between Detroit, Mich., and Fort Wayne and Indianapolis, Ind., between Detroit, Mich., and Covington, Ky., between Detroit, Mich., and Columbus, Ohio, serving certain intermediate points, between Cleveland, Ohio, and Pittsburgh, Pa., between Cleveland, Ohio, and Columbiana, Ohio, between Cleveland, Ohio, and Rochester, Pa., serving all intermediate points, between Chicago, Ill., and Pittsburgh, Pa., between Covington, Ky., and Cleveland, Ohio, between Columbus, Ohio, and Dunreith, Ind., between Indianapolis, Ind., and Cincinnati, Ohio, serving certain intermediate and off-route points, between Chicago, Ill., and Indianapolis, Ind., serving certain intermediate and off-route points restricted against the transportation of livestock between termini, between junction U.S. Highway 112 and unnumbered highways, and any entrance to Ford Willow Run Plant, between junction Michigan Highway 17 and unnumbered highways and any entrance to Ford Willow Run Plant, serving no intermediate points, between Detroit, Mich., and junction U.S. Highway 112 and Michigan Highway 17, serving the intermediate point of Ford Willow Run plant, near Ypsilanti, Mich., and over several alternate routes for operating convenience only; *general commodities*, except commodities in bulk, and those of unusual length, height or weight, which are at the time moving, on bills of lading of freight forwarders, (1) between Chicago, Ill., and St. Louis, Mo., (2) between St. Louis, Mo., and Cincinnati, Ohio, (3) between Louisville, Ky., and Cincinnati, Ohio, (4) between Indianapolis, Ind., and Cincinnati, Ohio, (5) between Indianapolis, Ind., and Cleveland, Ohio, (6) between St. Louis, Mo., and Dayton, Ohio, (7) between Louisville, Ky., and Indianapolis, Ind., (8) between St. Louis, Mo., and Louisville, Ky., (9) between St. Louis, Mo., and Cleveland, Ohio, (10) between St. Louis, Mo., and Pittsburgh, Pa., (11) between Indianapolis, Ind., and St. Louis, Mo., (12) from Akron, Ohio to St. Louis, Mo., (13) from Indianapolis, Ind., to Detroit, Mich., (14) from Indianapolis, Ind., to Pittsburgh, Pa., (15) between Louisville, Ky., and Pittsburgh, Pa., (16) between Louisville, Ky., and Chicago, Ill., (17) between Indianapolis, Ind., and Chicago, Ill., (18) between Cincinnati, Ohio and Chicago, Ill., (19) from Chi-

cago, Ill., to Pittsburgh, Pa., (20) between Detroit, Mich., and Louisville, Ky., (21) from Cleveland, Ohio, to Pittsburgh, Pa., (22) between Buffalo, N.Y., and Indianapolis, Ind., serving the intermediate points of East St. Louis, Ill., and Middletown and Hamilton, Ohio; *automobile parts and automobile accessories*, serving certain off-route points in connection with carrier's regular-route operations to and from St. Louis, Mo., restricted to the delivery of shipments originating at Vincennes, Ind., Fort Wayne, Ind., and Detroit, Mich., *general commodities*, except household good, between St. Louis, Mo., and Princeton and Evansville, Ind., serving all intermediate points, *general commodities*, except those of unusual value, dangerous explosives, charcoal, live animals and poultry, unwrapped hemp, uncrated furniture, household goods, commodities requiring special equipment, and those injurious or contaminating to other lading, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points; *general commodities*, except household goods, over irregular routes, between points on the above-specified routes, between St. Louis, Mo., and Princeton and Evansville, Ind., on the one hand, and, on the other, Paducah, Ky., and certain points in Illinois, *general commodities*, except dangerous explosives, petroleum products in tank trucks, livestock, sand, gravel, and coal in bulk, between Chicago, Ill., on the one hand, and, on the other, certain points in Illinois. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Virginia, Michigan, Ohio, Indiana, Illinois, Maryland, New York, Pennsylvania, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8118. Authority sought for merger into TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., of the operating rights and property of HOUSTON AND NORTH TEXAS MOTOR FREIGHT LINES, INC., 2515 Irving Boulevard, Dallas, Tex., and for acquisition by SCRIBNER BIRLENBACH, also of Los Angeles, Calif., of control of such rights and property through the transaction. Applicants' attorneys: Lee Reeder and W. E. Griffin, 1012 Baltimore Avenue, Kansas City, Mo. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Houston, Tex., and Fort Worth, Tex., between Dallas, Tex., and Alvarado, Tex., and between Dallas, Tex., and Fort Worth, Tex., serving all intermediate points, between Houston, Tex., and Dallas, Tex., serving no intermediate points, and between Dallas, Tex., and Oklahoma City, Okla., serving certain intermediate points; *general commodities*, with the exceptions listed above, over irregular routes between Fort Worth, Tex., on the one hand, and, on the other, sites of the new Army bomber assembly plant and anchorage and dock space, located approximately six and nine miles, respectively, northwest of Fort Worth, Tex. TRANSCON LINES is authorized to operate as a *common carrier* in California,

