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Chapter VI—Business and Defense Services Administration, Department of Commerce

[DMS Regulation No. 1 as Amended December 1, 1959]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

This amended regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this amended regulation has been rendered impracticable because it affects many different industries.

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AUTHORITY: Sections 1 to 18 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2071, 2155; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673; 3 CFR, 1953, 1954 and 1956 Supps.; DMO I-7, as amended, 18 F.R. 5366, 6736, 6737, 19 F.R. 7348; 32A CFR Ch. I; Commerce Dept. Order No. 152 (Revised), 23 F.R. 7951.

Section 1. What this regulation does.

(a) This section summarizes changes made in former DMS regulations. Defense contractors and their suppliers should familiarize themselves with all provisions of this amended regulation. Its purpose is to continue the Defense Materials System, with certain important changes and major simplifications, to support current Department of Defense, Atomic Energy Commission and other defense programs, and as a mobilization preparedness measure. It defines rights and obligations of persons who are engaged in production or construction for the defense program, or in research and development for the defense program. These very much simplified and condensed rules, formerly contained in two DMS regulations and a number of supporting schedules and directions dealing separately with production and construction, are now merged into this amended regulation. There are five schedules and three directions issued as part of this amended regulation which may be amended from time to time or supplemented by the issuance of additional schedules or directions.

(b) Our Government must be in a position to see that the things needed for defense programs are supplied on time and in the right amounts. Experience has shown that converting industry from peacetime to wartime objectives has been and can be a time-consuming task. If any military crisis should occur in the future, we shall not have the time needed to develop a workable production and materials control system, to convey the

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rules to American industry, and to establish the necessary procedures both in Government and in our industrial plants to assure its effective operation. Accordingly, a much simplified Defense Materials System is continued and can be expanded or converted readily to meet the needs of stepped up or full mobilization.

(c) Persons engaged in production, construction or research and development for defense programs are required to follow all the applicable rules of this amended regulation. Proper identification of delivery orders placed for products and materials needed to fill defense orders and contracts is particularly important. The rule for mandatory identification of orders is an essential part of the Defense Materials System. Failure to identify orders results in a distorted picture of the quantities of materials and products which go into Department of Defense and Atomic Energy Commission programs and could result in delivery delays which might seriously affect timely completion of such defense programs.

(d) The changes effected by this amended regulation are comprehensive in scope and include, but are not limited to, the following:

(1) The former DMS Reg. 1 (production) and DMS Reg. 2 (construction) are superseded by this amended regulation covering both production and construction for defense programs. Construction projects are included in the definition of Class A products, but no change is made in basic procedures for application and authorization for construction. Research and development (previously covered by the former Direction 3 to DMS Reg. 1) has been included in the definition of Class A products. Selected Aircraft Class B products (APRA B products)

which were previously covered by Direction 5 to DMS Reg. 1 are subject to the self-authorization provisions of Section 9 of this amended regulation.

(2) All the schedules and directions to the former DMS Regs. 1 and 2 are superseded by this amended regulation and its schedules and directions. Included with this amended regulation are a new schedule listing authorized program identifications and Allotting Agencies and a new schedule containing a form for statement of controlled material requirements. Also included are a new direction dealing with an optional small order procedure for Allotting Agencies and a new direction dealing with controlled materials producers and distributors (previously covered in the former DMS Reg. 1). The provisions dealing with controlled materials producers and distributors will be incorporated in the appropriate controlled material orders which will be amended and reissued.

(3) The definition of controlled materials has been adjusted to include nickel alloys (formerly covered by Direction 6 to DMS Reg. 1) in addition to steel, copper and aluminum. Several major changes have been made in the listing of controlled materials contained in Schedule I of this amended regulation. Non-nickel-bearing stainless steel has been made a controlled material; all steel castings and nickel alloy castings have been deleted; and aluminum molten metal, foil, powder, flake and paste have been made controlled materials. Schedule I should be carefully studied by defense contractors and their suppliers for these and other changes.

(4) Prime consumers receive but are no longer permitted to make allotments and the term secondary consumer has been eliminated. Self-authorizing consumers who obtain controlled materials by self-authorization include all manufacturers who produce Class B products pursuant to rated orders, and those producers of Class A products (including construction contractors and persons engaged in research and development) who receive rated orders or contracts and are instructed to use the self-authorization provisions of this amended regulation.

(5) The definitions of Class A product and Class B product have been simplified. In addition, construction projects and research and development have been added to the definition of Class A product, and designated service operations have been expressly included in the definition of Class B product.

(6) The definitions of authorized production and construction schedules and their use have been eliminated. Rating and allotment authority flows from the rated order or contract or, where appropriate, from other specific authorization.

(7) The term ACM order is used interchangeably with authorized controlled material order.

(8) Provisions dealing with statements of requirements have been revised. A new form (DMS-6) has been provided in Schedule V of this amended regulation to permit defense contractors, when necessary, to obtain information from their suppliers regarding their controlled materials requirements to produce Class A products.

(9) Only an Allotting Agency may make allotments. Prime consumers and self-authorizing consumers never make allotments. The so-called "85 percent rule" for allotments by prime consumers has been eliminated.

(10) Use of allotment, rating or self-authorization by producers of Class A and Class B products who receive rated orders is completely mandatory except for individual purchase orders of $500 or less. The former provision permitting optional use of such authority in certain cases has been eliminated.

(11) Any person who places a rated order for a Class A or Class B product or who places an ACM order must furnish his supplier with a prescribed statement advising him of the mandatory nature of the rules of this amended regulation. Such statement was formerly permissive in certain situations.

(12) Changes have been made in the self-authorization procedure for production of Class A and Class B products. In addition, former differences in self-authorization procedures for Class A and Class B products have been eliminated, and producers of Class B products will use their customers' program identifications.

(13) The form of certification for rated orders and ACM orders has been changed.

(14) Provisions for special identification of ACM orders placed to fill DX rated orders (formerly covered by Direction 10 to DMS Reg. 1 and Direction 4 to DMS Reg. 2) have been revised and included in this amended regulation.

(15) The sections dealing with records and reports, and violations, have been revised.

(16) All adjustments or exceptions previously granted to defense contractors are revoked 60 days after the effective date of this regulation unless renewed.

(17) Under Direction 3 to this regulation controlled materials producers and distributors are required to use program identifications in placing orders for products and materials needed to fill ACM orders except for individual purchase orders of $500 or less.

(18) Numerous other changes, simplifications and consolidations have been effected in this amended regulation, the full text of which (including its schedules and directions) should be carefully studied by defense contractors and their suppliers.

Sec. 2. Transition provisions for acquisition of controlled materials.

(a) Nothing in this amended regulation shall be construed to cancel outstanding allotments of controlled materials for whatever purpose received. However, a person who has received an allotment and who may obtain controlled materials for the same purpose by self-authorization pursuant to this amended regulation, shall not use either the allotment or self-authorization to obtain more controlled materials than needed for such purpose.

(b) The deletions from and additions to items of controlled material made in Schedule I of this amended regulation shall not be construed to affect outstanding orders placed pursuant to any regulation or order of BDSA.

Sec. 3. Definitions.

As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "Controlled material" means domestic and imported steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of this regulation, whether new, remelted, rerolled or redrawn.

(d) "Claimant Agency" means the Department of Defense, the Atomic Energy Commission or any other Government agency or subdivision thereof designated as such by the Office of Civil and Defense Mobilization for submission of program requirements.

(e) "Allotting Agency" means the Department of Defense, the Atomic Energy Commission, BDSA or any other Government agency or subdivision thereof designated as such by the Office of Civil and Defense Mobilization to make allotments for authorized programs. Schedule II of this regulation lists the Allotting Agencies which have been designated to make allotments for specified programs.

(f) "Prime consumer" means any person who receives an allotment of controlled material from an Allotting Agency. A prime consumer for a construction project may designate another person to act as the prime consumer for him.

(g) "Self-authorizing consumer" means any person who receives authority to obtain controlled material by self-authorization pursuant to the provisions of this regulation.

(h) "Allotment" means, with respect to authorized programs, (1) an authorization by the Office of Civil and Defense Mobilization of the amount and kind of controlled materials which may be received and/or allotted by a Claimant Agency during a specified calendar quarter, or (2) an authorization by a Claimant Agency of the amount and kind of controlled materials which may be received and/or allotted by an Allotting Agency during a specified calendar quarter, or (3) an authorization by an Allotting Agency of the amount and kind of controlled materials which may be received by a prime consumer during a specified calendar quarter.

(i) "Class A product" means any product which contains any controlled material and which is not itself a controlled material or a Class B product. It also includes a construction project or research and development which requires for its completion any controlled material or Class A product.

(j) "Class B product" means any product designated as such in the "Official Class B Product List" issued by BDSA, as the same may be modified from time to time, which contains any controlled material. It also includes any service designated as a Class B product in said "Official Class B Product List" (such as plating metal products) whether or not such service employs, consumes or requires any controlled material.

(k) "Authorized program" means a military, atomic energy or other program for which the use of rating and allotment authority is specifically approved by the Office of Civil and Defense Mobilization.

(l) "Delivery order" means any purchase order, contract, shipping or other instruction calling for delivery of any material or product, or performance of construction or service, on a particular date or dates or within specified periods of time.

(m) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, or pursuant to self-authorization, as provided in section 10 of this regulation, or which is specifically designated to be such an order by any regulation or order of BDSA. The term "ACM order"

shall have the same meaning as "authorized controlled material order".

(n) "Rated order" means any delivery order for any product, service or material other than controlled material bearing an authorized rating and the certification required by this regulation, BDSA Reg. 2 or any other applicable regulation or order of BDSA. For the purposes of this regulation it also includes specific authorization by an Allotting Agency to a person to use ratings and allotment numbers, in support of authorized programs, for the procurement of products and materials when such Allotting Agency does not place a delivery order.

(o) "Controlled materials distributor" means (1) a distributor of steel controlled materials as defined in BDSA Order M-1A, (2) a distributor of nickel alloy controlled materials as defined in BDSA Order M-1B, (3) a distributor of aluminum controlled materials as defined in BDSA Order M-5A, or (4) a distributor of copper controlled materials as defined in BDSA Order M-11A.

(p) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials or products which are to be an integral and permanent part of the building, structure, or project, but it does not include maintenance and repair.

(q) "Project" means a construction plan contemplated for execution, irrespective of the time when it is to be carried into effect in full or in part, involving all or portions of a single building or structure, or involving two or more buildings or structures, or portions thereof, which are physically contiguous, or are parts of an integrated design or plan, so that each is an element of a single operation. In addition, a project also means a type of construction which is not a building or structure, but which requires a construction operation for its completion, such as a freight yard, airport runway or oil refinery.

Sec. 4. Requirements procedure.

(a) Any prime consumer, upon the request of an Alloting Agency, must submit a statement of controlled materials requirements for the production of Class A products for authorized programs of such agency. This information must be submitted to the requesting agency on such form and in such manner as prescribed by it.

(b) Any self-authorizing consumer, upon the request of a prime consumer or another self-authorizing consumer for whom he is a supplier, must submit a statement of his controlled materials requirements for the production of Class A products for authorized programs. This information must be submitted to the requesting consumer on Form DMS-6 (contained in Schedule V of this regulation) in accordance with the instructions stated therein.

Sec. 5. Allotment and self-authorization procedures.

(a) Each Claimant Agency shall distribute the allotments it receives from the Office of Civil and Defense Mobilization by making allotments to other Allotting Agencies and to prime consumers.

(b) Each Allotting Agency shall make allotments to prime consumers making Class A products for it pursuant to rated orders. Exceptions are specified in Direction 2 to this regulation which deals with a small order procedure for Allotting Agencies.

(c) Allotments may be made on the basis of information furnished by application on Form DMS-4A (production or research and development), Form DMS-4C (construction) or other prescribed forms. Such forms shall be submitted upon request of an Allotting Agency.

(d) An allotment must be identified by an allotment number consisting of the appropriate program identification (as listed in Schedule II of this regulation) and shall specify the quantities and kinds of controlled materials needed for delivery in specified calendar quarters to fill the rated order to which it relates. Unless otherwise specified by BDSA, allotments shall be made in the following terms, in each case without further breakdown:

(1) Carbon steel (including wrought iron).
(2) Alloy steel (except stainless steel).
(3) Stainless steel.
(4) Copper and copper-base alloy brass mill products.
(5) Copper wire mill products.
(6) Copper and copper-base alloy foundry products and powder.
(7) Aluminum.
(8) Nickel alloys.

(e) Prime consumers and self-authorizing consumers shall not make allotments.

(f) Except as specifically provided by BDSA, no allotments shall be made for the production of Class B products.

(g) A person who receives a rated order for a Class A product from an Allotting Agency is a prime consumer and must receive an allotment from such agency unless he is instructed by it to obtain his requirements of controlled materials and other products and materials by self-authorization under the provisions of section 9 of this regulation. A person who receives a rated order for a Class A product from a person other than an Allotting Agency or for a Class B product (including Selected Aircraft Class B products) is a self-authorizing consumer and must obtain his requirements of controlled materials and other products and materials under the provisions of section 9 of this regulation.

Sec. 6. Mandatory use of allotment, self-authorization and rating authority.

(a) Each Allotting Agency must use its allotment and rating authority in acquiring controlled materials and other products and materials needed for completion of authorized programs.

(b) Each person who has received a rated order for a Class A or a Class B product must use the related allotment or self-authorization, whichever is appropriate, to acquire controlled materials and use the related rating to acquire other products and materials to fill such order or to replace in inventory materials used to fill such order. If such authority is not applicable, under the provisions of this regulation or any other regulation or order of BDSA, to the procurement of necessary items or services, such as production equipment, and priority assistance is needed to obtain such items or services, he should communicate with the appropriate Alloting Agency specified in Schedule II of this regulation.

(c) Each Allotting Agency, prime consumer and self-authorizing consumer placing a rated order for a Class A or a Class B product or placing an ACM order must furnish his supplier with a statement reading substantially as follows:

> You are required to follow the provisions of DMS Reg. 1 and of all other applicable regulations and orders of BDSA in obtaining controlled materials and other products and materials needed to fill this order.

This statement must appear on the order or on a separate piece of paper attached to the order or clearly identifying it.

(d) Unless another form of certification is specifically prescribed by an applicable regulation or order of BDSA, every rated order must contain the certification prescribed in BDSA Reg. 2 or the following certification:

> Certified for national defense use under DMS Reg. 1.

and shall be signed as provided in BDSA Reg. 2. This certification accompanying a rated order shall be deemed to be, and shall have the same force and effect as, a certification under BDSA Reg. 2.

(e) Unless another form of certification is specifically prescribed by an applicable regulation or order of BDSA, every ACM order must contain the following certification:

> Certified for national defense use under DMS Reg. 1.

and shall be signed as provided in BDSA Reg. 2. This certification shall constitute a representation to the supplier and to BDSA that, subject to the criminal penalties provided in applicable United States statutes, (1) the purchaser has received an allotment of controlled material authorizing him, in accordance with the provisions of this regulation, to place such order, or (2) the amount ordered by the purchaser is within and pursuant to the self-authorization provisions of this regulation, or (3) the purchaser is expressly authorized by BDSA, or by any regulation or order of BDSA, to place such order.

(f) The mandatory provisions of this section need not be followed in the case of any individual purchase order of $500 or less.

Sec. 7. How prime consumers use allotments.

(a) Each prime consumer receiving an allotment must use that portion of the allotment which he requires to obtain controlled materials, as such, to fill the rated order to which it relates. He must maintain allotment accounts as provided in section 14(b) of this regulation and must deduct from the appropriate allotment account the quantities represented by ACM orders placed by him. He must also deduct the reasonably estimated total controlled material requirements of self-authorizing consumers in all degrees

of remoteness supplying Class A products for incorporation in his product to be delivered pursuant to rated orders (excluding Class A products incorporated in purchased Class B products).

(b) No prime consumer shall place any rated order for Class A products the controlled material requirements of which exceed the related allotment received by him, after deducting all ACM orders placed by him and all other charges against his allotment. Section 4 of this regulation establishes a procedure for obtaining controlled material requirements from suppliers.

Sec. 8. Cancellation or reduction of allotments and changes in requirements.

(a) An Allotting Agency may cancel or reduce an allotment by notice in writing to the prime consumer to whom it was made. If an allotment received by a prime consumer is cancelled or reduced, he must notify his supplier that all ACM orders which he has placed on the basis of the cancelled allotment or that all ACM orders placed in excess of the reduced allotment, as the case may be, are no longer to be treated as ACM orders.

(b) If a prime consumer's requirements for controlled materials or Class A products are increased after he receives his allotment, he must apply for an additional allotment to the Allotting Agency which made the original allotment.

(c) If a prime consumer finds that he has been allotted more than he needs, he must promptly return the excess to his Allotting Agency on Form DMS-12 or such other form as may be prescribed. If it is impracticable to obtain the prescribed form, the return shall be made by letter setting forth the facts.

Sec. 9. Self-authorization procedure for Class A and Class B products.

(a) A manufacturer of Class A products who has accepted a rated order for such products without an allotment, pursuant to section 5(g) of this regulation, or from a person other than an Allotting Agency, is a self-authorizing consumer. A manufacturer of Class B products who has accepted a rated order for such products is a self-authorizing consumer.

(b) A self-authorizing consumer who has a rated order for Class A or Class B products must use the program identification indicated thereon as the allotment number in placing ACM orders to obtain controlled materials needed to fill such order or to replace in inventory controlled materials used to fill such order. However, with respect to inventory replacement of controlled materials he may place such ACM orders only in the calendar quarter in which taken from inventory or in the immediately succeeding calendar quarter. If it is impracticable for him to determine the exact requirements of controlled materials needed to fill a rated order for Class A or Class B products, he must place ACM orders for delivery in a particular calendar quarter of an amount equal to his best estimates of controlled materials needed in such quarter to fill such rated order.

(c) A self-authorizing consumer who has accepted a rated order for Class A or Class B products must extend the accompanying rating in obtaining products and materials other than controlled materials needed to fill such order or to replace in inventory products and materials other than controlled materials used to fill such order. If it is impracticable for him to determine the exact requirements of products and materials other than controlled materials needed to fill such order, he must place rated orders for delivery of an amount equal to his best estimates of such products and materials needed to fill such order.

(d) If the requirement that he use program identifications indicated on his customers' rated orders is impracticable because they are varied and numerous, a self-authorizing consumer may use the program identification B-5 in lieu thereof.

Sec. 10. Designation and use of ACM orders.

(a) A delivery order placed with a controlled materials producer or a controlled materials distributor for controlled material is an ACM order only if it complies with this section and contains (1) the appropriate allotment number and the calendar quarter for which the allotment is valid or, in the case of self-authorization, the calendar quarter in which delivery is required, (2) the date or dates on which delivery is required and (3) the certification specified in section 6(e) of this regulation; or if such delivery order is specifically designated as an authorized controlled material order by any regulation or order of BDSA. As an example, an ACM order placed by a prime consumer pursuant to an allotment identified by the allotment number A-6 which is valid for the second quarter of 1960, or placed by a self-authorizing consumer for delivery in the second quarter of 1960 pursuant to a rated order bearing the allotment number A-6, must contain the following: A-6-2Q60 and, in addition, the delivery date or dates and certification.

(b) Each person who has accepted a DX rated order must use the letters "DX" to identify ACM orders placed by him to fill such order or to replace in inventory controlled materials used to fill such order. The letters "DX" must appear after the allotment number and quarterly identification on the ACM order, for example, A-2-2Q60-DX. No person may use the letters "DX" to identify ACM orders except as provided in this regulation or in any other regulation or order of BDSA. The letters "DX" appearing on an ACM order shall entitle such order to priority in acceptance or delivery over other ACM orders only as provided in Direction 3 to this regulation or in any other regulation or order of BDSA.

(c) An ACM order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance of the month of required shipment as is specified in Schedule III of this regulation, except as provided in Direction 3 to this regulation, or at such later time as the controlled materials producer may find it practicable to accept the same.

(d) All ACM orders shall have equal preferential status, except as provided in Direction 3 to this regulation, and shall take precedence over other orders for controlled materials to the extent provided in this regulation and in BDSA Order M-1A (steel), BDSA Order M-1B (nickel alloys), BDSA Order M-5A (aluminum), and BDSA Order M-11A (copper), and the directions thereto, or in any other applicable regulation or order of BDSA. However, a delivery order for controlled materials pursuant to a directive issued by BDSA shall take precedence over any other delivery order (including an ACM order) previously or subsequently received, unless a contrary instruction appears in the directive.

(e) A delivery order for controlled materials not covered by an allotment or self-authorization shall not be combined with an ACM order. However, if the total of both types of orders is less than the minimum mill quantity specified in Schedule IV of this regulation, then a combined order may be placed for such minimum mill quantity. Where such orders are combined, the portion covered by allotment or self-authorization must be specifically identified by the appropriate allotment number, and such delivery order must contain the certification provided in section 6(e) of this regulation. ACM orders identified by different allotment numbers may be combined if the portion covered by each allotment number is specifically identified by the appropriate allotment number.

Sec. 11. Restrictions on placing ACM orders and on use of controlled materials.

(a) No person shall place or purport to place an ACM order unless he is entitled to do so. No person shall place or purport to place an ACM order calling for delivery of any controlled material in a greater amount or on an earlier date than required to fill his rated orders. If the quantity of any controlled material required by a person to fill rated orders is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, he may place an ACM order for and accept delivery of the full minimum shown in such schedule.

(b) Each person who has obtained controlled materials pursuant to an ACM order in accordance with this or any other regulation or order of BDSA shall use such materials only (1) to fill rated orders, or (2) to replace in inventory controlled materials used to fill any such rated orders. If he cannot use the controlled materials for any such purpose, he may use them to fill unrated orders or dispose of them, unless otherwise ordered or directed in writing by BDSA.

(c) Any person who has placed or purported to place an ACM order which he is not entitled to place or which calls for delivery of any controlled material in a greater amount than required to fill his rated orders shall not sell, use or otherwise dispose of any controlled material unlawfully obtained pursuant to such order without the express written consent of BDSA.

(d) For the purposes of this regulation, the terms "purport to place an ACM order" and "purported to place an ACM order" shall include but not be limited to the placement without lawful authority of any order in the form of an ACM order and shall further include but not be limited to the use in connection with such order of any program identification symbol or the words "Certified for national defense use under DMS Reg. 1" or any combination thereof or any other similar symbol or words whether or not authorized or prescribed by this or any other regulation or order of BDSA.

(e) Controlled materials which may be obtained by a person to fill a rated order include those which will be physically incorporated into the product or construction project or used in research and development covered by the rated order. They also include the portion of such controlled materials normally consumed or converted into scrap or by-products in the course of processing, and controlled materials used for packaging or containers required to make delivery. They do not include controlled materials for plant improvement, expansion or construction unless they will be physically incorporated into a construction project covered by a rated order. Nor do they include controlled materials for production equipment needed for use in filling a rated order, or controlled materials for maintenance, repair or operating supplies.

Sec. 12. Designation and use of ratings.

(a) Ratings must contain the prefix DO or DX, as the case may be, followed by the appropriate program identification. Schedule II of this regulation contains a list of authorized program identifications.

(b) Rated orders must show the rating authorized, for example, DO-A-6, date or dates on which delivery is required and must be certified as provided in section 6(d) of this regulation.

(c) The provisions of BDSA Reg. 2 are superseded to the extent that they are inconsistent with the provisions of this regulation. In all other respects the provisions of BDSA Reg. 2 shall remain in full force and effect.

Sec. 13. Applicability of other regulations and orders.

Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of BDSA. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an ACM order or a rated order, he shall immediately report the matter to BDSA and to the appropriate Allotting Agency. BDSA will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by BDSA, such person shall comply with the provisions of such regulation or order.

Sec. 14. Records and reports.

(a) Each person participating in any transaction covered by this regulation shall make, and preserve for at least 3 years thereafter, accurate and complete records thereof. Such records shall include all rated orders, ACM orders and directives received by such person, copies of all rated orders and ACM orders placed by such person, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired by means of priority, allotment or directive assistance, and records of sales and deliveries of all materials sold or delivered by such person pursuant to rated orders, ACM orders and directives. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided the records specifically required herein are maintained. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic copies are made, maintain such copies of records in the regular and usual course of business.

(b) Except as otherwise specifically provided, records of allotments received, and records of allotments used, shall be kept separately by allotment numbers and calendar quarters and shall include separate entries under each allotment number for each Allotting Agency from which allotments are received.

(c) All records required by this regulation to be maintained by any person shall be made available for inspection and audit by duly authorized representatives of BDSA at the usual place of business of such person.

(d) Persons subject to this regulation shall make such records and submit such reports to BDSA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U.S.C. 139-139f).

Sec. 15. Requests for adjustment or exception.

(a) Any person subject to any provision of this regulation may submit a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Sixty days after the effective date of this regulation any adjustment or exception granted to defense contractors under former CMP or DMS regulations is hereby cancelled, rescinded and revoked, unless prior to the termination of such sixty-day period such adjustment or exception is continued by BDSA or renewed pursuant to application submitted in accordance with paragraph (a) of this section.

Sec. 16. Communications.

All communications concerning the substance or interpretation of this regulation shall be addressed to the Business and Defense Services Administration, Washington 25, D.C., Ref: DMS Reg. 1. Communications concerning rating, self-authorization and allotment authority shall be addressed to the appropriate Allotting Agency specified in Schedule II of this regulation.

Sec. 17. False statements.

The furnishing of false information or the concealment of any material fact in the course of operation under this regulation constitutes a violation of this regulation. The unauthorized placement of any order in the form of, or purporting to be, a rated order or an ACM order constitutes a false statement and a violation of this regulation.

Sec. 18. Violations.

(a) Any person who wilfully violates any provision of this regulation, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

(b) Violation of any provision of this regulation may subject any person committing or participating in such violation to administrative action to suspend his privilege of employing priorities or allocations in making or receiving deliveries of materials, or using materials or facilities. In addition to such administrative action, an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions hereof.

(c) For the purpose of any administrative action or civil proceeding for the enforcement of this regulation or any criminal prosecution for violation of this regulation, the terms "authorized controlled material order", "ACM order", "rated order", "rating" and "certification" shall be deemed to include every purported authorized controlled material order, ACM order, rated order, rating and certification whether or not such order, rating or certification shall have been authorized as provided in this regulation and irrespective of the form of such order, rating or certification.

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

This regulation as amended shall take effect December 1, 1959.

BUSINESS AND DEFENSE SERVICE ADMINISTRATION,
H. B. MCCOY,
Administrator.

SCHEDULE I TO DMS REG. 1—CONTROLLED MATERIALS

(See section 3(c))

CARBON STEEL (INCLUDING WROUGHT IRON) [1]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled, stock for projectile and shell bodies.[2]
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold-finished.

(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, corrugated, V-crimped channel drains.
Ridge roll, valley, and flashing.
Siding, corrugated and brick.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.

(c) Plate.[3]

(d) Structural shapes,[4] piling.

(e) Pipe, tubing—seamless and welded.[5]
Includes:
Standard pipe (including type of couplings furnished by mill).[6]
Oil country goods (casing, tubing and drill pipe, including type of couplings furnished by mill).
Line pipe (including type of couplings furnished by mill).
Pressure tubing.
Mechanical tubing.

(f) Wire, wire products.
Includes:
Wire-drawn.
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
Spikes and brads—steel wire, galvanized, and cement-coated.
Staples, bright and galvanized (farm and poultry).

CARBON STEEL (INCLUDING WROUGHT IRON [1])—Continued

Wire rope and strand.
Welded wire mesh and woven wire netting.
Barbed and twisted wire.
Wire fence, woven and welded (farm and poultry).
Bale ties.
Coiled automatic baler wire.

(g) Tool steel (all forms including die blocks and tool steel forgings).

(h) Other mill forms and products (excluding castings and forgings).
Includes:
Ingots.
Billets, for shell body stock only.[7]
Billets, for shell component parts and rockets.
Blooms, slabs, other billets, tube rounds, sheet bars.
Skelp.
Wire rod.
Rails.
Joint bars (track).
Tie plates (track).
Track spikes.
Wheels, rolled or forged (railroad).
Axles (railroad).

ALLOY STEEL [8] (EXCEPT STAINLESS STEEL [9]).

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled stock for projectile and shell bodies.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.

(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Strip, hot-rolled.
Strip, cold-rolled.

(c) Plate [10]
Includes:
Rolled armor.
Other.

(d) Structural shapes.[4]

(e) Pipe, tubing—seamless and welded.[5]
Includes:
Oil-country goods.
Pressure tubing.
Mechanical tubing.

ALLOY STEEL [8] (EXCEPT STAINLESS STEEL [9])—Continued

(f) Wire.

(g) Tool steel (all forms including die blocks and tool steel forgings).

(h) Other mill forms and products (excluding castings and forgings).
Includes:
Ingots.
Billets, projectile and shell stock.
Blooms, slabs, other billets, tube rounds, sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).

STAINLESS STEEL [9]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.

(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.

(c) Plate.[11]

(d) Structural shapes.[4]

(e) Pipe, tubing—seamless and welded.[5]
Includes:
Pipe.
Pressure tubing.
Mechanical tubing.

(f) Wire, wire products.
Includes:
Wire, drawn.
Wire rope and strand.

(g) Other mill forms and products (excluding castings and forgings).
Includes:
Ingots.
Blooms, slabs, billets, tube rounds.
Sheet bars, wire rods.

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS [12]

Copper (unalloyed):
(a) Bar, rod, shapes, wire (except electrical wire).
(b) Sheet, strip, plate, rolls.
(c) Pipe, tube (seamless).

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[1] For the purpose of this schedule "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) Ingot iron; (2) all grades of electrical sheet and strip; (3) low-alloy, high-strength steels; (4) clad and coated carbon steels not included with alloy steels: e.g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels; and (5) leaded carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose, and Navy high-tensile steel grade HT Specification Mil-S-16113 (Ships).

[2] Includes projectile body stock, sizes under 2⅞ inches.

[3] Carbon plate not only includes the following specifications, but also floor plates of any thickness:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 8 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 8 inches wide.

[4] "Structural shapes" means rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

[5] Steel pipe or tubing exceeding 36 inches O.D. is not a controlled material, but is a Class A product.

[6] Standard pipe includes the following:
Ammonia pipe.
Bedstead tubing.
Driven well pipe.
Drive pipe.
Dry kiln pipe.
Dry pipe for locomotives.
English gas and steam pipe.
Fence pipe.
Furniture pipe.
Ice machine pipe.
Mechanical service pipe.
Nipple pipe.
Pipe for piling.
Pipe for plating and enameling.
Pump pipe.
Signal pipe.
Standard pipe coupling.
Structural pipe.
Turbine pump pipe.
Water main pipe.
Water well casing.
Water well reamed and drifted pipe.

[7] Includes only projectile body stock, sizes 2⅞ inches and larger, rounds, and round-cornered squares.

[8] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium (less than 10 percent), cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel base for which nickel and/or chromium is contained in the coating or cladding material (e.g., inconel, monel, or stainless) are alloy steels.

[9] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements.

[10] Alloy steel plate includes the following specifications:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 8 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 8 inches wide.

[11] Stainless steel plates include the following size specifications: $\frac{3}{16}$ inch (0.1875) or thicker, over 10 inches wide.

[12] Includes anodes—rolled, forged, or sheared from cathodes.

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS—Continued

Copper-base alloy: [13]

(a) Bar, rod, wire, shapes.
(b) Sheet, strip, plate, rolls, military ammunition cups and discs.
(c) Pipe, tube (seamless).

COPPER WIRE MILL PRODUCTS

All copper wire and cable for electrical conduction, including but not limited to:

Bare and tinned.
Weatherproof.
Magnet wire.
Insulated building wire.
Paper and lead power cable.
Paper and lead telephone cable.
Asbestos cable.
Portable and flexible cord and cable.
Communication wire and cable.
Shipboard cable.
Automotive and aircraft wire and cable.
Insulated power cable.
Signal and control cable.

[13] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U.S. Commercial Standard CS 67-38.

COPPER WIRE MILL PRODUCTS—Continued.

Coaxial cable.

Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.

COPPER AND COPPER-BASE ALLOY FOUNDRY PRODUCTS AND POWDER

Includes:

Copper, brass, and bronze castings.[14]
Copper, brass, and bronze powder (including copper powder, granular and flake, and copper-base alloy powder, granular and flake).

ALUMINUM

Rolled bar, rod, structural shapes, and bare wire.

Aluminum conductor steel reinforced (ACSR) and bare aluminum cable.

[14] Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer.) Castings include anodes cast in a foundry or by an ingot maker.

ALUMINUM—Continued

Insulated or covered wire or cable.
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube).
Sheet and plate.
Pig or ingot, granular or shot, and molten metal.
Foil.
Powder, flake, paste.

NICKEL ALLOYS [15]

Ingots, blooms, slabs, and billets.
Plate, sheet, strip, and foil.
Rods, bars (including anode bars), pipe, tubing, and shapes.
Wire and wire rod.
Powder (produced mechanically from nickel shot).

[15] "Nickel alloys" means those alloys for which the specified nickel content is 5 percent or more up to and including pure nickel, and which do not contain as much as 50 percent of iron or steel, nor as much as 40 percent of copper, nor as much as 50 percent of aluminum. It does not include primary nickel in the forms of electrolytic cathodes, pigs, rondelles, cubes, pellets, shot, oxide (including sintered oxide), salts, or chemicals; nor does it include primary nickel in the form of ingots used for remelting or powder derived directly from ore concentrates.

SCHEDULE II TO DMS REG. 1—AUTHORIZED PROGRAM IDENTIFICATIONS AND ALLOTTING AGENCIES

(See sections 5(d), 12(a) and 16)

The program identification symbols listed in this schedule are the only ones authorized for use under the Defense Materials System and must be used in accordance with this regulation and other applicable regulations and orders of BDSA.

The symbols are not listed in alphabetical or numerical sequence but are grouped by Allotting Agencies. Within each group, the Allotting Agencies listed in Column 3 are authorized to make allotments under one or more of the programs listed in Column 2 and to assign allotment numbers and ratings containing one or more of the program identifications listed in Column 1. Communications concerning rating, self-authorization and allotment authority should be addressed to the named agency, its procuring element, or as directed by the procuring element. The full names of the Allotting Agencies shown by initials in the following list are:

AEC—Atomic Energy Commission.
BDSA—Business and Defense Services Administration.
CIA—Central Intelligence Agency.
FAA—Federal Aviation Agency.
NASA—National Aeronautics and Space Administration.

