AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Pages 5587–5648

FEDERAL REGISTER

VOLUME 27 NUMBER 114

Washington, Wednesday, June 13, 1962

Contents

THE PRESIDENT

Executive Order

Clark National Forest and Mark Twain National Forest; transfer of lands; and addition of certain lands to Hiawatha National Forest, Michigan 5589

EXECUTIVE AGENCIES

Agricultural Marketing Service

PROPOSED RULE MAKING:
Plums, canned; U.S. standards for grades 5611

Agricultural Research Service

RULES AND REGULATIONS:
Importation of certain animals and poultry and products thereof; miscellaneous amendments 5601

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Fort Wayne, Ind., marketing area; decision on proposed amendments to tentative agreement and order 5611
RULES AND REGULATIONS:
Milk in Milwaukee, Wis., marketing area; order suspending certain provisions 5601

Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Atomic Energy Commission

NOTICES:
Consumers Power Co.; order postponing hearing 5621
RULES AND REGULATIONS:
DOMINIC Nuclear Test Series, 1962; Johnston Island zone 5602

Civil Aeronautics Board

NOTICES:
Zantop Air Transport, Inc.; application for exemption 5621

Civil Service Commission

RULES AND REGULATIONS:
Exceptions from competitive service:
Emergency Planning Office 5600
Peace Corps 5601

Commerce Department

NOTICES:
Dugan, Edmund W.; changes in financial interests 5646

Defense Department

RULES AND REGULATIONS:
Medical care for dependents of members of uniformed services 5591

Federal Aviation Agency

NOTICES:
Proposed radio antenna structure; determination of no hazard to air navigation 5622
PROPOSED RULE MAKING:
Rocket operations; correction 5614
RULES AND REGULATIONS:
Control zones; modification of revocation and designation 5603
Jet advisory areas; change in extent 5603
Minimum en route IFR altitudes; designated mountainous areas; correction 5603

Federal Communications Commission

NOTICES:
Hearings, etc.:
Atlass Broadcasting Co., Inc. (KKHI) 5622
Cherryville Broadcasting Co., Inc 5623
Devon Broadcasting Co 5624
Jefferson Radio Co. (WIXI) and Voice of the Mid South 5624
Newton Broadcasting Co. and Transcript Press, Inc 5624
Rockland Broadcasting Co. et al 5624
Salem Broadcasting Co. (WJBD) and Leader Broadcasting Co 5624
PROPOSED RULE MAKING:
Radio broadcast services; use of automatic logging devices 5614

Federal Power Commission

NOTICES:
Hearings, etc.:
El Paso Natural Gas Co. and Shell Oil Co 5625
Mountain Fuel Supply Co 5625
Ohio Fuel Gas Co 5626
Penobscot Chemical Fibre Co 5626
Southern Natural Gas Co 5626
Town of Steele, Ala 5626
United Gas Pipe Line Co 5627
RULES AND REGULATIONS:
Custody, authentication, and certification of documents 5605
Gas purchase facilities; budget-type certificate applications; pipeline companies; general policy 5606
Natural gas companies, Classes C and D; annual report form 5606

Federal Trade Commission

RULES AND REGULATIONS:
Prohibited trade practices:
A. J. Hollander & Co., Inc., et al 5605
Colgate-Palmolive Co. and Ted Bates & Co., Inc 5604
Edison Produce Co. et al 5604
Pressing Supply Co. et al 5605
Tucker Furs, Inc., and Morris Tucker 5603

(Continued on next page)

Interior Department

See Land Management Bureau; National Park Service.

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief ---- 5646
Motor carrier:
Alternate route deviation notices ---- 5627
Applications and certain other proceedings (2 documents) ---- 5629, 5631

PROPOSED RULE MAKING:
Automatic train signal and control systems et al.; installation, inspection, maintenance, and repair ---- 5618

RULES AND REGULATIONS:
Rules of practice; administrative finality of division decisions ---- 5610

Land Management Bureau

NOTICES:
Arizona; small tract classification ---- 5621

RULES AND REGULATIONS:
Public land orders:
Alaska; partial revocation of air navigation site at Aniak, and reservation of certain airspace for Federal Aviation Agency ---- 5608
California; establishment of certain national cooperative lands and wildlife management areas ---- 5608

National Park Service

RULES AND REGULATIONS:
Mammoth Cave National Park, Kentucky; limitation on load and weight of vehicles ---- 5607

Securities and Exchange Commission

NOTICES:
Black Bear Industries, Inc.; order summarily suspending trading ---- 5627

Tariff Commission

NOTICES:
U.S. tariff schedules; certain provisions ---- 5627

Veterans Administration

RULES AND REGULATIONS:
Adjudication; authority delegations ---- 5608
Authority delegations; Director of Compensation and Pension Service et al ---- 5608

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

PROCLAMATIONS:
Jan. 16, 1931 (see EO 11028) ---- 5589
2318 (see EO 11028) ---- 5589
2362 (see EO 11028) ---- 5589
2363 (see EO 11028) ---- 5589
EXECUTIVE ORDERS:
10932 (see EO 11028) ---- 5589
10933 (see EO 11028) ---- 5589
11028 ---- 5589

5 CFR

6 (2 documents) ---- 5600, 5601

7 CFR

1039 ---- 5601
PROPOSED RULES:
52 ---- 5611
1047 ---- 5611

9 CFR

92 ---- 5601

10 CFR

112 ---- 5602

14 CFR

601 ---- 5603
602 ---- 5603
610 ---- 5603
PROPOSED RULES:
48 ---- 5614

16 CFR

13 (5 documents) ---- 5603–5605

18 CFR

1 ---- 5605
2 ---- 5606
260 ---- 5606

32 CFR

70 ---- 5591

36 CFR

7 ---- 5607

38 CFR

2 ---- 5608
3 ---- 5608

43 CFR

PUBLIC LAND ORDERS:
2692 ---- 5608
2693 ---- 5608

47 CFR

PROPOSED RULES:
3 ---- 5614

49 CFR

1 ---- 5610
PROPOSED RULES:
136 ---- 5618

Announcing first

5-year Cumulation

UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70–74

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11028

TRANSFERRING LANDS BETWEEN THE CLARK AND MARK TWAIN NATIONAL FORESTS (MISSOURI) AND ADDING CERTAIN LANDS TO THE HIAWATHA NATIONAL FOREST (MICHIGAN)

By virtue of the authority vested in me by section 24 of the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

1. That part of the Clark National Forest lying in townships 23 north to 27 north, inclusive, and ranges 1 and 2 east and 1 to 5 west, inclusive, Fifth Principal Meridian, Missouri, as proclaimed by Proclamation No. 2363 of September 11, 1939 (54 Stat. 2657), as modified by Executive Order No. 10932 of April 7, 1961 (26 F.R. 3051), is hereby transferred to and made a part of the Mark Twain National Forest.

2. That part of the Mark Twain National Forest lying in townships 31 north to 37 north, inclusive, and ranges 9 west to 13 west, inclusive, Fifth Principal Meridian, Missouri, as proclaimed by Proclamation No. 2362 of September 11, 1939 (54 Stat. 2655), as modified by Executive Order No. 10932 of April 7, 1961 (26 F.R. 3051), is hereby transferred to and made a part of the Clark National Forest.

3. Lot 1, section 25, township 40 north, range 3 west, Michigan Meridian (Round Island) is hereby added to and made a part of the Hiawatha National Forest (Michigan) as proclaimed by Proclamation of January 16, 1931 (46 Stat. 3043), as modified by Proclamation No. 2318 of January 3, 1939 (53 Stat. 2518), Executive Order No. 10932 of April 7, 1961 (26 F.R. 3051), and Executive Order No. 10993 of February 9, 1962 (27 F.R. 1312).

This order shall become effective on July 1, 1962.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 9, 1962.

[F.R. Doc. 62-5833; Filed, June 12, 1962; 10:03 a.m.]

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 70—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

The Secretary of Defense and the Secretary of Health, Education, and Welfare approved the following revised Part 70 on April 25, 1962.

Subpart A—General Information

Sec.

70.101 Purpose.
70.102 Scope.
70.103 Definition of terms used in this part.
70.104 Administration.

Subpart B—Determination of Eligibility and Identification of Dependents

70.201 Determination of dependents' eligibility.
70.202 Identification of dependents.

Subpart C—Determination of Sources From Which Eligible Dependents Receive Medical Care

70.301 Among uniformed services facilities.
70.302 Between civilian medical facilities and uniformed services facilities within the United States and Puerto Rico.
70.303 Exceptions; emergency care and other circumstances.
70.304 Between civilian medical facilities and uniformed services facilities outside the United States and Puerto Rico.