Illinois, Missouri, Georgia, Kansas, Indiana, Oklahoma, New Mexico, Arizona, Texas, Arkansas, Tennessee, Alabama, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8120. Authority sought for purchase by CLARK TRANSPORT COMPANY, P.O. Box 295, Chicago Heights, Ill., of the operating rights and property of CAR CARRIER COMPANY, 200 Joyce Building, Clinton, Iowa, and for acquisition by JAMES P. CLARK, Graymoor Subdivision Route No. 1, Homewood, Ill., CECILIA A. CLARK, Graymoor Subdivision Route No. 1, Homewood, Ill., EUGENE C. CLARK, Box 54, Dyer, Ind., and W. E. PATTERSON, 3101 E. 231st St., Chicago Heights, Ill., of control of such rights and property through the purchase. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be transferred: (A) *New automobiles, trucks, chassis, bodies, cabs, and parts, and accessories* when transported with vehicles of which they are a part, in truckaway service, in initial movements, as a *common carrier* over irregular routes, from places of manufacture or assembly in Wayne, Macomb, and Washtenaw Counties, Mich., to certain points in South Dakota, *agricultural tractors*, from points in Washtenaw County, Mich., to certain points in South Dakota, *new automobiles, trucks, chassis, bodies, cabs, and parts* thereof when transported with vehicles of which they are a part in truckaway service, in secondary movements, from Duluth, Minn., to points in South Dakota, restricted to shipments having a prior movement by water, *damaged or rejected shipments* of the above-specified commodities, from the above-specified destination points to the above-designated origin points, *automobiles, trucks and chassis*, in secondary movements, by truckaway method, and *bodies and cabs*, from Chicago and Chicago Heights, Ill., and Clinton, Iowa, to points in South Dakota, (B) *new automobiles and new trucks*, in secondary movements, from Sioux Falls, Mitchell, Huron, and Aberdeen, S. Dak., to points in Montana, *refused or rejected shipments* of the above-specified commodities, from points in Montana to the above-specified origin points. The carrier may combine the initial movement authority set forth in Section A with the secondary movement authority described in B, or the secondary movement authority set forth in A with the Secondary movement authority set forth in B provided the authorities have a point common to both to which the carrier may transport a given shipment under one authority and from which it may transport the same shipment under the other, and establish through service under such combination provided in each instance the shipment is transported through the common or gateway point, and provided further that this certificate does not contain any restriction or other indication that through service shall not be conducted. (C) *Automobiles and automobile chassis*, in secondary movements,

in truckaway service, and *automobile bodies*, from Duluth, Minn., to points in Idaho, Oregon, and Washington, with the RESTRICTION that the service authorized in C is restricted to the transportation of shipments which have had an immediately prior movement by water, *new automobiles* and *new trucks*, in initial movements, in truckaway service, from places of manufacture and assembly in Wayne County, Mich., and Warren Township, Macomb County, Mich., to points in Iowa, and *automobiles, trucks, and chassis*, in driveaway service, between points in Wayne County, Mich., and points in Warren Township, Macomb County, Mich. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-3511; Filed, Apr. 10, 1962;  
8:51 a.m.]

**FOURTH SECTION APPLICATIONS  
FOR RELIEF**

APRIL 6, 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. 37654: *Aluminum doors from and to points in Wyoming*. Filed by Western Trunk Line Committee, Agent (No. A-2234), for interested rail carriers. Rates on aluminum doors, screened, sash or sash and frames combined, doors, door frames, as described in the application, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 3 to Western Trunk Line Committee tariff I.C.C. A-4422.

FSA No. 37655: *Class rates—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 20), for interested carriers. Rates on various commodities moving on class rates, loaded in containers, and transported over joint water-rail, motor-water-rail, rail-water, and rail-water-motor routes of the applicant rail and motor carriers and Seatrain Lines, Inc., between points in Pennsylvania, on the one hand, and points in Louisiana and Texas, on the other.

Grounds for relief: Motor-water and water-rail competition.

Tariff: Supplement 16 to Seatrain Lines, Inc., tariff I.C.C. 189.

FSA No. 37656: *Lime—Returned shipments between points in southern territory*. Filed by O. W. South, Jr., Agent (No. A4175), for interested rail carriers. Rates on lime (returned shipments), in carloads, between points in southern territory, also Ohio and Mississippi River crossings and Virginia City gateways.

Grounds for relief: Carrier competition.

Tariff: Supplement 164 to Southern Freight Association tariff I.C.C. 1345.

FSA No. 37657: *Iron and steel articles to La Porte, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8183), for interested rail carriers. Rates on iron and steel articles, in carloads, from specified points in official, southern and western trunk-line territories, to La Porte, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 251 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-3487; Filed, Apr. 10, 1962;  
8:48 a.m.]



## CUMULATIVE CODIFICATION GUIDE—APRIL

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