Column 1 Program identification	Column 2 Program	Column 3 Allotting agency
	For Department of Defense and associated programs	
A-1	Aircraft	Dept. of Defense: Army. Navy (including Coast Guard). Air Force. Associated Agencies of Dept. of Defense: CIA. FAA. NASA.
A-2	Missiles	
A-3	Ships	
A-4	Tank—Automotive	
A-5	Weapons	
A-6	Ammunition	
A-7	Electronic and Communications Equipment	
B-1	Military Building Supplies	
B-8	Production Equipment (for defense contractor's account)	
B-9	Production Equipment (Government-owned)	
C-2	Department of Defense Construction	
C-3	Maintenance, Repair and Operating Supplies (MRO) for Department of Defense Facilities.	
C-8	Controlled Materials for Naval Stock Account	
C-9	Miscellaneous	
	For Atomic Energy Commission programs	
E-1	Construction	AEC.
E-2	Operations—including Maintenance, Repair and Operating Supplies (MRO).	
E-3	Privately Owned Facilities	
	For other Defense, Atomic Energy and related programs	
B-5	Certain self-authorizing consumers (see sec. 9(d) of DMS Reg. 1)	BDSA.
C-4	Certain munitions items purchased by friendly foreign governments through domestic commercial channels for export.	
C-5	Canadian Military Programs	
C-6	Certain direct defense needs of friendly foreign governments other than Canada.	
D-1	Controlled Materials Producers	
D-3	Further Converters (Steel)	
D-4	Private domestic production	
D-5	Private domestic construction	
D-6	Canadian production and construction	
D-7	Friendly foreign nations (other than Canada) production and construction.	
D-8	Distributors of controlled materials	
D-9	Maintenance, Repair and Operating Supplies (MRO) (see Dir. 1 to DMS Reg. 1).	
E-4	Canadian Atomic Energy Program	
AM	Aluminum Controlled Materials Producers	
AM-9000	Aluminum Controlled Materials Distributors	
FC	Further Converters (steel and nickel alloys)	

SCHEDULE III TO DMS REG. 1—MILL LEAD TIMES

(See section 10(c))

Name of product [1]	Minimum number of days in advance of first day of month in which shipment is required				
	Steel				Aluminum, copper, and nickel alloys
	Carbon	Low-alloy high-strength	Stainless	Alloy [2]	
Steel:					
Bar, bar shapes (including light shapes):					
Bar, hot-rolled stock for projectile and shell bodies	45	75	------	[3] 75	------
Bar, hot-rolled, other (including light shapes)	[3] 45	[3] 75	90	[3] 75	------
Bar, reinforcing (straight lengths—as rolled)	45	------	------	75	------
Bar, cold-finished	[3] 75	[3] 105	105	[3] 105	------
Sheet, strip (uncoated and coated):					
Sheet, hot-rolled	45	75	90	75	------
Sheet, cold-rolled	45	75	105	90	------
Sheet, galvanized	45	------	------	------	------
Sheet, all other coated	45	------	------	------	------
Sheet, enameling	45	------	------	------	------
Roofing, galvanized, corrugated, V-crimped channel drains	45	------	------	------	------
Ridge roll, valley, and flashing	45	------	------	------	------
Siding, corrugated and brick	45	------	------	------	------
Strip, hot-rolled	45	75	90	75	------
Strip, cold-rolled	[7] 45	75	105	90	------
Strip, galvanized	45	------	------	------	------
Electrical sheet and strip	(4)	------	------	------	------
Tin mill black plate	45	------	------	------	------
Tin plate, hot-dipped	45	------	------	------	------
Ternes, special coated manufacturing	45	------	------	------	------
Tin plate, electrolytic	45	------	------	------	------
Plate	[3] 45	[3] 75	90	[3] [5] 75	------
Structural shapes, piling	45	[6] 75	[6] 150	90	------
Pipe, tubing—seamless and welded:					
Standard pipe (including couplings furnished by mill)	45	------	120	------	------
Oil-country goods (casing, tubing and drill pipe, including type of couplings furnished by mill)	45	------	------	60	------
Line pipe (including couplings furnished by mill)	45	------	------	------	------
Pressure tubing	[7] 60	------	120	120	------
Mechanical tubing	[7] 60	------	120	120	------
Wire, wire products:					
Wire, drawn	45	75	90	75	------
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted	45	------	------	------	------
Spikes and brads—steel wire, galvanized, and cement coated	45	------	------	------	------
Staples, bright and galvanized (farm and poultry)	45	------	------	------	------
Wire rope and strand	45	------	105	------	------
Welded wire mesh and woven wire netting	45	------	------	------	------
Barbed and twisted wire	45	------	------	------	------
Wire fence, woven and welded (farm and poultry)	45	------	------	------	------
Bale ties	45	------	------	------	------
Coiled automatic baler wire	45	------	------	------	------
Tool steel (all forms including die blocks and tool steel forgings)	[8] 60	------	------	[8] 90	------
Other mill forms and products (excluding castings and forgings):					
Ingots	45	75	75	75	------
Billets, projectile and shell stock	45	75	------	75	------
Blooms, slabs, other billets, tube rounds, sheet bars	45	75	75	75	------
Skelp	45	------	------	------	------
Wire rod	45	75	90	75	------
Rails	45	------	------	90	------
Joint bars (track)	45	------	------	------	------
Tie plates (track)	45	------	------	------	------
Track spikes	45	------	------	------	------
Wheels, rolled or forged (railroad)	45	------	------	90	------
Axles (railroad)	45	------	------	90	------
Copper and copper-base alloy brass mill products:					
Copper (unalloyed):					
Bar, rod, shapes, wire (except electrical wire)	------	------	------	------	45
Sheet, strip, plate, rolls	------	------	------	------	45
Pipe, tube (seamless)	------	------	------	------	45
Copper-base alloy:					
Bar, rod, wire, shapes	------	------	------	------	[10] 45
Sheet, strip, plate, rolls, military ammunition cups and discs	------	------	------	------	[10] 45
Pipe, tube (seamless)	------	------	------	------	[10] 45
Copper wire mill products:					
Copper wire and cable:					
Bare and tinned	------	------	------	------	35
Weatherproof	------	------	------	------	35
Magnet wire	------	------	------	------	35
Insulated building wire	------	------	------	------	35
Paper and lead power cable	------	------	------	------	60
Paper and lead telephone cable	------	------	------	------	60
Asbestos cable	------	------	------	------	60
Portable and flexible cord and cable	------	------	------	------	45
Communication wire and cable	------	------	------	------	60
Shipboard cable	------	------	------	------	60
Automotive and aircraft wire and cable	------	------	------	------	45
Insulated power cable	------	------	------	------	60
Signal and control cable	------	------	------	------	60
Coaxial cable	------	------	------	------	45

See footnotes at end of table.

SCHEDULE III TO DMS REG. 1—MILL LEAD TIMES—Continued

Name of product [1]	Minimum number of days in advance of first day of month in which shipment is required				
	Steel				Aluminum, copper, and nickel alloys
	Carbon	Low-alloy high-strength	Stainless	Alloy [2]	
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	----------	----------	----------	----------	35
Copper and copper-base alloy foundry products and powder:					
Copper, brass, and bronze castings	----------	----------	----------	----------	[9] [11] 14
Copper, brass, and bronze powder (including copper powder, granular and flake, and copper-base alloy powder, granular and flake)	----------	----------	----------	----------	30
Aluminum:					
Rolled bar, rod, structural shapes, and bare wire	----------	----------	----------	----------	60
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable	----------	----------	----------	----------	60
Insulated or covered wire or cable	----------	----------	----------	----------	60
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube)	----------	----------	----------	----------	60
Sheet and plate	----------	----------	----------	----------	60
Pig or ingot, granular or shot	----------	----------	----------	----------	60
Molten metal	----------	----------	----------	----------	[12]
Foil	----------	----------	----------	----------	60
Powder, flake, paste	----------	----------	----------	----------	60
Nickel alloys:					
Rods and bars (except anode bars):					
Hot-rolled	----------	----------	----------	----------	90
Forging quality	----------	----------	----------	----------	105
Cold-finished	----------	----------	----------	----------	120
Sheet and strip:					
Hot-rolled	----------	----------	----------	----------	90
Cold-rolled	----------	----------	----------	----------	120
Foil	----------	----------	----------	----------	120
Plate	----------	----------	----------	----------	90
Pipe, tubing	----------	----------	----------	----------	120
Wire	----------	----------	----------	----------	120
Other mill forms:					
Ingots	----------	----------	----------	----------	75
Blooms, slabs, billets	----------	----------	----------	----------	75
Wire rod	----------	----------	----------	----------	90
Powder (produced mechanically from nickel shot)	----------	----------	----------	----------	90
Shapes and forms not listed above (including anode bars)	----------	----------	----------	----------	[12]

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] For clad products, add 45 days to lead time indicated.
[3] If annealed or heat-treated, add an additional 15 days.
[4] For electrical sheet and strip, use this table:

Grade	Lead time	Definition
Low	45	AISI M50, M43, M36, M32.
Medium	45	AISI M27, M22, M19.
High	60	AISI M17, M15, M14, and oriented.

[5] Rolled armor plate is subject to negotiation between mill and its customer. If no acceptable arrangements are worked out, BDSA should be notified.
[6] Applies to special rolled shapes including angles and channels.
[7] For welded tubing or high carbon spring steel strip, 75 days.
[8] If cold-finished, add an additional 15 days.
[9] Lead time applies to unmachined castings after approval of patterns for production.
[10] For refractory alloys, 60 days.
[11] Small simple castings to fit 12 x 16 inch flask, 7 days.
[12] By negotiation between mill and its customer. If no acceptable arrangements are worked out, BDSA should be notified.

SCHEDULE IV TO DMS REG. 1—MINIMUM MILL QUANTITIES

(See sections 10(e) and 11(a))

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		
	Steel [2]		Aluminum, copper and nickel alloys (pounds)
	Carbon	Alloy	
Steel:			
Bar, bar shapes (including light shapes):			
Bar, hot-rolled stock for projectile and shell bodies	[3]	[3]	—
Bar, hot-rolled, other (including light shapes):			
Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area ... net tons	5	[3]	—
Round and square bars over 3 inches to, but not including, 8 inches ... net tons	15	[3]	—
Bar-size shapes (angles, tees, channels, and zees under 3 inches ... net tons	5	[3]	—
Bar, reinforcing (straight lengths, as rolled) ... net tons	5	—	—
Bar, cold-finished ... net tons	5	[3]	—
Sheet, strip (uncoated and coated):			
Sheet, hot-rolled ... net tons	5	[3]	—
Sheet, cold-rolled ... net tons	5	[3]	—
Sheet, galvanized	[3]	—	—
Sheet, all other coated ... net tons	5	—	—
Sheet, enameling ... net tons	5	—	—
Roofing, galvanized, corrugated, V-crimped channel drains	[3]	—	—
Ridge roll, valley, and flashing	[3]	—	—
Siding, corrugated and brick	[3]	—	—
Strip, hot-rolled	[3]	[3]	—
Strip, cold-rolled	[3]	[3]	—
Strip, galvanized	[3]	—	—
Electrical sheet and strip ... net tons	5	—	—
Tin mill black plate ... pounds	5,000	—	—
Tin plate, hot-dipped ... pounds	5,000	—	—
Ternes, special coated manufacturing ... pounds	5,000	—	—
Tin plate, electrolytic ... pounds	5,000	—	—
Plate:			
Rolled armor	[3]	[3]	—
Continuous strip mill production ... net tons	10	[3]	—
Sheared, universal, or bar mill production ... net tons	3	[3]	—
Structural shapes, piling	[3]	[3]	—
Pipe, tubing:			
Standard pipe (including couplings furnished by mill)	[4]	[4]	—
Oil-country goods (casings, tubular goods, couplings furnished by mill)	[4]	[4]	—
Line pipe (including couplings furnished by mill)	[4]	[4]	—
Pressure and mechanical tubing (seamless and welded):			
Seamless cold-drawn (O.D. in inches):			
Up to ¾, inclusive ... feet	1,000	1,000	—
Over ¾ to 1½, inclusive ... feet	800	800	—
Over 1½ to 3, inclusive ... feet	600	600	—
Over 3 to 6, inclusive ... feet	400	400	—
Over 6 ... feet	250	250	—
Seamless hot-rolled	[3]	[3]	—
Welded	[3]	[3]	—
Wire, wire products:			
Wire, drawn	[3]	[3]	—
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted ... net tons	[5] 5	—	—
Spikes and brads—steel wire, galvanized, cement-coated ... net tons	[5] 5	—	—
Staples, bright and galvanized (farm and poultry) ... net tons	[5] 5	—	—
Wire rope and strand	[3]	—	—
Welded wire mesh	[3]	—	—
Woven wire netting ... net tons	[5] 5	—	—
Barbed and twisted wire ... net tons	[5] 5	—	—
Wire fence, woven and welded (farm and poultry) ... net tons	[5] 5	—	—
Bale ties ... net tons	[5] 5	—	—
Coiled automatic baler wire ... net tons	[5] 5	—	—
Tool steel (all forms including die blocks and tool steel forgings) ... pounds	500	500	—
Other mill forms and products (excluding castings and forgings):			
Ingots ... net tons	[6] 25	[7]	—
Billets, projectile and shell stock	[3]	[3]	—
Blooms, slabs, other billets, tube rounds, sheet bars ... net tons	[6] 25	[3]	—
Skelp ... net tons	25	—	—
Wire rod	[3]	[3]	—
Rails and track accessories	[3]	[3]	—
Wheels, rolled or forged (railroad)	[3]	[3]	—
Axles (railroad)	[3]	[3]	—
Copper and copper-base alloy brass mill products:			
Copper (unalloyed):			
Bar, rod, shapes, wire (except electrical wire)	—	—	500
Sheet, strip, plate, rolls	—	—	500
Pipe, tube (seamless)	—	—	500
Copper-base alloy:			
Bar, rod, wire, shapes	—	—	200
Sheet, strip, plate, rolls, military ammunition cups and discs	—	—	200
Pipe, tube (seamless)	—	—	200
Copper wire mill products	—	—	[8, 9]
Aluminum:			
Rolled bar, rod, structural shapes, and bare wire	—	—	[9]
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable	—	—	[9]
Insulated or covered wire or cable	—	—	[9]
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube)	—	—	[9]
Sheet and plate	—	—	[9]
Pig or ingot, granular or shot, and molten metal	—	—	[9]
Foil	—	—	[9]
Powder, flake, paste	—	—	[9]

See footnotes at end of table.

SCHEDULE IV TO DMS REG. 1—MINIMUM MILL QUANTITIES—Continued

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		
	Steel [2]		Aluminum, copper and nickel alloys (pounds)
	Carbon	Alloy	
Nickel alloys:			
Rods and bars (except anode bars):			
Hot-rolled			(3)
Forging quality			(3)
Cold-finished			(3)
Sheet and strip:			
Hot-rolled			(3)
Cold-rolled			(3)
Foil			(3)
Plate			(3)
Pipe, tubing			(3)
Wire			(3)
Other mill forms:			
Ingots			(3)
Blooms, slabs, billets			(3)
Wire rod			(3)
Powder (produced mechanically from nickel shot)			(3)
Shapes and forms not listed above (including anode bars)			(3)

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] All stainless steel products are by negotiation. If no acceptable arrangments are worked out, BDSA should be notified.
[3] By negotiation between mill and its customer. If no acceptable arrangements are worked out, BDSA should be notified.
[4] Published carload minimum (mixed sizes and grades).
[5] Quantity refers to any assortment of wire merchant trade products.
[6] For forging quality, product of one heat.
[7] Product of one heat.
[8] Standard package quantities as published by each mill.
[9] Standard minimum quantities as established by each mill.

SCHEDULE V TO DMS REG. 1—FORM FOR STATEMENT OF REQUIREMENTS FOR CLASS A PRODUCTS

(See Section 4(b))

BUDGET BUREAU NO. 41-R1979

Form DMS-6

U.S. DEPARTMENT OF COMMERCE

BUSINESS & DEFENSE SERVICES ADMINISTRATION

Statement of Controlled Material Requirements for Class A Products

INSTRUCTIONS: Submit to requesting customer the number of copies he requests and retain one (1) copy. Read the detailed instructions below before filling out this form.

1. FROM: (Name and address of company submitting statement—Street, City, Zone, State)

2. Name and title of person to communicate with regarding this statement

3. RETURN TO: (Name and address of requesting customer—Street, City, Zone, State)

4. Description of Class A Product. (Give name and description of product or item covered by this statement)

5. Quantity of Listed Controlled Materials required to required to produce .... unit(s) of the product or item described in Block 4.

Column 1 Controlled material	Column 2 Unit of measure	Column 3 Quantity
Carbon steel (including wrought iron)	Short Tons	
Alloy steel (except stainless)	Short Tons	
Stainless steel	Pounds	
Copper and copper-base alloy brass mill products	Pounds	
Copper wire mill products	Pounds	
Copper & copper-base alloy foundry products and powder	Pounds	
Aluminum	Pounds	
Nickel alloys	Pounds	

6. *Detailed Instructions*

a. *Who may use this form*

Any person who needs information regarding the controlled materials requirements for the production of Class A products being supplied to him to fill rated orders may use this Form DMS-6, to request his suppliers of Class A products to submit such requirements information to him. This form may be duplicated in any quantity necessary. In addition to the eight categories of controlled materials printed in Block 5 the requesting person may ask for further breakdown of the printed controlled materials categories. In no case should the further breakdown requested be in any greater detail than the listing on Form DMS-4S. Such further breakdown, if requested, must be supplied on this Form DMS-6 or on a separate sheet to be attached to this form. He must fill in the name and address of his company in Block 3 and enter a description of the Class A product for which the information is requested in Block 4. He should also send his supplier, with copies of the form, a letter describing the information he desires, the number of copies he needs, and the time when they should be submitted to him. He should also refer to Section 4 of DMS Reg. 1 as his authority for using this form.

b. *Who must submit this form*

Any producer of Class A products who is requested by his customer to supply the information called for on this form must submit it in accordance with Section 4(b) of DMS Reg. 1 and his customer's request.

c. *How to fill out this form*

A producer of Class A products who has been requested by his customer to submit this form must include the following information:

(1) Enter name and address of submitting company in Block 1.

(2) Enter name and title of employee of submitting company to whom communications should be addressed regarding the information submitted on this form.

(3) Enter on top line of Block 5, in the blank space, the number of units of the Class A product identified in Block 4 covered by the quantity of materials shown in Column 3 of Block 5. Enter in Column 3 of Block 5 the quantity of each of the controlled materials listed in Column 1 required to produce the number of units of the Class A product described in Block 4 indicated on top line of Block 5.

The quantities entered in Column 3 of Block 5 must include the following:

(i) The quantities of the controlled materials listed in Column 1 needed by the submitting producer for incorporation in the Class A product produced by him described in Block 4.

(ii) The quantities of controlled materials listed in Column 1 required for incorporation in any Class A products (components or subassemblies) which are produced by suppliers in all degrees of remoteness for incorporation in the Class A product produced by him described in Block 4.

(iii) The quantities of controlled materials listed in Column 1 needed for packaging or containers required to make delivery of the Class A product described in Block 4.

7. CERTIFICATION: The undersigned company and the official executing this certification on its behalf hereby certify that the information contained in this report is cor-

rect and complete to the best of their knowledge and belief.

(Company name)

By -----------------------------------
(Signature of authorized official)

(Title)

(Date)

[F.R. Doc. 59-10223; Filed, Dec. 1, 1959; 12:08 p.m.]

[DMS Regulation No. 1, Direction 1 of December 1, 1959]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Dir. 1—Self-Authorization Procedure for MRO Needed by Certain Persons

This direction under DMS Regulation 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this direction has been rendered impracticable because it affects many different industries.

Sec.
1. What this direction does.
2. Definitions.
3. Procurement of products and materials for MRO.
4. Applicability of other regulations and orders.
5. Small order exception.

Authority: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2071, 2155; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673; 3 CFR, 1953, 1954 and 1956 Supps.; DMO I-7, as amended, 18 F.R. 5366, 6736, 6737, 19 F.R. 7348; 32A CFR Ch. I; Commerce Dept. Order No. 152 (Revised), 23 F.R. 7951.

Section 1. What this direction does.

This direction establishes a self-authorization procedure by which certain persons are authorized to use allotment numbers and ratings to obtain materials for maintenance, repair, and operating supplies and installation (referred to collectively as "MRO"), needed to enable them to fill mandatory acceptance orders. Suppliers of such MRO items obtain products and materials needed for their production under the provisions of BDSA Reg. 2, DMS Reg. 1 or other appropriate regulation or order of BDSA. This direction supersedes Direction 4 (as amended April 11, 1957) to DMS Reg. 1 and Direction 3 (as amended April 11, 1957) to DMS Reg. 2.

Sec. 2. Definitions.

As used in this direction:

(a) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(b) "Operating supplies" means any kind of material carried by a person as operating supplies according to his established accounting practice. It includes expendable tools, jigs, dies, and fixtures used on production equipment, regardless of the accounting practice of the person. It also includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge.

(c) "Installation" means the setting up or relocation of machinery, fixtures, or equipment in position for service and connection thereof to existing service facilities.

(d) "MRO" means materials for maintenance, repair, and operating supplies, and for installation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(e) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1958, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1958, the term means the accounting practice established by him in such operation.

(f) "Mandatory acceptance order" means a rated order, an ACM order or any other purchase or delivery order which a person is required to accept pursuant to any regulation or order of BDSA, or pursuant to a specific authorization or directive of BDSA.

(g) "ACM-DX order" means an authorized controlled material order identified by the suffix "DX" as provided in section 10(b) of DMS Reg. 1.

Sec. 3. Procurement of products and materials for MRO.

(a) If inability to obtain MRO would result in failure by a person to fill a mandatory acceptance order he must obtain such MRO as follows:

(1) In obtaining controlled materials needed for such MRO he must place ACM orders in accordance with the provisions of DMS Reg. 1 and must indicate thereon the allotment number D-9 and the calendar quarter in which delivery of the controlled materials is required: *Provided*, That if the inability to obtain such controlled materials would result in failure to fill a DX rated order or an ACM-DX order he must identify his ACM orders with the suffix DX, in addition to the allotment number D-9 and the quarterly identification.

(2) In obtaining products and materials other than controlled materials needed for such MRO he must place rated orders in accordance with the provisions of BDSA Reg. 2 and must indicate thereon the rating DO-D-9: *Provided*, That if the inability to obtain such products and materials would result in failure to fill a DX rated order or an ACM-DX order he must use the rating DX-D-9.

(b) In no event shall a person use the provisions of this direction to acquire products and materials in a greater amount or on an earlier date than required to provide the MRO necessary to enable him to fill his mandatory acceptance orders.

Sec. 4. Applicability of other regulations and orders.

(a) Any person who is entitled to obtain MRO for a particular purpose under any other regulation, order, or direction of BDSA, shall not use the procedures of this direction to obtain MRO for such purpose.

(b) Nothing in this direction shall be construed to relieve any person from complying with all other applicable regulations and orders of BDSA. The provisions of DMS Regulation 1 regarding the placing of authorized controlled material orders, and the provisions of BDSA Reg. 2 regarding the use of ratings, except as otherwise provided in this direction, shall apply to operations under this direction.

Sec. 5. Small order exception.

The provisions of this direction requiring persons to use ratings and allotment numbers need not be followed in the case of any individual purchase order of $500 or less.

This direction shall take effect December 1, 1959.

Business and Defense Services Administration,
H. B. McCoy,
Administrator.

[F.R. Doc. 59-10224; Filed, Dec. 1, 1959; 12:08 p.m.]

[DMS Regulation No. 1, Direction 2 of December 1, 1959]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Dir. 2—Small Order Procedure for Allotting Agencies

This direction under DMS Regulation 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association repre-

sentatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this direction has been rendered impracticable because it affects many different industries.

Sec.
1. What this direction does.
2. Acquisition of Class A products without making allotments.
3. Acquisition of controlled materials.
4. Notification by Allotting Agencies.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2071, 2155; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673; 3 CFR, 1953, 1954 and 1956 Supps.; DMO I-7, as amended, 18 F.R. 5366, 6736, 6737, 19 F.R. 7348; 32A CFR Ch. I; Commerce Dept. Order No. 152 (Revised), 23 F.R. 7951.

Section 1. What this direction does.

This direction authorizes Allotting Agencies in certain cases to acquire Class A products without making allotments. It also authorizes Allotting Agencies in certain cases to acquire controlled materials without making separate charges against allotment accounts.

Sec. 2. Acquisition of Class A products without making allotments.

(a) Each Allotting Agency is authorized to acquire Class A products (other than construction) by placing rated orders, without making allotments, with respect to any individual purchase order for such products the cost of which to the Allotting Agency does not exceed $2,500 or with respect to any individual construction project the initial contract cost of which to the Allotting Agency does not exceed $100,000.

(b) Each Allotting Agency is authorized to acquire Class A products by placing rated orders, without making allotments, with respect to any individual purchase order or construction project (regardless of cost) where the amount of allotment (if made) of each kind of controlled material required to fill the order or complete the project would not exceed:

Carbon steel (including wrought iron)	10 tons.
Alloy steel (except stainless steel)	1 ton.
Stainless steel	2,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder	2,000 pounds.
Aluminum	2,000 pounds.
Nickel alloys	2,000 pounds.

Sec. 3. Acquisition of controlled materials.

(a) Each Allotting Agency is authorized to place individual ACM orders without making separate charges against allotment accounts, provided the selling price of the controlled materials does not exceed $2,500 in the case of each order.

(b) Each Allotting Agency is authorized to place individual ACM orders for any kind of controlled material (regardless of cost) without making separate charges against allotment accounts, provided the amount of any kind of controlled material does not exceed the following in the case of each order:

Carbon steel (including wrought iron)	10 tons.
Alloy steel (except stainless steel)	1 ton.
Stainless steel	2,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder	2,000 pounds.
Aluminum	2,000 pounds.
Nickel alloys	2,000 pounds.

Sec. 4. Notification by Allotting Agencies.

Each Allotting Agency which acquires Class A products pursuant to this direction shall notify the person with whom it places a rated order for such products that he is a self-authorizing consumer and must obtain his requirements of controlled materials and other products and materials under the provisions of section 9 of DMS Reg. 1.

This direction shall take effect December 1, 1959.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F.R. Doc. 59-10225; Filed, Dec. 1, 1959; 12:08 p.m.]

[DMS Regulation No. 1, Direction 3 of December 1, 1959]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Dir. 3—Controlled Materials Producers and Distributors

This direction under DMS Regulation 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this direction has been rendered impracticable because it affects many different industries.

Sec.
1. What this direction does.
2. Definitions.
3. Rules applicable to controlled materials producers.
4. Production requirements of controlled materials producers.
5. Rules applicable to controlled materials distributors.
6. Small order exception.
7. Applicability of Direction 1 of BDSA Order M-1A.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2071, 2155; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673; 3 CFR, 1953, 1954 and 1956 Supps.; DMO I-7, as amended, 18 F.R. 5366, 6736, 6737, 19 F.R. 7348; 32A CFR Ch. I; Commerce Dept. Order No. 152 (Revised), 23 F.R. 7951.

Section 1. What this direction does.

This direction sets forth certain rules governing operations of controlled materials producers and distributors under the Defense Materials System. These rules which were formerly contained in DMS Reg. 1 have been revised in this direction and will be incorporated in the appropriate controlled material orders which will be amended and reissued.

Sec. 2. Definitions.

As used in this direction:

(a) "Mandatory acceptance order" means an ACM order or any other purchase or delivery order for controlled materials which a person is required to accept pursuant to any regulation or order of BDSA, or pursuant to a specific authorization or directive of BDSA.

(b) "Lead time" means the period of time in advance of the month of required shipment for controlled materials as specified in Schedule III of DMS Reg. 1.

(c) "Set-aside" means a limitation for required acceptance of ACM orders established by or pursuant to any regulation, order or directive of BDSA.

(d) "ACM-DX order" means an authorized controlled material order identified by the suffix "DX" as provided in section 10(b) of DMS Reg. 1.

(e) "Production material" means, with respect to any controlled materials producer, any material (including controlled material) or product which will be physically incorporated into controlled materials which he produces, and includes the portion of such material normally consumed or converted into scrap or by-products in the course of processing. It also includes containers and packaging materials required to make delivery of the materials he produces, and also chemicals used directly in the production of the materials he produces. It does not include production equipment, material for plant improvement, expansion or construction, or material for maintenance, repair, or operating supplies.

(f) "Primary nickel" means nickel in the following forms or shapes:

Electrolytic cathodes.
Ingots.
Pigs.
Rondelles.
Cubes and pellets.
Shot.
Oxide (including sintered oxide).
Salts.
Chemicals.
Powder.

Sec. 3. Rules applicable to controlled materials producers.

(a) Each controlled materials producer must comply with such production and other directives as may be issued from time to time by BDSA and with the provisions of all applicable regulations and orders of BDSA.

(b) A controlled materials producer must accept all mandatory acceptance orders; however, he may reject ACM orders in the following cases, but he shall

not discriminate among customers in rejecting or accepting such orders:

(1) If the order is received after commencement of lead time: *Provided*, That an ACM–DX order must be accepted without regard to lead time unless it is impracticable for him to make delivery within the required delivery month in which event he must accept such order for the earliest practicable delivery date.

(2) If the order is one for less than the minimum mill quantity specified in Schedule IV of this regulation and has not been combined with another order pursuant to section 10(e) of DMS Reg. 1.

(3) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(4) If the order need not be accepted under the provisions of BDSA Order M–1A (steel), BDSA Order M–1B (nickel alloys), BDSA Order M–5A (aluminum), BDSA Order M–11A (copper) or of any other applicable regulation or order of BDSA: *Provided*, That an ACM–DX order must be accepted even though the set-aside has been or will be exceeded by such acceptance: *Provided further*, That acceptance by a controlled materials producer prior to the date he opens his order books of (a) an ACM order directly from the Department of Defense or the Atomic Energy Commission or (b) an ACM–DX order, shall not effect an opening of his books so as to require acceptance of other orders for controlled materials.

(c) A controlled materials producer who receives an ACM order must transmit written notification to the person who tendered such order of its acceptance or rejection within 10 consecutive calendar days after its receipt, except that in the case of an ACM–DX order such notification must be transmitted within 5 consecutive calendar days after its receipt.

(d) A controlled materials producer must make shipment on each ACM order as close to the requested delivery date as is practicable. If a producer, after accepting an ACM order finds that, due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the shipment date, he must promptly advise his customer of the approximate date when shipment can be made, and keep his customer advised of any changes in that date. Shipment of any such carry-over order must be scheduled and made in preference to any order originally scheduled for a later date. When the new date for shipment on a carry-over order falls within a later quarter than that indicated on the original order, the producer must make shipment on the basis of the original order even if that order shows a quarterly identification earlier than the one in which shipment is actually made.

Sec. 4. Production requirements of controlled materials producers.

(a) Except as provided in paragraph (b) of this section, a controlled materials producer must use the allotment number D–1 and indicate the calendar quarter in which delivery is required in obtaining production materials consisting of controlled materials needed to fill mandatory acceptance orders or to replace in inventory such production materials which he has used to fill such orders: *Provided*, That instead of using the allotment number D–1, (1) a steel controlled materials producer must obtain steel controlled materials in accordance with BDSA Order M–1A, (2) a nickel alloy controlled materials producer must obtain nickel alloy controlled materials in accordance with BDSA Order M–1B, (3) an aluminum controlled materials producer must obtain aluminum controlled materials in accordance with BDSA Order M–5A, and (4) a copper controlled materials producer must obtain copper controlled materials in accordance with BDSA Order M–11A.

(b) Notwithstanding the provisions of any other regulation or order of BDSA, a controlled materials producer who requires controlled materials to fill an ACM–DX order or to replace in inventory controlled materials used to fill an ACM–DX order must, in addition to complying with the provisions of paragraph (a) of this section, indicate the suffix DX on his purchase orders for such controlled materials.

(c) Except as provided in paragraph (d) of this section, a controlled materials producer must use the rating DO–D–1 in obtaining production materials other than controlled materials needed to fill mandatory acceptance orders or to replace in inventory such production materials used by him to fill such orders: *Provided*, That in obtaining primary nickel as a production material he must use the rating DO followed by the allotment number that accompanied his customer's order.

(d) In obtaining primary nickel needed as a production material to fill ACM–DX orders or to replace in inventory primary nickel used to fill ACM–DX orders, a controlled materials producer must use the rating DX followed by the allotment number that accompanied such ACM–DX orders; and in obtaining production materials other than primary nickel or other than controlled materials for such purposes he must use the rating DX–D–1.

(e) A controlled materials producer may combine his requirements of controlled materials needed to fill mandatory acceptance orders in one or more ACM orders. He may also combine his requirements for other production materials needed to fill mandatory acceptance orders in one or more rated orders. In placing such combined orders he must show the amount of production materials to which each program identification applies.

Sec. 5. Rules applicable to controlled materials distributors.

(a) Each controlled materials distributor must comply with such directives as may be issued from time to time by BDSA and with the provisions of all applicable regulations and orders of BDSA.

(b) An ACM order may be placed with a controlled materials distributor orally or by telephone, provided that the person placing the order makes written confirmation of such order within 15 days thereafter. An ACM order placed with a controlled materials distributor shall be considered as calling for immediate delivery unless such order specifically provides otherwise.

(c) A controlled materials distributor must accept all mandatory acceptance orders; however, he may reject ACM orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is not for immediate delivery.

(2) If he does not have the material ordered in his stock, unless he knows that such material is in transit to him.

(3) If the person seeking to place the order is unwilling or unable to meet such distributor's regularly established prices and terms of sale or payment.

(4) If the order need not be accepted under the provisions of BDSA Order M–1A (steel), BSDA Order M–1B (nickel alloys), BSDA Order M–5A (aluminum), BDSA Order M–11A (copper) or of any other applicable regulation or order of BDSA.

(d) Except as provided in paragraph (e) of this section, a controlled materials distributor must obtain controlled materials needed to fill mandatory acceptance orders or to replace in inventory controlled materials used to fill such orders in accordance with the provisions of BDSA Order M–1A (steel), BDSA Order M–1B (nickel alloys), BDSA Order M–5A (aluminum), and BDSA Order M–11A (copper).

(e) Notwithstanding the provisions of any other regulation or order of BDSA, a controlled materials distributor who requires controlled materials to fill an ACM–DX order or to replace in inventory controlled materials used to fill an ACM–DX order must, in addition to complying with the provisions of paragraph (d) of this section, indicate the suffix DX on his purchase orders for such controlled materials.

Sec. 6. Small order exception.

The provisions of this direction requiring controlled materials producers and distributors to use ratings and allotment numbers need not be followed in the case of any individual purchase order of $500 or less.

Sec. 7. Applicability of Direction 1 of BDSA Order M–1A.

To the extent that any provisions of this direction are inconsistent with the provisions of Direction 1 (issued October 16, 1959) to BDSA Order M–1A which establishes special rules regarding acceptance of and shipments against authorized controlled material orders by steel producers, the provisions of said Direction 1 to BDSA Order M–1A shall govern.

This direction shall take effect December 1, 1959.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. McCOY,
Administrator.

[F.R. Doc. 59–10226; Filed, Dec. 1, 1959; 12:08 p.m.]

[DMS Regulation No. 1, Directions 3, 4, 5, 6 and 10—Revocation]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

REVOCATION

Directions 3 (19 F.R. 1893), 4 as amended (19 F.R. 1893, 22 F.R. 2577), 5 as amended (24 F.R. 5020), 6 as amended (21 F.R. 4912, 21 F.R. 6228) and 10 (22 F.R. 475) to DMS Regulation No. 1 as amended April 1, 1954 (19 F.R. 1883) and as further amended by Amendment 1 of January 20, 1958 (23 F.R. 382) and Amendment 2 of March 10, 1958 (23 F.R. 1675) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under said directions as originally issued or as thereafter amended prior to the effective date of this revocation, nor deprive any person of any rights received or accrued under said directions prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2154)

This revocation is effective December 1, 1959.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F.R. Doc. 59-10227; Filed, Dec. 1, 1959; 12:08 p.m.]