Subpart D—Medical Care for Dependents at Medical Facilities of the Uniformed Services

70.401 Authority for providing medical care to dependents.
70.402 Facilities available.
70.403 Medical care authorized.
70.404 Medical care not authorized.
70.405 Dental care.
70.406 Admission of dependents for medical care.
70.407 Cross-utilization of service medical facilities.
70.408 Charges for dependent medical care.
70.409 Transportation of patients.

Subpart E—Medical Care in Civilian Facilities

70.501 Eligibility for civilian medical care and full payment concept.
70.502 Medical and hospital care authorized from civilian sources.
70.503 Terms of reference and rules for the provision of authorized medical care from civilian sources.
70.504 Medical care not authorized.
70.505 Admission of dependents for medical care to civilian sources.
70.506 Charges.
70.507 Administration.
70.508 Hospitalization beyond period of 365 days.
70.509 Government liability for payment of civilian medical care costs.
70.510 Administration of changes to this part effective 1 January 1960.

Subpart F—Medical Care in Medical Facilities Not Otherwise Provided for

Sec.

70.601 Medical care in medical facilities not otherwise provided for.

Subpart G—Medical Care for Members of the Uniformed Services

70.701 Medical care for members of the uniformed services.

Subpart H—Medical Care for Retired Members of the Uniformed Services

70.801 Retired members eligible for care.
70.802 Ration allowance for retired enlisted members.
70.803 Charge for officers' subsistence.

Subpart I—Budgeting and Accounting for Medical and Dental Care Furnished in Facilities of the Uniformed Services

70.903 Budgeting and accounting.

Subpart J—Implementation

70.1001 Implementation.

AUTHORITY: §§ 70.101 to 70.1001 issued under 10 U.S.C. 1071–1085.

Subpart A—General Information

§ 70.101 Purpose.

The purpose of this part is to prescribe policy for administering Chapter 55, Title 10, United States Code.

§ 70.102 Scope.

This part is applicable to the uniformed services.

§ 70.103 Definition of terms used in this part.

(a) "Uniformed services" means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(b) "Member of a uniformed service" means a person appointed, enlisted, inducted or called, ordered or conscripted in a uniformed service who is serving on active duty or active duty for training pursuant to a call or order that does not specify a period of thirty days or less.

(c) "Retired member of a uniformed service" means a member or former member of a uniformed service who is entitled to retired, retirement, or retainer or equivalent pay as a result of service in a uniformed service, other than a member or former member entitled to retired or retirement pay under Title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948 who has served less than eight years on full-time duty in active military service other than active duty for training.

(d) "Dependent" means any person who bears to a member or retired member of a uniformed service, or to a person who died while a member or retired member of a uniformed service, any of the following relationships:

(1) The lawful wife;

(2) The unremarried widow;

(3) The lawful husband, if he is in fact dependent on the member or retired member for over one-half of his support;

(4) The unremarried widower, if he was in fact dependent upon the member or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity;

(5) An unmarried legitimate child (including an adopted child or stepchild), if such child has not passed his twenty-first birthday;

(6) A parent or parent-in-law, if the said parent or parent-in-law is, or was, at the time of the member's or retired member's death, in fact dependent on said member or retired member for over one-half of his support and is, or was, at the time of the member's or retired member's death, actually residing in the household of said member or retired member. For the purposes of this part, the requirement of actually residing in the household shall be fulfilled when the parent or parent-in-law actually resides, or was residing at the time of death of a member or retired member, in a dwelling place provided or maintained by said member or retired member; or

(7) An unmarried legitimate child (including an adopted child or stepchild) who (i) has passed his twenty-first birthday if the child is incapable of self-support because of a mental or physical incapacity that existed prior to his reaching the age of twenty-one and is, or was at the time of the member's or retired member's death, in fact dependent on him for over one-half of his support, or (ii) has not passed his twenty-third birthday and is enrolled in a full-time course of study in an institution of higher learning as approved by the Secretary of Defense or Secretary of Health, Education, and Welfare and is, or was at the time of the member's or the retired member's death, in fact dependent on him for over one-half of his support.

(e) "Dependents eligible for civilian medical care" means the lawful wife or the dependent lawful husband (spouses) and children who are dependents of members of the uniformed services.

(f) "Secretary of a uniformed service" means the Secretary of the Army, Navy (for the Navy and Marine Corps), or Air Force, or for the other uniformed services (Coast Guard, Public Health Service, Coast and Geodetic Survey), the Secretary of Health, Education, and Welfare. The latter may delegate his duties and responsibilities in relation to dependent medical care to The Surgeon General of the Public Health Service.

(g) "The United States" means all of the States and the District of Columbia.

(h) "Executive agent" means the party who acts for the uniformed services in negotiating and administering contracts for medical (physicians) and

hospital services under the policy guidance of the Department of Defense.

(i) "Contractor" means the legal entity with which the Government enters into a contract for the purpose of implementing Chapter 55, Title 10, United States Code, such as a State medical society, an insurance company, Blue Shield, or Blue Cross.

(j) Miscellaneous medical and technical terminology:

(1) *Diagnosis.* A determination of the existence and nature, or absence, of disease or injury by history with physical and mental findings, including physical examinations and the utilization of medically accepted diagnostic procedures, e.g., laboratory tests and pathology and X-ray examinations.

(2) *Outpatient care.* The medical services which are normally performed in locations such as the home, a physician's office, or the outpatient department of a hospital, clinic, or dispensary.

(3) *Maternity and infant care.* Medical and surgical care for the mother incident to pregnancy including prenatal care, delivery, postnatal care, including care of the infant, and treatment of complications of pregnancy.

(4) *Domiciliary care.* Care which is normally given in a nursing home, convalescent home, or similar institution to a patient who requires personal care rather than active and definitive treatment in a hospital for an acute medical or surgical condition. It includes but is not limited to nursing care required as a result of old age or chronic disease.

(5) *Chronic disease.* This term shall be construed to include nonacute conditions and disabilities in which the prognosis indicates long continued duration of the ailment.

(6) *Nervous and mental disorders.* This term means those conditions classified as neuroses, psychoneuroses, psychopathies, or psychoses.

(7) *Dental care as a necessary adjunct to medical or surgical treatment.* Dental care determined by the cognizant physician and dentist to be required for the proper treatment of a medical or surgical condition.

(8) *Adjuncts to medical care.* Prosthetic devices such as artificial limbs, artificial eyes, hearing aids, orthopedic footwear, spectacles, and similar medical supports or aids.

(9) *Adjuncts to dental care.* Removable or fixed prosthetic or fixed prosthodontic restorations and similar dental supports or aids.

§ 70.104 Administration.

(a) The Secretary of Defense has jurisdiction over the Army, Navy, Air Force, Marine Corps, and the Coast Guard when operating as a service with the Navy.

(b) The Secretary of Health, Education, and Welfare has jurisdiction over the Public Health Service and for medical care purposes over the Coast and Geodetic Survey, and the Coast Guard when not in service with the Navy.

Subpart B—Determination of Eligibility and Identification of Dependents

§ 70.201 Determination of dependents' eligibility.

(a) The uniformed services will require dependents (or their sponsors) who request medical care to furnish proof of their eligibility for such care. In order to develop uniformity in the criteria utilized by the uniformed services to determine dependents eligible for medical care, the uniformed services will utilize DD Form 1172, "Application for Uniformed Services Identification and Privilege Card". Modifications of DD Forms 1172 and 1173 [1] may be made subject to the approval of the Secretary of Defense.

(1) *Medicare eligibility date.* Each DD Form 1173, "Uniformed Services Identification and Privilege Card", issued will show the date on which a dependent became eligible to receive civilian medical and hospital care at Government expense. This eligibility date will be determined in accordance with Department of Defense Instruction No. 1000.7, Subject: "Uniformed Services Identification and Privilege Card".

(b) The Secretaries of the uniformed services and their designees are hereby authorized to make determinations of dependency for purposes of this part.

§ 70.202 Identification of dependents.

(a) Upon an affirmative determination by the Secretary of a uniformed service or his designee that a dependent is eligible for medical care, such dependent will be issued a "Uniformed Services Identification and Privilege Card", DD Form 1173. The DD Form 1173 will serve as the primary means of identifying dependents eligible for medical care.

(b) The administrative provisions governing the application for the DD Form 1173 and its issuance to dependents of members and dependents of retired members of the uniformed services and dependents of a person who died while a member or a retired member of a uniformed service, will be as prescribed by the Secretary of the uniformed service concerned. However, such regulations for active duty members with dependents will include but not be limited to provisions for the following:

(1) *Issuance.* Application for, and issuance of, DD Form 1173 will be accomplished at the following times:

(i) Upon entry on active duty for a period in excess of 30 days.

(ii) Upon re-enlistment.

(iii) Upon change in dependency status stated on current authorization card.

(iv) Upon certification of loss.