[DMS Regulation No. 2 and Directions 3 and 4—Revocation]

DMS REG. 2—CONSTRUCTION UNDER THE DEFENSE MATERIALS SYSTEM

REVOCATION

DMS Regulation No. 2 as amended April 1, 1954 (19 F.R. 1895) and Directions 3 as amended (19 F.R. 1900, 22 F.R. 2578) and 4 (22 F.R. 475) to said regulation are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under said regulation and directions as originally issued or as thereafter amended prior to the effective date of this revocation, nor deprive any person of any rights received or accrued under said regulation and directions prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2154)

This revocation is effective December 1, 1959.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F.R. Doc. 59-10028; Filed, Dec. 1, 1959; 12:09 p.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Marketing Quota Regulations, 1959–60 Marketing Year

The amendment contained herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1282 et seq.), and amends the cigar binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco marketing quota regulations, 1959–60, marketing year (24 F.R. 5106) as provided below.

Since this amendment is issued only to revise § 723.1052 to conform to the interpretation given to section 313 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1313), in § 723.1119 of the Tobacco Marketing Quota Regulations, 1960–61 Marketing Year (24 F.R. 6889, 7243), it is hereby found and determined that compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable, unnecessary and contrary to the public interest and this amendment shall become effective upon filing with the Division of Federal Register.

Section 723.1052 (a), (c)(2), (d) and (e) are amended as follows:

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASC county office or a representative of the county committee on Form CSS-578, Report of Acreage, showing all fields of tobacco on the farm in 1959. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false; provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

* * * * *

(c) * * *

(2) If the producer-manufacturer has excess tobacco and does not pay the penalty thereon at the converted rate of penalty shown on the marketing card, as provided in this section, he shall notify the buyer of the manufactured product, or the buyer of any residue resulting from processing the tobacco, in writing, at time of sale of such product or residue of the precise amount of penalty due on such manufactured product or residue. In such event, the producer-manufacturer shall immediately notify the Director and shall account for the disposition of such tobacco by furnishing the Director a report, on a form to be furnished him by the Director showing the name and address of the buyer of the manufactured products or residue, a detailed account of the disposition of such tobacco and the exact amounts of penalty due with respect to each such sale of such products or residue, together with copies of the written notice of the exact amounts of the penalty due given to the buyer of such products or residue. Failure to file such report, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall be considered failure of the producer-manufacturer to account for the disposition of tobacco produced on the farm and the allotment next established for the farm shall be reduced for such failure pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to furnish such report of disposition was unintentional and the producer-manufacturer on such farm could not reasonably have been expected to furnish such report of disposition, provided such failure will be construed as intentional unless such report of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established, caused, aided or acquiesced in the failure to furnish such report. The producer-manufacturer shall be liable for the payment of penalty as provided in § 723.1049(d).

(d) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the

county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(e) *Report of production and disposition.* In addition to any other reports which may be required under §§ 723.1030 to 723.1062, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by registered or certified mail from the State administrative officer within fifteen (15) days after deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary on Form MQ-108-Tobacco a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the buyer or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price and the date of the marketing. Failure to file the MQ-108 as requested, the filing of a false MQ-108, or the filing of a MQ-108 which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided or acquiesced in the failure to furnish such proof.

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375; interprets or applies Sec. 313, 52 Stat. 48, as amended, 7 U.S.C. 1313; Sec. 373, 52 Stat. 65 as amended; 7 U.S.C. 1373)

Issued at Washington, D.C., this 27th day of November 1959.

CLARENCE D. PALMBY,
Acting Administrator, Commodity Stabilization Service.

[F.R. Doc. 59-10134; Filed, Dec. 1, 1959; 8:48 a.m.]

[Amdt. 3]

PART 729—PEANUTS

Allotment and Marketing Quota Regulations for 1959 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

I. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515; 24 F.R. 2677, 6803). A notice of intention to amend these regulations, together with a synopsis of the more significant of the contemplated changes and the affected sections as they would be amended, was published in the FEDERAL REGISTER September 16, 1959 (24 F.R. 7461). Data and views submitted in response to such notice have been duly considered in the preparation of this amendment.

(b) Since county committees are making preparations to issue peanut allotments for the 1960 crop and peanut producers are, or soon will be making plans for planting peanuts in 1960 it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest. Therefore, this amendment shall become effective upon the date of filing with the Director, Division of the Federal Register.

II. The Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515; 24 F.R. 2677, 6803) are hereby amended as follows.

A. Section 729.1011 *Definitions,* is amended as follows:

§ 729.1011 Definitions.

* * * * *

(h) "Excess acreage" means the acreage by which the final acreage exceeds the effective farm allotment except when the farm operator is officially notified in writing of an allotment greater than the final effective allotment for the farm, the excess acreage shall be the amount by which the final acreage exceeds the acreage shown in the erroneous notice provided each of the following conditions is met:

(1) The operator was officially notified in writing of an allotment greater than the finally approved effective farm allotment because of an error made in the State or county office;

(2) The county committee finds (i) the extent of error in the erroneous notice was such that the operator would not reasonably be expected to question the allotment of which he was erroneously notified, and (ii) that the operator, acting solely because of the information contained in the erroneous notice, picked or threshed peanuts from acreage in excess of the finally approved effective farm allotment;

(3) The State administrative officer concurs in the county committee's findings.

If the farm operator receives a corrected notice of allotment after peanuts have been planted on the farm but before such peanuts are picked or threshed, the provisions of this paragraph shall not apply unless the county committee and the State administrative officer determine that the acreage planted for picking or threshing was in excess of the effective farm allotment only because the operator was given the erroneous notice of allotment.

* * * * *

(k) * * *

(5) If the final acreage on a farm, as determined under the foregoing provisions of this subsection, is in excess of the effective farm allotment, the final acreage may be adjusted to equal the effective farm allotment provided:

(i) The farm operator notifies the county office manager of his intention to dispose of picked or threshed peanuts to adjust the final acreage and arranges with the county office manager for a representative of the county committee to witness the disposition of such peanuts;

(ii) Disposition of a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the effective farm allotment is made in the presence of a representative of the county committee before such peanuts are removed from the farm, except for crushing in the presence of such a representative, on which produced;

(iii) The disposition is by feeding the peanuts to livestock, grinding or crushing them for later use as livestock feed, or otherwise disposing of them in such a manner that they cannot thereafter be used or marketed as peanuts; and

(iv) If the acreage in excess of the effective farm allotment is not more than the larger of one-tenth acre or three percent of such allotment, the disposition is approved by the county committee; or, if the acreage in excess of the effective farm allotment is greater than the larger of one-tenth acre or three percent of such allotment, the disposition is approved by the county committee and by a representative of the State committee.

(l) "Farm peanut history acreage" for each year beginning with 1957 shall be an acreage equal to the farm allotment; *Provided,* That beginning with the 1960 crop, except for federally-owned land, the current farm allotment shall not be preserved as history acreage under provisions of this sentence unless for the current year, or either of the two preceding years, an acreage equal to 75 percent or more of the farm acreage allotment (after deducting acreage released to the county committee and the amount of any

reduction for violation of marketing quota regulations in a prior year, but before adding reapportioned acreage or the amount of any increase granted for peanuts of a type determined to be in short supply) for such year was actually planted to peanuts on the farm (or was regarded as planted under provisions of the Soil Bank Act or the Great Plains Program). For 1960 and each subsequent year in which farm peanut history acreage is not preserved under the provisions of the preceding sentence the farm peanut history acreage shall be the sum of (1) the final acreage (adjusted to compensate for abnormal conditions affecting acreage if the county committee determines that such action is necessary to maintain equitable allotments), (2) the acreage diverted from the production of peanuts under provisions of the Soil Bank Act or the Great Plains Program, (3) the acreage temporarily released to the county committee under provisions of § 729.1024, and (4) the amount of any reduction in the current year allotment made pursuant to the provisions of § 729.1023. Notwithstanding any other provision of this Part and subject only to any limitation imposed by the provisions of section 377 of the Act, the peanut history acreage for each year of the base period shall be zero unless in one or more years of the base period there is acreage in the peanut history acreage of a kind other than acreage released to the county committee or acreage reduction(s) for the violation of marketing quota regulations. The farm peanut history acreage for any year shall not exceed the farm peanut allotment for the farm for such year.

* * * * *

(s) * * *

(2) "ASC State Office" means the office of the Agricultural Stabilization and Conservation State committee. The addresses of the ASC State offices of the peanut-producing States are:

Old Post Office Building, Montgomery, Ala.
1001 North First Street, Phoenix, Ariz.
387 Federal Office Building, P.O. Box 2781, Little Rock, Ark.
2020 Milvia Street, Berkeley 4, Calif.
Cheops Building, 35 North Main Street, Gainesville, Fla.
Old Post Office Building, P.O. Box 1552, Athens, Ga.
1517 Sixth Street, Alexandria, La.
P.O. Box 1251, 420 Milner Building, 200 South Lamar Street, Jackson 5, Miss.
I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo.
1015 Tijeras Avenue NW., P.O. Box 1706, Albuquerque, N. Mex.
State College Station, Raleigh, N.C.
Agricultural Center Office Building, Stillwater, Okla.
P.O. Box 660, Associates Building, Seventh Floor, 901 Sumter Street, Columbia 1, S.C.
Room 579, U.S. Courthouse, Nashville 3, Tenn.
U.S.D.A. Building, College Station, Tex.
900 North Lombardy Street, Richmond 20, Va.

* * * * *

(gg) "Representative of the State commmittee" means a member of the State committee or any employee of the State committee.

B. Section 729.1016 *Determination of adjusted acreage*, is amended as follows:

§ 729.1016 Determination of adjusted acreage.

* * * * *

(b) * * *

(3) For each farm the county committee shall compare the preceding year farm peanut history acreage with the farm allotment established for such year, and, if the farm peanut history acreage is less than 75 percent of the farm allotment, determine the average of the farm peanut allotment and the farm peanut history acreage for the preceding year. The average so determined shall be considered the adjusted acreage for the farm for the purpose of determining the farm allotment for the current year.

* * * * *

(5) An acreage not in excess of 10 percent of the preceding year State peanut acreage allotment shall be made available to the county committee by the State committee for making upward adjustments. The county committee shall examine the preceding year farm allotment for each farm after adjustment, if any, has been made under subparagraph (3) of this paragraph and may adjust such allotment upward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreage established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut history acreages for the base period; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. The county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor, or (ii) the largest farm peanut history acreage for the farm for any year of the base period: *Provided, however*, That such limitation shall not be applicable if the county committee finds, and a representative of the State committee concurs, that the adjusted acreage as determined under the limitation is relatively smaller in relation to the farm peanut history acreages for the base period, the tillable acreage available, and the labor and equipment available for the production of peanuts on the farm, than the adjusted acreages for other old farms in the community which are similar with respect to such factors.

* * * * *

C. Section 729.1020 *Normal yields*, is amended as follows:

§ 729.1020 Normal yields.

* * * * *

(b) *Farm*. The normal yield for a farm shall be determined by the county committee and shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which the normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee, taking into consideration soil and other physical factors, abnormal weather conditions, the normal yield for the county, and the yield for the farm in years for which data are available. Farm normal yields determined under provisions of this section shall be approved by a representative of the State committee.

D. Section 729.1021 *Allotments for new farms*, is amended as follows:

§ 729.1021 Allotments for new farms.

(a) The farm allotment for a new farm shall be that acreage which the county committee, with the approval of a representative of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producer(s) on the farm; the tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. The farm allotment for a new farm shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor: *Provided, however*, That such limitation shall not be applicable if the county committee finds, and a representative of the State committee concurs, that the allotment determined for the farm under the limitation is relatively smaller in relation to the tillable acreage available, labor and equipment available for the production of peanuts on the farm, and crop-rotation practices, than the allotments established for other farms in the community which are similar with respect to such factors: *And provided further*, That the allotment determined under this section shall be reduced to the planted acreage when it is determined that such acreage is less than the allotment.

(b) Notwithstanding any other provisions of this section, an allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) An application for a new farm allotment is filed by the farm operator and farm owner with the county committee on or before February 15 of the calendar year for which application for an allotment is being filed;

(2) A producer on the farm shall have had experience in growing peanuts either as a sharecropper, tenant, or as a farm operator or farm owner during at least two of the five years immediately preceding the current year: *Provided, however*, That a producer who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had experience in growing peanuts during one year either within the five years immediately prior to his entry in the armed services or within the five years immediately following his discharge

from the armed services and if he files an application for an allotment within five years from date of discharge. In making a determination of any producer's experience in growing peanuts no credit shall be given for the producer's interest, in 1959 or a subsequent year, in peanuts grown on a farm for which no farm allotment is established for such year. If the producer furnishing the required experience is a person other than the farm owner and operator he shall live on the farm for which the new farm allotment is requested;

(3) The farm operator is largely dependent on the farm for his livelihood;

(4) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for the current year; and

(5) A peanut allotment for the current year for the farm was not permanently released pursuant to provisions of § 729.1024.

(c) Beginning with the 1960 crop year, one-eighth of one percent of the national peanut acreage allotment shall be reserved for establishing allotments for new farms and, if the total of the acreage required to establish allotments and reserves hereunder for old farms in any State is less than the State allotment for such farms, the balance shall upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms, as determined pursuant to this section, after deducting acreage available for such farms which was originally allotted for old farms, exceeds the acreage reserved for new farm allotments, the acreage reserved for new farms shall be apportioned to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments so determined does not exceed the State's proportionate share of the national new farm reserve (determined by tentatively apportioning such reserve among the States on the same basis as the national allotment, less the new farm reserve, was apportioned for the current year), no adjustment will be made in the recommended new farm allotments and there shall be made available to each such State an acreage equal to the total of the new farm allotments so determined;

(2) For any State for which the total of the new farm allotments so determined exceeds the State's proportionate share of the national new farm reserve (determined by tentatively apportioning such reserve among the States on the same basis as the national allotment, less the new farm reserve, was apportioned for the current year), there shall be made available for new farm allotments in each such State an acreage equal to the State's said proportionate share of the national new farm reserve;

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments that is in excess of the acreage made available under subparagraph (2) of this paragraph. The new farm allotments established from acreage apportioned under subparagraph (2) of this paragraph, and under this subparagraph, shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage available; and

(4) If the total of the acreage required to establish allotments and reserves for all old farms in the State and for all new farms in the State that meet the eligibility requirements set forth in paragraph (b) of this section is less than the State acreage allotment plus the acreage allocated to new farms in the State under this section, the balance of such acreage shall, upon approval of the Director, be available for establishing allotments, on the basis of factors specified in § 729.1021(a), for other new farms if each of the following conditions has been met;

(i) An application for an allotment is filed by the farm operator and farm owner with the county committee on or before March 1 of the calendar year for which application for an allotment is being filed,

(ii) The farm operator is largely dependent on the farm for his livelihood, and

(iii) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for the current year.

(d) Not more than one per centum of the national acreage allotment shall be apportioned among new farms.

(e) Any farm allotment established under provisions of this section shall be void as of the date issued if the State committee determines that the applicant knowingly furnished false, incomplete or inaccurate information to obtain the allotment.

E. Section 729.1022, *Normal yields for new farms*, is amended as follows:

§ 729.1022 Normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines on the basis of the factors set forth in § 729.1020(b). Normal yields for new farms shall be approved by a representative of the State committee.

F. Section 729.1023, *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year*, is amended as follows:

§ 729.1023 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If peanuts are marketed or are permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all peanuts from the farm are accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing.

(b) If complete and accurate proof of the disposition of all peanuts produced on the farm is not furnished in the manner and within the time prescribed by these regulations, the acreage allotment next established for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof.

(c) Any reduction made under this section shall be made with respect to the current year farm allotment, provided it can be made 30 days prior to the beginning of the normal planting season, as determined by the State committee, for the county in which the farm is located. If the reduction cannot be made effective with respect to the current year crop, such reduction shall be made with respect to a farm allotment subsequently established for the farm. This section shall not apply if the farm allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction shall be that percentage which the amount of peanuts involved in the violation is of the respective farm marketing quota for the farm for the marketing year in which the violation occurred. Where the amount of such peanuts involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting season, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar: *Provided*, That the estimate of such actual production of peanuts on the farm shall

not exceed the harvested acreage of peanuts on the farm multiplied by the average actual yield per acre on farms on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm, as so estimated by the county committee, multiplied by the smaller of the effective farm allotment or the final acreage shall be considered the farm marketing quota for the purposes of this section. In determining, for farms on which the final acreage exceeds the effective farm allotment, the amount of peanuts for which satisfactory proof of disposition is not shown, the amount of peanuts involved in the violation shall be deemed to be the actual production of peanuts on the farm, estimated as above, less the amount of peanuts for which satisfactory proof of disposition has been shown. For farms on which the final acreage does not exceed the effective farm allotment, the amount of peanuts involved in the violation shall be the quantity of peanuts reported by the farm operator as produced on the farm less the actual production on the farm as determined by the county committee.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be computed on the portion of the allotment derived from the farm involved in the violation.

(f) If the farm involved in the violation has been divided prior to the reduction, the percentage of reduction for the allotments for the divided farms shall be the same as though no division had been made.

(g) Any reduction in the allotment for a farm made under this section shall not operate to reduce the allotment for such farm for any subsequent year.

G. Section 729.1024, *Release and reapportionment*, as amended, is amended as follows:

§ 729.1024 Release and reapportionment.

(a) *Release of acreage allotments.* Any part of the acreage allotted for the current year to an individual farm in any county under the provisions of § 729.1018 on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee by a closing date established by the State committee, which shall not be earlier than February 1 or later than July 1 of the current year, shall be deducted from the allotment to such farm. If any part of the farm allotment is permanently released (i.e., for the current year and all subsequent years), such release shall be in writing and signed by the owner and operator of the farm. If the entire current year farm allotment is permanently released, the farm shall not thereafter during the current year be eligible for a farm allotment as either an old farm or as a new farm, and the farm peanut history acreages and farm allotments for the current year and prior years shall not be considered in establishing an allotment for the farm for any subsequent year.

(b) *Reapportionment of released acreage allotment.* The acreage released under paragraph (a) of this section may be reapportioned by the county committee, to other farms in the same county receiving allotments, in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts; except that, any acreage allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm. Applications shall be filed by farm owners or operators with the county committee not later than a closing date established by the State committee, which shall not be earlier than February 1 or later than July 15 of the current year; provided the State committee may specify that applications are unnecessary, in which case the State committee shall establish a closing date for the reapportionment of released acreage.

(c) *Maximum acreage allotment.* No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the tillable acreage available for the farm.

(d) *Credit for acreage allotment released for the current year only.* The release for the current year only of any part of the acreage allotted to individual farms pursuant to paragraph (a) of this section shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment. Any increase in the allotment for a farm because of reapportionment under paragraph (b) of this section shall not operate to increase the allotment for any subsequent year for the farm.

* * * * *

H. Section 729.1027, *Approval of determinations and notice of farm allotment*, is amended as follows:

§ 729.1027 Approval of determinations and notice of farm allotment.

The State committee shall review farm allotments and normal yields and may correct or require correction of any determination made in connection therewith. Such review may be performed on the basis of summaries of farm data transmitted to the State office or by a representative of the State committee inspecting appropriate records in the county offices. Farm allotments shall be approved by the county committee and official notice of the farm allotment on Form MQ-24-1 or MQ-24-2 shall not be issued for a farm until such allotment has been so approved. After approval of farm allotments by county committees a Form MQ-24-1 or MQ-24-2, Notice of Farm Acreage Allotment and Marketing Quota, shall be prepared and mailed to the operator of each farm for which a farm allotment is established. No Form MQ-24-1 or MQ-24-2 shall be valid unless the signature of a member of the county committee, either actual or facsimile, is entered in the space provided on the form.

* * * * *

I. Section 729.1043, *Issuance of marketing cards*, is amended as follows:

§ 729.1043 Issuance of marketing cards.

* * * * *

(c) Upon return to the ASC county office, of any marketing card where all spaces for recording sales have been used and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. Upon application by a producer a new marketing card of the same kind shall also be issued to replace a card which has been lost, mutilated, destroyed or stolen.

* * * * *

J. Section 729.1046, *Invalid marketing cards*, is amended as follows:

§ 729.1046 Invalid marketing cards.

* * * * *

(c) If a marketing card is invalid because an entry is not made as required, it shall be returned to the county office. The card then may be made valid by entering data previously omitted or by correcting, if initialed by the county office manager, any incorrect data previously entered (except incorrect entry of converted penalty rate). If an invalid card is not so made valid it shall be cancelled and a new card shall be issued in its place if there is further need for a marketing card.

* * * * *

K. Section 729.1056, *Producer's records and reports*, is amended as follows:

§ 729.1056 Producer's records and reports.

* * * * *

(c) * * *

(1) In addition to any other reports which may be required under §§ 729.1039 through 729.1063 the operator of each farm or any other producer on the farm (even though the farm has no excess acreage) shall, upon written request from the State administrative officer sent to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the same to the ASC State office within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm:

(i) The final acreage as defined in § 729.1011(k);

(ii) The total production of peanuts;

(iii) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds marketed in each lot, and the date marketed: *Provided*, That where peanuts are marketed in small lots to numerous persons who are not established commercial buyers of peanuts, the report may be made as either a daily or weekly summary of the number of

pounds marketed and the name and address of the buyer(s) need not be shown but in lieu thereof the place of marketing shall be shown;

(iv) The quantity and disposition of harvested peanuts not marketed; and

(v) In the case of a farm for which an agreement was approved under § 729.1054, the price per pound or the gross value received for each lot of peanuts.

* * * * *

§ 729.1064 [Deletion]

L. Section 729.1064, *Redelegation of authority*, is hereby deleted.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 358, 359, 55 Stat. 88, as amended, 90, as amended, sec. 307, 70 Stat. 206, as amended, Pub. Law 86-172; 7 U.S.C. 1358, 1359, 1377)

Done at Washington, D.C. this 27th day of November 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-10132; Filed, Dec. 1, 1959; 8:48 a.m.]

[Amdt. 4]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1959 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The purpose of the amendments herein is (1) to change for 1959 the method for determining the acreage diverted from the production of rice on farms under a conservation reserve contract under the soil bank as provided in the amendment to the regulations pertaining to rice marketing quotas issued July 9, 1959 (24 F.R. 5623); (2) to provide, effective for 1960 and subsequent years, regulations to comply with the provisions of Public Law 86-172, which amends section 377 of the Agricultural Adjustment Act of 1938, as amended, with respect to determining farm rice history acreage; (3) to change the language defining the term "engaged in the production of rice" so as clearly to provide the extent to which a producer must actually participate in the production and harvest of a rice crop, if his producer allotment is to be allocated to the farm; and (4) to make other minor changes primarily for the purpose of clarification or to obtain uniformity between the rice acreage allotment regulations and the regulations for other allotment crops.

Prior to preparing these amendments, public notice (24 F.R. 8239) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, or recommendations pertaining to these changes which were received prior to the date specified in the notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 730.1011 [Amendment]

1a. Section 730.1011(g) is amended to read as follows:

(g)(1) "Engaged in the production of rice" means, for 1959, actively participating as landlord, tenant, or sharecropper in the conduct of the farming operations necessary to produce and harvest a crop of rice on a farm and the sharing in a predetermined and fixed portion of the rice crop, or the proceeds thereof, at the time of harvest by virtue of having contributed in the capacity of landlord, tenant, or sharecropper, the land, labor, water or equipment necessary for the production of the rice crop. Any landowner and any producer, including a tenant, who holds a lease or rental agreement, provided the land under lease or rental agreement meets the definition of developed rice land, who requests the allocation of his producer allotment to a farm for the purpose of diverting an acreage from the production of rice under the conservation reserve program or for 1959 the preservation of his allotment for history purposes, shall be considered to be engaged in the production of rice. Any person who shares in a rice crop by virtue of an assignment of the crop for furnishing equipment, seed, fertilizer, or supplies (other than irrigation water), or as security for cash or credit advanced or for furnishing labor only for a particular phase of production, or any tenant who the county committee finds not to be actively participating in the conduct of the farming operations on a farm to which such tenant has allocated allotment acreage shall not be deemed to be engaged in the production of rice.

(2) "Engaged in the production of rice" means, for 1960 and subsequent crops, actively participating as a producer in the farming operations necessary to produce and harvest a crop of rice on a farm and the sharing in a predetermined and fixed portion of the rice crop, or the proceeds thereof, at the time of harvest by virtue of furnishing as landowner or landlord the land on which the rice is being produced, or by furnishing as tenant or sharecropper the labor, water or equipment necessary to produce and harvest the crop. A producer furnishing land must establish to the satisfaction of the county committee that he will have control of such land throughout the crop year, either through ownership or a valid lease. A producer furnishing labor, water or equipment must establish to the satisfaction of the county committee that he will furnish the labor, water or equipment necessary to produce and harvest an acreage of rice equivalent to not less than the acreage of rice planted on the farm by virtue of his producer allotment contribution to the farm acreage allotment. Furnishing labor, water or equipment for only a phase of production or harvest shall not be considered engaged in the production of the crop. Notwithstanding the above, any producer having control over land that meets the definition of developed rice land, who requests the allocation of his producer allotment to a farm for the purpose of diverting an acreage from the production of rice under the conservation reserve program of the soil bank, shall be considered to be engaged in the production of rice. Any producer who the county committee finds, after allocation of the producer allotment to the farm, is not participating in the production of a crop of rice, shall not be deemed to be engaged in the production of rice on the farm in accordance with § 730.1021(e).

b. Section 730.1011(i) is amended to read as follows:

(i) "Farm rice history acreage" means:

(1) For 1954 the "rice acreage" on the farm in 1954 as defined in the 1955 farm rice acreage allotment regulations (20 F.R. 385), and any amendment thereto;

(2) For 1955 the "1955 rice acreage" for the farm, as determined under § 730.716 of the 1956 farm rice acreage allotment regulations (21 F.R. 72), and any amendment thereto, excluding the acreage diverted or considered diverted from the production of rice on such farm;

(3) For 1956 the "rice history acreage" determined for the farm under § 730.816(a) or § 730.824(a), as applicable, of the 1957 farm rice acreage allotment regulations (21 F.R. 8423), and any amendment thereto, excluding the acreage determined to have been diverted from the production of rice under such regulations;

(4) For 1957 the "acreage planted or considered planted" to rice, as determined in accordance with § 730.916(b) or § 730.927(b), as applicable, of the 1958 farm rice acreage allotment regulations (22 F.R. 8477), and any amendment thereto;

(5) For 1958 and 1959 the "acreage planted or considered planted" to rice as determined in accordance with § 730.1016(b) or § 730.1027(b) of the regulations in this subpart for establishing rice acreage allotments for 1959 and subsequent crops of rice; and

(6) For 1960 and subsequent years the "acreage planted or considered planted" to rice as determined in accordance with § 730.1016(b)(3) and § 730.1027(b)(3) of this subpart for establishing rice acreage allotments for 1959 and subsequent crops of rice.

c. Section 730.1011 is further amended by adding the following new paragraph:

(o) "Representative of the State committee" means a member of the State committee or any employee of the State committee.

2. Section 730.1014 is amended to read as follows:

§ 730.1014 Supervision, review and approval by State committees.

State committees shall have over-all responsibility for the administration of the regulations herein in their respective States. All producer rice acreage allotments in producer States and all farm rice acreage allotments in farm States shall be reviewed by the State committee or on behalf of the State committee by the State administrative officer, program specialist or farmer fieldman and shall be approved before official allotment notices are mailed. The State committee may revise or require revision of any determination made under the regulations in this sub-

part. Notices of farm rice acreage allotments in producer States may be mailed without the approval by or on behalf of the State committee following the allocation of producer rice allotments to farms unless the State committee determines that such approval of the allotments is necessary to facilitate the effective administration of the program in the State.

§ 730.1016 [Amendment]

3a. Section 730.1016(a) is amended to read as follows:

(a) *Basic factors.* In a producer State, the past production of rice in the State by the producer on farms and the acreage allotments previously established in the State, or administrative area, where applicable, for such producer; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice, are the factors for apportioning the State rice acreage allotment, less appropriate reserves, to farms owned or operated by persons who have produced rice in any one of the five calendar years immediately preceding the year for which the allotment is determined. To reflect these factors, the county committee with the approval of the State committee or its representative shall, except for a person or irrigation company furnishing water for a share of the rice crop, establish a base acreage of rice for the current year for each old producer in the county. Prior to establishing such base acreages in the county, the county committee shall determine for each old farm (1) the acreage planted or considered planted to rice on the farm for the year immediately preceding the year for which the allotment is being established and (2) each producer's share of such acreage determined for such farm.

b. Section 730.1016(b) is amended to read as follows:

(b) *Acreage planted or considered planted to rice on any farm in preceding year*—(1) *1958 crop year.* The acreage planted or considered planted to rice on any farm for 1958 shall be the farm rice acreage allotment (before reapportionment) established under the 1958 rice acreage allotment regulations (22 F.R. 8477), as amended, for the farm, except as provided for in subdivisions (i) through (vi) of this subparagraph:

(i) If the farm rice acreage allotment (before reapportionment) on any farm was underplanted in any year for the purpose of reducing an amount of rice from a prior crop which was previously stored to postpone or avoid payment of a marketing quota penalty, the acreage planted or considered planted to rice on the farm in such year shall be the rice acreage on the farm and the acreage, if any, diverted from the production of rice through participation in the soil bank program under an acreage reserve agreement or conservation reserve contract.

(ii) The acreage diverted from the production of rice under an acreage reserve agreement on any farm shall be the smallest of the acreage of rice entered on the acreage reserve agreement; the measured acreage reserve; or the farm rice acreage allotment minus the acreage actually planted to rice on the farm.

(iii) The acreage diverted from the production of rice under a conservation reserve contract on any farm shall be the smallest of the acreage placed in the conservation reserve program at the regular rate; the reduction in total soil bank base crops; or the amount by which the farm rice acreage allotment exceeds the sum of the acreage actually planted to rice and the acreage, if any, diverted from the production of rice under the acreage reserve program, except that if the reduction in the total soil bank base crops on the farm exceeds the farm rice acreage allotment, or if the conservation reserve contract is found to be in violation because of failure to reduce the total soil bank base crops on the farm to the extent required, the producer may elect to utilize the conservation reserve acreage credit heretofore determined for the farm for the purpose of removing excess rice from storage.

(iv) If the reduction in total soil bank base crops on the farm exceeds the farm rice acreage allotment, the conservation reserve acreage credit heretofore determined for the farm may be used for removing excess rice from storage to the extent of the amount the reduction in total soil bank crops exceeds the rice acreage allotment.

(v) If the conservation reserve contract is found to be in violation because of failure to reduce the total soil bank base crops on the farm to the extent required, all or any part of the conservation reserve acreage credit heretofore determined for the farm may be used for removing excess rice from storage.

(vi) Notwithstanding any provision of this subparagraph, any acreage that is utilized for the purpose of removing excess rice from storage shall not be considered acreage planted or considered planted to rice, and in no event shall the acreage determined to be planted or considered planted to rice on a farm exceed the farm rice acreage allotment (before reapportionment) determined for such farm.

(2) *1959 crop year.* The acreage planted or considered planted to rice on any farm for 1959 shall be the farm rice acreage allotment (before reapportionment) established under the 1959 rice acreage allotment regulations (23 F.R. 8528), as amended, for the farm, except as provided in subdivisions (i) through (iii) of this subparagraph:

(i) If the farm rice acreage allotment on any farm was underplanted for 1959 for the purpose of reducing an amount of rice from a prior crop which was previously stored to postpone or avoid payment of a marketing quota penalty, the acreage planted or considered planted to rice on the farm for 1959 shall be the sum of the rice acreage on the farm and the acreage, if any, diverted from the production of rice through participation in the soil bank program under a conservation reserve contract.

(ii) The acreage diverted from the production of rice under a conservation reserve contract if there is only a rice acreage allotment on the farm shall be the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the rice acreage allotment (before reapportionment) for the farm exceeds the rice acreage determined for such farm. In the event the farm has two or more commodity allotments and the acreage placed in the conservation reserve at the regular rate is less than the sum of the amounts by which the respective allotments (after release and before reapportionment) exceed the acreage planted to each allotment crop on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each applicable allotment commodity. To prorate this acreage, the sum of the amount by which the respective allotment (after release and before reapportionment) exceeds the acreage actually planted to each allotment crop on the farm shall be obtained. This total shall then be divided into the amount by which each allotment (after release and before reapportionment) exceeds the acreage actually planted to each allotment crop on the farm. The percentage thus obtained for each commodity shall be applied to the acreage on the farm under a conservation reserve contract at the regular rate. The result obtained with respect to rice shall be the acreage considered planted to rice on the farm under a conservation reserve contract.

(iii) Notwithstanding the provisions of this subparagraph any acreage that is utilized for the purpose of removing excess rice from storage shall not be considered planted to rice, and in no event shall the acreage determined to be planted or considered planted to rice on a farm exceed the farm rice acreage allotment (before reapportionment) determined for such farm.

(3) *1960 and subsequent crop years.* (i) The acreage planted or considered planted to rice on any farm for 1960 and any subsequent crop shall be the farm rice acreage allotment (before reapportionment) established under applicable regulations for the farm for such year: *Provided,* That the farm consists of federally owned lands, or that for the current year or either of the two immediately preceding years an acreage equal to 75 percent or more of the farm rice acreage allotment (before reapportionment) for such year was actually planted to rice on the farm or was regarded as planted to rice under an acreage reserve agreement or a conservation reserve contract of the soil bank.

(ii) If the farm does not consist of federally owned land, and for the current year and each of the two immediately preceding years an acreage equal to 75 percent of the farm rice acreage allotment (before reapportionment) for such year was not actually planted to rice or regarded as planted to rice under an acreage reserve agreement or conservation reserve contract, the acreage planted or considered planted to rice on such farm for the current year shall be the sum of the rice acreage and the acreage considered rice acreage as a re-

sult of participating in the conservation reserve program.

(iii) The acreage regarded as planted to rice under a conservation reserve contract if there is only a rice acreage allotment on the farm shall be the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the rice acreage allotment (before reapportionment) for the farm exceeds the rice acreage determined for such farm. In the event the farm has two or more commodity allotments and the acreage placed in the conservation reserve at the regular rate is less than the sum of the amount by which the respective allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each applicable allotment commodity. To prorate this acreage, the sum of the amount by which the respective allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm shall be obtained. This total shall then be divided into the amount by which each allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm. The percentage thus obtained with respect to rice shall be applied to the acreage on the farm under a conservation reserve contract at the regular rate and the result shall be the acreage considered planted to rice on the farm under a conservation reserve contract.