(v) Upon retirement or death.

(2) *Surrender.* The DD Form 1173 shall be surrendered:

(i) Whenever a new card is issued except to replace loss.

(ii) Upon expiration date.

(iii) Whenever the cardholder becomes ineligible.

(iv) Upon death, retirement, or release of member to inactive duty.

(3) *Expiration date.* The DD Form 1173 shall be effective for the contracted period of service of the sponsor upon whom the entitlement is based in the case of dependents of the uniformed services, or in the case of minors the twenty-first birthday if it occurs prior to the termination of the service of the sponsor, except that for entitlement to medical care, the provisions of § 70.103 (d) (7) will apply. The departments will insure that sponsors are directed to notify the appropriate authority immediately upon any change in status that would terminate or modify the right to any of the benefits for which the card may be used.

(4) *Dependents listed.* Each dependent, ten years or over, entitled to medical care, will be issued DD Form 1173. Certification of minor dependents, under ten years of age, for eligibility for medcal care will be the respsonsibility of the dependent, accompanying parent, member, or acting guardian.

(5) *Entitlement to care in civilian facilities.* All DD Forms 1173 will contain an appropriate notation as to those dependents who have entitlement to medcal care at both medical facilities of the uniformed services and civilian medical facilities. Thus, each card covering a dependent eligible for civilian medical care (see § 70.103(e)) will have a notation thereon showing that care in civilian facilities is authorized even though the situations in which such care may be obtained at Government expense are limited. For example, such a dependent residing with the sponsor, or living in an area to which the sponsor is assigned, and whose right of election has been restricted pursuant to § 70.302. shall be entitled to receive medical care in civilian facilities at Government expense only in the case of an emergency and under other circumstances outlined in this part or in the Joint Regulations.

(c) The issuance and use of the DD Form 1173 will be accomplished by all the uniformed services.

Subpart C—Determination of Sources From Which Eligible Dependents Receive Medical Care

§ 70.301 Among uniformed services facilities.

Normally, a dependent requesting care at a uniformed services facility will be expected to use the facilities servicing the area in which the dependent resides.

§ 70.302 Between civilian medical facilities and uniformed services facilities within the United States and Puerto Rico.

(a) Dependents eligible for civilian medical care who are not residing with their sponsors, or in an area to which

[1] Filed as part of the original document.

their sponsor is assigned, shall have right of election between uniformed services medical facilities and civilian medical facilities.

(b) Outpatient medical care at Government expense for dependents eligible for civilian medical care is not authorized from civilian sources, except that certain specified treatment for such dependents who are not hospitalized, will be authorized when in accordance with §§ 70.502(f); 70.503(d) (1), (2), and (3); or 70.506(i).

(c) Dependents eligible for civilian medical care who reside with their sponsors, or in an area to which their sponsor is assigned, shall have right of election between uniformed services medical facilities and civilian medical facilities except that the Secretary of a uniformed service with the approval of the Secretary of Defense or the Secretary of Health, Education, and Welfare, as appropriate, may require such dependents in a prescribed area to seek medical care in a uniformed services medical facility if he finds that:

(1) The uniformed services medical facility is adequate to care for the dependents of members assigned to that area; and

(2) The use of civilian medical facilities by the dependents in that area has affected adversely the optimum economic utilization of the uniformed services medical facility.

(d) When necessary restrictions on right of election for a particular medical facility are imposed, the Secretary of a uniformed service may prescribe a local geographic area which the medical facility concerned shall serve normally. In determining the boundaries of the geographic area, consideration shall be given to normal commuting time, distance, and usual geographic and transportation factors such as toll bridges or ferries which would increase unreasonably the time and expense of travel. It shall be the responsibility of the Secretary of a uniformed service, when imposing restrictions upon the right of election of a dependent, to insure liaison and coordination among all uniformed services and civilian medical facilities in and adjacent to the geographical area in which restrictions have been imposed. When any restrictions on right of election have been imposed or removed, the Executive Agent shall be so advised.

(e) In lieu of the restrictions described in paragraphs (c) and (d) of this section, the Secretary of Defense may specify a date as of which the restrictions described below will be effective. On and after the specified date, a restriction on right of election shall be effective as to dependents in the United States and Puerto Rico, who are eligible for civilian medical care, who reside with their sponsors, or in an area to which their sponsor is assigned, who require care authorized under this part from civilian sources but have not commenced receiving such care from civilian sources on the aforesaid specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), and who reside in an area where adequate medical facilities of a uniformed service are available for such dependents. No restriction on right of election will be imposed on such dependents residing in areas where adequate medical facilities of a uniformed service are not available. However, in order that the restriction may be appropriately administered, each dependent who resides with the sponsor, or in an area to which the sponsor is assigned, and who requires care authorized under this part from civilian sources but has not commenced receiving such care from civilian sources on the specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), will be required to contact a uniformed services installation. For those residing in areas where an adequate medical facility of a uniformed service is not available, DD Form 1251, "Nonavailability Statement",[1] authorizing care from civilian sources at Government expense will be issued. Such a statement may also be issued to a dependent residing with the sponsor, or residing in an area to which the sponsor is assigned, when the capability does not exist in the medical facility (or facilities) of the uniformed services in the area to provide the required care because of lack of necessary staff, facilities, or space. The DD Form 1251, issued in the manner described above, shall be evidence of entitlement of the dependent to care authorized under this part from civilian sources at Government expense. In determining whether a dependent covered under this § 70.302(e) is residing in an area where adequate medical facilities of a uniformed service are available, the criteria outlined in paragraphs (c) and (d) of this section shall apply. Detailed procedures concerning the format of the DD Form 1251 and the manner in which it is to be issued may be set forth in the Joint Regulations. Spouses and children are considered to be residing with their sponsor if they reside in the area to which the sponsor is assigned, in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship, from the area to which he is assigned, the permanent duty station or his home port or home yard respectively, or by reason of the sponsor's absence on individual temporary duty or temporary additional duty order.

§ 70.303 Exceptions; emergency care and other circumstances.

(a) Any restrictions on right of election and the requirement for the DD Form 1251 described in § 70.302(e) shall be waived:

(1) When circumstances indicate that it was necessary for the eligible dependent to obtain authorized medical care from civilian facilities due to a bona fide emergency, e.g. serious injury following an accident or illness of sudden onset requiring immediate treatment authorized to be obtained from civilian sources at the nearest available medical facility to preserve life, health, or to prevent undue suffering.

(2) During the period of absence on a trip of the eligible dependent from the area to which the sponsor is assigned. This exception is not to be used to circumvent the restrictions imposed on right of election.

(3) When an eligible dependent wife, whose husband dies while on active duty, is pregnant at the time of his death. (See § 70.505(d).)

(b) Additionally, the restrictions initially imposed by the Secretary of Defense on a specified date pursuant to § 70.302(e) and the requirement for a DD Form 1251 described therein shall be waived with regard to any eligible dependent who has commenced receiving care authorized under this part from civilian sources prior to that specified date (except that, for maternity patients, care in the second trimester by her civilian physician on that date must have commenced prior thereto). The dependent involved will be entitled to complete any care which was authorized under this part prior to the date specified by the Secretary of Defense and which has been commenced in accordance with the preceding sentence.

§ 70.304 Between civilian medical facilities and uniformed services facilities outside the United States and Puerto Rico.

Dependents eligible for civilian medical care who are not residing with their sponsors, or in an area to which their sponsor is assigned, shall have right of election between uniformed services medical facilities and professionally acceptable local civilian sources. Where medical facilities of the uniformed services are available within the area and are capable of providing the required care, spouses and children outside the United States and Puerto Rico who are residing with their sponsors, or in an area to which their sponsor is assigned, will utilize these facilities for such care. In areas where medical facilities of the uniformed services are nonexistent or incapable of providing adequate medical care, spouses and children who are residing with their sponsors, or in an area to which their sponsor is assigned, may be authorized civilian medical care from professionally acceptable local sources in accordance with this part.

Subpart D—Medical Care for Dependents at Medical Facilities of the Uniformed Services

§ 70.401 Authority for providing medical care to dependents.

Whenever requested, medical care shall be given dependents of members and dependents of retired members of the uniformed services, and dependents of a person who died while a member or a retired member of a uniformed service, in medical facilities of the uniformed services subject to the availability of space and facilities, and the capabilities of the professional staff. Determinations made by the medical officer in charge of the medical facility, or by his designee, as to availability of space, facilities, and the capabilities of the professional staff,

[1] Filed as part of the original document.

shall be conclusive. The furnishing of medical care to dependents shall not interfere with the primary mission of those facilities.

§ 70.402 Facilities available.

In making the determination of the availability of medical facilities at a specific location, the following criteria shall be applied:

(a) Mission of the uniformed services medical facility.