(iv) When determining whether the 75 percent minimum planting requirement has been reached in 1960 or 1961 and it is necessary to examine data for the 1959 crop year, the acreage considered planted to rice on any farm under a conservation reserve contract for 1959 shall be determined in accordance with the provisions of this subparagraph. If necessary to examine data for the 1958 crop year, the acreage considered planted to rice on any farm under an acreage reserve agreement for 1958 shall be the rice acreage that was placed in the acreage reserve, and in determining the acreage, if any, regarded as planted to rice under a conservation reserve contract, the provisions of this subparagraph shall be applied.

(v) Notwithstanding the provisions of this subparagraph, the acreage determined to be planted or considered planted to rice on any farm shall not exceed the rice acreage allotment (before reapportionment) determined for such farm.

c. Section 730.1016(f) is amended to read as follows:

(f) Notwithstanding the provisions of paragraphs (d) and (e) of this section if the county committee finds that any producer will not be actively engaged in the production of rice in the current year because he does not have readily available the developed rice land and equipment necessary for producing a rice crop, a zero base acreage shall be established for such producer. If the county committee finds that any producer whose base acreage was adjusted to zero in the preceding year under this paragraph has developed rice land and equipment necessary for producing a rice crop in the current year, a base acreage for the current year shall be appraised by the county committee. Any base acreage appraised for a producer under this provision shall not exceed his share of the acreage planted or considered planted to rice on farms in the year immediately preceding the year for which a zero base acreage was established by the county committee.

§ 730.1027 [Amendment]

4a. Section 730.1027(a) is amended to read as follows:

(a) *Basic factors.* In a farm State, the past production of rice on the farms and the acreage allotments previously established for such farms; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice are the factors for apportioning the State rice acreage allotment among counties and, less appropriate reserves, to old farms. To reflect these factors, the county committee with the approval of the State committee or its representative shall establish a base acreage of rice for the current year for each old farm in the county. The fact that the production of rice is restricted on government-owned lands on which there are restrictive leases shall not be interpreted to mean that base acreages (and allotments) may be established at a level below those established for similar farms. The allotments resulting from the base acreages so established on such lands shall be frozen. Prior to establishing base acreages in the county the county committee shall determine for each old farm the acreage planted or considered planted to rice on the farm for the year immediately preceding the year for which the allotment is being established.

b. Section 730.1027(b) is amended to read as follows:

(b) *Acreage planted or considered planted to rice on any farm in preceding year*—(1) *1958 crop year.* The acreage planted or considered planted to rice on any farm for 1958 shall be the rice acreage allotment (before release and before reapportionment) established under the 1958 rice acreage allotment regulations for the farm, except as provided for in subdivisions (i) through (vi) of this subparagraph:

(i) If the 1958 farm rice acreage allotment on any farm was underplanted for the purpose of reducing an amount of rice from a prior crop which had been stored to postpone or avoid payment of a marketing quota penalty, the acreage planted or considered planted to rice on such farm for 1958 shall be the rice acreage on the farm plus the acreage, if any, released in such year for reapportionment, and any acreage diverted from the production of rice through participation in the soil bank under an acreage reserve agreement or conservation reserve contract.

(ii) The acreage diverted from the production of rice under an acreage reserve agreement on any farm shall be the smallest of the acreage of rice entered on the acreage reserve agreement; the measured acreage reserve; or the farm rice acreage allotment minus the acreage actually planted to rice on the farm.

(iii) The acreage diverted from the production of rice under a conservation reserve contract on any farm shall be the smallest of the acreage placed in the conservation reserve program at the regular rate; the reduction in total soil bank base crops; or the amount by which the farm rice acreage allotment exceeds the sum of the acreage actually planted to rice and the acreage, if any, diverted from the production of rice under the acreage reserve program, except that if the reduction in the total soil bank base crops on the farm exceeds the farm rice acreage allotment, or if the conservation reserve contract is found to be in violation because of failure to reduce the total soil bank base crops on the farm to the extent required, the producer may elect to utilize a part of the conservation reserve acreage credit heretofore determined for the farm for the purpose of removing excess rice from storage.

(iv) If the reduction in total soil bank base crops on the farm exceeds the farm rice acreage allotment, the conservation reserve acreage credit heretofore determined for the farm may be used for removing excess rice from storage to the extent of the amount the reduction in total soil bank base crops exceeds the rice acreage allotment.

(v) If the conservation reserve contract is found to be in violation because of failure to reduce the total soil bank base crops on the farm to the extent required, all or any part of the conservation reserve acreage credit heretofore determined for the farm may be used for removing excess rice from storage.

(vi) Notwithstanding any provision in this subparagraph, any acreage that is utilized for the purpose of removing excess rice from storage shall not be regarded acreage planted or considered planted to rice, and in no event shall the acreage planted or considered planted to rice on a farm exceed the farm rice acreage allotment (before release and before reapportionment) determined for such farm.

(2) *1959 crop year.* The acreage planted or considered planted to rice on any farm for 1959 shall be the farm rice acreage allotment (before release and before reapportionment) established under the 1959 rice acreage allotment regulations (23 F.R. 8528), as amended, for the farm, except as provided for in subdivisions (i) through (iii) of this subparagraph:

(i) If the farm rice acreage allotment (after release and before reapportionment) on any farm was underplanted for 1959 for the purpose of reducing an amount of rice from a prior crop which was previously stored to postpone or avoid payment of a marketing quota penalty, the acreage planted or considered planted to rice on the farm for 1959 shall be the sum of the rice acreage

on the farm, the acreage, if any, diverted from the production of rice through participation in the soil bank program under a conservation reserve contract, and any rice allotment released for reapportionment.

(ii) The acreage diverted from the production of rice under a conservation reserve contract if there is only a rice acreage allotment on the farm shall be the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the rice acreage allotment (after release and before reapportionment) for the farm exceeds the rice acreage determined for such farm. In the event the farm has two or more commodity allotments and the acreage placed in the conservation reserve at the regular rate is less than the sum of the amounts by which the respective allotments (after release and before reapportionment) exceed the acreage planted to each allotment crop on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each applicable allotment commodity. To prorate this acreage, the sum of the amount by which the respective allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm shall be obtained. This total shall then be divided into the amount by which each allotment (after release and before reapportionment) exceeds the acreage actually planted to each allotment crop on the farm. The percentage thus obtained with respect to rice shall be applied to the acreage on the farm under a conservation reserve contract at the regular rate and the result shall be the acreage considered planted to rice on the farm under a conservation reserve contract.

(iii) Notwithstanding the provisions of this subparagraph, any acreage that is utilized for the purpose of removing excess rice from storage shall not be considered planted to rice, and in no event shall the acreage determined to be planted or considered planted to rice on a farm exceed the farm rice acreage allotment (before release and before reapportionment) determined for such farm.

(3) *1960 and subsequent crop years.* (i) The acreage planted or considered planted to rice on any farm for 1960 and any subsequent crop for history purposes shall be the farm rice acreage allotment (before release and before reapportionment) established under applicable regulations for the farm for such year: *Provided,* That the farm consists of federally-owned lands, or that for the current year or either of the two immediately preceding years an acreage equal to 75 percent or more of the farm rice acreage allotment (after release and before reapportionment) for such year was actually planted or was regarded as planted to rice under an acreage reserve agreement or a conservation reserve contract of the soil bank.

(ii) If the farm does not consist of federally-owned land, and for the current year and each of the two immediately preceding years an acreage equal to 75 percent of the farm rice acreage allotment (after release and before reapportionment) for such year was not actually planted or regarded as planted to rice under an acreage reserve agreement or conservation reserve contract, the acreage planted or considered planted to rice on such farm for the current year shall be the sum of the rice acreage and the acreage considered as rice acreage as a result of participating in the acreage reserve or conservation reserve program and any rice allotment released for reapportionment.

(iii) The acreage regarded as planted to rice under a conservation reserve contract if there is only a rice acreage allotment on the farm shall be the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the rice acreage allotment (after release and before reapportionment) for the farm exceeds the rice acreage determined for such farm. In the event the farm has two or more commodity allotments and the acreage placed in the conservation reserve at the regular rate is less than the sum of the amount by which the respective allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each commodity allotment. To prorate this acreage the sum of the amount by which the respective allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm shall be obtained. This total shall then be divided into the amount by which each allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm. The percentage thus obtained with respect to rice shall be applied to the acreage on the farm under a conservation reserve contract at the regular rate and the result shall be the acreage considered planted to rice on the farm under a conservation reserve contract.

(iv) When determining whether the 75 percent minimum planting requirement has been reached in 1960 or 1961 and it is necessary to examine data for the 1959 crop year, the acreage considered planted to rice on any farm under a conservation reserve contract for 1959 shall be determined in accordance with the provisions of this subparagraph. If necessary to examine data for the 1958 crop year, the acreage considered planted to rice on any farm under an acreage reserve agreement for 1958 shall be the rice acreage that was placed in the acreage reserve and in determining the acreage, if any, regarded as planted to rice under a conservation reserve contract, the provisions of this subparagraph shall be applied.

(v) Notwithstanding the provisions of this subparagraph, the acreage determined to be planted or considered planted to rice on any farm shall not exceed the rice acreage allotment (before release, and before reapportionment) determined for such farm.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 353, 377, 52 Stat. 38, as amended, 61, as amended, 70 Stat. 206, 73 Stat. 393; 7 U.S.C. 1301, 1353, 1377)

Issued this 27th day of November 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-10133; Filed, Dec. 1, 1959; 8:48 a.m.]

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

[Navel Orange Reg. 171, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.471 (Navel Orange Regulation 171, 24 F.R. 9385) are hereby amended to read as follows:

(i) District 1: 800,000 cartons.

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

Dated: November 27, 1959.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-10122; Filed, Dec. 1, 1959; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Tolerances for Residues of Ethion

A petition was filed with the Food and Drug Administration by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, requesting the establishment of tolerances for residues of ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on certain raw agricultural commodities at 1 part per million. The petitioner later withdrew the request for tolerances on grapes and pears.

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

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.3 (24 F.R. 499, 1982, 2786); Part 120) are amended as indicated below:

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e)(5) is amended by adding as the sixth item in the list of cholinesterase-inhibiting compounds the name "Ethion".

2. Part 120.173 is amended by adding the following new section:

§ 120.173 Tolerances for residues of ethion.

A tolerance of 1 part per million is established for residues of ethion (*O,O,-O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on each of the following raw agricultural commodities: Beans, melons, onions, strawberries, tomatoes.

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

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

Dated: November 24, 1959.

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

[F.R. Doc. 59-10117; Filed, Dec. 1, 1959; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Reg. Policy Statement 10]

PART 399—STATEMENTS OF GENERAL POLICY

Requests for Authority to Furnish Free or Reduced Rate Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of November 1959.

Section 403(b) of the Federal Aviation Act provides that no air carrier shall collect compensation for air transportation different from that specified in its currently effective tariffs, except that a carrier may provide free or reduced-rate air transportation to certain specified categories of persons such as employees, their families, etc. In the case of overseas and foreign air transportation, free or reduced-rate transportation may also be accorded to such other persons under such other circumstances as the Board may by regulation prescribe. Part 223 of the Economic Regulations provides that free or reduced-rate transportation for "such other persons" may be provided only upon specific Board authority granted in response to a carrier's application setting forth the authority desired and the reason therefor.

The carrier members of the International Air Transport Association, in recognition of the need for a clear delineation of policy to govern their actions in this matter, have agreed (in IATA Resolution No. 200) that free or reduced-rate transportation by air may be furnished by members to those persons generally described in section 403(b) of the Federal Aviation Act and also for "other persons" including those in the following categories:

(a) Technicians employed by the aircraft or aircraft equipment manufacturer in connection with technical tests of the aircraft or its equipment.

(b) Persons on inaugural flights.

(c) Persons for whom transportation is requested by the government of a country into which the carrier is authorized to operate.

Free or reduced-rate transportation to the persons in these three categories requires specific approval from the Civil Aeronautics Board and it has been the Board's general policy to approve carrier applications for such transportation in these categories. In the case of carrier applications supported by a request of a foreign government (category (c)), most of which are made by foreign rather than U.S. carriers, it has been the general policy of the Board, as a matter of international comity, to approve such applications. However, the Board expects that governments will exercise careful discretion in making requests of carriers to provide free or reduced-rate transportation.

A more difficult problem is presented in the case of requests presented by this government. Although there may be obvious instances where improved international relations would be fostered or worthwhile public interest objectives served by the grant of free or reduced-rate transportation, the Board is charged with the development of an economically sound air transport system in conformity with legislation which, among other things, aims at preventing discrimination in the provision of service to the public. Since free or reduced-rate transportation is discriminatory per se, the Act clearly intends that its use be narrowly and even inflexibly circumscribed, else there will inevitably be an ever-growing number of individuals and groups receiving free or reduced-rate transportation, to the detriment, economically and otherwise, of the air transport system and, therefore, of the public interest. The Board believes, therefore, that unless there are found to exist overriding considerations clearly of paramount national interest, this government should not request air carriers to provide free or reduced-rate transportation, and that the Board should not approve applications therefor except upon representations by the appropriate government agency that such considerations exist.

Since this amendment to Part 399 is a general statement of policy and not a substantive rule, notice and public procedure hereon are not required and the amendment may be made effective immediately.

Accordingly, the Board hereby adopts, effective immediately, a policy statement to constitute § 399.34 of Part 399 of its Regulation Policy Statements, to read as follows:

§ 399.34 Free or reduced-rate transportation of persons in foreign air transportation by United States flag air carriers.

It is the policy of the Board to grant applications of United States flag air carriers, pursuant to section 403(b) of the Act, for free or reduced-rate air transportation of persons pursuant to requests received from agencies of the United States Government only where such agencies represent to the Board that there exist considerations of paramount national interest which require such transportation and where the Board finds such considerations to exist.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324; Administrative Procedure Act, sec. 3, 60 Stat. 238, 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-10128; Filed, Dec. 1, 1959; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 187; Amdt. 58]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Aircraft

Tests of redesigned foreflaps (P/N 65-9360-3023 and P/N 65-7360-3024) show that sufficient improvement has made in the foreflap design to warrant discontinuance of the daily inspections.

The gap check requirement of AD 59-19-1 (24 F.R. 7366) needs to be accomplished only once. Since this check was required at the next stop at a maintenance base and became effective September 12, 1959, it has served its useful purpose.

Therefore, to relieve the operators from an unnecessary burden, the requirements for gap check and daily inspection of the redesigned foreflaps have been deleted from the following directive which supersedes AD 59-19-1.

For the reasons stated above, the Administrator finds that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive.

59-25-1 BOEING. Applies to all Model 707 Series aircraft.

Due to recent failures of the wing foreflaps, the following must be accomplished at times indicated:

(a) Conduct daily inspection of the original type outboard foreflap, P/N's 65-7360-3007 and 65-7360-3008, on outboard mainflap as follows:

(1) Conduct detail visual inspection of foreflaps for any evidence of cracking.

(2) By use of borescope, inspect interior web, flanges and cutouts on both the inboard and outboard end ribs for cracks or other damage.

(3) By means of dye-check or equivalent, examine skin areas at ends of reinforcement plate on upper surface.

(b) When the original type outboard foreflap on each outboard mainflap has been replaced with the redesigned type, P/N's 65-7360-3023 and 65-7360-3024, the daily inspection, (a) above, may be discontinued. However, the redesigned foreflap must then be inspected at intervals of 60 hours service time as prescribed in (a)(1) and (a)(2).

(c) Any foreflap showing evidence of cracking or other damage must be replaced or repaired in accordance with FAA approved manufacturer's instructions prior to next flight.

(Boeing Service Bulletins No. 546 dated August 18, 1959, and No. 566 dated August 26, 1959, cover criteria on the same subject.)

This supersedes AD 59-19-1.

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

Issued in Washington D.C., on November 25, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-10103; Filed, Dec. 1, 1959; 8:45 a.m.]

[Regulatory Docket No. 188; Amdt. 59]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Aircraft

Service experience has established that certain Aeroproducts propellers installed on Lockheed 188 aircraft are subject to excessive vibration and cracks which render the blades unsafe for further use. It is necessary in the interests of safety to require appropriate inspections and corrective action.

In view of the foregoing, the Administrator found that a situation existed requiring immediate action in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest, and that good cause existed for taking immediate corrective action. Accordingly, an airworthiness directive was adopted on October 22, 1959, and made effective immediately as to all known operators of Lockheed 188 aircraft by individual telegrams dated October 22, 1959. It is hereby published as an amendment to § 507.10(a) (14 CFR Part 507) and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

59-23-2 LOCKHEED. Applies to all Aeroproducts A6441FN-606 propellers installed on Lockheed 188 aircraft.

To preclude recurrence of blade crack compliance is required as indicated.

(a) All blades except those installed on aircraft equipped with operating vibration indicators must be checked for track per Aeroproducts Service Information Letter 59-27 dated March 11, 1959, not later than October 28, 1959. Propellers with blades out of track more than one-quarter inch from the other blades in the propeller must be removed from service immediately. This inspection must be repeated at intervals not to exceed 40 flight-hours until blades have been returned to Aeroproducts for inspection, magnafluxing, and shotpeening.

(b) The following must be accomplished on blades currently installed or previously operated on engines 1 or 4 of aircraft not modified per Lockheed Service Bulletin 262:

(1) All blades (except those blades installed on aircraft equipped with operating vibration indicators and those blades that have been overhauled and not subsequently reinstalled on engines 1 or 4 of the aircraft not modified per Service Bulletin 262) must be X-rayed in the blade cuff area in accordance with Aeroproducts Service Bulletin No. 82 dated October 15, 1959, not later than October 28, 1959. This inspection must be repeated at intervals not to exceed 150 flight-hours until blades have been returned to Aeroproducts for inspection, magnafluxing, and shotpeening.

(2) All blades in (b)(1) must be returned to Aeroproducts for visual inspection, internal magnafluxing, and shotpeening of the inside of the thrust member from approximately 15 to 20 inch station not later than January 12, 1960.

(3) All blades excepted under (b)(1) must be returned to Aeroproducts for inspection, magnafluxing, and rework outlined in (b)(2) not later than July 1, 1960.

(c) All other blades irrespective of the engine position on which they were installed or whether the aircraft were modified per Lockheed Service Bulletin 262 must be returned to Aeroproducts for inspection, magnafluxing, and shotpeening by October 1, 1960.

(d) All blades involved in reported propeller roughness regardless of whether vibration indicators are installed must be track checked as indicated in item (a). If propeller blades are found in track, and if through normal troubleshooting correction procedure, roughness cannot be eliminated then the propeller must be X-rayed in the blade cuff area as indicated in (b)(1) or immediately removed from service until cause for roughness has been corrected. This requirement applies until blades have been returned to Aeroproducts for inspection, magnafluxing, and shotpeening.

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

Issued in Washington, D.C., on November 25, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-10104; Filed, Dec. 1, 1959; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 613—STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 521 (24 F.R. 7736), as amended by Administrative Order No. 526 (24 F.R. 9020), appointed, convened, and gave due notice of the hearing of, and referred to Industry Committee No. 45-C the question of the minimum wage rate or rates to be paid under section 6 of that Act to employees in the straw, hair, and related products industry in Puerto Rico as defined in said Administrative Order, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending 29 CFR

Part 613, effective December 18, 1959, to read as follows:

Sec.
613.1 Definition.
613.2 Wage rates.
613.3 Notices.

AUTHORITY: §§ 613.1 to 613.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 613.1 Definition.

The straw, hair, and related products industry in Puerto Rico, to which this part shall apply is defined as the manufacture of products made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials: *Provided, however*, That the industry shall not cover products or activities included in the artificial flower, decoration, and party favor industry (Part 688 of this chapter), the button, jewelry, and lapidary work industry (Part 616 of this chapter), the children's dress and related products industry (Part 610 of this chapter), the men's and boys' clothing and related products industry (Part 615 of this chapter), the shoe and related products industry (Part 601 of this chapter), or the textile and textile products industry (Part 699 of this chapter).

§ 613.2 Wage rates.

(a) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hair piece and doll wig classification of the straw, hair, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of hair pieces and doll wigs.

(b) Wages at a rate of not less than 48 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the artists' brush and native handicraft products classification of the straw, hair, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of artists' brushes, hair pencils, and other miscellaneous brushes (excluding house painting brushes, toothbrushes, shaving brushes, and other toilet, clothes, or household brushes); and the manufacture of hand-made or hand-woven products (including, but without limitation, handbags, mats, coasters, lamp and window shades, blinds, fans, and brooms) made wholly or chiefly of materials originating in Puerto Rico, including straw, raffia, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials.

(c) Wages at a rate of not less than 57 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hair and bristles processing and other straw, hair, and related products classification of the straw, hair, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the processing of hair and bristles and the manufacture of all products included in the straw, hair, and related products industry, as defined in this order, not included in the hair piece and doll wig classification or the artists' brush and native handicraft products classification.

§ 613.3 Notices.

Every employer subject to the provisions of § 613.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 613.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 25th day of November 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-10131; Filed, Dec. 1, 1959; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES

PART 600—FEDERAL, STATE, AND LOCAL TAXES

PART 601—LABOR

PART 605—PROCUREMENT FORMS

PART 606—SUPPLEMENTAL PROVISIONS

Miscellaneous Amendments

1. Section 590.109 is revised and new §§ 590.109-1, 590.109-2, 590-109-3, 590.-109-4, 590.109-50, and 590.109-51, are added, as follows:

§ 590.109 Deviation from Subchapter A, Chapter I of this title, Department of Defense publications governing procurement and this subchapter.

§ 590.109-1 Applicability.

Actions which constitute deviations from Subchapter A, Chapter I of this title and Department of Defense publications governing procurement as set forth in § 1.109-1 of this title shall also constitute deviations from the provisions of this subchapter.

§ 590.109-2 Deviations affecting one contract or transaction.

Deviations from Subchapter A, Chapter I of this title, a Department of Defense Directive or this subchapter which affect only one contract or procurement will be made only after prior approval by the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Washington 25, D.C.

§ 590.109-3 Deviations affecting more than one contract or contractor.

Deviations from Subchapter A, Chapter I of this title, Department of Defense Directives or this subchapter which affect more than one contract or contractor will not be made unless approved in advance by the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C. Such deviations from Subchapter A, Chapter I of this title or Department of Defense Directives will be authorized only after approval of the Assistant Secretary of Defense (Supply and Logistics).

§ 590.109-4 Conflict between Government-to-Government agreements and Subchapter A, Chapter I of this title.

Requests for deviations requiring consideration of the ASPR Committee under the provisions of § 1.109-4 of this title will be forwarded to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Washington 25, D.C., in accordance with the procedures prescribed in § 590.109-50.

§ 590.109-50 Submission of requests for deviations.

Requests for authority to deviate from the provisions of Subchapter A, Chapter I of this title, Department of Defense Directives or this subchapter shall be submitted (in quadruplicate) to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., ATTN: Chief, Contracts Branch. Such requests shall be supported by complete statements of the circumstances justifying the need for the deviation, including sufficient background or historical information to support the requested deviations.

§ 590.109-51 Expiration of deviations.

Deviations approved under the provisions of §§ 1.109-3 and 1.109-4 of this title and §§ 590.109-3 and 590.109-4 will expire 2 years from the date of approval, unless sooner rescinded, without prejudice to any action taken thereunder. Where a requirement exists to continue in effect a deviation expiring under the provisions of this section, authority to continue use of the deviation may be granted upon submission of a request in accordance with the procedures prescribed in § 590.109-50.

2. Add new § 590.113, revise § 590.150 and revoke §§ 590.150-1 and 590.151, as follows:

§ 590.113 Code of conduct.

In the performance of procurement and related functions, protection of the interests of the Government shall be constantly stressed. Any act which may tend to compromise the position of the Department of the Army, an individual member of the Department of the Army, or which will impair the confidence in the integrity of the Department of the

Army in its business relations with industry shall be avoided. The Department of the Army policy governing the conduct and ethics of procurement personnel is set forth in AR 600-10 and AR 600-205 (Administrative regulations of the Department of the Army). Each individual concerned, either directly or indirectly, with any phase of procurement or related activities shall read and initial a copy of AR 600-205, which will be retained in the files of the office to which the individual is assigned, and will be subject to inspection at all times. Each individual shall be furnished a personal copy of AR 600-205. In addition to the foregoing provisions, individuals who are subject to military law shall be cognizant of the provisions of AR 600-10.

§ 590.150 Administration and interpretation.

(a) The administration and interpretation of Subchapter A, Chapter I of this title and this subchapter will be the responsibility of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army (Chief, Contracts Branch).

(b) It will be the responsibility of the heads of procuring activities to insure that instructions issued by their activities in implementation of Subchapter A, Chapter I of this title and this subchapter properly reflect and are consistent with the policies of the Department of Defense and Headquarters, Department of the Army.

§ 590.150-1 Printed procurement publications. [Revocation]

§ 590.151 Administration and interpretation. [Revocation]

3. Section 590.301 is revised, § 590.302-4 is revoked, § 590.305 is revised, § 590.-305-2 is added, and in § 590.306-52, revise subparagraph (c)(5), as follows:

§ 590.301 Methods of procurement.

(a) Department of the Army policies with respect to procurement by formal advertising or by negotiation are set forth in §§ 591.102 and 592.101 of this subchapter respectively. In the placement of contracts during a period of national emergency, it is essential that contracts be awarded among as many sources of supply as possible in order to broaden the industrial production base of the procurement program. All procuring activities and agencies will give particular attention to the following factors in effecting procurement:

(1) Placement of contracts with a view to economies in the use of transportation facilities;

(2) Greatest possible integration of current procurement contracts with the industrial mobilization program and the accepted schedules of production;

(3) Utilization of manpower in areas of substantial labor surplus and distressed industries;

(4) Utilization of existing open industrial capacity to the maximum. Expansion of facilities should not be authorized when open capacity can be found. Whenever time permits, and in order to broaden the production base, additional contractors should be utilized in lieu of multishift or overtime operation;

(5) Equitable distribution of procurement contracts among the maximum number of competent suppliers;

(6) Utilization in negotiation of competition and multiple awards, whenever possible;

(7) Aggressive encouragement or requirement of subcontracting by prime contractors;

(8) Provision of maximum incentive to the producer for the reduction of his costs;

(9) Fullest possible use of small business concerns; and

(10) Reservation of special skills and abilities for the more difficult production tasks.

(b) Procurements effected under the authority of the act of August 28, 1958, authorizing extraordinary contractual action to facilitate the National Defense (72 Stat. 972; 50 U.S.C. 1431-1435), and Executive Order 10789, will be governed by the policies and procedures set forth in Part 17 of this title.

§ 590.302-4 Firms performing contracts in labor surplus areas. [Revocation]

§ 590.305 Specifications, plans, and drawings.

Every item to be procured, either by formal advertising or by negotiation, shall be described by referencing the applicable specifications, or by including a purchase description when permitted under the provisions of § 1.305-2(b) of this title. Contracting officers shall avoid, to the maximum extent practicable, use of the authority of § 3.210-2 (m) of this title in negotiating procurements. Few circumstances will exist where this authority will be applicable or justified. However, where this authority is used, it shall be fully justified and documented in accordance with § 3.210-3 of this title and § 592.210-3 of this subchapter. Regulations covering the preparation and issuance of specifications are contained in AR 715-50 (Administrative regulations of the Department of the Army).

§ 590.305-2 Mandatory specifications.

(a) *Use of Federal and Military Specifications.* Applicable coordinated Federal and Military Specifications and those Interim Federal and Limited Coordination Military Specifications issued by the technical services are mandatory for use by all procuring activities of the Department of the Army.

(b) *Deviations and waivers.* All deviations and waivers to Federal and Military Specifications will be subjected to competent review in accordance with procedures established by the chief of each technical service. These procedures must provide for (1) appropriate review and surveillance to minimize the use of deviations and waivers, and (2) immediate action where necessary to amend or revise specifications in accordance with AR 715-50.

§ 590.306-52 Transportation considerations in the procurement cycle.

* * * * *

(c) *Evaluation and award phase.* * * *

(5) When comparing the unreserved portion of a procurement and the "set-aside" portion in conjunction with "set-asides" under Defense Manpower Policy No. 4 (Subpart H, Part 1 of this title) or partial Small Business set-asides § 1.706 of this title and § 590.706 of this part), the transportation aspects involved in each portion must be considered to insure correct comparison.

4. Revoke §§ 590.307 and 590.307-1; add new § 590.311; and in § 590.353, revise paragraphs (c) and (e), as follows:

§ 590.307 Responsible prospective contractor. [Revocation]

§ 590.307-1 Preaward survey. [Revocation]

§ 590.311 Records of contract actions.

This section establishes general guidelines which will insure that every preaward transaction file and contract administration file is fully documented to provide a complete history of the contractual actions and the basis for the individual actions taken, and establish a system for the organization of those files which will facilitate locating any particular document with the least practicable delay. The types of documents set forth in this section shall be included in these files to the extent applicable. Where procurements utilize the simplified purchase procedures, compliance with the requirements of this section will be considered to constitute adequate contract file documentation.

(a) *Pre-award file; Section A—Pre-award Section.* (1) Copy of procurement directive.

(2) When procurement is by negotiation appropriate documentation as to necessity for negotiation when over $2,500.

(3) List of firms solicited, or justification in the event only one firm was solicited.

(4) Security Requirements Checklist.

(5) Pre-Award Survey.

(6) Invitation for Bids or Requests for Proposals, including drawings and specifications, or reference thereto.

(7) Bids or proposals received, including:

(i) Complete record of negotiations,

(ii) Price and Cost Analysis Data,

(iii) Memorandums for record,

(iv) Statement that notice was sent to unsuccessful bidders, and

(v) Bid Bond.

(8) Summary of Proposals or Abstract of Bids.

(9) Report of equal bids.

(10) Determinations and Findings.

(11) Review of proposed award(s).

(12) Approval of award.

(13) Exemption from "Buy American Act."

(14) Deviation approvals.

(15) Any other pre-award documents and correspondence not covered by the subjects in this paragraph.

(b) *Contract Administration File—(1) Section B—Contract Section.* (i)

Contract (signed number) including any Letter Contract.

(ii) Change Orders in numerical sequence.

(iii) Supplemental Agreements in numerical series.

(A single numerical series may be used for subdivisions (ii) and (iii) of this subparagraph).

(iv) Bonds, except Bid Bond.

(v) Insurance policies or certificates of insurance which apply to operations under several contracts, shall be filed with one contract and a cross reference placed in all other applicable contract files.

(vi) Copy of Individual Procurement Action Report.

(vii) Information regarding royalties.

(viii) Contractor's Statement of Contingent Fees.

(ix) Neutrality Act certification of registration.

(x) Priority data and Controlled Materials Plan data.

(xi) Price adjustment data, including contractor's proposals, price analyst recommendations, audit reports and negotiation reports.

(xii) Waivers.

(xiii) Any other documents and correspondence not covered by items in this subparagraph which properly belong in this subparagraph.

(2) *Section C—Property Section.* (Separate files sections may be maintained for Government-furnished property and for contract items.)

(i) End item delivery date, i.e., Material Inspection and Receiving Report—or other shipping documents with recap and storage data as appropriate.

(ii) Subsidiary inspection documents such as Lot No. reports, technical data, report of sub-lot inspection, etc.

(iii) Inspection requisitions and correspondence by other districts relating to inspection.

(iv) Other inspection correspondence.

(v) Statement as to quality of contractor's product.

(vi) Bills of lading.

(vii) Report of Survey (incident to shipment) and other instruments affecting relief of responsibility for Government property except "Written Advices", i.e., special reports from the contractor on which the property administrator determines a "Written Advice" is not required or other instances where, under the provisions of item 402, § 30.2 of this title, a contractor is relieved of responsibility for property other than consumption.

(viii) Copy of contracting officer's written determination and findings concerning loss, damage, shortage or destruction of contract items or of Government property used, including excess consumption.

(ix) Disposal data—at contract completion.

(x) Property correspondence in chronological order or sufficiently indexed for ready reference.

(xi) Where the Government maintains the official property control records under the deviation authority contained in item 301(a) of this title or item 207.1 of § 30.3 of this title, the property file will contain those records set forth in § 30.2 or § 30.3 of this title necessary for effective property control (§ 602.-1705-1 of this subchapter).

(xii) Contractor's written receipt for Government-furnished property (item 303.1 of § 30.2 of this title).

(xiii) Data, where appropriate, in connection with contractor acquired facilities. (§ 602.1705-1(b) of this subchapter).

(xiv) All other records required to be maintained by § 30.2 or § 30.3 of this title.

(3) *Section D—Fiscal Section.* (i) Invoices and vouchers.

(ii) Other documents relating to payments.

(iii) Documents and correspondence relating to financial assistance to contractor.

(4) *Section E—Termination Section.* (i) Notice of termination.

(ii) Contractor's settlement proposal.

(iii) Auditor's report.

(iv) Price Analyst's report.

(v) Inventory Schedule.

(vi) Storage or Layaway agreement.

(vii) All termination correspondence.

(viii) Negotiator's report.

(ix) Property disposal.

(x) If termination for default, copy of contracting officer's findings, summary of initial action taken to buy against, and all subsequent actions on appeals taken, if any.

(5) *Section F—Renegotiation Data.* (i) Efficiency of contractor.

(ii) Reasonableness of costs and profits.

(iii) Capital employed.

(iv) Extent of risk assumed.

(v) Contribution to the National Security.

(vi) Character of business.

(c) *Review of contract files.* The contracting officer is responsible for making a complete review of the contract files prior to retirement or disposal; the purpose of the review shall be to insure that all contractual actions have been completed prior to retirement or disposal of the contract files pursuant applicable paragraphs of AR 345-280 (Administrative regulations of the Department of the Army). In addition, the review shall insure that such file is documented in accordance with this section and AR 345-280.

§ 590.353 Manpower policy in placing procurements.

* * * * *

(c) *Procurement in areas of substantial labor surplus.* To the extent practicable, procurement should be placed in labor market areas having substantial labor surplus (Groups D, E, and F). Subpart H, Part 1 of this title prescribes policies and procedures applicable to procurement in areas of substantial labor surplus.

* * * * *

(e) *Labor market areas.* (1) Classification of labor areas are published by the Department of Labor in a list entitled "Areas of Substantial Labor Surplus" in conjunction with its bimonthly publication "Area Labor Market Trends." Contracting officers are responsible for utilizing these publications. They may be obtained by application to the Bureau of Employment Security, United States Department of Labor, Washington 25, D.C.

(2) At times it is necessary to determine whether there is an adequate labor supply in market areas in addition to the designated areas. In such cases, contracting officers will insure additional detailed manpower information direct from the United States Department of Labor and the local State Employment Service Office.

5. Section 590.355 is added; in § 590.450, add subparagraph (3) to paragraph (e); § 590.455 is revised; and § 590.456 is revoked, as follows:

§ 590.355 Scheduling of production of newly developed items and production from new producers.

When contracting for the production of newly developed items, or when contracting for production from new untried producers, deliveries will be scheduled so that large quantities will not be produced prior to the completion of essential confirmatory tests. Contracts will specify that the contractor will schedule deliveries under his purchase orders and subcontracts at the minimum feasible rate required to meet the delivery requirements of his prime contract. In order to prevent delays in deliveries, the schedule for the testing of the items and the quantity of items to be tested will be established prior to the placement of the contract.

§ 590.450 Selection and appointment of contracting officer.

* * * * *

(e) *Appointment.* * * *

(3) Where a purchasing office does not have a contracting officer of the requisite grade or rank necessary to execute contractual documents involving amounts exceeding $100,000 such documents should be forwarded to the next higher level of the procurement chain of command for execution by a contracting officer who is qualified and has been designated to execute such documents. The provisions of this section, however, do not prohibit the assignment of administration of such contracts to properly qualified individuals, regardless of their grade or rank.

§ 590.455 Expediting administrative actions.

(a) *Promptness.* The prompt resolution of procurement problems is a necessary and important element in the orderly and efficient accomplishment of the procurement mission. It is essential to resolve at purchasing office level those problems which contracting officers have authority to resolve finally. Promptness in handling such problems has a salutary effect on relations between the Department of the Army and industry, and may prevent undue financial hardship to contractors in many instances.

(b) *Eliminating delays.* In order to eliminate unnecessary delays in resolving problems which arise during the administration of contracts, and to insure that contractors receive payments

to which they are entitled as promptly as possible, procurement and auditing personnel will:

(1) Conduct all investigations, negotiations, voucher auditing and processing, and other procurement and contract administration matters in an expeditious manner;

(2) Exert every effort to resolve as promptly as possible all problems capable of local resolution which arise between procurement personnel and personnel of other agencies within and without the Department of the Army; and

(3) Forward without delay completely documented reports relating to procurement and contract administration problems which cannot be resolved promptly at local level or which for any reason require action by an authority at a higher level.

(c) *Clear directives.* It is the responsibility of heads of procuring activities to issue complete and clear procurement operating instructions to field activities, where necessary to implement Subchapter A, Chapter I of this title and this subchapter, and other pertinent directives, and to insure that those directives are thoroughly understood by operating personnel.

(d) *Sound conclusions.* In accomplishing the actions outlined above, personnel will exercise care to preclude any misunderstanding of the intent of this section. The interest of the Government must be fully protected in all cases, and action personnel must take time necessary to reach sound conclusions. Excessive and unjustifiable delays, however, must be eliminated.

§ 590.456 Expediting administrative actions. [Revocation]

6. Add Subpart I to Part 590, as follows:

Subpart I—Responsible Prospective Contractors

§ 590.900 Scope of subpart.

See § 1.900 of this title.

§ 590.901 Applicability.

See § 1.901 of this title.

§ 590.902 General policy.

(a) When a pre-award survey is not made and in the absence of any evidence to the contrary, the contracting officer may determine, on the basis of any other suitable information, that the prospective contractor can conform to the requirements of the standard nondiscrimination clause, as required by § 1.903-1(f) of this title. When a prospective contractor is considered not to be responsible, solely because he appears to be unable to conform to the requirements of the nondiscrimination clause, the facts and circumstances together with the recommendations of the Head of the Procuring Activity will be forwarded through the Office of the Deputy Chief of Staff for Logistics, to the Assistant Secretary of the Army (Logistics) for review and appropriate action.

(b) The problems of security and possible unauthorized release of classified information do not arise under unclassified scientific research contracts. The major consideration regarding the individuals involved should be their scientific integrity and ability. The only consideration relating to the loyalty of individual scientists engaged in work under Government contracts is the principle, that it would appear to be against the national interest to give aid and comfort to a person disloyal to the United States. In conformance with this principle, the following policy has been adopted:

(1) Procuring activities, in considering proposals for contracts in support of unclassified research not involving security considerations, will assure that, in appraising the merit of a proposal submitted by or on behalf of a scientist, his experience, competence, and integrity are always taken carefully into account. Procuring activities will not knowingly award or continue a contract in support of research for a person who:

(i) Is an acknowledged Communist or established as being a Communist by a judicial proceeding, or anyone who advocates change in the United States Government by other than constitutional means or

(ii) Has been convicted of sabotage, espionage, sedition, subversive activity under the Smith Act, or a similar crime involving the Nation's security.

(2) Where procuring activities receive information indicating that a potential or actual researcher may have violated a Federal statute relating to the national security, such information will be forwarded, on a priority basis, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Branch.

(c) Where a prospective contractor is determined not to be responsible (regardless of the reason), even though there is evidence to the effect that a future event would make him responsible, an award contingent on such a future event is prohibited.

7. In § 590.1503, revise opening portion of paragraph (a); revise paragraph (j) of § 591.201; in § 591.202-4(a)(1), revise subdivision (vi); add new § 591.451; and revise § 591.452, as follows:

§ 590.1503 DOD Directive 3005.3, 7 December 1954, "Maintenance of the Mobilization Base."

(a) DOD Directive 3005.3 requires that a review be made of proposed procurement of items contained in the Preferential Planning List and that responsibility for such review be maintained at the level of the Procurement Secretaries or their authorized designees. Each head of a technical service is appointed an authorized designee of the Assistant Secretary of the Army (Logistics) for the purpose of reviewing those items on the Preferential Planning List for which his technical service has been assigned procurement responsibility. Heads of technical services may designate senior officers of their headquarters staff responsible for procurement or chiefs of purchasing offices to perform the review required by DOD Directive 3005.3. The authority of the chief of a purchasing office to make the required review shall be consistent with his authority to approve awards of contracts as prescribed by § 606.204 of this subchapter. The review, in furtherance of the policy quoted in § 509.1501 and to integrate current procurement with military mobilization plans, will take into consideration the following factors:

§ 591.201 Preparation of forms.

* * * * *

(j) *Availability, identification, and review of specifications.* Each invitation for bids list for each item included therein the applicable specifications or description as provided in § 590.305 of this subchapter. Such reference to specifications shall include the title and symbols, with any revision letters, and dates, including any amendments identified by numbers and dates. Prior to issuance of invitations for bids the proposed specifications shall be reviewed in accordance with procedures prescribed by heads of procuring activities (1) to insure compliance with the provisions of § 1.305 of this title and § 590.305 of this subchapter, and (2) to eliminate subsequent procurement actions which would be prejudicial to the Government and to potential bidders. Such review is intended to eliminate or correct unduly restrictive specifications and to prevent, so far as practicable, the necessity for amendment of invitations after issuance, and the cancellation of invitations after opening, with consequent disclosure of bids where no award is to be made.

§ 591.202-4 Publishing in newspapers.

* * * * *

(a) *Authority.* (1) Authority to approve the publication of paid advertisements in newspapers, magazines, and other periodicals in connection with the dissemination of procurement information (invitations for bids and proposed purchases), recruitment of both military and civilian personnel, and all other forms of advertising authorized by law has been delegated by the Secretary to:

* * * * *

(vi) The Commanding General, U.S. Army Communications Zone, Europe, for the recruiting of indigenous labor at local wage rates.

§ 591.451 Protests.

Protests or objections, raised at any time by any party having a legitimate interest, to actions taken or to be taken by a contracting officer in connection with a particular procurement, shall be processed in accordance with the following instructions:

(a) Where a protest is made prior to making an award, the award shall not be made pending resolution of the protest, except that awards may be made in such cases where the items to be procured are urgently required, delivery will be unduly delayed by failure to make award promptly, or it is otherwise in the best interests of the Government. The contracting officer shall document the contract file in sufficient detail to substantiate the need for an immediate award, and shall advise the protesting party in writing of such decision to proceed.

(b) Every effort shall be made to resolve protests at the lowest possible level. However, if in the opinion of the contracting officer, or higher echelons, it is considered desirable and in the best interests of the Government, the protest shall be submitted to higher authority for resolution.

(c) Where the person making the protest has indicated he intends to carry the protest to a certain higher level of authority, the contracting officer shall submit the protest, through channels, to the indicated level of authority for final resolution.

(d) Where a protest affects another bidder, a contractor, or any other party having a legitimate interest, the contracting officer normally shall give prompt notice of the protest to such parties in order that they may take appropriate action on their own behalf. The extent of the information to be furnished to affected parties will require exercise of judgment on a case by case basis, giving due weight to salient aspects of the particular matter. These aspects may include, but are not necessarily limited to, legal considerations, the interest of the Government, equitable consideration for the interests of affected parties, and mitigation of losses or other injuries to any and all parties concerned. It must be emphasized to the recipients of such a notice of protest that the notice in no way relieves them of any obligations, under a contract or otherwise, but is primarily intended to afford them a fair opportunity to be heard by, and to present evidence for the consideration of, the agency which will render a decision in the case.

(e) Protests submitted for final resolution to levels of authority higher than the Head of a Procuring Activity shall be forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief, Contracts Branch.

(f) In submitting protests to higher authority, the contracting officer shall forward a completely documented case, including the following:

(1) A signed statement from the person making the protest setting forth the complete facts on which the protest is based together with any additional supporting evidence;

(2) A signed statement, when relevant, from other persons or bidders affected by or involved in the protest, setting forth the complete facts with respect to their position in the matter, together with any additional supporting evidence;

(3) A copy of the bid of the protesting bidder and a copy of the bid of the bidder to whom award has been made or who is being considered for award, if relevant to the protests;

(4) A copy of the invitation for bids including, where practicable, pertinent specifications, if relevant to the protest;

(5) A copy of the abstract of bids;

(6) Any other documents which are relevant to the protest; and

(7) A signed statement from the contracting officer setting forth his findings, actions, and recommendations in the matter, together with any additional information and evidence deemed to be necessary in determining the validity of the protest.

(g) Protest cases submitted by contracting officers to higher levels of authority for forwarding to the Chief, Contracts Branch, Deputy Chief of Staff for Logistics, Department of the Army, shall contain the recommendations of such intervening levels of authority through which the protest is transmitted.

(h) Protests filed with echelons of a procuring activity other than the contracting officer shall be promptly forwarded to the contracting officer for processing in accordance with this subchapter.

(i) A notice similar to that specified in paragraph (d) of this section shall be furnished the affected party where (1) an inquiry from the Comptroller General indicates a complaint against a specific procurement and implies possible intervention therein by the Comptroller General, or (2) advance information is received that a formal protest has been filed with any level of the chain of command, or with the Comptroller General. Advance information is frequently received by procurement echelons in the form of information copies of formal protest letters addressed to the President, Secretary of Defense, Comptroller General, etc.

§ 591.452 Requests for decision by the Comptroller General.

Requests for the Comptroller General to issue a decision on procurement matters shall be made only by the Assistant Secretary of the Army (Logistics). Where a decision by the Comptroller General is desired on procurement matters involving mistakes in bids or proposals, protests, rescission or reformation of contracts, remission of liquidated damages or similar legal contract issues, procuring activities will forward a proposed request in accordance with the procedures set forth below.

(a) *Administrative report.* Each request for a Comptroller General decision will be accompanied by an administrative report which shall include a summary of the matter at issue, the position of the contracting officer, and the position and recommendation of the Head of the Procuring Activity. Attached, as a separate part of the report, will be a signed statement of the contracting officer setting forth his findings, actions taken, recommendation, and any additional information or evidence deemed necessary. In addition to the above, the report will include all documents and items of information which are specifically requested by the Comptroller General, required by Subchapter A, Chapter I of this title and this subchapter, and which are deemed pertinent to the issue. The administrative report will be signed by the Head, Deputy Head, Assistant Head or Chief of Staff of the Procuring Activity.

(b) *Submission of requests*—(1) *Technical services.* In submitting a request for a Comptroller General decision, technical services will prepare a brief proposed letter of transmittal, signature block omitted, which forwards the Administrative Report to the Comptroller General. The proposed letter with its attached Administrative Report will be forwarded by Summary Sheet through the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief, Contracts Branch, to the Assistant Secretary of the Army (Logistics). The Summary Sheet will be coordinated with the Office of The Judge Advocate General in accordance with established procedures.

(2) *Other procuring activities.* Requests for Comptroller General decisions by procuring activities other than technical services and by purchasing offices not under the jurisdiction of a procuring activity will be forwarded, by a covering letter inclosing the Administrative Report, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Branch. A proposed letter to the Comptroller General will not be included.

(3) *Property disposal.* When the request for a decision by the Comptroller General relates to property disposal matters, the Administrative Report will be forwarded to The Quartermaster General, Department of the Army, Washington 25, D.C., Attn: Chief, Army Property Disposal Division, for transmittal to the Assistant Secretary of the Army (Logistics).

8. In § 592.101(c), revise subparagraph (4); revise § 592.210-2; add new § 592.210-3; in § 592.213-3(b), revise subparagraph (7); and in § 592.306, revise paragraph (c), as follows:

§ 592.101 Negotiation as distinguished from formal advertising.

* * * * *

(c) *Requests for proposals.* * * *

(4) Each written request for proposals should list for each item included therein the applicable specifications for description as provided in § 590.305 of this subchapter. Such reference to specifications will include the title and symbols, with revision letters if any, and dates, including amendments if any, identified by numbers and dates.

§ 592.210-2 Application.

(a) 10 U.S.C. 2304(a)(10) may be used as an authority for negotiating a contract if the circumstances involved in the particular procurement are similar to those set forth in § 3.210 of this title. Care and sound judgment, however, will be exercised to prevent abuse of this authority.

(b) The signed statement of justification required by § 3.210-3 of this title need not be in the form of a formal determination and findings. A narrative statement signed by the contracting officer will fulfill the requirement. A copy of such statement will be attached to requests for approval of awards, if such approval is required by § 606.204 of this subchapter.

§ 592.210-3 Limitation.

The authority contained in § 3.210-2 (m) of this title shall not be used in procurements in excess of $50,000 unless its use is approved in advance by the chief or assistant chief of the purchasing office. Where the contracting officer is

also the chief of the purchasing office, approval for use of this authority shall be secured from the next higher level of the procurement chain of command.

§ 592.213–3 **Limitations.**

* * * * *

(b) Requests for approval of standardization of equipment under this authority shall be initiated by the Chief of the Technical Service concerned and shall be submitted to the Advisory Committee on Procurement Without Advertising of Technical Equipment and Components. Such requests shall be submitted in an original and 15 copies, with the original signed by the Chief of the Technical Service or his Deputy, and must include, as a minimum, the following:

* * * * *

(7) Determination embracing the same factors as are set forth in § 3.213–3 of this title.

§ 592.306 **Procedure with respect to determination and findings.**

* * * * *

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

9. Add new §§ 596.103–13, 596.150–7, 600.450, and 600.450–1, as follows:

§ 596.103–13 **Renegotiation.**

Contracts placed with Canadian Commercial Corporation are exempted from compliance with the requirements of § 7.103–13 of this title.

§ 596.150–7 **Service-type contract; option to renew.**

(a) The option to renew clause is authorized for use in negotiated contracts for services, where such services are normally of a continuing nature and are required on an annual basis to meet operational needs of the installation or activity.

(b) *Conditions for use.* (1) Prior to the inclusion of the option to renew clause in a contract, the Contracting Officer shall determine that a definite benefit capable of being evaluated in dollars will accrue to the Government through the use of such clause and that such benefit would be lost without the use of the clause.

(2) Prior to the exercise of the option the following issues must be resolved affirmatively: (i) That funds will be available to continue the work for the new period of time; (ii) that continuation of the contract without competition will be in the best interest of the Government, price and other factors considered; and (iii) that authority exists to negotiate for the extension of the contract work.

(3) In those cases where the option is exercised "subject to the availability of funds" it is the responsibility of the Contracting Officer to make sure that work is begun only after funds are available for the purpose.

(4) Paragraph (c) of the clause is appropriate for use in cost-type contracts and may be omitted in fixed-price type contracts when the Contracting Officer considers that its use would be inappropriate.

(5) It is the policy of the Department of the Army to limit the option to extend the contract to a period of not more than two years after the first year of contract performance.

§ 600.450 **Maryland sales and use tax.**

The Maryland statute exempts sales or uses from the taxes if the purpose of the purchaser or user of tangible personal property is to resell the property, or to use or incorporate it, as a material or part, of other tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining. However, by a 1957 amendment, sales of tangible personal property to be used as facilities, tools, tooling machinery or equipment (including dies, molds, and patterns) are not exempt from the sales tax, nor is the use exempt from the use tax, even though title thereto passes, or is intended to pass, to the Federal Government either before or after such person uses such facilities, tools, machinery or equipment.

(a) Whenever a Department of the Army contract calls for the transfer to the Government in their original form, without use by the contractor, of facilities, tools, tooling machinery or equipment purchased by a contractor, the resale exemption from the sales tax is considered applicable to such purchase.

(b) Whenever tangible personal property is purchased by a contractor for incorporation, as a material or part, in the completed supplies to be furnished to the Government under a Department of the Army contract, the resale exemptions from the sales and use taxes are considered applicable to such purchase and use.

(c) No sales tax or use tax exemption applies to facilities, tools, tooling machinery or equipment used by a contractor in the performance of a Department of the Army contract regardless of when title thereto passes, or is intended to pass, to the Government.

(d) Questions arising out of sales or uses which do not fall within one of the above categories should be referred to the Office of the Judge Advocate General, Department of the Army, Washington 25, D.C., Attn: Procurement Law Division, for advice.

§ 600.450–1 **Procedure to be followed pending disposition of litigation.**

(a) Where the total amount of the tax applicable to the contractor is $1000 or more, the following procedure shall apply:

(1) If the tax is assessed by the Maryland taxing authorities under one of the exempt situations described in § 600.450 (a) or (d), the contractor should pay the tax and apply for a refund within 30 days of the mailing of the notice of the assessment. Refunds, after assessment, must be applied for within 30 days of assessment or recovery is foreclosed. (Md. Code Ann. 1951, Art. 81, Sec. 347). Where assessment has taken place, the contractor should be instructed to retain counsel for the purpose of making application for refund within the appropriate period.

(2) The contractor should be instructed to pay, at the appropriate time, the tax considered to be due, in order to avoid an assessment by the State. When the tax is paid without assessment, the contractor should be instructed not to apply for a refund except as herein directed. Under Maryland law a claim for refund may be filed at any time within three years of payment of the tax if no assessment has been made (Md. Code Ann. 1951, Art. 81, Sec. 344). To facilitate the filing of claims, contracting agencies should maintain records of the contracts and amounts of taxes involved.

(3) Whenever 30 months have elapsed from the time of initial payment, The Office of the Judge Advocate General, Department of the Army, Washington 25, D.C., Attn: Procurement Law Division, should be notified of the fact and furnished all information necessary to determine whether the tax should be contested. In this connection the provisions of § 600.050 will be strictly followed.

(4) If any substantial payment of tax was made more than 35 months previous to date of this publication, the contractor is authorized to retain counsel and to file application for refund directly. The Office of the Judge Advocate General, Department of the Army, Washington 25, D.C., Attn: Procurement Law Division should be notified promptly of such action. Every claim for refund should be made in accordance with the provisions of Md. Code Ann. 1951, Art. 81, Sec. 344, and should state as grounds: (i) That the sales to the taxpayer were not retail sales within the meaning of Md. Code Ann. 1951, Art. 81, Sec. 320(f) and were not subject to the tax imposed by Sec. 321 of that Article; (ii) that the property bought by the taxpayer was not used, stored, or consumed by the taxpayer in Maryland within the meaning of Md. Code Ann. 1951, Art. 81, Secs. 368 and 369, and that the taxpayer was not subject to the tax imposed by Sec. 369; and (iii) any additional grounds which counsel for the taxpayer deems applicable.

(b) Contracting officers shall insure that contractors who are subject to the Maryland sales and use taxes are advised of the provisions of this section.

10. Sections 600.451, 600.451–1, 600.452, 600.452–1, 601.850, and 605.401–50 are revoked, as follows:

§ 600.451 **Connecticut sales and use tax.** [Revocation]

§ 600.451–1 **Procedure to be followed during litigation.** [Revocation]

§ 600.452 **Maryland sales and use tax.** [Revocation]

§ 600.452–1 **Procedure to be followed pending disposition of litigation.** [Revocation]

§ 601.850 **Contact with President's Committee.** [Revocation]

§ 605.401-50 Engineer construction contract forms. [Revocation]

11. Add new §§ 605.505 and 605.505-50; revise paragraph (b) in § 605.550; in § 606.204-1(b), revise subparagraph (1); and revise § 606.204-15, as follows:

§ 605.505 Novation agreements.

§ 605.505-50 Procedure.

When, in accordance with § 16.505 of this title, it is either consistent with the Government's interest to recognize a successor in interest to the contractor, or appropriate to recognize a change in the name of a contractor, with respect to contracts being administered by the contracting officers of the Department of the Army, the procedure set forth below shall be followed.

(a) If all the contracts involved are solely under one procuring activity, the Head of the Procuring Activity or his duly authorized representative, is authorized to execute a novation or change of name agreement, as appropriate, on behalf of the Department of the Army. When it is requested that the Department of the Army recognize a successor in interest to the contractor, the Head of the Procuring Activity shall, as soon as practicable, notify the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, that a novation agreement is in process. If it appears that there are mutual problems with either or both of the other military departments in connection with such novation agreement, this fact and all necessary details will be included in the above-mentioned notice. The Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, will consult with the other Military Departments concerned and advise the Head of the Procuring Activity of his future course of action.

(b) If the contracts involved are under more than one procuring activity, the novation or change of name agreement, as appropriate, will be executed by the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, on behalf of the Department of the Army. In such cases, procuring activities concerned will notify contractors to prepare the agreement and forward four executed copies, together with one copy of each of the documents required by § 16.505-2(c) or § 16.505-3(b) of this title, whichever is appropriate, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Branch.

(c) Contractors should be instructed to follow the forms in § 16.505 of this title as closely as possible and to fill in the blank spaces provided therein as follows:

(1) In the space provided for dating the agreement, enter the date upon which the transfer of assets or the change of name, whichever is applicable, became effective pursuant to the applicable state law.

(2) Insert the word "Army" after the words "Department of the" wherever they appear.

(d) After the execution of a novation or change of name agreement, copies of the agreement shall be distributed as a modification to each contract involved, as prescribed in § 606.206 of this subchapter.

§ 605.550 Lease Agreement — Government-Owned Personal Property.

* * * * *

(b) Authority is granted in effecting procurement outside the United States, its Territories, and possessions, to deviate from the form to the extent indicated: Paragraph 17—Disputes—on page 3 of the form: Substitute "Disputes" clause prescribed in § 596.103-12(c) of this subchapter.

§ 606.204-1 Personal or professional services.

* * * * *

(b) *Employment of experts or consultants by appointment.* Pursuant to the statutory authorities set forth in paragraph (a)(1) of this section, the Secretary of the Army has authorized the Director of Civilian Personnel, Department of the Army, to obtain the services of experts and consultants by appointment. The procedures for making such appointments are set forth in Department of the Army Civilian Personnel Regulations. The services of experts and consultants will be procured by appointment, rather than by formal contract, except in the following instances:

(1) Where the services are included in the categories set forth in paragraph (a)(3)(i) through (iv) of this section.

§ 606.204-15 Contract review.

At least one competent person, whether or not presently assigned to such office, shall be assigned the duty of reviewing in an advisory capacity all contracts, except purchases of $2,500 or less using small purchase procedures. This review shall be conducted prior to award of a contract by the contracting officer or prior to contract approval by commanders or chiefs of field purchasing offices, when such approval is required.

[C 18, APP, Oct. 5, 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C 2301-2314)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-10102; Filed, Dec. 1, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 161]

FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, 315a-315r) as amended and supplemented, it is proposed to amend and revise the regulations issued under the said act as set forth below. The main purposes of these proposed changes are to standardize the meaning and use of the term "adjudication of grazing privileges", and to provide a gradual reduction for hardship cases where grazing privilege reductions are required to reach the grazing capacity of the Federal range.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 24, 1959.

1. Paragraph (r) of § 161.2 is added as follows:

§ 161.2 Definitions.

* * * * *

(r) "Adjudication of grazing privileges" is the determination of the qualifications for grazing privileges of the base properties, land or water, offered in support of applications for grazing licenses or permits in a range unit or area, and the subsequent equitable apportionment among the applicants of the forage production within the proper grazing season and capacity of the particular unit or area of Federal range, and acceptance by the applicants of the grazing privileges based upon the apportionment or its substantiation in a decision by an examiner, the Director or the Secretary upon appeal. (Applicable provisions are §§ 161.1 to 161.5 inclusive, 161.6 (a) and (b), 161.6(e) (1) to (4) inclusive, 161.6 (f) and (g), 161.9, and 161.10.)

§ 161.6 [Amendment]

2. Section 161.6 is amended as follows:

a. Paragraph (e) is amended as follows:

(e) *Terms and conditions.* * * *

(3) No license or permit will confer grazing privileges in excess of the grazing capacity of the Federal range to be used, as determined by the district man-

ager, except as may be allowed under paragraph (f)(3) of this section.

b. In paragraph (f), subparagraph (1)(ii) is amended and new subparagraphs (3) and (4) are added as follows:

(f) *Reduction.* (1) * * *

(ii) Regular licenses or permits to the extent, if any, to which they are in excess of the base property qualifications or have been otherwise improperly issued.

* * * * *

(3) When the district manager, after referral to the advisory board, determines that the imposition of the full amount of certain reductions in grazing privileges from current licensed or permitted use necessary to reach the grazing capacity of a range area would impose a serious hardship on the range users, he may schedule such reductions over a period of not longer than three years depending upon the circumstances of the case. Such reduction schedules will be established in compliance with the minimum requirements of the following guides:

(i) Minimum reduction determinations made under subdivisions (ii), (iii), and (iv) of this subparagraph for the first or second year of any reduction schedule will be adjusted when necessary to preclude carrying over a proportionate reduction of less than 5 percent to a subsequent year. Such minor portions will be added to the determined reductions for the first or second year whichever is appropriate.

(ii) For total reductions of 35 percent and over, at least one-third will be applied the first year. A similar minimum portion will be applied the second year if that amount or more still remains to be made, otherwise the remaining portion of 5 percent or over will be applied. In the third year, any outstanding balance of 5 percent or over will be imposed.

(iii) For total reductions of 25 percent and up to but not including 35 percent, at least 10 percent will be applied the first year. A similar minimum portion will be applied the second year if that amount or more still remains to be made, otherwise the remaining portion of 5 percent or over will be applied. In the third year, any outstanding balance of 5 percent or over will be imposed.

(iv) For total reductions of 15 percent and up to but not including 25 percent, at least 10 percent will be applied the first year. The remaining portion of 5 percent or over will be applied the second year.

(v) All reductions of less than 15 percent will be imposed the first year.

(4) The district manager will notify each affected licensee or permittee by certified mail of his decision to make a reduction in grazing privileges to reach the grazing capacity of any Federal range area and of the manner in which the reduction is to be made. The district manager's decision notice will allow 30 days from receipt thereof in which to file any desired appeal in accordance with § 161.10 of this part. If no appeal is filed within the 30-day period, the reduction will be made in accordance with the district manager's decision, and no further appeal will be allowed even though the reduction may be scheduled under subparagraph (3) of this paragraph to cover a period of time up to three years. If any timely appeal is filed after receipt of the district manager's decision notice, the reduction for the entire Federal range area under consideration will be deferred pending the completion of the appeal and hearing procedure. Any reduction provided by the ultimate decision will be applied to its full extent immediately after the effective date of that decision. In the event that the orderly administration of the range or other public interest so requires, any decision may be placed in full force and effect in accordance with the provisions of § 161.10(i)(2).

[F.R. Doc. 59-10118; Filed, Dec. 1, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Land; Amendment

NOVEMBER 25, 1959.

The notice of proposed withdrawal and reservation of land for the Federal Aviation Agency in the Anchorage Land District, Alaska, was published in the FEDERAL REGISTER on June 13, 1959 in Volume 24, Number 116 on Page 4861. The description of the land has been amended to read as follows:

COLD BAY AREA

From the point of beginning of Air Navigation Site Withdrawal No. 176, situated at Cold Bay, Alaska, go N. 24°57'30" W. 22,530.00 feet to the Northwest corner thereof and the point of beginning:
thence N. 24°57'30" W. 3827.95 feet;
thence North 3517.29 feet;
thence East 5000.00 feet;
thence South 6987.77 feet to the North boundary of said A.N.S.W. No. 176;
thence West along said boundary 3384.76 feet to the point of beginning.

Containing 800 acres, more or less.

HAROLD M. WHEATLEY,
Acting Operations Supervisor.

[F.R. Doc. 59-10135; Filed, Dec. 1, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 8404]

RATE OF RETURN LOCAL SERVICE CARRIERS

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on January 6, 1960, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 24, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-10129; Filed, Dec. 1, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50-126]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of a notice of proposed action with the Office of the FEDERAL REGISTER, the Atomic Energy Commission has issued License No. XR-35 to General Dynamics Corporation authorizing export of a research reactor to the Federal Ministry of Education, the Republic of Austria, Vienna, Austria. The notice of proposed issuance of this license, published in the FEDERAL REGISTER on March 28, 1959 (24 F.R. 2466), described the reactor as a 100 kilowatt TRIGA Mark II research reactor.

Dated at Germantown, Md., this 24th day of November 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-10100; Filed, Dec. 1, 1959; 8:45 a.m.]

[Docket No. 50-151]

UNIVERSITY OF ILLINOIS

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that The University of Illinois, under section 104c of the Atomic Energy Act of 1954, as amended, has submitted an application for a license authorizing construction and op-

eration of a TRIGA Mark II tank-type nuclear reactor on the University's campus in Urbana, Illinois. The reactor will be designed by the General Atomic Division of General Dynamics Corporation. Steady-state operation up to 200 kilowatts (thermal) and pulsed operation involving step insertions up to $2.00 excess reactivity are proposed. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 24th day of November 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-10101; Filed, Dec. 1, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Project No. 1488]

BLACHLY-LANE COUNTY COOPERATIVE ELECTRIC ASSOCIATION

Notice of Application for Surrender of License

NOVEMBER 24, 1959.

Public notice is hereby given that Blachly-Lane County Cooperative Electric Association, of Eugene, Oreg., has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for surrender of the license for water-power Project No. 1488, located on Lake Creek in Lane County, Oregon.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is January 3, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10105; Filed, Dec. 1, 1959; 8:45 a.m.]

[Docket No. G-19811]

COLORADO INTERSTATE GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 24, 1959.

Take notice that on October 19, 1959, Colorado Interstate Gas Company (Applicant) filed in Docket No. G-19811 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, including metering and compression facilities, to enable Applicant to take into its certificated main pipeline system natural gas which it will purchase during the calendar year 1960 from producers in the general area of its existing transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the total cost of all facilities proposed under this application will not exceed $1,000,000, with the total cost of any single installation limited to $200,000.

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 pipeline system new supplies of natural gas in various producing areas generally coextensive with its system.

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 December 29, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a 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 December 18, 1959. 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. 59-10106; Filed, Dec. 1, 1959; 8:45 a.m.]

[Docket No. G-16576]

DIFFERENTIAL CORP. ET AL.

Notice of Application and Date of Hearing

NOVEMBER 23, 1959.

Take notice that Differential Corporation (Applicant), an Ohio corporation with a principal place of business in Houston, Texas, filed an application on October 13, 1958, in Docket No. G-16576, requesting authorization to continue a sale of natural gas to Tennessee Gas Transmission Company (Tennessee), previously made by The Federal Royalty Company (Federal), Operator, et al.,[1] from certain acreage in the Prasifka Field, Wharton County, Texas, pursuant to a 20-year basic gas sales contract dated December 28, 1954, as amended, between Federal and Columbia, sellers, and Tennessee, buyer, all as more fully described in the application on file with the Commission and open to public inspection.

[1] "Et al." party was Columbia Drilling Company (Columbia), which party's working interest is also covered by Differential's certificate application.

Applicant states that by instrument of assignment dated July 1, 1957, Federal conveyed to Differential its working interest in the subject acreage. Subsequently, Differential ratified the aforesaid gas sales contract dated December 28, 1954, by instrument dated July 1, 1957, which instrument was also executed by Columbia and Tennessee. Federal was authorized in Docket No. G-8385 to render the service proposed herein to be continued by Differential.

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 December 16, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a 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 December 15, 1959. 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. 59-10107; Filed, Dec. 1, 1959; 8:45 a.m.]

[Docket Nos. G-19178, G-19211]

INDIANA UTILITIES CORP. AND LOUISVILLE GAS AND ELECTRIC CO.

Notice of Applications and Date of Hearing

NOVEMBER 25, 1959.

Take notice that on August 10, 1959, as supplemented on September 3, and October 12, 1959, Indiana Utilities Corporation (Indiana Utilities) filed in Docket No. G-19178 an application, pursuant to

section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas facilities proposed to be purchased from Louisville Gas and Electric Company (Louisville Gas), and, pursuant to section 7(a) of said Act, for an order of the Commission directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transmission system with the facilities which Indiana Utilities proposes to acquire from Louisville Gas, and to sell and deliver natural gas to Indiana Utilities, on a firm basis, for distribution in the communities of Corydon and Laconia and to the Town of Middletown for resale therein, all in Harrison County, Indiana.

On August 13, 1959, as supplemented on September 30, 1959, Louisville Gas filed in Docket No. G-19211 a companion application, pursuant to section 7(b) of the Act, for permission and approval to abandon by sale to Indiana Utilities, under an agreement dated April 7, 1959, 4.89 miles of 8-inch and 4-inch transmission lateral pipeline, and appurtenances, extending from a point on Texas Gas' transmission system in Kentucky westerly to the point of connection with Louisville Gas' facilities on the Kentucky-Indiana state boundary, and, further, to abandon service to Indiana Utilities now being rendered through these facilities.

The aforesaid applications and supplements are on file with the Commission and open to public inspection.

The facilities which Indiana Utilities seeks authority to acquire in Docket No. G-19178 are those which Louisville Gas seeks permission to abandon in Docket No. G-19211. The purchase price of the facilities to be transferred is $37,500, which is their depreciated original cost.

Indiana Utilities' estimated requirements for the service which it asks authority to take over from Louisville Gas are as follows:

	Mcf at 15.025 psia	
	Peak day	Annual
1959-60	1,550	228,378
1960-61	1,580	215,000
1961-62	1,600	210,000

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 29, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a 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 December 18, 1959. 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. 59-10108; Filed, Dec. 1, 1959; 8:46 a.m.]

[Docket No. G-15165]

JUDARTH CORP.

Notice of Application and Date of Hearing

NOVEMBER 24, 1959.

Take notice that Judarth Corp. (Applicant), a New York corporation with a principal place of business in Corpus Christi, Texas, filed an application in Docket No. G-15165 on May 27, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of the sale of natural gas previously made by Tex-Penn Oil & Gas Corp. (Tex-Penn) Operator, et al.[1] of natural gas to The Nueces Company (Nueces), which company will resell subject gas to Tennessee Gas Transmission Company (Tennessee), from the W. W. Walton Lease located in the Agua Dulce Field, Nueces County, Texas, under a gas sales contract dated January 29, 1957, between Tex-Penn and Moody-Texas, sellers, and Nueces, buyer, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant states that by instrument of assignment dated December 1, 1957, Moody-Texas conveyed to Tex-Penn (Operator and owner of a 51 percent working interest in the Walton Lease) its 49 percent working interest in aforesaid lease, and that subsequently, by instrument of assignment dated December 1, 1957, Tex-Penn conveyed to Judarth the total working interest in the Walton Lease, among other leases. Tex-Penn was authorized in Docket No. G-11976 to render the service now proposed to be continued by Judarth.

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 December 17, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application as amended: *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 (c)(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 December 15, 1959. 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. 59-10109; Filed, Dec. 1, 1959; 8:46 a.m.]