(b) Adequacy of professional care available for diagnosis and treatment.

(c) Maximum number of patients who can be treated without sacrificing high professional medical standards.

(d) Optimum utilization of facilities of the uniformed services.

§ 70.403 Medical care authorized.

(a) Medical care of dependents in the facilities of the uniformed services shall be limited to the following:

(1) Diagnosis.

(2) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic diseases.

(3) Treatment of surgical conditions.

(4) Treatment of contagious diseases.

(5) Immunization.

(6) Obstetrical and infant care.

(b) Treatment may be provided for acute emergencies of any nature which are a threat to the life, health, or well-being of the patient including acute emotional disorders. Hospitalization is authorized at Government expense for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition also qualifies for care under paragraph (a) (1), (2), (3), (4), or (6) of this section. With special exceptions as authorized by the Surgeon General of a uniformed service, additional care in a hospital of the uniformed services on a space available basis may be provided in accordance with § 70.404 (b).

(c) When a hospitalized dependent patient requires care beyond the capabilities of the medical facility, the commanding officer or officer-in-charge of the facility is authorized to:

(1) Transfer the patient to the nearest medical facility of the uniformed services where the required treatment is available. Government transportation may be utilized to effect such transfer; or

(2) Procure from civilian sources the necessary suplemental material and professional and personal services required for the proper care and treatment of the patient in his facility.

The authorization provided by this § 70.403(c) is applicable after admission of the patient when the patient's condition so requires.

§ 70.404 Medical care not authorized.

Dependents shall not be provided:

(a) Hospitalization at medical facilities of the uniformed services for the following:

(1) Chronic diseases. (See §§ 70.103 (j)(5) and 70.403(a)(2).)

(2) Nervous and mental disorders. (See § 70.103(j)(6).)

(3) Medical or surgical care that is desired or requested by the patient which, in the opinion of cognizant medical authority, is not medically indicated; e.g. surgery solely for cosmetic purposes.

(4) Domiciliary care. (See § 70.103(j)(4).)

(b) However, in special and unusual cases, exceptions may be made by a Surgeon General of the uniformed services and hospitalization may be provided for such disorders or diseases as set forth in paragraph (a) (1) and (2) of this section. In no instance may the period of hospitalization exceed 12 months.

(c) Artificial limbs, artificial eyes, hearing aids, orthopedic footwear and spectacles, except that outside the United States and at remote stations within the United States, as designated by the Secretary of the uniformed service concerned and approved by the Secretary of Defense, or designated by the Surgeon General, U.S. Public Health Service, and approved by the Secretary of Health, Education, and Welfare, where adequate civilian facilities are not available, those items, if available from Government stocks, may be provided to dependents at invoice cost to the Government.

(d) Ambulance service, except in acute emergency as determined by the medical officer in charge.

(e) Home calls, except in special cases where it is determined by the cognizant medical authority to be medically necessary.

§ 70.405 Dental care.

(a) Dental care for dependents is not authorized except:

(1) Emergency dental care to relieve pain and suffering but not to include any permanent restorative dentistry or dental prosthesis.

(2) Dental care as a necessary adjunct to medical or surgical treatment. (See § 70.103(j)(7).)

(3) Outside the United States, and in remote areas within the United States as designated by the Secretary of the Army, Navy, or Air Force and approved by the Secretary of Defense where adequate civilian dental facilities are not available to personnel at or near military installations; or as designated by the Surgeon General, U.S. Public Health Service, and approved by the Secretary of Health, Education, and Welfare for those facilities over which jurisdiction is provided in § 70.104(b).

§ 70.406 Admission of dependents for medical care.

(a) As indicated in §§ 70.201 and 70.202, the DD Form 1173 will serve as the primary means of identifying dependents eligible for medical care.

(b) Procedures for admission of dependents requesting medical care at uniformed services medical facilities will be as follows:

(1) Identification will be by means of a DD Form 1173. Uniformed services medical facilities may prescribe such additional local procedures as necessary. However, these procedures should not complicate, delay or preclude treatment of an eligible dependent nor discriminate against the dependent of members of other services.

(2) Under emergency conditions and similar circumstances, the admitting authority may waive the requirement of producing DD Form 1173. However, in each such instance at uniformed services medical facilities, certification will be required attesting to the dependent's eligibility for medical care. This certification will be executed by either the dependent, the member, retired member, parent or guardian as appropriate.

§ 70.407 Cross-utilization of service medical facilities.

To provide effective cross-utilization of medical facilities of the uniformed services, eligible dependents, regardless of service affiliation, shall be given equal opportunity for medical care. Such dependents may request and be furnished medical care at the medical facility of the uniformed service serving the area in which they reside or in the medical facility of the sponsor's own uniformed service depending upon the capability of the medical facilities concerned. In areas where medical facilities of two or more uniformed services are available, the appropriate officials of each service, with due consideration for the relative size and capabilities of the medical facilities, shall participate jointly in determining the capabilities and establishing areas of medical responsibility. Delineation of such areas shall be published jointly and will include zones in which dependents are permitted to use either the facilities of the sponsor's own service or the facilities which have medical responsibility for the area in which the dependent resides. In addition, commanders of uniformed services hospitals will establish necessary liaison and coordination with the representatives of the local medical society and the civilian hospital facilities as appropriate, to insure, to the maximum extent possible, the smooth referral of excess dependent patient loads to civilian medical facilities when such referrals appear desirable.

§ 70.408 Charges for dependent medical care.

When medical care is provided dependents in facilities of the uniformed services, the patient shall pay the following charges:

(a) *Inpatient care.* The per diem rate of charge for inpatient care provided dependents is $1.75 which includes cost of subsistence.

(b) *Outpatient care.* As a restraint on excessive demands for medical care, uniform minimal charges may be imposed for outpatient care only after a special finding by the Secretary of Defense after consultation with the Secretary of Health, Education, and Welfare that such charges are necessary. The Secretaries of the uniformed services shall have continuing responsibility for determining the nature and extent of possible abuses of outpatient care in uniformed services medical facilities and shall so advise the Secretary of Defense when their findings are in the affirmative.

§ 70.409 Transportation of patients.

Commercial or civilian transportation to move dependent patients to medical

facilities of the uniformed services, between medical facilities of the uniformed services, or from a civilian medical facility to a medical facility of the uniformed services is not authorized at Government expense.

Subpart E—Medical Care in Civilian Facilities

§ 70.501 Eligibility for civilian medical care.

Under the provisions of this subpart, wives, dependent husbands and children who are dependents of members of the uniformed services are eligible to receive at Government expense specified medical or dental care from civilian sources. A full payment concept is followed in operating the Dependents' Medical Care Program. Under this concept the participating civilian physician and other sources of civilian care agree to accept the amounts allowable under the program as full payment for their services. Eligible dependents should ascertain that the civilian sources of medical care desire to participate in the Medicare Program. Following acceptance of the patient under the Medicare Program by the civilian source of care, the patient and his sponsor are not responsible for the payment of any amount for authorized care except as specified in § 70.506.

§ 70.502 Medical and hospital care authorized from civilian sources.

Medical and surgical care from civilian sources is authorized for spouses and children who are dependents of members of the uniformed services for the following:

(a) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic diseases only during hospitalization except as otherwise provided in this part.

(b) Treatment of surgical conditions only during hospitalization except as otherwise provided in this part. (See § 70.504(c).

(c) Treatment of contagious diseases during hospitalization.

(d) Complete obstetrical and maternity care.

(e) Three hundred sixty-five days' hospitalization in semiprivate accommodations for each admission, including all necessary services and supplies furnished by the hospital during hospitalization.

(f) Services required of a physician or surgeon prior to and following hospitalization for a bodily injury or surgical operation.

(g) Treatment in a hospital for an acute emotional disorder is authorized provided that such disorder is considered to constitute an emergency which is a threat to the life or health of a patient. In general, care will be provided for an acute emotional disorder under this subpart only until the disorder subsides, until arrangements are made for care elsewhere, or until the end of 21 days of hospitalization, whichever occurs earliest. Under procedures to be established by the Executive Agent, or his representative, within the United States and Puerto Rico, and by the Secretaries of the uniformed services, or their representatives, outside the United States and Puerto Rico, extension beyond 21 days may be granted on a case-by-case basis where the member or the dependent, or the representative of either, shows that, due to absence (e.g., overseas assignment when dependent is in the United States), the member was unable to make arrangements for care elsewhere within the 21-day period. With special exceptions, as authorized by the Surgeon General of a uniformed service, additional care for an acute emotional disorder in a hospital of the uniformed services on a space available basis may be provided in accordance with § 70.404(b). The commanding officer of a uniformed services hospital, or the Surgeon General of a uniformed service having jurisdiction over a hospital, may authorize transfer of any patient, hospitalized in a civilian hospital under any of the above subparagraphs, to that uniformed services medical facility on the basis of space, facility, and personnel availability. (See §§ 70.402 and 70.403.) In cases covered by the two preceding sentences, Government transportation may be utilized to effect transfer to a uniformed services hospital.

(h) Diagnostic tests and procedures including laboratory tests and pathology and X-ray examinations, when ordered by the attending physician, only during hospitalization, except as otherwise provided in this part.

(i) Dental care which is a necessary adjunct to medical or surgical treatment rendered in a hospital to a dependent who is a hospital inpatient. Such dental care shall not include removable or fixed prosthodontic restorations, orthodontia, restorative dentistry, and prolonged periodontal treatment.

(j) Notwithstanding those other provisions of this part with reference to dental care and to the care of chronic conditions, patients suffering from recurrently progressive debilitating diseases may be hospitalized to receive inpatient surgical care, legitimately performed by a dentist, which has been determined by the cognizant physician and dentist to be a necessary adjunct to, and required for, the proper treatment of such conditions.

§ 70.503 Terms of reference and rules for the provision of authorized medical care from civilian sources.

(a) *Applicable terms.*

NOTE: These terms are primarily for use in the United States and Puerto Rico and may be modified in other areas.

(1) *Hospital.* The word "hospital" shall mean only an institution which is operated in accordance with the laws of the jurisdiction in which it is located pertaining to institutions identified as hospitals, is primarily engaged in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment and care of injured and sick persons by or under the supervision of staff physicians or surgeons, and continuously provides 24-hour nursing service by registered graduate nurses. It shall specifically exclude any institution which is primarily a place of rest, a place for the aged, a place for the treatment of drug addiction or alcoholism, a nursing home, a convalescent home, or a facility operated by the Federal Government or any agency thereof, except Freedmen's Hospital, Washington, D.C. If the experience of the Executive Agent indicates that the care provided in a hospital is substandard, or charges of a hospital are excessive, Government approval of its use in the future may be withdrawn and payment of charges by the Government denied for patients admitted subsequent to the withdrawal of approval unless the case is certified as an emergency by the attending physician or surgeon.

(2) *Semiprivate accommodations.* The term "semiprivate accommodations" signifies the presence of 2, 3, or 4 beds in a room in which a patient is hospitalized. "Private accommodations" means one bed in a room.

(3) *Ward accommodations.* The term "ward accommodations" signifies the presence of 5 or more beds in a room in which the patient is hospitalized. Where ward accommodations are furnished under the circumstances described herein, a portion of the cost will be borne by the Government in accordance with § 70.506(a). Ward facilities may be used for pediatric cases whenever this is the normal medical practice. Further, when the attending physician admits his patient to a hospital in which all semiprivate accommodations are occupied, care furnished therein shall be considered authorized care, but the patient should be transferred to a semiprivate accommodation as soon as possible. Finally, when the patient is admitted to an otherwise eligible institution which furnishes only ward accommodations, care furnished therein shall be considered authorized care.

(4) *Necessary services and supplies.* Those services and supplies ordered by the attending physician which are customarily provided and charged for by the hospital.

(5) *Physician or surgeon.* A person who is legally qualified to prescribe and administer all drugs and to perform all surgical procedures.

(6) *Dentist.* A person who is legally qualified to prescribe and administer all drugs and perform all procedures related to the teeth, jaws, and to structure contiguous to one or the other.

(7) *Local schedule of allowances.* The allowances for payment of physicians' services applicable to a local area negotiated with the physicians' representatives and approved by the Executive Agent for the Department of Defense and Department of Health, Education, and Welfare.

(b) *Hospital care.* (1) Hospital care under this section is defined as inpatient care for 18 consecutive hours or more, except for shorter periods of hospitalization for surgical procedures, treatment of fractures or other bodily injuries, or in instances in which death occurs in a lesser period of time.

(2) Hospital care shall include board and room and necessary services and supplies up to a maximum of 365 days for each admission.

(c) *Nursing care.* If, while receiving authorized hospital care, private-duty nursing care is required for proper care and treatment, and if the patient's attending physician certifies to such a requirement, a portion of the cost will be borne by the Government in accordance with § 70.506(e).

(d) *Professional services*—(1) *Professional services related to hospitalization.* (i) Payment to physicians, including necessary consultants, in accordance with local Schedules of Allowances, for treatment of medical and surgical conditions during a period of hospitalization, is authorized.

(ii) All diagnostic and therapeutic tests and procedures authorized by the attending physician and accomplished during a period of hospitalization are authorized for payment by the Government. In those instances during the period of hospitalization when treatment by the use of X-ray, radium or radioisotopes is prescribed, such treatment may be continued or carried out on an outpatient status.

(iii) The approved local schedules of allowances payable to a physician or surgeon for treatment in a hospital of a bodily injury or for a surgical procedure shall include prehospitalization care and normal after-care following a period of hospitalization.

(iv) Those surgical procedures that are legitimately cared for by a dentist (e.g. cleft lip, cleft palate, etc.) may be treated by a dentist who is a member of the staff of a hospital and normally performs these surgical procedures in that hospital. The removal of teeth, gingivectomies, and alveolectomies are not authorized surgical procedures under the Program unless they meet the criteria of adjunctive dental care as defined in this part. When authorized surgical treatment is performed by a dentist, other procedures, diagnostic tests, services, and supplies authorized or ordered by him may be paid to the same extent as if a physician or surgeon authorized or ordered them under this part.

(v) Although Chapter 55, Title 10, United States Code provides primarily for professional services during hospitalization and does not permit medical care normally considered to be outpatient care at Government expense, certain limited benefits are authorized as indicated elsewhere in this subpart, and below:

(*a*) Payment is authorized in an amount not to exceed $75.00 at Government expense for necessary diagnostic tests and procedures performed or authorized by the attending physician prior to hospitalization for the same bodily injury or surgical procedure for which hospitalized.

(*b*) Payment is authorized in an amount not to exceed $50.00 at Government expense for necessary tests and procedures performed or authorized by the attending physician for proper aftercare of the same bodily injury or surgical procedure for which hospitalized.

(*c*) The monetary limitations in (*a*) and (*b*) of this subdivision are intended only to define the liability of the Government under the stated conditions and in no way modify, alter, or affect the fees for individual procedures contained in the local schedules of allowances; and also, they do not restrict the physician in the performance or authorization of necessary tests or procedures.

(*d*) The monetary limitations in (*a*) and (*b*) of this subdivision may be exceeded only in special and extraordinary cases provided that the physician authorizing the tests and procedures, for which charges exceed the amounts specified above, submits a special report which shall be reviewed by a contractor's physician review board. This board will make appropriate recommendations to the Executive Agent who may authorize such additional payments.

(2) *Obstetrical and maternity services.* (i) Complete obstetrical and maternity services shall include prenatal care, delivery, and postnatal care in a hospital, office, or home. Payments for prenatal care, delivery, and postpartum care shall be made to the physician performing the respective service in accordance with the local schedules of allowances. Allowances are authorized for laboratory tests, pathology or radiology examinations, and other procedures performed or authorized by the attending physician in the management of the pregnancy. In instances of home or office confinements, payments are not authorized for the purchase or rental of beds, bassinets, or similar equipment, or for services of private-duty nurses. (See § 70.506(f).)

(ii) Where a consultant's services are required for proper care and treatment of the patient, such care is authorized.

(iii) Necessary or required infant care shall be provided during the period of hospitalization following delivery. If the infant requires further hospitalization following delivery, such care is authorized as a continuation of the original admission. Also, in the case of a home or office delivery, necessary or required infant care may be provided on an outpatient basis for a period not to exceed 10 days following the date of delivery.

(iv) Under procedures established by the Executive Agent, or his representative, within the United States and Puerto Rico, and by the Secretaries of the uniformed services, or their representatives, outside the United States and Puerto Rico, required in-hospital care can be furnished to obstetrical and maternity patients who develop acute emotional disorders complicating pregnancy or constituting postpartum psychosis occurring within the six weeks postpartum period authorized for maternity care.

(3) *Other professional services.* The authorized payments for the treatment of bodily injuries when a patient is not hospitalized, including diagnostic and therapeutic tests and procedures authorized by the attending physician, are limited to treatment of fractures, dislocations, lacerations, and other wounds as prescribed in the local schedules of allowances. Treatment of fractures, dislocations, lacerations, and other wounds that are legitimately cared for by dentists, including related diagnostic and therapeutic tests and procedures authorized by the attending dentist, may also be paid for hereunder. (See § 70.506(i).)

(e) *Supporting services.* Wherever the attending physician authorizes the services of a physical therapist or of an anesthetist who is other than a physician in rendering authorized care to an eligible dependent, and certifies as to the necessity therefor, the services may be paid for hereunder.