[1] "Et al." party was Moody-Texas Oil Corporation (Moody-Texas).

[Docket No. G-19592]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

NOVEMBER 24, 1959.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation with a principal office in Pittsburgh, Pennsylvania, filed an application on October 1, 1959, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to (1) construct and operate 2.6 miles of 12-inch, 0.7 mile of 10-inch and 0.2 mile of 6-inch pipelines in the City of Wellsville and Yellow Creek Township, Columbiana County, Ohio, and (2) to abandon 4.08 miles of 8-inch, 0.48 mile of 10-inch and 0.48 mile of 6-inch pipeline in the City of Wellsville and Yellow Creek Township, Columbiana County, Ohio, and in Saline Township, Jefferson County, Ohio, constituting sections of Applicant's Line Number 5, all as more fully described in the application on file with the Commission, and open to public inspection.

Applicant states that because of the contemplated construction of the New Cumberland Dam on the Ohio River by the U.S. Army Corps of Engineers, a few miles downstream from Wellsville, Ohio, approximately 13,000 feet of its transmission Line No. 5 along the river bank will become submerged under water. The sections of Line Number 5 to be affected by the dam extend northward about 5 miles from the dam site near Stratton, Ohio, to a point north of Wellsville. The length of pipe to be abandoned, including the inundated sections, totals 5.04 miles.

Applicant further states that after consideration of the whole problem, which includes not only the inundation but also the need for higher pressures for certain industrial customers in the area and the need to avoid congested areas of the city, it decided not to relocate portions of Line Number 5, but to abandon the affected portions in place and to build the proposed new line on the outskirts of the city. This will permit the area to be served entirely from existing lines north of Wellsville and also resolve the pressure and congestion problems.

The estimated peak day and annual requirements of The Ohio Valley Gas Company for distribution in the City of Wellsville, Ohio, and Yellow Creek Township, Columbiana County, Ohio, are given in the following table:

	Peak day (Mcf)[1]	Annual (Mcf)[1]
1959	4,800	831,549
1960	6,019	1,227,320
1961	6,124	1,246,079
1962	6,175	1,255,557

[1] Actual 1958-59 peak day and 1958 annual requirements.

Applicant states the proposed new facilities will enable it to meet these requirements.

Applicant estimates the total cost of the proposed new facilities to be $213,000 of which the U.S. Government has agreed to pay $22,800, making the net estimated cost of the proposed facilities $190,200; and that the facilities to be retired will be abandoned in place because their salvage would be uneconomical. Cost of retiring is given to be $500 and credit to fixed capital is estimated at $58,483.

Applicant proposes to finance the project, together with its other 1959 construction, by the issuance and sale of stocks and debentures to its parent company, The Columbia Gas System.

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 December 17, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting 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 December 14, 1959. 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. 59-10110; Filed, Dec. 1, 1959; 8:46 a.m.]

[Docket No. G-19668]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

NOVEMBER 24, 1959.

Take notice that on October 6, 1959, The Manufacturers Light and Heat Company (Applicant) filed in Docket No. G-19668 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of up to 15,300 Mcf of natural gas per day (at 14.73 psia) to The Ohio Fuel Gas Company (Ohio Fuel), which gas is presently transported from the southwest by Tennessee Gas Transmission Company (Tennessee) and delivered to Ohio Fuel at Cambridge, Guernsey County, Ohio, for Applicant's account, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject 15,300 Mcf of natural gas per day is part of a larger volume which Applicant purchases from Champlin Oil and Refining Company (formerly the Chicago Corporation) and which Tennessee transports for Applicant's account. By order issued June 7, 1954 in the Consolidated proceedings, Docket Nos. G-2290 and G-2304, Tennessee was authorized to deliver 15,300 Mcf to Ohio Fuel for Applicant's account and Applicant was authorized to sell such volume to Ohio Fuel.

Applicant seeks to abandon this sale to Ohio Fuel in order to make the 15,300 Mcf per day available to its own system in western Pennsylvania to meet its estimated 1959-1960 winter requirements.

Ohio Fuel will receive an equivalent volume of 15,300 Mcf per day by direct purchase from Tennessee at the existing Guernsey County delivery point under authorization issued to Tennessee on January 28, 1959 in Docket No. G-11107, which authorization contemplated this substitution of Tennessee for Applicant as the source of Ohio Fuel's 15,300 Mcf supply.

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 December 29, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1959. 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. 59-10111; Filed, Dec. 1, 1959; 8:46 a.m.]

[Docket No. G-19962]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

NOVEMBER 25, 1959.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation with a principal office in Pittsburgh, Pennsylvania, filed an application in Docket No. G-19962, on October 22, 1959, pursuant to section 7 of the Natural Gas Act for authorization to construct and operate 20 feet of 2-inch service line and regulating and measuring station on its 12-inch interstate transmission Line No. 7337 in Carroll Township, Washington County, Pennsylvania, about ¾ of a mile northwest of the Town of Donora, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant states the proposed facilities will serve natural gas on an interruptible basis to an existing plant of Burrell Construction and Supply Company, adjacent to Applicant's existing pipeline, which operates a rotary drying kiln in the manufacture of asphalt slag and presently uses oil.

The annual and maximum daily requirements of this industrial customer are estimated respectively at 20,270 Mcf and 200 Mcf @ 14.73 psia. Applicant expects this load to be seasonal with the maximum daily deliveries in summer months, and maintains that on plus 11° F days in the 1959-60 winter, the proposed maximum daily delivery can be met without curtailing the requirements of its other customers in the Donora area.

Total cost of the proposed facilities is estimated at $7,600, which Applicant proposes to finance from funds on hand.

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 January 14, 1960 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1960. 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. 59-10112; Filed, Dec. 1, 1959; 8:46 a.m.]

[Docket No. G-9446 etc.]

SHELL OIL CO. ET AL.

Notice of Consolidation of Proceedings and Date of Hearing

NOVEMBER 23, 1959.

In the matters of Shell Oil Company, Docket Nos. G-9446, G-9475, G-11307, G-11320, G-11336, G-11353, G-12192, G-12951, G-13397, G-13418, G-13441, G-13515, G-13847, G-14926, G-14970, G-15028, G-15794, G-16249, G-16254, G-16337, G-16595, G-16670, G-16952, G-17266, G-17278, G-17317, G-17368, G-17440, G-17442, G-17525, G-18185, G-18266, G-18699, G-18845, G-19155, G-19432, G-19604, G-19770, G-19887, G-19915, G-19987, G-20059; Shell Oil Company (Operator), Docket Nos. G-12952, G-13315, G-13389, G-14113, G-14671, G-16255, G-16671, G-18698, G-19771; Shell Oil Company (Operator), et al., Docket Nos. G-12953, G-13144, G-14023, G-16253, G-18186, G-18267, G-18469, G-18697.

The above proceedings relate to proposed increased rates and charges for sales of natural gas subject to the jurisdiction of the Commission. The proposed increased rates and charges have heretofore been suspended by orders of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said proceedings are hereby consolidated for hearing to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the prior orders of the Commission in each of the above proceedings, a public hearing will be held on March 8, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in these consolidated proceedings.

Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10114; Filed, Dec. 1, 1959; 8:46 a.m.]

[Docket No. G-19300]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

NOVEMBER 24, 1959.

Take notice that United Gas Pipe Line Company (Applicant) filed a budget type application on August 24, 1959, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of unspecified natural gas facilities to enable it to make new direct industrial sales of natural gas from its main pipeline system from time to time during the current year 1960, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities to be built for such sales as are entered into, would have a total cost not to exceed $750,000, and the total cost of any single connection would be limited to a maximum of $200,000. The facilities would consist of taps, meters and short branch lines and would not increase the main line delivery capacity of Applicant's system.

Applicant states that none of the facilities for which it seeks authorization will be used to deliver gas to any electric power company for use as boiler fuel in the generation of electricity, and that the total annual deliveries to direct industrial customers to be attached by such facilities is not to exceed 10,000,000 Mcf.

Applicant will finance the proposed facilities out of current working funds.

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 January 5, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1959. 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. 59-10115; Filed, Dec. 1, 1959; 8:46 a.m.]

[Docket Nos. G-20111—G-20118]

NEW ERA ROYALTIES ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

NOVEMBER 20, 1959.

In the matters of New Era Royalties, Docket No. G-20111; H. J. Porter, Docket No. G-20112; Shell Oil Company, Docket No. G-20113; Nemours Corporation (Operator), et al., Docket No. G-20114; Renappi Corporation (Operator), et al., Docket No, G-20115; Renappi Corporation, Docket No. G-20116; Alton Coats, et al., Docket No. G-20117; Gas Gathering Corporation, Docket No. G-20118.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Rate suspended until—	Cents per Mcf	
									Rate in effect	Proposed increased rate
G-20111	New Era Royalties	1	2	Colorado Interstate Gas Co., (Greenwood Field, Morton Co., Kans.).	8-31-59 (supp. agree.)	10-22-59	11-22-59	4-22-60	15.0	[3] 16.0
G-20112	H. J. Porter	3	3	Tennessee Gas Transmission Co., (Sullivan City Field, Hidalgo and Starr Counties, Tex.).	9-29-59	10-23-59	11-23-59	4-23-60	12.12268	[3] 15.0952
G-20113	Shell Oil Co.	128	3	Tennessee Gas Transmission Co., (Lake Arthur Field, Jefferson Davis Parish, La.).	10-23-59	10-26-59	11-26-59	4-26-60	10.72633	[4] 22.83333
G-20114	Nemours Corporation (Operator), et al.	3	5	Tennessee Gas Transmission Co., (Bethany Field, Panola County, Tex.).	10-23-59	10-26-59	11-26-59	4-26-60	12.62	[3] 14.4248
G-20115	Renappi Corporation (Operator), et al.	2	5	Tennessee Gas Transmission Co., (Bethany Field, Panola County, Tex.).	10-24-59	10-26-59	11-26-59	4-26-60	12.62	[3] 14.4248
G-20116	Renappi Corporation	5	5	Tennessee Gas Transmission Co., (Bethany Field, Panola County, Tex.).	10-22-59	10-26-59	11-26-59	4-26-60	12.62	[3] 14.4248
G-20117	Alton Coats, et al.	1	9	Tennessee Gas Transmission Co., (Bethany Field, Panola County, Tex.).	Undated	10-30-59	12-1-59	5-1-60	12.62	[3] 14.4248
G-20118	Gas Gathering Corporation:			Transcontinental Gas Pipe Line Corporation, (Happytown Field, St. Martin Parish, La., and Bayou Des Glaise Field, Iberville Parish, La.).						
	Contract [5]	2			8-22-59	10-26-59	11-26-59	4-26-60	17.5	[4] 23.55
	Letter [6]	2	1		8-24-59	10-26-59	11-26-59	4-26-60	17.5	[4] 23.55
	Letter [7]	2	2		10-1-59	10-26-59	11-26-59	4-26-60	17.5	[4] 23.55
	Letter [8]	2	3		10-1-59	10-26-59	11-26-59	4-26-60	17.5	[4] 23.55
	Letter [9]	2	4		10-1-59	10-26-59	11-26-59	4-26-60	17.5	[4] 23.55
	Notice of change	2	5		10-23-59	10-26-59	11-26-59	4-26-60	17.5	[4] 23.55

[1] The stated effective dates are those requested by Respondents, or the first day after the expiration of statutory notice, whichever is later.
[3] Pressure base is 14.65 psia.
[4] Pressure base is 15.025 psia.
[5] Supersedes Gas Gathering Corporation's FPC Gas Rate Schedule No. 1.
Letters amending price between Gas Gathering Corporation and:
[6] Humble Oil & Refining Company under contract dated 11-1-56;
[7] R. R. Frankel under contract dated 9-30-54;
[8] Shell Oil Company under contract dated 9-1-54; and
[9] Texaco Inc. under contract dated 10-22-54.

In support of their redetermined increased-rate proposals, Nemours Corporation (Operator), et al. (Nemours), Alton Coats, et al. (Coats), and Renappi Corporation (Renappi), for itself and as (Operator), et al., submitted price-redetermination letters providing for the subject increased rates from Tennessee Gas Transmission Company. Nemours and Renappi state that the redetermination clause was an important consideration to the seller for entering into a long-term contract; that the proposed rates are below the prices under contracts currently being negotiated in the same area; and that the costs of maintaining existing service and of searching for new reserves have increased greatly. Coats cites the contract provisions and states that he would not have entered into a long-term contract without the price provisions contained therein.

New Era Royalties proposes a redetermined-rate increase, for jurisdictional sales of natural gas to Colorado Interstate Gas Company, provided for by a supplemental agreement dated August 31, 1959, and agreed upon pursuant to the price redetermination clause of the basic contract dated April 18, 1955.

H. J. Porter, in support of his redetermined increased rate proposal, submits a price redetermination letter dated April 16, 1959 and states that the increase is necessary to prevent price discrimination; that the contract was negotiated at arm's-length; that, since the date of the initial contract, the costs of producing gas have increased; and that the proposed increased rate is less than the prices for similar gas in the same area.

In support of its renegotiated increased rate, Shell Oil Company submits, as part of the rate change, a supplemental agreement dated October 1, 1959 containing provisions for periodic rate increases while deleting the favored-nation provisions of the original contract. In addition, Shell states that the proposed increased rate is less than the prices certificated by the Commission Opinions Nos. 315, 321 and 327 for interstate sales of gas in the same area, and that Shell gave up the favored-nation clause, which afforded protection against inflation and the increased valuation of gas under the long term of the contract.

In support of its favored-nation increased rate proposal, Gas Gathering Corporation states that Transcontinental Gas Pipe Line Corporation is obligated to pay the increased rate under the favored-nation clause of the superseded contract dated October 1, 1954.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements and Gas Gathering Corporation's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements and Gas Gathering Corporation's FPC Gas Rate Schedule No. 2 are suspended and the use therof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings, have been disposed of or until the related period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10113; Filed, Dec. 1, 1959; 8:46 a.m.]

[Docket Nos. G-20183—G-20199]

J. K. WRIGHT, JR., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

NOVEMBER 20, 1959.

In the matters of J. K. Wright, Jr., Docket No. G-20183; Durbin Bond, Docket No. G-20184; The Ohio Oil Company (Operator), et al., Docket No.

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

G-20185; Texaco Inc., Docket No. G-20186; Sunray Mid-Continent Oil Company, Docket No. G-20187; David Crow Trustee, et al., Docket No. G-20188; David Crow, Agent, Docket No. G-20189; D. A. Biglane, et al., Docket No. G-20190; S. P. Borden, Docket No. G-20191; J. F. Ruffin, Jr., Trustee, Docket No. G-20192; Douglas Whitaker, Docket No. G-20193; Mrs. Betty D. Mortimer, et al., Docket No. G-20194; Pioneer Oil and Gas Co., Inc. (Operator), et al., Docket No. G-20195; James D. Madole, et al., Docket No. G-20196; Continental Oil Company, Docket No. G-20197; Gulf Oil Corporation (Operator), et al., Docket No. G-20198; Gulf Oil Corporation, Docket No. G-20199.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for the jurisdictional sales of natural gas to United Gas Pipe Line Company from the Maxie and Pistol Ridge Fields, Forrest, Lamar and Pearl Counties, Mississippi. The proposed changes, each of which constitute an increased rate and charge of 4.0 cents per Mcf—from 20.0 cents to 24.0 cents per Mcf at 15.025 psia—including a 1.0 cent per Mcf Mississippi tax reimbursement, are contained in the following designated filings:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Notice of change dated—	Date tendered	Effective date [2] unless suspended	Rate suspended until—
G-20183	J. K. Wright, Jr	2	1	10-24-59	10-27-59	11-27-59	4-27-60
G-20184	Durbin Bond	1	3	10-24-59	10-27-59	11-27-59	4-27-60
G-20185	The Ohio Oil Co. (Operator), et al	16	6	Undated	10-23-59	11-24-59	4-24-60
G-20186	Texaco Inc	121	5	Undated	10-23-59	11-24-59	4-24-60
G-20187	Sunray Mid-Continent Oil Co	80	2	10-20-59	10-23-59	11-24-59	4-24-60
G-20188	David Crow Trustee, et al	5	2	10-22-59	10-26-59	11-26-59	4-26-60
		4	2	10-22-59	10-26-59	11-26-59	4-26-60
G-20189	David Crow, Agent	7	2	10-22-59	10-26-59	11-26-59	4-26-60
G-20190	D. A. Biglane, et al	1	2	10-22-59	10-26-59	11-26-59	4-26-60
G-20191	S. P. Borden	1	2	10-22-59	10-26-59	11-26-59	4-26-60
G-20192	J. F. Ruffin, Jr., Trustee	1	2	10-22-59	10-26-59	11-26-59	4-26-60
G-20193	Douglas Whitaker	3	2	10-22-59	10-26-59	11-26-59	4-26-60
G-20194	Mrs. Betty D. Mortimer, et al	1	2	10-22-59	10-26-59	11-26-59	4-26-60
G-20195	Pioneer Oil and Gas Co., Inc., (Operator), et al.	1	10	10-22-59	10-26-59	11-26-59	4-26-60
		3	1	10-22-59	10-26-59	11-26-59	4-26-60
G-20196	James D. Madole, et al	[3] 1	5	10-22-59	10-26-59	11-26-59	4-26-60
G-20197	Continental Oil Co	143	1	10-19-59	10-26-59	11-26-59	4-26-60
G-20198	Gulf Oil Corp. (Operator), et al	[4] 77	6	10-23-59	10-26-59	11-28-59	4-28-60
		92	2	10-21-59	10-26-59	11-26-59	4-26-60
G-20199	Gulf Oil Corp	134	1	10-22-59	10-26-59	11-26-59	4-26-60

[2] The states effective dates are those requested by Respondents, or the first day after the expiration of statutory notice, whichever is later.
[3] The presently effective rate is subject to refund in Docket No. G-8510.
[4] The presently effective rate is subject to refund in Docket No. G-18772.

In support of their redetermined increased-rate proposals, Respondents submitted copies of United Gas Pipe Line Company's price redetermination letters and, in addition thereto, make the following statements:

The Ohio Oil Company (Operator), et al., states that the increased price is a part of the initial consideration to it for contracting the large volume of gas involved, that the price is no higher than other prices in the general area and that the price is just and reasonable.

Texaco Inc. states that the increased price is in accordance with provisions of a contract which resulted from bona fide arm's-length bargaining and such pricing provisions were designated to partially compensate seller for increasing costs of development, operation and maintenance. Further, Texaco Inc. states that the increased price is just and reasonable and is needed to encourage further exploration and development.

Sunray Mid-Continent Oil Company states that its contract was negotiated at arm's-length, that the increased price is just and reasonable and in line with other prices in the area and that denial thereof would be unjust and discriminatory.

Continental Oil Company cites the contract provisions and the price redetermination letter.

Gulf Oil Corporation, for itself and as (Operator), et al., states that its contracts were negotiated at arm's-length and refers to cost of service data submitted in evidence in the consolidated proceedings in Docket No. G-9520, et al.

The remaining Respondents stated generally that the contracts were negotiated at arm's-length, that the adjusted price does not exceed the value of gas in the area and that such price is necessary to encourage exploration.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.[5]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10116; Filed, Dec. 1, 1959; 8:46 a.m.]

[5] Commissioner Kline would reject the filings on the ground that the statement supporting such increase consists of mere conclusions and accordingly does not constitute adequate compliance with the provisions of § 154.94(f) of the regulations under the Natural Gas Act.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

Amendment of Delegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs, effective as of December 23, 1954 (20 F.R. 428, Jan. 19, 1955), as amended (20 F.R. 4275, June 17, 1955; 21 F.R. 1468, March 7, 1956; 21 F.R. 3038, May 5, 1956; 21 F.R. 5385, July 18, 1956; 21 F.R. 5471, July 20, 1956; 22 F.R. 2887, April 24, 1957; 22 F.R. 4105, June 11, 1957; 23 F.R. 1202, Feb. 26, 1958; 23 F.R. 1611, March 6, 1958; 23 F.R. 4820, June 28, 1958; 23 F.R. 8413, Oct. 30, 1958; 23 F.R. 9078, Nov. 21, 1958; 23 F.R. 9399, Dec. 4, 1958; 24 F.R. 242, Jan. 9, 1959; 24 F.R. 5815, July 21, 1959; 24 F.R. 8451, Oct. 17, 1959), is hereby further amended in the following respects:

1. In subparagraph 1(d)(3), insert before the semicolon the following: "except the termination of Federal assistance for the survey and planning of urban renewal projects, including the cancellation of reservations of capital grant funds in connection therewith".

2. In subparagraph 5(m), delete the word "and".

3. In subparagraph 5(n), delete the period and insert "; and".

4. Add the following new subparagraph 5(o):

(o) Terminate Federal assistance for the survey and planning of urban renewal projects, including the cancellation of reservations of capital grant funds in connection therewith.

Effective as of the 2d day of December 1959.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 59-10130; Filed, Dec. 1, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-227 etc.]

CITIES SERVICE CO. AND ARKANSAS FUEL OIL CORP.

Notice of Filing of Plan; Order Consolidating Proceedings and for Hearing

NOVEMBER 25, 1959.

In the matters of Cities Service Company, Arkansas Fuel Oil Corporation, File Nos. 54-227, 54-226, 54-223, 54-186, 31-622, 59-93, and 70-1804.

Notice is hereby given that certain participant stockholders (owning or representing 426,775 shares of the common stock of Arkansas Fuel Oil Corporation ("Arkansas")) in the pending consolidated proceedings (File Nos. 54-226; 54-223; 54-186; 31-622; 59-93; and 70-1804), have filed, as proponents, a plan ("Liquidation Plan") pursuant to section 11(d) of the Public Utility Holding Company Act of 1935 ("Act") for the stated purpose of effectuating compliance with the order of the Commission of September 20, 1957 (Holding Company Act Release No. 13549), issued under section 11(b)(2) of the Act, directing Cities Service Company ("Cities"), a registered holding company, and its subsidiary, Arkansas, to effect the elimination of the public minority stock interest in Arkansas or the disposition by Cities of its stock interest in Arkansas. The Liquidation Plan is calculated to yield to all the stockholders of Arkansas, including Cities, a net cash amount equal to $40 per share.

All interested persons are referred to the Liquidation Plan which is on file at the office of the Commission and which is summarized as follows:

Arkansas will adopt a plan of complete liquidation and in furtherance thereof it will transfer to AF Oil Company ("Purchaser"), a new company organized by certain of the proponents of the plan, all of Arkansas' assets and properties, except (1) cash and cash deposits, (2) U.S. Government securities, (3) investments in securities, other than securities of subsidiaries and mutual service companies, and (4) accounts, notes and production payments receivable. Purchaser will pay for the assets and property transferred to it cash in the amount of $152,061,440 ($40 times the 3,801,536 outstanding shares of the common stock of Arkansas), plus an amount equal to the total of all liabilities (except stockholders' equity and net gas revenue deferred), as shown on Arkansas' unconsolidated balance sheet as of the close of business March 31, 1960 (the effective date), minus an amount equal to the total of excepted assets items (1), (2), (3), and (4) above, and minus an amount equal to the total of all dividends paid or declared by Arkansas after December 31, 1959. The remaining assets of Arkansas will be liquidated and Arkansas will be dissolved within 12 months from the date of the adoption of its plan of liquidation.

Purchaser will sell all the assets acquired by it from Arkansas to General American Oil Company of Texas on a basis which will yield no profit to Purchaser.

The Liquidation Plan provides that Cities may elect, by filing written notice thereof with the Commission prior to its approval, either (1) to purchase from Arkansas substantially all of the assets of Arkansas on the above terms and conditions, or (2) to purchase, concurrently with the closing of the sale of assets to Purchaser, as above described, the pipe line, marketing division, storage division, the Panola Gasoline Plant, and the related accounts receivable, all as described in a certain report of Stone & Webster Service Corporation to Cities.

If Cities elects the second alternative it will pay Arkansas for such properties and related accounts receivable the amount appraised as the value thereof by Stone & Webster Service Corporation, some $20,063,278, plus certain adjustments for inventories, accounts receivable, prepaid expenses, and deferred charges applicable to these properties. In that event, the properties purchased by Cities will be excluded from the sale to Purchaser and the purchase price to be paid by Purchaser will be reduced by the amount paid by Cities.

It appearing appropriate, in view of the orders of September 20, 1957, October 6, 1958, and March 11, 1959 (Holding Company Act Release Nos. 13549, 13840 and 13948) entered herein, and of the provisions of section 11(d) of the Act, that a hearing be held in respect of the Liquidation Plan to afford all interested persons an opportunity to be heard as to whether it should be approved by the Commission; and that the pending consolidated proceedings are related to the proceeding in respect of the Liquidation Plan and involve common issues of fact and law; that evidence offered and to be offered in the prior consolidated proceedings has or may have a bearing upon the issues in the proceeding upon the Liquidation Plan; and that substantial savings of time and expense will or may result if such prior consolidated proceedings are consolidated with the proceeding upon the Liquidation Plan, so that pertinent and relevant evidence offered and to be offered in the prior consolidated proceedings may be considered as evidence in the proceeding upon the Liquidation Plan;

It further appearing that the issues set forth in the Commission's orders of October 6, 1958, and March 11, 1959, are equally applicable to the Liquidation Plan except insofar as such issues specifically relate to the plans filed by Cities; that it is appropriate to modify the Notice for Hearing of October 6, 1958, so that it shall be applicable to the Liquidation Plan, the effect of such notification being that the proceedings would embrace the issue whether the Liquidation Plan complies with section 11(b)(2) of the Act and the Commission order of September 20, 1957, and is fair and equitable, and whether, in the event the Commission shall not approve the Liquidation Plan, as filed or modified, it shall take appropriate action pursuant to section 11(d) of the Act.

It is ordered, That the consolidated proceedings above described, at File Nos. 54-226, 54-223, 54-186, 31-622, 59-93, and 70-1804, be, and hereby are, consolidated with the proceeding upon the Liquidation Plan, at File No. 54-227; and that the evidence offered in such prior consolidated proceedings, as to which the hearing is now in progress, shall be considered, to the extent deemed relevant and pertinent, as evidence in respect of the issues in the proceeding on the Liquidation Plan, without prejudice to the right to object to the relevancy or pertinency thereof.

It is further ordered, That the Notice for Hearing dated October 6, 1958, be, and hereby is, modified to the extent necessary to make the issues therein applicable to the Liquidation Plan and that evidence with respect to the Liquidation Plan shall be taken forthwith at the conclusion of the cross-examination of the witnesses as to whom cross-examination has not as yet been completed, but in no event prior to December 16, 1959. Any person not heretofore granted leave to participate who desires to be granted such leave shall file with the Secretary of the Commission on or before December 15, 1959, a request therefor in the manner provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these consolidated proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That notice of the action taken herein shall be given by registered mail to Cities, Arkansas, and all other persons who have been given permission to participate in the consolidated proceedings; that notice shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this notice and order shall be distributed to the press and mailed to the persons on the mailing list of the Commission for releases under the Act.

It is further ordered, That Cities shall give notice of the filing of the Liquidation Plan, and of the convening of the hearing to receive evidence with respect thereto, by causing to be mailed, at its expense, a copy of this order at least 10

days prior to December 15, 1959, to each of the public stockholders of record of Arkansas.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-10120; Filed, Dec. 1, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 229]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 27, 1959.

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 petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

MC-FC 62449. By order of November 24, 1959, the Transfer Board approved the transfer to William Robbins, doing business as Elmira-Troy-Canton Bus Lines, Montour Falls, N.Y., of Certificate in No. MC 63662, issued March 27, 1942, to Harold L. Wells, doing business as Elmira Troy Canton Bus Line, Horseheads, N.Y., authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, between Elmira, N.Y., and Canton, Pa. Service is authorized to and from the intermediate points of Fassett, Gillett, Snedekerville, Columbia Cross Roads, Troy, and Alba, Pa. William G. Williams, Attorney at Law, 11 North Front Street, Harrisburg, Pa.

No. MC-FC 62612. By order of November 25, 1959, the Transfer Board approved the transfer to Douglas W. Lambert, doing business as Lambert Transfer Company, Florence, Ala., of corrected Certificate in No. MC 79966, issued September 27, 1957, to J. W. Segrest, doing business as Segrest Transfer Company, Bessemer, Alabama, authorizing the transportation of: Household goods between Birmingham, Ala., and points in Alabama within 100 miles of Birmingham, not including Montgomery, Ala., on the one hand, and on the other points in Alabama, Georgia, Tennessee, North Carolina, Mississippi, Florida, Louisiana, and Arkansas. John W. Cooper, Markstein and Cooper, 818 Massey Building, Birmingham 3, Ala.

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

[F.R. Doc. 59-10126; Filed, Dec. 1, 1959; 8:47 a.m.]

[Notice 298]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 27, 1959.

The following publications are governed by the Interstate Commerce Commission's general rules of practice (49 CFR 1.40) 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 will be called at 9:30 o'clock a.m., United States standard time unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 9726 (Sub No. 6), filed September 28, 1959. Applicant: THOMAS FRANKLIN DUNLAP, doing business as T. F. DUNLAP, 6256 Wiehe Road, Cincinnati, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings* and *houses* knocked down or in sections, including *nails* and *hardware* for erection thereof, from Hamilton, Ohio to points in Alabama, Delaware, Iowa, Maryland, Minnesota, Missouri, New Jersey, New York, North Carolina, South Carolina, Tennessee, Virginia, and Wisconsin, and from Hamilton, Ohio to points in Illinois, Indiana, Kentucky, Ohio, Michigan, Pennsylvania, and West Virginia, beyond 300 miles of Hamilton, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia.

HEARING: January 4, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Herbert L. Hanback.

No. MC 11185 (Sub No. 114), filed October 12, 1959. Applicant: J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft assemblies*, requiring special handling and equipment because of their delicate and fragile nature, between Palmdale and Burbank, Calif., on the one hand, and, on the other, ports of entry in New York, Vermont, Idaho, Montana, and Michigan on the International Boundary line between the United States and Canada, destined to points in Canada. Applicant is authorized to conduct operations throughout the United States.

NOTE: Common control may be involved.

HEARING: January 4, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 11592 (Sub No. 2), filed October 26, 1959. Applicant: E. E. HAUGARTH, P.O. Box 272, 1016 North 16th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, Suite 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing and cleaning compounds, soap, soap powders* and *liquid soap*, in containers, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, between Omaha, Nebr. and Chicago, Ill. Applicant is authorized to conduct operations in Illinois and Nebraska.

NOTE: Applicant states he has been transporting these same commodities under his existing certificates for a number of years. There is pending, in MC-C-2437, a determination of whether his present authority is sufficient to enable applicant to continue this service, and in the event MC-C-2437 results in a satisfactory interpretation, applicant will request that no duplicating authority be issued.

HEARING: January 14, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 11620 (Sub No. 25), filed November 6, 1959. Applicant: GEORGE BUSSE, doing business as THE ARROW TRANSFER COMPANY, 339 East Main Street, Danville, Ky. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Cheese, oleomargarine, butter*, and *powdered milk*, from Cincinnati, Ohio and Stanford, Ky., to points in Alabama and Virginia. (b) *Oleomargarine*, from Stanford, Ky., to points in North Carolina, South Carolina, Georgia, Florida, and Tennessee. (c) *Powdered milk*, from Cincinnati, Ohio, to points in North Carolina, South Carolina, Georgia, Florida, and Tennessee. (d) *Damaged, defective, rejected and returned shipments* of the above-specified commodities, from the destination points specified in (a), (b), (c), and (d) to the origin points therein specified.

NOTE: Applicant states he seeks authority to transport powdered milk, although it is an exempt commodity, in order to transport it in mixed shipments with non-exempt commodities moving in the same direction or to the same destination. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Applicant indicates the above-described operations are to be performed for Merchants Creamery Company.

HEARING: January 25, 1960, in the New Post Office Building, Columbus, Ohio, before Examiner Alton R. Smith.

No. MC 14552 (Sub No. 16), filed November 12, 1959. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 1028 West Rayon Avenue, Youngstown, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, Fifty West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick and high-temperature bonding mortar*, between Siloam (Greenup County), Ky.,

on the one hand, and, on the other, points in (a) Stark, Columbiana, Medina, Lorain, Trumbull, Mahoning, Portage, Summit, Cuyahoga, Ashtabula, Lake, and Geauga Counties, Ohio, (b) Mercer, Lawrence, Butler, Westmoreland, Washington, Beaver, and Allegheny Counties, Pa., and (c) Hancock, Brooke, and Ohio Counties, W. Va. Applicant is authorized to conduct operations in Ohio and Pennsylvania.

HEARING: January 25, 1960, in the New Post Office Building, Columbus, Ohio, before Examiner Alton R. Smith.

No. MC 20783 (Sub No. 49), filed October 19, 1959. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dough*, between Indianapolis, Ind., on the one hand, and, on the other, points in Georgia, Alabama, Tennessee, North Carolina, South Carolina, Florida, Mississippi and Louisiana. Applicant is authorized to conduct operations in Tennessee, Georgia, North Carolina, Alabama, Florida and South Carolina.

HEARING: January 22, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 25970 (Sub No. 2), filed November 2, 1959. Applicant: WARREN R. OCHSE AND RAYMOND F. OCHSE, a partnership, doing business as OCHSE BROS., 343 Closter Dock Road, Closter, N.J. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Bergen and Passaic Counties, N.J., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Ohio, Indiana, Illinois, Virginia, West Virginia, Delaware, North Carolina, South Carolina, and the District of Columbia. Applicant is authorized to transport household goods between points in Bergen and Passaic Counties, N.J. and points in New York, New Jersey, Connecticut, Maryland, and Pennsylvania.

HEARING: January 14, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 40235 (Sub No. 18), filed October 1, 1959. Applicant: I. R. C. & D. MOTOR FREIGHT, INC., 128 South Second Street, Richmond, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, including among others injection plastic molding machines*, but excluding road construction machinery and equipment, from Richmond, Ind., to points in Ohio, Michigan, Illinois, Missouri, Wisconsin, Kentucky, Pennsylvania, New York, New Jersey, Massachusetts, and Minnesota, and *used machinery* being returned to shipper for rebuilding or reconditioning, *rejected machinery* and *tarpaulins* furnished by the shipper as protection or *covers* for the machines transported outbound. Applicant is authorized to conduct operations in Indiana, Ohio, West Virginia, Pennsylvania, Michigan, Illinois, Tennessee, Kentucky, Arizona, California, Colorado, Connecticut, Delaware, Idaho, Kansas, Louisiana, Maine, Maryland, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, and the District of Columbia.

HEARING: January 18, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 43038 (Sub No. 417), filed November 9, 1959. Applicant: COMMERCIAL CARRIERS, INC., 3399 East McNichols Road, Detroit 12, Mich. Applicant's attorney: Louis E. Smith, 511 Fidelity Building, 111 Monumental Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in secondary movements, by drive-a-way and truck-a-way, between Birmingham, Mobile, and Montgomery, Ala., Jacksonville, Orlando, Sanford, and Tampa, Fla., Atlanta, Ga., New Orleans, La., and Knoxville, Memphis, and Nashville, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Colorado, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant states the proposed operations shall be restricted to the transportation of traffic that has a prior or subsequent movement by rail carrier.