§ 70.504 Medical care not authorized.

Medical care specified in this subpart shall not be authorized for any of the following:

(a) Chronic diseases. (See §§ 70.103(j)(5) and 70.502(a).)

(b) Nervous and mental disorders (see § 70.103(j)(6)), including acute emotional disorders except that (1) care of this type may be furnished to a dependent requiring same during the period of hospitalization of that dependent for a condition that does qualify as authorized care under § 70.502 (a) through (f); (2) care for acute emotional disorders may be furnished in connection with obstetrical and maternity services in accordance with § 70.503(d)(2)(iv); and (3) care for acute emotional disorders may be furnished in accordance with § 70.502(g).

(c) Services of a surgical nature desired or requested by the patient which are not medically indicated. The opinion of the cognizant medical authority (charge physician) will determine whether the services are medically indicated and therefore payable under this part, except that the types of surgery described in subparagraph (1) of this paragraph are not authorized for payment under this part under any circumstances; and the types of surgery described in subparagraph (2) of this paragraph are authorized only under the conditions stipulated therein.

(1) *Examples of types of surgical care not authorized.* (i) Cosmetic surgery—any surgery for improvement or change of appearance or for psychological reasons.

(ii) Ears—reconstruction and/or revision of the external ear; surgery based on psychological reasons.

(iii) Congenital defects of skeletal and/or central nervous system which are readily identifiable as representing chronic long-term conditions and characteristically respond poorly to surgical intervention.

(iv) Sterilization procedures for multiparity and/or socioeconomic reasons. (See subparagraph (2)(xi) of this paragraph.)

(v) Procedures designed to correct a state of infertility or sterility.

(vi) Removal of tattoos.

(2) *Examples of types of inpatient surgical care authorized for payment only if certain conditions prevail.* (i) Ears—surgery for restoration or improvement of hearing is allowable.

(ii) Eyes—surgery for glaucoma, cataracts, strabismus (squint) or other conditions to aid or improve vision of the affected eye(s) is allowable.

(iii) Harelip and/or cleft palate—surgery for initial repairs, including sur-

gery for subsequent repair known and established as a requirement at the time of original surgery is authorized. Subsequent revisions are not authorized.

(iv) Rhinoplasties—authorized only for improvement of nasal respiratory physiology.

(v) Skeletal defects (e.g. club foot, congenital dislocated hip)—surgical treatment is authorized only when treatment is required as an "in-hospital" patient to improve function. Care normally provided on an outpatient basis and not requiring hospitalization is not authorized.

(vi) Surgical treatment for removal of supernumerary digits or for correction of syndactylism is authorized only for improvement of function.

(vii) Scars—surgical treatment is authorized only when a scar is ulcerated, shows clinical evidence of malignancy, or when a contracture impairing anatomical function is present.

(viii) Surgical treatment for removal of nevi, hemangiomas and/or telangiectatic lesions is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(ix) Surgical treatment for removal of plantar warts, verrucae, sebaceous cysts, condylomata or moles is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(x) Mammoplasty is authorized only when severe pain or marked disability is present.

(xi) Tubal ligation or other sterilization procedures—surgical procedure is authorized only when, in the opinion of the charge physician and consulting physician(s), the procedure is a necessary requirement in the proper management of a medical or surgical condition for which treatment is authorized under this part.

(d) Non-acute medical conditions (see § 70.502(a)). Examples of types of care not authorized are set forth below:

(1) Procedures designed to determine state of infertility or sterility.

(2) Pseudocyesis (false pregnancy) or pregnancy suspected but not proven.

(3) Tests to determine pregnancy, except when patient is in fact pregnant and when tests are required for proper conduct of maternity or postpartum care (hydatid mole).

(4) Diagnostic evaluation and hospital admissions in connection therewith when patients are not acutely ill or when diagnostic surveys are not followed by surgery.

(5) Rehabilitation procedures for persons with congenital defects, cerebral palsy, or poliomyelitis (except when related to "in-hospital" care of surgical procedure performed for improvement or restoration of function).

(6) Treatment for tuberculosis—inactive (non-acute) when determined by clinical tests. Treatment is authorized only for the active (acute) phase as determined by acceptable medical standards (positive sputa: positive gastric washings; or positive chest or other X-rays).

(7) Tests and procedures such as the following:

(i) Psychological, psychometric, or intelligence measuring tests.

(ii) Speech and/or hearing therapy, remedial reading, or orthoptic training.

(iii) Child guidance therapy.

(e) Domiciliary care. (See § 70.103(j)(4).)

(f) Treatment or procedures normally considered to be outpatient care.

(g) Ambulance service, or other civilian transportation used for movement of spouses or children to or between civilian medical facilities or from a civilian medical facility to a medical facility of the uniformed services.

(h) Adjuncts to medical care. (See § 70.103(j)(8).)

§ 70.505 Admission of dependents for medical care to civilian sources.

Dependents requesting medical care from civilian sources will be required to observe the following procedures:

(a) Identification will be established by DD Form 1173 and such other means of identification provided by the uniformed services. In addition, dependents or their parent, sponsor, or guardian, as appropriate, will be required to execute a certification form to be prescribed by the Executive Agent and made available to the source of medical care. This form will serve the purpose of assisting both in the identification of dependents and the ultimate billing made by civilian physicians, surgeons, and civilian medical facilities. In developing this form, the Executive Agent will insure that it will include appropriate provision for:

(1) Identification of the patient.

(2) Identification of sponsoring member of uniformed service on active duty.

(3) Certification of the dependent, accompanying parent, member or acting guardian as to the eligibility of the dependent for care under Chapter 55, Title 10, United States Code.

(4) Diagnosis, medical services furnished and charges.

(5) Certification by the source of medical care that services were provided in accordance with Chapter 55, Title 10, United States Code.

(6) Under emergency conditions and similar circumstances, the admitting authority may waive the requirement of producing a DD Form 1173. However, in each instance of this nature, the form prescribed by the Executive Agent and referred to in this § 70.505(a) will be executed.

(b) On and after the effective date specified by the Secretary of Defense pursuant to § 70.302(e), an eligible dependent who is residing with the sponsor, or in the area to which the sponsor is assigned, and who has not commenced receiving care from civilian sources prior to that date (or, in the case of a maternity patient, whose care from her civilian physician on that date has not reached the second trimester), in addition to complying with § 70.505 (a) and (b), will be required to present a DD Form 1251, "Nonavailability Statement," to the attending physician and the hospital, when both are involved, and to the appropriate party when only one is involved, for attachment to the claim form. Sources of civilian care other than the hospital or the attending physician may, in lieu of attaching a DD Form 1251 to the claim form, accept a statement from the person signing the certification in accordance with § 70.505 (a) that a DD Form 1251 has been furnished to the attending physician (identifying him by name) or to the hospital (identifying it by name). The DD Form 1251 shall be obtained from uniformed services installations and shall cover only care authorized to be obtained from civilian sources under this part. A statement by the person signing the certification in accordance with § 70.505(a) that the patient is not residing with the sponsor, or in the area to which the sponsor is assigned, may be accepted by the source of care unless that source has actual knowledge to the contrary. The requirement for the DD Form 1251 shall be waived in the case of an emergency, and in other circumstances outlined in § 70.303. A statement from the attending physician on the claim form that the case is an emergency (see § 70.303(a)(1)) will be sufficient to justify an exception. Also, a statement by the person signing the certification in accordance with § 70.505(a) that the patient is away on a trip from the area to which the sponsor is assigned will be sufficient to justify an exception, unless the source of care has actual knowledge to the contrary. Where representations are made by the source of civilian medical care that it was not aware of the requirements contained in this § 70.505 (b) and that it furnished care authorized under this part to a person claiming to be a spouse or child eligible for civilian medical care, and possessing a valid DD Form 1173, then the matter will be brought to the attention of the uniformed service concerned for determination whether a Nonavailability Statement can be issued. If it is determined by the uniformed service concerned that the DD Form 1251 cannot be furnished, then the matter will be brought to the attention of the member concerned as an unpaid debt. In special circumstances, and where the source of civilian care shows that collection has not been possible, then the Executive Agent or his designee may authorize payment to be made to that source, provided the claim covers care authorized under this part and was otherwise executed in accordance with all requirements except those set forth above concerning the Nonavailability Statement.

(c) In cases of spouses and children receiving treatment in a civilian medical facility at Government expense at the time entitlement to receive medical care from civilian sources ceases (by reason of release from active duty, or otherwise), the Government's responsibility ceases, insofar as the source of civilian care is concerned, as of the date of receipt of knowledge by the source of care that the dependent's entitlement to medical care

from civilian sources has terminated or the normal expiration date on the DD Form 1173, whichever is earlier. In any case, the Government's responsibility ceases, insofar as the dependent or member is concerned, as of the date the dependent ceases to be entitled to receive care (by reason of release of the member from active duty, or otherwise) from civilian sources at Government expense. (See § 70.202(b)(5).) Notwithstanding the foregoing, the Government will be responsible for paying for care rendered to patients covered by § 70.505(b), only if the conditions set forth in that section are met.

(d) Exceptions to the policy in § 70.505 (c) are authorized under the following circumstances:

(1) Spouses and children of members of uniformed services receiving treatment in a civilian medical facility at Government expense at the time of death of the member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident or the same episode which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed services medical facility as soon as the physical condition of the patient permits, subject to space, facilities, and personnel availability. Government transportation may be utilized to effect transfer to a uniformed services hospital. The cost of medical and hospital care authorized from civilian sources (see § 70.502) which was furnished to the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in § 70.506, but not after the date on which feasible arrangements for transfer have been made.

(2) Additionally, a dependent wife who is eligible for civilian medical care (see § 70.103(e)), whose husband dies while on active duty and who is pregnant at the time of his death, may be provided from civilian sources at Government expense the obstetrical and maternity care authorized under this part to include, where applicable, prenatal care, delivery, and postpartum care. Neonatal care authorized elsewhere in this part is authorized for a child born under these circumstances. This special provision is applicable only to those maternity cases in which delivery occurs on or after 28 July 1959. Dependents covered in this § 70.505(d)(2) may elect to receive the authorized care described above either in uniformed services medical facilities or from civilian sources.

§ 70.506 Charges.

(a) When the entire period of hospitalization has been in other than private accommodations, the patient shall pay to the hospital the greater of subparagraph (1) or (2) of this paragraph:

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the per diem rate established in § 70.408(a).

(b) If hospital care in a private room is obtained by the patient because it is required for the proper care and treatment, and if the patient's attending physician so certifies, the amount of private room charge less the patient's payment set forth below will be paid by the Government. The patient will be required to pay to the hospital the greater of subparagraph (1) or (2) in addition to (3) of this paragraph:

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the per diem rate established in § 70.408(a).

(3) Twenty-five per cent (25%) of the difference between private room charges and weighted average cost of semiprivate room charges, when private room charges are more costly.

NOTE: For hospitals having only private rooms, the term "weighted average cost of semiprivate room charges" is defined as 90 per cent of the daily hospital charges for the room furnished the dependent or $15.00 per day, whichever is lesser.

(c) If hospital care in a private room is provided at the specific request or desire of the patient or of the sponsor, the patient will be required to pay to the hospital the greater of subparagraph (1) or (2), and in addition (3) of this paragraph:

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the established per diem rate.

(3) The difference between private room charges and weighted average cost of semiprivate room charges, when private room charges are more costly.

(d) Except as provided in paragraph (b)(3) of this section, if hospital care in a private room is provided in a hospital which has only private rooms, the Government will pay 90 per cent of the daily hospital charges for the room provided the dependent, or $15.00 per day, whichever is the lesser. The patient will be required to pay the hospital the greater of subparagraph (1) or (2), and in addition (3) of this paragraph:

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the established per diem rate. (See § 70.408(a).)

(3) Ten per cent (10%) of the daily hospital charges for the private room provided the dependent or the total daily hospital charges for such room, less $15.00 per day, whichever is the greater.

(e) If, while receiving authorized hospital care, private-duty nursing care is required for proper care and treatment, and if the patient's attending physician so certifies, 75 per cent of the charges in excess of $100.00 for such private-duty nursing care will be paid by the Government.

(f) All admissions to a hospital of an obstetrical patient as an inpatient for care required in direct connection with the pregnancy, including admissions for direct complications thereof, during the period of pregnancy up to and including delivery, and those for postpartum inpatient care for complications of pregnancy where the complication arises within the authorized six weeks postpartum period and where treatment is commenced by the attending physician within that period, shall be considered as one admission for the purpose of determining charges to the dependent. Admission for a non-obstetrical diagnosis in the course of but not connected with a pregnancy would require the patient to pay the charges for a separate admission. Patients who are delivered in a home or office shall pay the first $15.00 of charges in connection with the delivery, if not hospitalized in direct connection with the pregnancy.

(g) Patients who previously were admitted to a hospital for authorized care, who paid at least $25.00 of the hospital charges for that admission and who are readmitted to a civilian hospital within 14 days following discharge from the previous admission for authorized treatment of the original condition for which initially hospitalized, or direct complications thereof, will not be required to pay the first twenty-five dollars ($25.00) of subsequent hospitalizations, but will be required to pay an amount determined by multiplying the number of days of the current hospitalization by the established per diem rate (see § 70.408(a)), plus any additional charges that might be specified elsewhere herein. Hospitals will be responsible for obtaining from the patient, physician, sponsor, or other hospital(s) satisfactory evidence that the patient is entitled to the lesser charge.

(h) When a patient who in an inpatient status is transferred to another hospital to obtain as an inpatient necessary treatment not available in the first hospital and no break in hospitalization occurs except for the time in transit, it shall be considered one admission for the purpose of payment of charges by the patient in accordance with this section.

(i) When a patient is treated for injury other than as an inpatient in a hospital in accordance with § 70.503(d)(3), the payments made shall be in accordance with the local schedules of allowances. Payments not to exceed a maximum of $75.00, except as provided for under § 70.503(d)(1)(v)(*d*), are also authorized for laboratory tests, pathology and radiology examinations provided they are procedures performed by or authorized by the attending physician or surgeon. Payment of charges is also authorized for use of hospital outpatient facilities required for the treatment of the injury, e.g., a cast room. The patient shall pay the first $15.00 of the physician's charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident shall be considered as one injury for payment of the maximum required fee ($15.00) by the patient. The Government shall pay for all costs in excess of $15.00 as authorized in the local schedules of allowances. However, payment by the Government for laboratory tests and pathology and radiology examinations shall not exceed

the $75.00 maximum except as provided for under § 70.503(d)(1)(v)(*d*).

§ 70.507 **Administration.**

(a) The Secretary of the Army, acting as Executive Agent for the Secretary of Defense, shall contract for medical care under the full payment concept within the United States and Puerto Rico in accordance with the Armed Services Procurement Regulations with authority to redelegate such responsibilities within the Department of the Army. The Department of the Army personnel authorization and funds will be increased by the Secretary of Defense, upon justification, to provide for the personnel required for the Dependents' Medical Care Program and to carry out the responsibilities of the Executive Agent. The Secretary of the Army shall be responsible for the provision of personnel, space, equipment, facilities and supplies, including related budgeting, funding, administrative control of funds, facility control, training, manpower control and utilization, personnel administration, security administration, and other administrative provisions and services necessary to carry out assigned missions as Executive Agent. The Executive Agent's authority does not extend to the conduct of the medical care program in medical facilities of the uniformed services.

(b) The Executive Agent shall be responsible within the United States and Puerto Rico for the following:

(1) Preparation of the terms and placement of the contract or contracts to be established to include but not limited to:

(i) Local schedules of allowances to be used in full payment of bills presented by physicians and surgeons.

(ii) A provision for review and, if necessary, an adjustment of administrative payments not later than 120 days after the first year the plan or plans have been in effect and each year thereafter.

(iii) Determination of administrative responsibilities of the contractors and methods of determining administrative costs.

(iv) Adequate procedures for paying claims for authorized care provided to eligible dependents by physicians, treatment facilities, dentists, private-duty nurses, physical therapists and anesthetists.

NOTE: Claims may be paid under a contract or by appropriate arrangements such as direct billings between the Government and claimants. Detailed procedures may be covered in the Joint Regulations or in contracts.

(2) *Administration of the contract.*

(i) Liaison activities with the contractor.

(ii) Payment of bills.

(iii) The development of any budgetary information required by the uniformed services as prescribed by the Joint Regulations.

(iv) Audit.

(v) Preparation of such statistical information as may be necessary including that for the annual report of the Secretary of Defense to Congress.

(vi) The Executive Agent's responsibility shall not include as a matter of routine a detailed supervision of civilian medical procedures or a detailed inspection of civilian medical facilities.

(vii) The Executive Agent shall be responsible for the processing of complaints with reference to civilian medical care and hospitalization.

(viii) Contractors shall have detailed responsibility for resolving medical disputes through local grievance committees composed of civilian physicians.

(3) Reimbursement to dependents or sponsors for authorized care obtained by dependents at personal expense in accordance with the procedures set forth in the Joint Regulations subject to the proviso that such reimbursement will not exceed that portion of the charge which the Government would have paid had contract facilities or services been utilized.