HEARING: January 7, 1960, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 43654 (Sub No. 44), filed September 22, 1959. Applicant: DIXIE OHIO EXPRESS, INC., P.O. Box 750, 237 Fountain Street, Akron 9, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes transporting: *Textile factory products* (including but not limited to cotton factory products), *cord tire fabric* (including but not limited to cotton cord tire fabric), *textile fabric* (including but not limited to cotton fabrics), *winding cores* (including but not limited to wooden winding cores), in truckloads, between Akron, Ohio, and points in Alabama and Georgia; from Akron over regular routes as specified in Certificate No. MC 43654 and Subs thereunder to Alabama and Georgia State lines, thence over irregular routes to points in Alabama and Georgia, and return over irregular routes to the Alabama and Georgia State lines, thence over regular routes specified in Certificate No. MC 43654 and Subs thereunder to Akron. Applicant is authorized to conduct operations in Alabama, Georgia, Kentucky, New York, Ohio, Pennsylvania, and Tennessee.

NOTE: Applicant states it seeks herein to modify the commodity description of its present authority between the territory hereinabove described which reads as follows: Tires, tubes, rubber articles, cotton factory products, cotton, cord tire fabric, cotton fabrics, wooden winding cores, burlap discs, in truckloads. Applicant further states that it has on and prior to the "Grandfather date" and continuously thereafter been engaged in the transportation of textile factory products, cord tire fabric and textile fabrics, including synthetic cord tire fabric and synthetic fabrics, also winding cores, within the territory hereinabove described; that the purpose of this application is to remove the present limited commodity restriction and not to extend the presently authorized territory.

HEARING: January 7, 1960, in the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Herbert L. Hanback.

No. MC 45813 (Sub No. 7), filed November 13, 1959. Applicant: THE DUMFORD TRUCKING COMPANY, a corporation, 1700 Plum Avenue, Middletown, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, Fifty West Broad Street, Columbus, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers, partitions, pads, sheets, and liners*, and *pallets* or *skids* used in the transportation thereof, (1) between New Castle, Ind., on the one hand, and, on the other, points in Ohio, Illinois, and Kentucky, and (2) between Dayton, Ohio, and points within 1 mile thereof, on the one hand, and, on the other, points in Indiana and Kentucky. Applicant is authorized to conduct operations in Kentucky, Indiana, Ohio, and Michigan.

HEARING: January 26, 1960, in the New Post Office Building, Columbus, Ohio, before Examiner Alton R. Smith.

No. MC 45813 (Sub No. 8), filed November 13, 1959. Applicant: THE DUMFORD TRUCKING COMPANY, a corporation, 1700 Plum Avenue, Middletown, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers, partitions, pads, sheets and liners*, and *pallets*, or *skids* used in the transportation thereof, between Miamisburg, Ohio, on the one hand, and, on the other points in Indiana and Kentucky. Applicant is authorized to conduct operations in Kentucky, Indiana, Ohio, and Michigan.

HEARING: January 26, 1960, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 47642 (Sub No. 1), filed October 7, 1959. Applicant: NATHAN MARCUS, doing business as MARCUS TRANSPORTATION, 667 Sixth Avenue, 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: (1) *Synthetic resins* and *materials and supplies* incidental to or used in the manufacture of synthetic resins, in containers, from Fords, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and (2) *acrylic emulsions, acrylic solutions* and *anti-oxidants* (food, animal feed, and technical grade) in containers, from Fords, N.J., to points in New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and *returned, refused, rejected* or *damaged shipments* of the above-specified on return. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: January 11, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 59120 (Sub No. 17), filed October 6, 1959. Applicant: EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 22, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Class A and B explosives and except livestock, (1) from Marietta, Ohio, over U.S. Highway 21 to Unionville, Ohio; thence over Ohio Highway 77 to Zanesville, Ohio; thence over U.S. Highway 40 to its junction with Ohio Highway 37; thence over Ohio Highway 37 to Granville, Ohio; thence over Ohio Highway 161 to its junction with U.S. Highway 33; thence over U.S. Highway 33 to Marysville, Ohio; thence over Ohio Highway 31 to Kenton, Ohio; thence over U.S. Highway 30S to Delphos, Ohio; thence over U.S. Highway 30 to its junction with Illinois Highway 1; thence over Illinois Highway 1 to Chicago, Ill.; and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Marietta, Ohio, and Chicago, Ill.; and (2) from Marietta, Ohio, over U.S. Highway 21 to Unionville, Ohio; thence over Ohio Highway 77 to Zanesville, Ohio; thence over U.S. Highway 40 to its junction with Ohio Highway 37; thence over Ohio Highway 37 to Granville, Ohio; thence over Ohio Highway 161 to its junction with U.S. Highway 33; thence over U.S. Highway 33 to Marysville, Ohio; thence over Ohio Highway 31 to Kenton, Ohio; thence over U.S. Highway 68 to its junction with U.S. Highway 25; thence over U.S. Highway 25 to Bowling Green, Ohio, for joinder purposes, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Marietta, Ohio, and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Ohio, New York, Pennsylvania, and West Virginia.

HEARING: January 25, 1960, in the New Federal Building, Pittsburgh, Pa., before Examiner Herbert L. Hanback.

No. MC 59960 (Sub No. 1), filed October 6, 1959. Applicant: CARLTON HILL TRUCKING CO., INC., Morton Street, Carlton Hill, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between Newark, Great Notch, Little Falls, Mountain View, Wayne, Pequannock, Pompton Plains, Pompton-Riverdale, and Wanaque-Midvale, N.J., on traffic having a prior or subsequent movement via railroad. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: Janauary 7, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 61403 (Sub No. 46), filed November 3, 1959. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *chemicals, paints, paint materials*, and *varnishes*, in bulk, in tank vehicles, from Kankakee, Ill., to points in Michigan, North Carolina, Ohio, Pennsylvania, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 8, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 73015 (Sub No. 6), filed October 23, 1959. Applicant: G & F TRUCKING CO., INC., Route 112, Medford Avenue, Patchogue, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Baltimore, Md., and Yardville and Englishtown, N.J., to points in Nassau and Suffolk Counties, N.Y. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

HEARING: January 15, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 78062 (Sub No. 45), filed September 8, 1959. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Imported canned goods* and *offshore sugar*, from Philadelphia, Pa., to points in Allegheny, Beaver, Butler, Fayette, Green, Lawrence, Washington, and Westmoreland Counties, Pa. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Delaware, West Virginia, Maryland, Kentucky, New Jersey, Illinois, Indiana, New York, Virginia, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) of the Act to determine whether applicant's status is that of a common or contract carrier in No. MC 78062 (Sub No. 30).

HEARING: January 18, 1960, in the New Federal Building, Pittsburgh, Pa., before Examiner Herbert L. Hanback.

No. MC 82872 (Sub No. 2), filed August 24, 1959. Applicant: CHARLES ZAMBUTO, THOMAS ZAMBUTO AND RALPH NIGRO, a Partnership, doing business as F. & F. TRUCKING CO., 246-52 Huron Street, Brooklyn 22, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, under a continuing contract with Gerber Products Co., Miles Laboratories, Inc., Orange Products Co., and Barbasol Co., between points in that part of New York, New Jersey, and Connecticut bounded by a line beginning at Stoneco, N.Y., and extending northeasterly to Dover Plains, N.Y., thence east to Kent, Conn., thence south, through Ridgefield and Georgetown, Conn., to East Norwalk, Conn., thence across Long Island Sound to the Nassau-Suffolk, N.Y. County line, thence along the said county line to the Atlantic Coast, thence along the Atlantic Coast to the southernmost point of Richmond County, N.Y., thence along the west boundary of Richmond County to the intersection of Richmond County line with that of Middlesex-Union, N.J. County lines at a point directly east of Carteret, N.J., thence along the boundary lines and including the counties of Union, Essex and Passaic, N.J., to the New Jersey-New York State line, at a point 3 miles northwest of Lakeside, N.J., thence in a southeasterly direction along the New Jersey-New York State line across the Hudson River to Hastings-on-Hudson, N.Y., and thence north along the east bank of the river to Stoneco, N.Y., including the points named.

NOTE: Applicant is authorized in permit No. MC 82872 Sub 1 to conduct the above-described operations, except that the instant application is restricted to the four named shippers. Applicant states the purpose for filing said application is to clarify the "Keystone" restriction. Applicant has filed simultaneously with this application a Motion to Dismiss the Application on the ground that its Permit authorized the serving of these shippers.

HEARING: January 6, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 87523 (Sub No. 77), filed September 8, 1959. Applicant: FRANK COSGROVE TRANSPORTATION COM-

PANY, INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities* (except gasoline, fuel oil, asphalt and tar), in tank vehicles, between Ports of Entry on the boundary between the United States and Canada at or near Champlain and Rouses Point, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, and points in the New York, N.Y., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Massachusetts, Vermont, New Hampshire, New York, Virginia, Tennessee, Illinois, Indiana, Ohio, Michigan, Maine, Connecticut, Rhode Island, Pennsylvania, Delaware, New Jersey, and Maryland.

HEARING: January 20, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner A. Lane Cricher.

No. MC 87523 (Sub No. 80), filed September 17, 1959. Applicant: FRANK COSGROVE TRANSPORTATION COMPANY, INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* in bulk, (except sand, gravel, cement, coal, and coke), between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, Iowa, Minnesota, Wisconsin, Missouri, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Virginia.

HEARING: January 21, 1960, at the New Post Office and Court House building, Boston, Mass., before Examiner A. Lane Cricher.

No. MC 87523 (Sub No. 81), filed October 5, 1959. Applicant: FRANK COSGROVE TRANSPORTATION CO., INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar oil*, in bulk, in tank trucks, from Malden, Mass., to Natural Bridge, N.Y. Applicant is authorized to conduct operations in Massachusetts, Vermont, New Hampshire, New York, Virginia, Tennessee, Illinois, Indiana, Ohio, Michigan, Maine, Connecticut, Rhode Island, Delaware, Pennsylvania, and Maryland.

HEARING: January 19, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 191, or if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 87730 (Sub No. 20), filed November 12, 1959. Applicant: R. W. BOZEL TRANSFER, INC., 414 West Camden Street, Baltimore, Md. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats* and *packinghouse products* as described in Parts A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as modified in 61 M.C.C. 766, from Baltimore, Md., to points in Delaware, points in Kent, Worcester and Somerset Counties, Md., and those in Accomack and Northampton Counties, Va., and *damaged and rejected shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Delaware, Florida, Georgia, Louisiana, Maryland, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

HEARING: January 5, 1960, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 278.

No. MC 88300 (Sub No. 24), filed November 13, 1959. Applicant: DIXIE TRANSPORT COMPANY, a corporation, North Dixie Highway, Whitley City, Ky. Applicant's attorney: George C. Young, 1109 Barnett National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles, trucks and busses*, except trailers, and *parts* and *accessories* of such vehicles moving in connection therewith, in secondary movements, by truckaway service, (1) From Chattanooga, Nashville, Knoxville and Memphis, Tenn., to points in North Carolina, South Carolina, Alabama, Tennessee, and Mississippi, restricted to traffic having a prior movement from South Bend, Ind. (2) From Birmingham and Montgomery, Ala., to points in Georgia and Florida, restricted to traffic having a prior movement from Detroit, Pontiac, Flint, Lansing, or Willow Run, Mich., or South Bend, or Evansville, Ind., or from the site of the Chrysler Corporation assembly plant in St. Louis County, Mo. (3) From Birmingham and Montgomery, Ala., to points in Alabama and Mississippi, restricted to traffic having a prior movement from South Bend, Ind. (4) From Chattanooga, Nashville, and Knoxville, Tenn., to points in Georgia, restricted to traffic having a prior movement from Detroit, Pontiac, Flint, Lansing, or Willow Run, Mich., or South Bend, or Evansville, Ind., or from the site of the Chrysler Corporation assembly plant in St. Louis County, Mo. (5) From Corbin and Whitley City, Ky., to points in Tennessee on and east of Tennessee Highway 28, and points in Georgia, North Carolina, and South Carolina. (6) From Charleston, S.C., to points in South Carolina and North Carolina. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, Tennessee, Kentucky, Ohio, North Carolina, and South Carolina.

HEARING: January 8, 1960, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 89552 (Sub No. 5), filed October 21, 1959. Applicant: JAMES CALDER, doing business as CALDER'S VAN COMPANY, 3843 West Chicago Avenue, Chicago 15, 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: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in California, New Mexico, Arizona, Oregon, Kansas, Nevada, Utah, Washington, Wyoming, Idaho, and Montana. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Illinois, Iowa, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Wisconsin, and the District of Columbia.

HEARING: January 11, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 93890 (Sub No. 16), filed October 22, 1959. Applicant: McDOWALL TRANSPORT, INC., 33 West Grant Avenue, P.O. Box 3231, Orlando, Fla. Applicant's attorney: R. J. Reynolds, Jr., 1403 C & S Nat'l Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used motor vehicles*, between Birmingham, Mobile, and Montgomery, Ala., Jacksonville, Orlando, Sanford, and Tampa, Fla., Atlanta, Ga., New Orleans, La., and Knoxville, Memphis, and Nashville Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. Applicant is authorized to conduct operations in Michigan, Indiana, Ohio, Florida, Kentucky, Georgia, Alabama, and West Virginia.

NOTE: Applicant states the proposed operations shall be restricted to the transportation of traffic that has a prior or subsequent movement by rail carrier.

HEARING: January 7, 1960, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 93903 (Sub No. 6), filed October 5, 1959. Applicant: ANDERSON'S TRUCKING CORPORATION, 93 March Avenue, East Orange, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe, fittings, forms, molds*, and *equipment* used in the manufacture of concrete pipe, between Pompton Lakes, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, New York, and Pennsylvania. Applicant is authorized to conduct operations in Delaware, Connecticut, Maryland, Massachusetts, New Jersey,

New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

HEARING: January 7, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 97699 (Sub No. 13), filed November 16, 1959. Applicant: BARBER TRANSPORTATION CO., a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including those of unusual value and Classes A and B explosives*, but excluding livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving to and from ballistic missiles testing and launching sites and supply points in Pennington, Custer, Fall River, Shannon, Meade, Butte, and Lawrence Counties, S. Dak., and Weston and Crook Counties, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Rapid City, S. Dak. Applicant is authorized to conduct operations in South Dakota, Minnesota, Wyoming, Illinois, Iowa, and Nebraska.

HEARING: December 18, 1959, at the Alex Johnson Hotel, Rapid City, S. Dak., before Joint Board No. 183.

No. MC 101126 (Sub No. 124), filed July 9, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and fats*, and *blends and products thereof*, in bulk, in insulated, stainless steel and aluminum tank vehicles, and *rejected shipments* of the above-specified commodities, between points in Ohio, Illinois, and Pennsylvania. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 101126 (Sub No. 86).

HEARING: January 4, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Herbert L. Hanback.

No. MC 101126 (Sub No. 126), filed October 28, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, dry and liquid, and *empty containers or other such incidental facilities* used in transporting the above-specified commodity, between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana and Michigan. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, New Jersey, North Carolina, Nebraska, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, Wisconsin, and West Virginia.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in Docket No. MC 101126 (Sub No. 86).

HEARING: January 5, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Herbert L. Hanback.

No. MC 101126 (Sub No. 127), filed October 30, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Food flavoring materials*, in bulk, in insulated stainless steel tank vehicles, from Cincinnati, Ohio, to points in New York, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Alabama,, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 101126 Sub No. 86.

HEARING: January 5, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Herbert L. Hanback.

No. MC 102376 (Sub No. 20), filed October 15, 1959. Applicant: ART BROCKMAN, INC., 10101 Ford Road, Dearborn, Mich. Applicant's attorney: Larry A. Esckilsen, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Missiles, space vehicle, space satellites, launching, guidance, monitoring and control units*, and *parts thereof*, requiring special equipment and handling for their transportation; (b) *launching, guidance, monitoring and control units*, and *equipment and parts* of such missiles, space vehicles, space satellites, and launching, guidance, monitoring and control units when such units and equipment and parts are transported incidental to, or in connection with, all of the above-described commodities, requiring special equipment and handling for their transportation; and (c) *shipper-owned or government-owned trailers*, empty, in return movement, when such trailers have been used in the outbound transportation of the foregoing commodities, between points in Illinois, Indiana, Ohio, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, Louisiana, Mississippi, Alabama, Georgia, South Carolina, and Florida, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, Nebraska, Kansas, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, and Florida. Applicant is authorized to conduct operations in Michigan, Ohio, Indiana, Illinois, Wisconsin, Pennsylvania, New York, Vermont, Kentucky, West Virginia, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and the District of Columbia.

HEARING: January 8, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 106398 (Sub No. 132), filed August 28, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, 8096 Dawson Station, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats* not exceeding 18' in length loaded in special boat trailers, from points in Ohio to points in the United States, including Alaska, and *damaged and refused boats* on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 12, 1960, in the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 107107 (Sub No. 130), filed September 14, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, 2424 Northwest 46th Street, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, food ingredients, food supplies, groceries* and *materials* or *supplies* used in processing or manufacturing of food and food products, from points in Cook and Du Page Counties, Ill., and Lake County, Ind., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 4, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 107128 (Sub No. 21), filed October 20, 1959. Applicant: FAST FREIGHT, INC., 2612 West Morris Street, Indianapolis, Ind. Applicant's attorney: Wilhelmina Boersma, 2350 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, including glass containers*, with or without closures, and *fiberboard cartons* (knocked down in mixed shipments with glass containers), (1) from Dunkirk and Hartford City, Ind., to

points in Minnesota, and (2) from Gas City, Ind., to points in Minnesota and Iowa. *Refused, rejected or damaged shipments* and *empty pallets* used in the shipment of the above-specified commodities, from points in Minnesota to Dunkirk and Hartford City, Ind., and from points in Minnesota and Iowa to Gas City, Ind. Applicant is authorized to conduct operations in Kentucky, Indiana, Wisconsin, Illinois, Missouri, Michigan, West Virginia, and Ohio.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, in No. MC 107128 (Sub No. 10).

HEARING: January 14, 1960, in the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 107227 (Sub No. 79), filed October 16, 1959. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in driveaway service, from Salinas, Calif., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 7, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 108678 (Sub No. 39), filed October 2, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Varnishes, lacquers, enamels* and *finishing materials*, in bulk, in tank vehicles from Indianapolis, Ind., to High Point, N.C., Templeton and Gardner, Mass., and Memphis, Tenn. (2) *Resins*, in bulk, in tank vehicles, from Philadelphia, Pa., Indian Orchard, Mass., and Toledo, Ohio, to Indianapolis, Ind. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 108678 (Sub No. 21).

HEARING: January 19, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 108678 (Sub No. 40), filed October 26, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis 4, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Brandy*, in bulk, in tank vehicles, from Orange Cove and Fowler, Calif., to Detroit, Mich. Applicant is authorized to conduct operations in California, Connecticut, Delaware, Georgia, Indiana, Illinois, Iowa, Kentucky, Louisiana, Maryland, Michigan, Massachusetts, Missouri, North Carolina, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, Wisconsin, and West Virginia.

NOTE. A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a contract or common carrier in Docket No. MC 108678 (Sub No. 21).

HEARING: January 7, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 109451 (Sub No. 105), filed October 19, 1959. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, 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: (1) *Acid and chemicals*, in bulk, in tank vehicles, from the plant site of American Agricultural Chemical Co., at or near Cairo, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and Wisconsin, and (2) *sulphuric acid*, in bulk, in tank vehicles, from Wood River, Ill., to Hammond, Ind., and *rejected shipments*, of the above specified commodities, on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act, to determine whether applicant's status is that of a contract or common carrier in No. MC 109451 (Sub No. 82).

HEARING: January 19, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 109723 (Sub No. 11), filed October 30, 1959. Applicant: GLENDYL W. STONE, doing business as STONE TRUCKING CO., Box 206, Dale, Ind. Applicant's attorney: Harry J. Harman, 1110-1112 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* and *jointing materials*, from Owensboro, Ky., to points in Florida, and *materials and supplies necessary in the conduct of the operation in the manufacture of clay products* and *rejected shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, and Tennessee.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 109723 (Sub No. 7).

HEARING: January 22, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 110193 (Sub No. 38), filed October 22, 1959. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, 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: *Brass, bronze, copper, brass, bronze or copper articles, wire, wire strand, bars, billets, blanks, shapes, castings, forgings, pipe, plate, powder, rods, rope, shot, conduit* and *tubes*, from Hicksville and Maspeth, N.Y., to Maiden Rock, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Kansas, Nebraska, Missouri, Iowa, Illinois, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Colorado, Delaware, the District of Columbia, Maryland, Maine, Minnesota, Kentucky, Wisconsin, Arkansas, Indiana, and Michigan.

HEARING: January 12, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 110478 (Sub No. 14), filed September 4, 1959. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Uhrichsville, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract or common carrier* by motor vehicle, over irregular routes, transporting: (1) *Clay products* and *fire clay*, from points in Tuscarawas County, Ohio, Springfield Township, Summit County, Ohio, Palmyra Township, Portage County, Ohio, and Brown Township, Carroll County, Ohio, to points in Connecticut, Rhode Island, and Massachusetts; (2) *Clay products* and *fire clay*, from points in Jefferson County, Ohio to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (3) *Empty containers, pallets, cardboard* and *lumber* used in packing and shipping of clay products and fire clay, from the destinations named in (1) and (2) above to the points of origin specified therein. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 110478 (Sub No. 6).

HEARING: January 11, 1960, in the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 111196 (Sub No. 16), filed October 9, 1959. Applicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, 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: *Dolomite, magnesite, high temperature bonding mortar and brick*, from Liberty Township, Seneca County, Ohio, to points in Connecticut, Delaware, Maryland, New Jersey, West Virginia, and those in New York and Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line running north over U.S. Highway 219 to New York State Highway 98; thence over said New York State Highway 98 to its junction with New York State Highway 18; and thence due north to Lake Ontario, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: January 13, 1960, in the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 111623 (Sub No. 22), filed September 28, 1959. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Legal Department, Schwerman Trucking Co. of Ohio (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitric Acid*, in bulk, in tank vehicles, from the plant site of Sohio Chemical Company at or near Lima, Ohio, to points in New York. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: January 7, 1960, in the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Herbert L. Hanback.

No. MC 111812 (Sub No. 87), filed September 28, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Maine to points in Ohio, Indiana, Kentucky, Michigan, Missouri, Wisconsin, Minnesota, Illinois, Iowa, Kansas, Nebraska, North Dakota, and South Dakota. Applicant is authorized to conduct operations in California, Connecticut, Idaho, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, and Washington.

HEARING: January 4, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 113336 (Sub No. 34), filed October 15, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, East Second Street, Lumberton, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk or bags, from points in Virginia to points in North Carolina. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

HEARING: January 6, 1960, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7, or, if the Joint Board waives its right to participate, before Examiner William J. Cave.

No. MC 113388 (Sub No. 27), filed November 17, 1959. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Box 265, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, vegetables* and *berries*, and *rejected* and *damaged shipments* and *empty pallets* and *containers*, (a) between points in Delaware, Maryland, Virginia, District of Columbia, New Jersey, Pennsylvania, and New York, on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Virginia, and the District of Columbia, and (b) between points in Maine, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, on the one hand, and, on the other, points in Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia.

HEARING: January 6, 1960, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Michael B. Driscoll.

No. MC 113475 (Sub No. 9), filed October 1, 1959. Applicant: RAWLINGS TRUCK LINE, INC., Purdy, Va. Applicant's attorney: Henry E. Ketner, State Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes, box shooks, crates, skids*, and *pallets*, from Lacrosse, Va., to points in New York, Ohio, Maryland, New Jersey, Pennsylvania, Delaware, Connecticut, and the District of Columbia; (2) *Boxes* and *box shooks*, from Chase City and Lawrenceville, Va., to points in Illinois and Wisconsin; and (3) *Skids* and *pallets*, from Drakes Branch, Va., to points in North Carolina, South Carolina, Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, Illinois, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, New York, New Hampshire, and the District of Columbia. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states it is not meant that the authority sought by this application will duplicate any of the authority now held by it.

HEARING: January 7, 1960, at the U.S. Court Rooms, Richmond, Va., before Examiner William J. Cave.

No. MC 113908 (Sub No. 59), filed October 19, 1959. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil residuum*, in bulk, in tank vehicles, from points in Cook, Lake, Du Page, and Will Counties, Ill., and La Porte, Porter, and Lake Counties, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, Nebraska, Tennessee, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Tennessee, Texas, and Wisconsin.

HEARING: January 12, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 114019 (Sub No. 33), filed October 5, 1959. Applicant THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *dairy products, including oleomargarine, salad dressing, mayonnaise, vegetable oil shortening*, and *advertising matter, paper* or *paperboard*, from Cincinnati, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Michigan, and the District of Columbia.

NOTE: Applicant holds contract carrier authority in Permit No. MC 9685 and sub numbers thereunder. Dual operations under section 210, and common control, may be involved. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, in No. MC 9685 (Sub No. 58).

HEARING: January 7, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 114106 (Sub No. 20), filed November 17, 1959. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, P.O. Box 461, 1820 South Main Street, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid* and *invert sugar*, and *blends of liquid sugar and corn syrup*, in bulk, in tank vehicles, from Richmond, Va., to points in Maryland, North Carolina, Pennsylvania,

South Carolina, Tennessee, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in North Carolina, South Carolina, Virginia, Tennessee, and Georgia.

NOTE: Section 210 dual operations may be involved. Applicant holds contract carrier authority in Permit No. MC 115176.

HEARING: January 5, 1960, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 114447 (Sub No. 7), (CORRECTION), filed September 8, 1959, published FEDERAL REGISTER, issue of October 21, 1959. Applicant: DONALD W. CLAUSE AND ERMA CLAUSE, doing business as LAKEVIEW MOTOR FREIGHT COMPANY, 1305 North Fourth Street, Lakeview, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Previous publication gave applicant's trade name as MOTOR FREIGHT COMPANY, in error. The correct trade name is as shown above, LAKEVIEW MOTOR FREIGHT COMPANY.

HEARING: Remains as assigned December 18, 1959, at the Interstate Commerce Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner F. Roy Linn.

No. MC 115162 (Sub No. 51), filed November 16, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile*, or *tiling* (facing or flooring, or facing cove or molding, clay or earthenware, glazed or not glazed, with or without backing), *plumber goods* (bathroom and lavatory fixtures, china or porcelainware), *quarry tile*, from Zanesville and Coal Grove, Ohio, to points in Alabama, Georgia, Mississippi, and Louisiana. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 22, 1960, in the New Federal Building, Pittsburgh, Pa., before Examiner Herbert L. Hanback.

No. MC 116144 (Sub No. 8), filed September 3, 1959. Applicant ARTHUR W. SORENSEN, doing business as SORENSEN TRANSPORTATION CO., Johnson Road, Woodbridge, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from Norfolk, Va., to Boston, Mass., and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodity, on return. Applicant is authorized to conduct operations in Connecticut, Massachusetts, and New Jersey.

HEARING: January 18, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner A. Lane Cricher.

No. MC 116564 (Sub No. 10), filed November 6, 1959. Applicant: LEWIS W. McCURDY AND MARGARET J. McCURDY, doing business as McCURDY'S TRUCKING COMPANY, 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising material* moving therewith, from Latrobe, Pa. to Canton, Ohio, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Pennsylvania and Maryland.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 116564 (Sub No. 7). Applicant also has common carrier authority under MC 119118 and Subs; therefore dual operations may be involved.

HEARING: January 22, 1960, in the New Federal Building, Pittsburgh, Pa., before Examiner Herbert L. Hanback.

No. MC 116725 (Sub No. 1), filed November 6, 1959. Applicant: JOHN S. KELLER, R.D. 2, Keller's Creamery Road, Telford, Montgomery County, Pa. Applicant's attorney: Harry J. Liederbach, Street Road and Willow Street, Southampton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, from Edgely, Bucks County, Pa., to points in Wisconsin, Chicago, Ill., and Minneapolis and St. Paul, Minn. Applicant is authorized to conduct operations in Indiana, Ohio, and Pennsylvania.

NOTE: Applicant states on return trips he proposes to transport his own commodities including butter and eggs purchased in Wisconsin.

HEARING: January 6, 1960, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 116816 (Sub No. 3), filed October 16, 1959. Applicant: THE MERIT TERMINALS CORP., Building 206A, Port Newark, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio, recorder, phonograph, and television sets* and *parts* and *equipment* for the aforesaid commodities, from Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and *returned and damaged shipments* of the above-specified commodities, from the above-specified destination points to Port Newark, N.J. The proposed authority is to be limited to a transportation service to be performed under a continuing contract with Sanford Electronics Corporation, New York, N.Y.

NOTE: Applicant states it presently holds similar authority as a contract carrier under contract with All State New York, Inc., New York, N.Y., and the purpose of this application is to add an additional shipper.

HEARING: January 11, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 117344 (Sub No. 23), filed September 15, 1959. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, P.O. Box 37, 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: *Hydrochloric acid*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

NOTE: Applicant holds contract carrier authority in Permit No. MC 50404 and sub numbers thereunder. Section 210 dual operations may be involved. A proceeding has been instituted under section 212(c) of the Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 50404 (Sub No. 55).

HEARING: January 12, 1960, in the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 117427 (Sub No. 11), filed November 12, 1959. Applicant: G. G. PARSONS, doing business as G. G. PARSONS TRUCKING COMPANY, P.O. Box 745, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Lumber*, except plywood and veneer (1) from points in Catawba County, N.C., to Baltimore, Md., Philadelphia, Pa., points in Florida, New Jersey, and New York City, Commercial Zone, as defined by the Commission and (2) from points in South Carolina to points in North Carolina. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

NOTE. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116145, therefore dual operations may be involved.

HEARING: January 4, 1960, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 118921 (Sub No. 1), filed August 25, 1959. Applicant: FLOYD DAHLE, doing business as DAHLE COAL & SUPPLY, 104 South Drake Street, Titusville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime or limestone*, in bulk, in seasonal operations from May 1 to December 1, inclusive of each year, from Conneaut, Ohio, to Titusville, Pa., and points in Venango, Cambridge, Rockdale, Bloomfield, Sparta, Rome, Athens, Richmond, Oil Creek, Steuben, Troy, Randolph, East Mead, West Mead, Union, Fairfield, East Fairfield, and Wayne Townships, Crawford County, Pa., and points in that part of Forest, Venango, and Warren Counties, Pa., bounded on the west by U.S. Highway 322, on the east by U.S. Highway 62, and on the north by U.S. Highway 6.

HEARING: January 19, 1960, in the New Federal Building, Pittsburgh, Pa., before Examiner Herbert L. Hanback.

No. MC 119118 (Sub No. 2), filed November 6, 1959. Applicant: LEWIS W. McCURDY AND MARGARET J. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers and *advertising material* moving therewith, (1) from Milwaukee, Wis., to Washington, Blairsville, Brandy Camp, Belle Vernon, and Carrolltown, Pa., and Steubenville, Canton, and Youngstown, Ohio, and (2) from Chicago, Ill., to Steubenville and Canton, Ohio, and *empty containers or other incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Maryland, Pennsylvania, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 116564 (Sub No. 7). Dual operations may be involved.

HEARING: January 21, 1960, in the New Federal Building, Pittsburgh, Pa., before Examiner Herbert L. Hanback.

No. MC 119138 (Sub No. 1), filed October 26, 1959. Applicant: CORLISS M. ROSS, doing business as C. M. ROSS, East State Street, Albany, Ind. Applicant's attorney: Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressure regulators, pallets, power pumps, valves, tubing kits, water tanks, link checks, pressure switches and guages* and *parts* of the aforementioned commodities, from the plant site of the Brady Air Controls, Inc., in Muncie, Ind., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Mississippi, Tennessee, Alabama, Ohio, Georgia, Florida, New York, Vermont, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Maryland, Rhode Island, New Jersey, Delaware, Connecticut, New Hampshire, Massachusetts, and Maine, and *rejected shipments* and *pallets* and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: January 20, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 119179, filed August 27, 1959. Applicant: MARVIN C. CARDEN, doing business as FARM TRACTOR AND IMPLEMENT COMPANY, Park Street Extension, Christiansburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from New Holland, Pa., to Belleville, Pa., and Roanoke, Salem, Christiansburg, Dublin, Draper, Pulaski, Pearisburgh, Narrows, Wytheville, Hillsville, Bland, New Castle, Galax, Marion, Satteville, Damascus, Abington, Bristol, Gate City, Richlands, and Rocky Mount, Va.

HEARING: January 7, 1960, at the U.S. Court Rooms, Richmond, Va., before Examiner William J. Cave.

No. MC 119209, filed September 11, 1959. Applicant: ROBERT E. WOLFORD, doing business as ALLSTATE TRAILER MOVERS, 1106 Charles Avenue, Fairmont, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers* and *trailers*, such as mobile offices, designed to be drawn with hook ball or clevis hitch, in both initial and secondary movements, between points in Maryland, Ohio, Pennsylvania, and West Virginia, on the one hand, and, on the other, points in the United States, including Alaska and the District of Columbia.

HEARING: January 20, 1960, in the New Federal Building, Pittsburgh, Pa., before Examiner Herbert L. Hanback.

No. MC 119229, filed September 23, 1959. Applicant: CHARLES ORLANDO, 130-49 115th Street, Ozone Park, N.Y. Applicant's attorney: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, convertible bed, upholstered furniture* and *cots*, from Lebanon (Hunterdon County), N.J., to points in New York, Connecticut, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; *mattresses*, unwrapped, and *materials* used in the manufacture of the above-described commodities, from New York, N.Y., to Lebanon (Hunterdon County), N.J.; *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant states the proposed transportation will be performed under contract with ECLIPSE Sleep Products, Inc.

HEARING: January 6, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 119250, filed October 8, 1959. Applicant: TRIPLE R. TRUCKING COMPANY, INC., 15 Hunters Lane, Roslyn, N.Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage* and *trunks*, containing personal belongings and effects, between points in Nassau, Suffolk, Queens, Kings, Bronx, New York, Richmond, Westchester, and Rockland Counties, N.Y., those in Bergen, Essex, Passaic, Union, and Hunson Counties, N.J., on the one hand, and, on the other, points in Orange, Dutchess, Ulster, Sullivan, Delaware, Schoharie, Albany, Rensselaer, Putnam, Columbia, Greene, Broome, and Delaware Counties, N.Y., those in Sussex and Warren Counties, N.J., those in Litchfield, Fairfield, Hartford, and New Haven Counties, Conn., those in Hampden, Hampshire, Franklin, and Berkshire Counties, Mass., and those in Bradford, Susquehanna, Wayne, Pike, Northampton, Carbon, Luzerne, Monroe, and Wyoming Counties, Pa.

HEARING: January 8, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 119252, filed October 12, 1959. Applicant: HARLEY R. WILLIS, doing business as SACRAMENTO DRIVE A WAY, 2778 21st Street, Sacramento, Calif. Applicant's attorney: Timothy S. Williams, 800 10th Street, Sacramento 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed automobiles*, in driveaway service, between Sacramento, Calif., and points in Arizona, Oregon, Utah, Wyoming, and Nevada.

NOTE: Applicant states the service to be performed by him would be the delivery and pick up of automobiles that have been repossessed, which were sold under conditional contracts of sale; further that he proposes to take consignments of automobiles and deliver them to requested designations by using their own power; and that such automobiles will not be transported on a carrier of any type.

HEARING: January 4, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 119253, filed October 12, 1959. Applicant: V. E. METTS, A. M. METTS AND RALPH STANKEWITZ, doing business as AUTO TRUCK SERVICE, R.F.D. No. 1, Box 416, Canfield, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled or wrecked vehicles* and *parts* and *equipment*, therefor, between points in Maryland, New York, Ohio, Pennsylvania, and West Virginia, bounded on the west by Ohio Highway 13 from Sandusky to junction U.S. Highway 33, thence over U.S. Highway 33 to junction U.S. Highway 15, thence over U.S. Highway 15 to Lake Ontario.

HEARING: January 13, 1960, in the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 119264, filed October 19, 1959. Applicant: OSCAR PIMSLER, 87-30 204th Street, Hollis 23, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose film products* and *plastic film products*, from the plant site of Cellucraft Products, Inc., at New Hyde Park, N.Y., to points in the New York, N.Y., Commercial Zone as defined by the Commission, and *returned, rejected* and *damaged shipments* of the above-specified commodities on return.

NOTE: Applicant states that the proposed operations will be conducted under a continuing contract with Cellucraft Products, Inc., New Hyde Park, N.Y.

HEARING: January 15, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 119273, filed October 23, 1959. Applicant: JOHN S. SCHATZ, doing business as SCHATZ TRANSFER CO.,

305 East Indiana Street, Evansville, Ind. Applicant's attorneys: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind., and William L. Mitchell, 314-16 Old National Bank Building, Evansville, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats* and *meat products*, from Evansville, Ind., to points in Vanderburgh and Posey Counties, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: January 21, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 119275, filed October 26, 1959. Applicant: JIMMIE R. VANN, doing business as RIP-VANN AGENCY, P.O. Box 3, Lancaster, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated and uncrated household goods, office and store furniture and fixtures, displays* and *electronic devices*, between Lancaster, Calif., and points within and bounded by to the West: At the intersection of the Pacific Ocean and U.S. Highway 101 and the Ventura-Santa Barbara County Line proceeding to the North along the Ventura-Santa Barbara Line to its intersection with U.S. Highway 399, thence along U.S. Highway 399 to its intersection with U.S. Highway 99 to the City of Bakersfield, and Easterly along California Highway 178 to its intersection with U.S. Highway 6; to the North along U.S. Highway 6 to its intersection with U.S. Highway 395; to the South along U.S. Highway 395 to the City of Inyo-Kern and East to the City of China Lake, South to the City of Ridgecrest, back to its intersection with U.S. Highway 395, thence along U.S. Highway 395 to its intersection with U.S. Highway 466; to the East on U.S. Highway 466 (allowing service to Camp Irwin on road closed to the public) back to U.S. Highway 466 and East to the City of Yermo; to the South to U.S. Highway 66 at the City of Daggett, back along U.S. Highway 66 through the Cities Barstow, Victorville, San Bernardino, Colton, to U.S. Highway 70 and U.S. Highway 99 East to its intersection with U.S. Highway 60 at the City of Beaumont; to the West on U.S. Highway 60 to U.S. Highway 395 (allowing service to March Air Force Base), back along U.S. Highway 395 to the City of Riverside and U.S. Highway 91 to the City of Corona, thence along California Highway 18 and California Highway 55; to the South along U.S. Highway 101 (allowing service to the Marine Base at El Toro) and Alternate U.S. Highway 101 to the City of Capistrano Beach and the Pacific Ocean.

NOTE: Applicant states that electronic devices and displays are frequently transported by household goods carriers by reason of the added protection offered to delicate instruments employed in electronic devices of National Defense and research experimentation by Government agencies and governmental contractors. Displays of a fragile nature, articles of art, etc., are normally transported by household goods carriers to exhibitions, fairs, museums, or to and from Government installations for public display, as more personal attention and protection is afforded.

HEARING: January 6, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 119278, filed October 29, 1959. Applicant: WISILL DAIRY LINE, INC., 4366 West Ogden Avenue, Chicago 23, Ill. Applicant's attorney: Richard J. Hardy, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, skim milk*, and *condensed milk in cans*, from Hartford and Slinger, Wis. to Chicago, Ill., and *empty containers or other such incidental facilities* used in transporting the above-specified commodities on return.

HEARING: January 13, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 119290, filed November 5, 1959. Applicant: GEORGE C. HESTER, doing business as G. C. HESTER DELIVERY SERVICE, 230 Bayport Avenue, Bayport, Long Island, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio-active material*, from Upton, N.Y., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

HEARING: January 14, 1960, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 119292, filed November 4, 1959. Applicant: AIRPORT DRAYAGE COMPANY, a corporation, San Francisco International Airport, San Francisco, Calif. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the San Francisco International Airport, San Francisco, Calif., and the Oakland Municipal Airport, Oakland, Calif., on the one hand, and, on the other, points in Alameda, Contra Costa, Marin, Merced, Monterey, Napa, Sacramento, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, and Yolo Counties, Calif., restricted to traffic having an immediately prior or subsequent movement by air.

HEARING: January 5, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 119298 filed, November 9, 1959. Applicant: WILLIAM HOVING, 7305 South Woodlawn Avenue, Chicago, Ill. Applicant's attorney: John L. Roach, First Federal Building, 7 South Dearborn Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement glazed block*, from Chicago, Ill., to points in Michigan, Missouri, Wisconsin, Iowa, and Indiana, and *empty containers or other such incidental facilities* used in transporting the above described commodity, on return.

NOTE: Applicant states this is a service which delivers the commodities to various contractors in need of the said commodities; and the said contractors are located in divers areas, depending upon the construction then taking place and they might be located in any area of the said states listed above.

HEARING: January 8, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 120341. Applicant: SHORE BROTHERS TRANSPORTATION CO., INC., 8 Wellington Avenue, Framingham, Mass. Assigned for hearing to determine whether the motor vehicle operations of Shore Brothers Transportation Co., Inc., are and will be managed and operated in a common interest, management and control with those of Shore's Freight Service, Inc., a multiple-State carrier under Permits in No. MC 28378 and in sub dockets thereunder, and the eligibility of the said Shore Brothers Transportation Co., Inc. to engage in operations in interstate or foreign commerce within the State of Massachusetts under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: January 18, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner A. Lane Cricher.

MOTOR CARRIERS OF PASSENGERS

No. MC 1255 (Sub No. 8), filed September 22, 1959. Applicant: MARGUERITE E. McGINN, doing business as McGINN BUS COMPANY, 99 Cottage Street, Lynn, Mass. Applicant's attorney Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, during the harness racing season only, (1) between Lynn, Mass., and Salem, N.H., from Lynn over city streets to Peabody, Mass., thence over Massachusetts Highway 114 to Lawrence, Mass., thence over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Salem, and return over the same route, serving no intermediate points. (2) Between Salem, Mass., and Salem, N.H., from Salem over city streets to Peabody, Mass., thence as specified in (1) above to Salem, N.H., and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Massachusetts, New Hampshire, and Rhode Island, and irregular route operations in Connecticut,

Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

NOTE: Applicant states she presently holds authority to render this service between Lynn, Mass., and Salem, N.H., from Lynn over Massachusetts Highway 129 to Reading, Mass., thence over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Salem, and return over the same route.

HEARING: January 26, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 1501 (Sub No. 170), filed August 31, 1959. Applicant: THE GREYHOUND CORPORATION, a corporation, 5600 Jarvis Avenue, Chicago 48, Ill. Applicant's attorney: Barrett Elkins, 2600 Hamilton Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail*, in the same vehicle with passengers, between the New Stanton Interchange on the Pennsylvania Turnpike (interchange No. 8), near New Stanton, Pa., and Washington, Pa., from the New Stanton Interchange of the Pennsylvania Turnpike over Pennsylvania Alternate Route No. 71 (New Stanton Turnpike Road) to the junction of U.S. Highway 40, thence over U.S. Highway 40 to Washington, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 19, 1960, at the New Federal Building, Pittsburgh, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 119233, filed September 24, 1959. Applicant: LAKE LINES, INC., 117 West Second Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Erie County, Pa., and extending to points located in all States and districts east of the Mississippi River to U.S. Highway 2, in Minnesota and north of Tennessee and North Carolina.

HEARING: January 6, 1960, in the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Herbert L. Hanback.

No. MC 119281, filed October 29, 1959. Applicant: M. M. LIEDERBACH, doing business as SIOUX LIMITED LINES, 2217 East Ivanhoe Place, Milwaukee, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Milwaukee, Wis., and Chicago, Ill., from Milwaukee over Wisconsin Highway 32 to the Illinois-Wisconsin State line, thence over Illinois Highway 42 to Chicago, and return over the same route, serving all intermediate points.

HEARING: January 13, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

In accordance with Rule 68 of the Commission's General Rules of Practice, notice is hereby given to all parties interested that a pre-hearing conference in the proceeding described in the appendix attached hereto will be held at 9:30 o'clock a.m. United States Standard Time, on December 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner Alton R. Smith presiding.

At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplication; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their direct testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 87357 (Sub No. 46), filed November 19, 1959. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Wilmer A. Hill, 216 Transportation Building, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gold, silver, bullion, precious metals, precious stones, currency* and *other valuable items*, between Seattle, Wash., Portland, Oreg., San Francisco, and Los Angeles, Calif., Helena, Mont., Salt Lake City, Utah, Denver, Colo., El Paso, San Antonio, Houston, and Dallas, Tex., Oklahoma City, Okla., Omaha, Nebr., Minneapolis, Minn., Chicago, Ill., St. Louis and Kansas City, Mo., Little Rock, Ark., New Orleans, La., Memphis and Nashville, Tenn., Louisville and Fort Knox, Ky., Birmingham, Ala., Atlanta, Ga., Jacksonville, Fla., Charlotte, N.C., Richmond Va., Baltimore, Md., Cincinnati and Cleveland, Ohio, Pittsburgh and Philadelphia, Pa., Detroit, Mich., Buffalo, West Point, and New York, N.Y. Boston, Mass., Washington, D.C., and all points in the United States including Alaska. Applicant is authorized to conduct operations in Maryland, the District of Columbia, Illinois, Iowa, Ohio, Pennsylvania, California, Nevada, Kentucky, Delaware, Indiana, Massachusetts, New Hampshire, Michigan, Missouri, New Jersey, New York, West Virginia, Rhode Island, Virginia, Alabama, Arizona, Colorado, Connecticut, Florida, Georgia, Louisiana, Minnesota, Mississippi, Montana, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin.

No. MC 107882 (Sub No. 6), filed November 17, 1959. Applicant: ARMORED MOTOR SERVICE CORPORATION, 1320 New Willow Street, Trenton, N.J. Applicant's attorney: Nathan N. Schildkraut, 143 East State Street, Trenton 8, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, bullion* and *precious metals*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, (1) between Boston, Mass., New York, West Point, and Buffalo, N.Y., Detroit, Mich., Chicago, Ill., Minneapolis, Minn., Omaha, Nebr., St. Louis and Kansas City, Mo., Denver, Colo., Salt Lake City, Utah, Helena, Mont., Seattle, Wash., Portland, Oreg., San Francisco and Los Angeles, Calif., El Paso, San Antonio, Houston, and Dallas, Tex., Oklahoma City, Okla., Little Rock, Ark., Memphis and Nashville, Tenn., Birmingham, Ala., New Orleans, La., Atlanta, Ga., Jacksonville, Fla., Charlotte, N.C., Louisville and Fort Knox, Ky., Cincinnati and Cleveland, Ohio, Pittsburgh and Philadelphia, Pa., Baltimore, Md., Richmond, Va., and Washington, D.C. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Colorado, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, and Ohio.

NOTE: Applicant states it proposes to coordinate the service to be rendered by interchange with any other certified carriers.

No. MC 113333 (Sub No. 10), filed November 20, 1959. Applicant: ARMORED CAR, INC., 2654 Poydras, New Orleans, La. Applicant's attorney: James F. Bell, 730 Southern Building, 805 15th Street NW., Washington 5, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, bullion*, and *other items of unusual value* pursuant to contracts with the U.S. Government; and *currency*, between Boston, Mass., New York, Buffalo, and West Point, N.Y., Philadelphia and Pittsburgh, Pa., Baltimore, Md., Washington, D.C., Richmond, Va., Charlotte, N.C., Cleveland and Cincinnati, Ohio, Detroit, Mich., Chicago, Ill., St. Louis and Kansas City, Mo., Louisville and Fort Knox, Ky., Memphis and Nashville, Tenn., Little Rock, Ark., Birmingham, Ala., Atlanta, Ga., Jacksonville, Fla., New Orleans, La., Houston, Dallas, San Antonio, and El Paso, Tex., Oklahoma City, Okla., Omaha, Nebr., Minneapolis, Minn., Denver, Colo., Salt Lake City, Utah, Helena, Mont., Seattle, Wash., Portland, Oreg., San Francisco and Los Angeles, Calif., and points in the United States, including Alaska. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Mis-

souri, North Carolina, Oklahoma, Pennsylvania, Tennessee, Texas, and the District of Columbia.

NOTE: Applicant states the authority requested herein to the extent that it duplicates any authority heretofore granted to or now held by the carrier is not intended to be construed as seeking more than one operating right.

No. MC 115013 (Sub No. 2), filed November 16, 1959. Applicant: LEONARD DELUE, D. J. SEBERN, T. W. RINKER AND E. L. DELUE, doing business as ARMORED MOTORS SERVICE, 970 Yuma Street, Denver 4, Colo. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin and bullion, diamonds, strategic materials, platinum* and *valuables of every description*, between Denver, Colo., New Orleans, La., Memphis and Nashville, Tenn., Louisville, Ky., Birmingham, Ala., Atlanta, Ga., Jacksonville, Fla., Charlotte, N.C., Richmond, Va., Baltimore, Md., Cincinnati and Cleveland, Ohio, Pittsburgh and Philadelphia, Pa., Detroit, Mich., Buffalo, West Point, and New York, N.Y., Boston, Mass., Washington, D.C., and Fort Knox, Ky. *Diamonds, strategic materials, platinum* and *valuables of every description*, between Denver, Colo., Dallas, El Paso, Houston, and San Antonio, Tex., Kansas City, and St. Louis, Mo., Oklahoma City, Okla., Omaha, Nebr., San Francisco and Los Angeles, Calif., Portland, Oreg., Seattle, Wash., Helena, Mont., Salt Lake City, Utah, Chicago, Ill., Minneapolis, Minn., and Little Rock, Ark. Applicant is authorized to conduct operations in Arkansas, California, Colorado, Illinois, Indiana, Kansas, Minnesota, Missouri, Montana, Nebraska, Oklahoma, Oregon, Texas, Utah, and Washington.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 55236 (Sub No. 41), filed November 19, 1959. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, P.O. Box 1187, Green Bay, Wis. Applicant's representative: George R. Bailey, V.P.—Traffic, Olson Transportation Company, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over alternate routes for operating convenience only, serving no intermediate or off-route points, in connection with applicant's authorized regular route operations, (1) Between Iron Mountain, Mich., and Ishpeming, Mich., from Iron Mountain over Michigan Highway 95 to junction Michigan Highway 28, thence over Michigan Highway 28 to Ishpeming, and return over the same route. (2) Between Marinette, Wis., and junction U.S. Highway 141 and Wisconsin Highway 64 (near Pound, Wis.), over Wisconsin Highway 64. (3) Between Oconto, Wis., and junction U.S. Highway 141 and Wisconsin Highway 22 (near Stiles Junction), Wis., over Wisconsin Highway 22. (4) Between junction U.S. Highway 141 and Wisconsin Highway 22 (near Stiles Junction), and junction Wisconsin Highway 22 and U.S. Highway 45 (near Bear Creek, Wis.), from junction U.S. Highway 141 and Wisconsin Highway 22 over Wisconsin Highway 22 through Shawano and Clintonville, Wis., to junction U.S. Highway 45 and Wisconsin Highway 22 near Bear Creek, and return over the same route. (5) Between Pulaski, Wis., and junction Wisconsin Highways 32 and 22, over Wisconsin Highway 32. (6) Between Waldo, Wis., and West Bend, Wis., from junction Wisconsin Highways 57 and 28 at Waldo, over Wisconsin Highway 28 to junction Wisconsin Highway 144, thence over Wisconsin Highway 144 to West Bend, and return over the same route. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

No. MC 113024 (Sub No. 7), filed November 16, 1959. Applicant: ARLINGTON JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibre, fibre products, plastic products*, and *insulating materials*, from points in New Castle County, Del., and Kennett Square, Pa., to Chicago, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this applicantion on return. Applicant is authorized to conduct operations in Delaware, Georgia, Alabama, California, Ohio, Illinois, Indiana, Maryland, New York, New Jersey, and Pennsylvania.

No. MC 118415 (Sub No. 1), filed November 9, 1959. Applicant: WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Route 1, P.O. Box 124, Menomonie, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, and in bags or other containers, from Chicago Heights and Streator, Ill., to points in that part of Wisconsin west of U.S. Highway 51 and north of U.S. Highway 16, and *empty containers or other such incidental facilities* used in transporting fertilizer, on return.

NOTE: Applicant states he proposes to serve the plant sites of International Minerals & Chemicals Corporation, Chicago Heights, and Smith Douglass, Inc., Streator, and will serve all outlets of International with truckloads and less-truckload shipments where drop-off shipments are required in less-truckload lots.

PETITIONS

No. MC 67916 (Sub No. 14) (PETITION FOR REOPENING, RECONSIDERATION AND MODIFICATION OF AN ORDER DATED DECEMBER 19, 1956), dated November 13, 1959. Petitioner: THE NEW YORK CENTRAL RAILROAD COMPANY, New York 17, N.Y. Petitioner's attorneys: Herbert Burstein and Kenneth H. Lundmark, 466 Lexington Avenue, New York 17, N.Y. Certificate No. MC 67916 (Sub No. 14), dated December 19, 1956, authorizes the transportation as a common carrier by motor vehicle, over irregular routes, of general commodities, with certain exceptions, between specified points in the States of Illinois, Indiana, Massachusetts, Michigan, New York, New Jersey, Ohio, and Pennsylvania, over regular routes, serving intermediate and off-route points which are stations on the rail lines of applicant, subject to certain specified conditions. These conditions include a restriction against the transportation of commodities in bulk in tank vehicles and the imposition of certain key point restrictions which bar applicant from transportation of shipments between said key points, or through, or to, or from, more than one of said key points. The instant petition seeks (a) modification of the restriction therein contained against the transportation of general commodities in bulk in tank vehicles insofar as cement in bulk is concerned, and to permit applicant to transport cement, in bulk, in hopper-type vehicles and tank trucks, and (b) the elimination of the conditions naming Worcester and Springfield, Mass., Albany, Utica, Chatham, and Kingston, N.Y., as key points insofar as such key points are applicable to the transportation of cement, in bulk, in hopper-type vehicles and tank trucks. The removal of the above named key-points is sought from Routes 1, 2, 3, 4, 12, 23, and 24 through 34 inclusive, described in Certificate No. MC 67916 (Sub No. 14). Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within 30 days after the date of this publication in the FEDERAL REGISTER.

No. MC 101126 (Sub No. 89) (PETITION TO AMEND INTERIM PERMIT BY ADDING A NEW CONTRACTING SHIPPER), filed November 12, 1959. Petitioner: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. Petitioner's attorney: Richard H. Brandon, 808 Hartman Building, Columbus 15, Ohio. Interim Permit No. MC 101126 (Sub No. 89), dated January 16, 1959, authorized operations as a contract carrier as follows, in part: *Products of animal, vegetable and tall oils or fats* (except glycerine and liquid synthetic resins) in bulk, in tank vehicles, from St. Bernard, Ohio, to points in Indiana (except to Jefferson-ville, Ind., and except sulphuric acid to points in Indiana in the Louisville, Ky., Commercial Zone, as defined by the Commission) with no transportation for compensation on return except as otherwise authorized. The above-described transportation is limited to a transportation service to be performed under a continuing contract or contracts with Emery Industries, Inc., of Cincinnati, Ohio. The subject petition seeks amendment of the Interim Permit by adding as a contracting shipper, Procter

and Gamble Company, Cincinnati, Ohio. Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the allowance of the additional shipper within 30 days from the date of this publication in the FEDERAL REGISTER.

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 carrier 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 7334 (COASTAL STAGES CORP.—CONTROL—THE GRAY LINE OF CHARLESTON), published October 21, 1959, on page 8529. Supplemental application filed November 20, 1959, for control by CAROLINA SCENIC STAGES and, in turn, by HAMISH TURNER, both of 217 North Converse Street, Spartanburg, S.C., of THE GRAY LINE OF CHARLESTON through the acquisition by COASTAL STAGES CORPORATION.

No. MC-F 7371. Authority sought for purchase by ACE LINES, INC., 4143 East 43d Street, Des Moines 17, Iowa, of a portion of the operating rights of I-GO VAN & STORAGE CO., 7601 Dodge Street, Omaha, Nebr., and for acquisition by E. M. EASTER, Winterset, Iowa, M. E. EASTER, 2315 45th Street, Des Moines, Iowa, L. W. EASTER, 4052 Ashby, Des Moines, Iowa, L. D. EASTER, 720 35th Street, Des Moines, Iowa, L. B. EASTER, 7204 Colby, Des Moines, Iowa, M. M. MORSE, Norwalk, Iowa, and R. L. EASTER, Norwalk, Iowa, of control of such rights through the purchase. Applicants' attorney: William A. Landau, P.O. Box 1634, Des Moines, Iowa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Omaha, Nebr., and Council Bluffs, Iowa, and between Omaha, Nebr., and Council Bluffs, Iowa, on the one hand, and, on the other, points within ten miles of Omaha and Council Bluffs. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7372. Authority sought for control by QUALITY CARRIERS, INC., P.O. Box 391, Calumet Street, Burlington, Wis., of BEAVER TRANSPORT COMPANY, First and West South Streets, P.O. Box 427, Beaver Dam, Wis., and for acquisition by A. H. TORHORST and L. S. BARNEY, both of Burlington, of control of BEAVER TRANSPORT COMPANY through the acquisition by QUALITY CARRIERS, INC. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be controlled; *Household goods*, as defined by the Commission, as a *contract carrier* over irregular routes, between points in Wisconsin, on the one hand, and, on the other, points in Minnesota, Illinois, and Indiana; *prepared food products, dairy products and by-products, materials, supplies, and equipment* used or useful in the preparation, packing, and sale of these commodities, between points in Wisconsin, on the one hand, and, on the other, points in Minnesota, Illinois, and Indiana; *canned food* and *material, supplies, and equipment* used in the manufacture of canned food, between Beaver Dam, Wis., and points within 75 miles of Beaver Dam, on the one hand, and, on the other, points in Minnesota, Illinois, and Indiana; *fresh meats* and *packing-house products and by-products*, from South St. Paul, Minn., to points in Dodge, Jefferson, Waukesha, and Washington Counties, Wis.; *malt beverages*, from Chicago, Ill., to certain points in Wisconsin; and from Manitowoc, Wis., to Chicago, Ill. QUALITY CARRIERS, INC., is authorized to operate as a *common carrier* in Wisconsin, Illinois, Iowa, Minnesota, Missouri, Kentucky, Tennessee, Indiana, Michigan, Alabama, Florida, Kansas, Louisiana, Arkansas, Texas, Mississippi, Massachusetts, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Nebraska, Virginia, West Virginia, Maryland, Colorado, Georgia, and North Dakota. Application has not been filed for temporary authority under section 210a(b).

NOTE: An application has been filed in No. MC 78028 Sub 7 for conversion of the operating rights of BEAVER TRANSPORT COMPANY to those of a *common carrier*.

No. MC-F 7373. Authority sought for purchase by CALORE EXPRESS CO., INC. (RHODE ISLAND CORPORATION), 210 Canal Street, P.O. Box 1146, Providence, R.I., of the operating rights of T. W. WATERMAN COMPANY, INC., 375 Promenade Street, Providence, R.I., and for acquisition by JOSEPH C. CALORE, 83 Merry Mount Drive, Warwick, R.I., of control of such rights through the purchase. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Rhode Island, on the one hand, and, on the other, points in Connecticut and Massachusetts; *heavy machinery*, between Bristol, Cranston, and Providence, R.I., on the one hand, and, on the other, New York, N.Y., and Ampere Kenilworth and Newark, N.J. Vendee is authorized to operate as a *common carrier* in Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7374. Authority sought for purchase by R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio, of the operating rights of SEBRING TRUCKING CO., California and 18th Streets, Sebring, Ohio, and for acquisition by RUSSELL E. KUNTZMAN and EVELYN M. KUNTZMAN, both of Alliance, of control of such rights through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Earthenware* and *dishes*, as a *common carrier* over regular routes, between Sebring, Ohio, and Akron and East Liverpool, Ohio, serving no intermediate points; *earthenware* and *dishes*, over irregular routes, from Sebring, Ohio, to Connersville, Evansville, and Indianapolis, Ind., Muskegon, Mich. Erie, Pittsburgh, and Carnegie, Pa. and Chicago, Ill.; *enamelware*, from Sebring, Ohio, to Connersville, Evansville, Indianapolis, and Richmond, Ind., Muskegon, Mich., and Erie and Pittsburgh, Pa., and from Sebring, Ohio, to St. Paul and St. Cloud, Minn.; *backwalls* and *radiants*, from Sebring, Ohio, to Huntington, W. Va.; *saggers* and *hillers*, from Newell, W. Va., to Sebring, Ohio; *hydrate of aluminum*, from Natrona, Pa., to Sebring, Ohio; *frit*, from Chicago, Ill., and Carnegie, Pa., to Sebring Ohio; *clay backwalls and radiants, clay stove and furnace parts, clay fireplace parts* and *clay gas heater and radiator parts*, from Sebring Ohio, to Louisville, Ky. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, Maryland, New York, New Jersey, West Virginia, Delaware, Michigan, Connecticut, Indiana, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7378. Authority sought for purchase by L. L. MAJURE TRANSPORT CO., 1600 B Street, Meridian, Miss., of a portion of the operating rights and certain property of ALABAMA TANK LINES, INC., P.O. Box 36, Powderly Station, Birmingham, Ala., and for acquisition by L. L. MAJURE and JO M. MAJURE, both of Meridian, of control of such rights and property through the purchase. Applicants' representative: H. N. Nunnally, Traffic Manager, Alabama Tank Lines, Inc., 4107 Bells Lane, Louisville 11, Ky. Operating rights sought to be transferred: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Moundville, Ala., and points within ten miles thereof (except points within five miles of Tuscaloosa, Ala., including Tuscaloosa) to points in Mississippi. Vendee is authorized to operate as a *common carrier* in Louisiana, Mississippi and Alabama. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 59-10125; Filed, Dec. 1, 1959; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards

Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa.; effective 12-1-59 to 11-30-60 (men's shirts, women's blouses).

Corman and Wasserman, Inc., 1220 Curtain Avenue, Baltimore, Md.; effective 11-16-59 to 11-15-60 (men's trousers).

Cortland Corset Co., Inc., East Court Street, Cortland, N.Y.; effective 12-1-59 to 11-30-60 (corsets, girdles and foundation garments).

Dushore Lingerie Co., Inc., Cherry Street, Dushore, Pa.; effective 11-21-59 to 11-20-60 (women's sleepwear).

Lawrence-Lloyd Sportswear Co. of Texas, 2217 Mills Street, El Paso, Texas; effective 11-13-59 to 11-12-60 (men's slacks, shorts, sandlubbers; boys' sandlubbers).

Linden Apparel Corp., Linden, Tenn.; effective 11-23-59 to 11-22-60 (men's and boys' work pants and denim dungarees).

Pollak Brothers, Inc., 227 West Main Street, Fort Wayne, Ind.; effective 11-10-59 to 11-9-60 (women's dresses, smocks, dusters).

The R and R Manufacturing Co., Inc., Auburn, Ga.; effective 11-10-59 to 11-9-60 (men's and boys' dress slacks).

Schneierson Mfg. Corp., 460 Globe Street, Fall River, Mass.; effective 11-16-59 to 11-15-60 (workers engaged in the production of women's and children's woven nightwear and underwear).

Vanderbilt Shirt Co., 29-31 Walnut Street, Asheville, N.C.; effective 11-12-59 to 11-11-60 (men's western and sport shirts; ladies' and boys' shirts).

Wargosa Manufacturing Co., Inc., 101 Bel Air Drive, Columbia, Tenn.; effective 12-1-59 to 11-30-60 (men's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Casper LaFata & Co., 14-16 Bush Avenue, Staten Island, N.Y.; effective 11-10-59 to 5-9-60; five learners (pants).

J & B Sportswear, Maple Street, Tresckow, Pa.; effective 11-15-59 to 11-14-60; five learners (women's and children's wearing apparel).

Sorbeau Juvenile Manufacturing Co., 821 Central Avenue, Dubuque, Iowa; effective 12-1-59 to 11-30-60; 10 learners (infants' layettes).

Wirth Manufacturing Co., 335-35 Hamilton Street, Allentown, Pa.; effective 11-12-59 to 11-11-60; five learners (children's outerwear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Hawkinsville Manufacturing Co., Inc., Hawkinsville, Ga.; effective 11-12-59 to 5-11-60; 25 learners (ladies' and children's outerwear, jackets).

Jeansco, Inc., 123 Pine Street, Petersburg, Va.; effective 11-16-59 to 5-15-60; 10 learners (boys' dungarees).

Ottenheimer Brothers Manufacturing Co., Inc., Shirt Division, 1000 Spring Street, Little Rock, Ark.; effective 11-12-59 to 5-11-60; 40 learners (women's and misses' shirts and jackets).

Selro Manufacturing Co., Washington Street (extended), Rear 115 Race Street, and 113 Gay Street, Cambridge, Md.; effective 11-11-59 to 5-10-60; 45 learners (women's pedal pushers and shorts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Nebel Knitting Co., 101 West Worthington Avenue, Charlotte, N.C.; effective 11-22-59 to 11-21-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Nittany Hosiery Finishers, Inc., Millheim, Pa.; effective 11-12-59 to 5-11-60; 15 learners for plant expansion purposes (full-fashioned, seamless).

Triangle Hosiery Co., Inc., 510 Grimes Street, High Point, N.C.; effective 11-20-59 to 11-19-60; five percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Lazar of Santa Fe, 228 Don Casper, Santa Fe, N. Mex.; effective 12-1-59 to 11-30-60; 10 learners for normal labor turnover purposes (moccasins, hand-laced and beaded).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

The following learner certificates were issued authorizing the employment of five percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ilena Mills, Inc., Manufacturers Road, Chattanooga, Tenn.; effective 11-14-59 to 11-13-60 (men's, women's and children's knitted underwear).

Kain-Murphey Corp., Manufacturers Road, Chattanooga, Tenn.; effective 11-14-59 to 11-13-60 (men's and boys' underwear).

Schneierson Manufacturing Corp., 460 Globe Street, Fall River, Mass.; effective 11-16-59 to 11-15-60 (workers engaged in the production of women's and children's knitted underwear).

Signal Knitting Mills, Manufacturers Road, Chattanooga, Tenn.; effective 11-14-59 to 11-13-60 (children's knitted sleeping garments).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Grant County Manufacturing Co., Williamstown, Ky.; effective 11-20-59 to 5-19-60; 10 learners for normal labor turnover purposes engaged in the hand sewing of compressed core balls only for a learning period of 400 hours at the rates of at least 85 cents an hour for the first 160 hours and not less than 90 cents an hour for the remaining 240 hours (softballs).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Beatrice Needle Craft, Inc., 60 Commercio Street, Mayaguez, P.R.; effective 10-8-59 to 10-7-60; 23 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Beatrice Needle Craft, Inc., Malecon Road Plant, Mayaguez, P.R.; effective 10-23-59 to 4-22-60; 20 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

C. & G. Hemming, Inc., Yauco, P.R.; effective 10-27-59 to 4-26-60; 30 learners for plant expansion purposes in the occupation of machine embroidery operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours (ladies' petticoats, underwear and blouses).

J. F. Castillo, Inc., Calle San Isidro, Sabana Grande, P.R.; effective 10-26-59 to 4-25-60; 44 learners for plant expansion purposes in the occupations of: (1) embroidery machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (machine embroidery and applique cutting on silk garments: petticoats, slips and blouses).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 10-22-59 to 4-21-60; 30 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Comel Caribe Corp., Bayamon, P.R.; effective 11-4-59 to 5-3-60; 20 learners for plant expansion purposes in the occupation of assemblers for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (resistors and circuit breakers).

Corozal Knitting Mills, Inc., Corozal, P.R.; effective 10-26-59 to 10-25-60; 20 learners for normal labor turnover purposes in the occupation of knitting for a learning period of 480 hours at the rates of 51 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (knitted gloves and mittens).

Electric Motor Corp. of P.R., Bayamon, P.R.; effective 10-26-59 to 4-25-60; 15 learners for plant expansion purposes in the occupations of winders, solderers, armature operator, dipper and baker of armatures, insulation breakdown tester, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (universal motor armatures (electrical)).

General Electric Instrument Corp., Caguas, P.R.; effective 10-22-59 to 4-21-60; 18 learners for plant expansion purposes in the occupations of subassembly and final assembly of small panel instruments, exposure

meters, small portable instruments for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electric instruments).

Knitco, Inc., Toa Alta, P.R.; effective 11–1–59 to 10–31–60; 15 learners for normal labor turnover purposes in the occupations of: (1) knitters, loopers, toppers for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitchers, menders, pressers for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (full-fashion sweaters).

Linda Bra, Inc., Aguas Buenas, P.R.; effective 10–27–59 to 4–26–60; 20 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Mace Corp., Luchetti Industrial Development, Bayamon, P.R.; effective 10–26–59 to 2–6–60; 27 learners for plant expansion purposes in the occupations of dissassembly and assembly of arms, polishing and buffing, inspectors, machine operations for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (replacement certificate) (conversion of S.M.L.E. No. 4 rifles to sporting rifles).

Overseas Sports Co., Inc., Mayaguez, P.R.; effective 11–2–59 to 5–1–60; 50 learners for plant expansion purposes in the occupations of: (1) handsewing of baseballs and softballs for a learning period of 320 hours at the rates of 47 cents an hour for the first 160 hours and 55 cents an hour for the remaining 160 hours; (2) winding, moulding for a learning period of 160 hours at the rate of 47 cents an hour (baseballs and softballs).

Puerto Rico Hosiery Mills, Inc., Arecibo, P.R.; effective 10–26–59 to 4–25–60; 10 learners for plant expansion purposes in the occupation of looping for a learning period of 960 hours at the rates of 50 cents an hour for the first 480 hours and 57 cents an hour for the remaining 480 hours (seamless nylon hosiery).

Ward Products of Puerto Rico, Inc., 318 Carpenter Road, Hato Rey, P.R.; effective 11–2–59 to 5–1–60; 10 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours (canvas tents).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 18th day of November 1959.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 59-10119; Filed, Dec. 1, 1959; 8:46 a.m.]

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