(c) *Care in civilian facilities outside the United States and Puerto Rico.* The Secretary of a uniformed service is authorized, with authority to redelegate such responsibilities as appropriate, to contract or provide for payment for authorized civilian medical care for spouses and children outside the United States and Puerto Rico. (See § 70.304.) The responsibilities of the uniformed services, where appropriate, shall be the same as those listed for the Executive Agent in § 70.507(b).

(d) *Responsibility of a Secretary of a uniformed service.* A Secretary of a uniformed service shall be responsible for the following:

(1) Initial eligibility determinations and means of identification of the dependent for medical care as prescribed in this part in §§ 70.201 and 70.202.

(2) Budgeting and funding for that portion of the total cost including administrative expenses which is properly attributable to his service.

(3) Reimbursement in accordance with cross-servicing agreements for care contracted by one service for dependents of another service. Any amounts received through such reimbursement shall be deposited to the credit of the appropriation supporting such contracts for medical care.

(4) Furnishing such information as required by the Executive Agent for the performance of his duties, including such data as the Executive Agent may require on dependents' medical care from sources overseas other than uniformed services facilities.

§ 70.508 **Hospitalization beyond period of 365 days.**

When a spouse or child, who is a dependent, requires a period of hospitalization in excess of 365 days, the hospital shall notify the contractor who shall forward a copy of this notification to the Executive Agent or his representative. This notification normally will be submitted not later than 300 days after admission of the patient. Advance notice will permit arrangements to be made for proper transfer of the patient to a hospital of the uniformed services if this is determined to be feasible. Government transportation may be utilized to effect transfer to a uniformed services hospital. When transfer is not feasible, continuation of care in the civilian hospital at the expense of the Government may be authorized subject to the Joint Regulations.

§ 70.509 **Government liability for payment of civilian medical care costs.**

As prescribed in Subpart B of this part, the uniformed services shall provide dependents with means of identification. When spouses and children of members of the uniformed services are provided civilian medical care, it is expected that the attending physician and medical facility will use reasonable care and precaution in identifying them. When medical care has been provided in good faith by the attending physician and medical facility and it is subsequently determined that the persons concerned were not in fact entitled to medical care at Government expense under Chapter 55, Title 10, United States Code, collection and other legal action shall be taken only against the sponsor or individual who was not entitled to the medical care. Where fraud is involved, the matter may be referred to the Attorney General of the United States with recommendation for prosecution. Notwithstanding the foregoing, the Government will be responsible for paying for care rendered to patients covered by § 70.505(b), only if the conditions set forth in that section are met.

§ 70.510 **Administration of changes to this part effective 1 January 1960.**

(a) The changes to this part made effective on January 1, 1960 (referred to in this § 70.510 as the "effective date") restored certain types of care to the Medicare Program. On and after that date certain additional treatment specified in those changes constitutes authorized care which was not authorized on the preceding day. That additional treatment is referred to generally in this § 70.510 as care of a type restored to the Program. The following rules are promulgated governing administration of treatment of certain patients who commenced receiving that type of care before the effective date.

(1) *Hospitalized patients.* Where a patient is admitted to a hospital before the effective date for a type of care restored to the Program and is still in the hospital on that date receiving that care, payment may be made to the sources furnishing that care for the current uninterrupted period of hospitalization. Where a period of hospitalization commencing prior to that day is payable, then payment for pre- and post-hospitalization diagnostic tests and procedures which were considered necessary by the attending physician or dentist and were performed by or authorized by him are payable in accordance with § 70.503(d)(1)(v).

(2) *Outpatient injury cases.* Section 70.503(d)(3) covers care of this type that has been restored to the Program. Payment is authorized for care covered by that section furnished to a patient by an authorized civilian source only in those cases where the injury occurred prior to the effective date but subsequent to 1 December 1959 and where the patient is still under the care of a physi-

cian on or after the effective date, for the same injury, from the date of commencement of care. Payment is also authorized, in cases covered by the preceding sentence, for necessary laboratory tests, pathology and radiology examinations if the procedures are performed by or authorized by the attending physician or dentist. (See §§ 70.503(d)(3) and 70.506(i).)

(b) Nothing in this § 70.510 shall waive the restrictions on right of election set forth in § 70.302(e) nor the requirement for payment by the patient of the charges specified in § 70.506.

Subpart F—Medical Care in Medical Facilities Not Otherwise Provided for

§ 70.601 Medical care in medical facilities not otherwise provided for.

(a) When dependents eligible for civilian medical care receive medical care authorized by this part, on an emergency basis, in a medical facility which is not included in the definition of a hospital as provided for in § 70.503(a)(1) or is not a uniformed services medical facility, the dependent will pay the charges listed in § 70.506, and the Government will pay the difference between the amount payable by the dependent and the reimbursable cost. Payments by the Government for such care rendered in Federal medical facilities other than those of a uniformed service will be on a reimbursable basis between the Executive Agent and the department or agency concerned. This section does not apply to paragraph (c) of this section.

(b) When dependents receive medical care authorized by this part in the governmental facilities of a foreign Government (not civilian), the dependent will pay the charges listed in § 70.506 and the difference between the total cost and the amount paid by the dependent will be paid by the United States Government. In instances where a reciprocal agreement between a foreign Government and the United States is in effect, which provides for no charge or a lesser charge to the dependent than those listed in § 70.506, such charges, if any, under the reciprocal agreement shall prevail.

(c) This part does not affect dependents' medical care furnished under the provisions of section 105 of Public Law 153, 83d Congress, as amended by section 107 of Public Law 453, 83d Congress, which authorizes medical and dental care for eligible dependents of military personnel in Canal Zone Government medical facilities.

Subpart G—Medical Care for Members of the Uniformed Services

§ 70.701 Medical care for members of the uniformed services.

Persons in the uniformed services on active duty or active duty for training are entitled to and shall be provided medical and dental care and adjuncts thereto. Under ordinary circumstances, such members will receive medical care at the medical facility of the uniformed service which serves the organization to which the member is assigned. A member who is away from his duty station or is on duty where there is no medical facility of his own service available, may receive care at the nearest available medical facility of the uniformed services. Commissioned officers and warrant officers on active duty or active duty for training shall pay an amount equal to the portion of the charge established under § 70.408(a) that is attributable to subsistence when hospitalized in a medical facility of the uniformed services. Nothing in this part shall affect the existing provision for providing medical care to members of the uniformed services through civilian or other sources.

Subpart H—Medical Care for Retired Members of the Uniformed Services

§ 70.801 Retired members eligible for care.

Retired members shall be furnished required medical and dental care and adjuncts thereto to the same extent as provided for active duty members in any medical facility of a uniformed service, subject to mission requirements and the availability of space, facilities, and capabilities of the medical staff as determined by the cognizant medical authority in charge of the medical facility. Nothing in this part is intended to change or modify the provisions of Executive Order 10122, 14 April 1950, as amended by Executive Order 10400, 27 September 1952.

§ 70.802 Ration allowance for retired enlisted members.

Retired enlisted personnel, including members of the Fleet Reserve and the Fleet Marine Corps Reserve, shall not be charged for subsistence when hospitalized in a medical facility of a uniformed service.

§ 70.803 Charge for officers' subsistence.

Retired commissioned officers and retired warrant officers shall pay an amount equal to the portion of the charge established under § 70.408(a) that is attributable to subsistence when hospitalized in a medical facility of the uniformed services.

Subpart I—Budgeting and Accounting for Medical and Dental Care Furnished in Facilities of the Uniformed Services

§ 70.901 Budgeting and accounting.

The Secretaries of the uniformed services shall budget for supporting the maintenance and operation and/or subsistence of their service medical facilities for the medical and dental care of their members, retired members and dependents furnished in the medical facilities of their respective service. The Secretaries of the uniformed services shall also budget for reimbursement for the medical and dental care of their members, retired members, and dependents receiving inpatient care in facilities of another uniformed service. Reimbursement shall be made between departments (Army, Navy, Air Force, and U.S. Public Health Service) for inpatient care furnished by one service for members, retired members, and dependents of another service at rates to be prescribed by the Bureau of the Budget to reflect the average cost of providing such care. Any amounts received through reimbursement or through local collection for subsistence and/or medical care in facilities of the uniformed services shall be deposited to the credit of the appropriation(s) supporting the operation and maintenance of the service medical facility furnishing care.

Subpart J—Implementation

§ 70.1001 Implementation.

Joint implementation in accordance with this part, covering care of dependents, shall be accomplished as appropriate by the uniformed services.

Effective date. This part is effective immediately.

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

[F.R. Doc. 62-5693; Filed, June 12, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Civil and Defense Mobilization and Office of Emergency Planning

§ 6.363 [Amendment]

1. Effective upon publication in the FEDERAL REGISTER, paragraphs (a), (b), (m), (n), (o), and (p) of § 6.363 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, a new § 6.321 is added as set forth below.

§ 6.321 Office of Emergency Planning.

(a) *Office of the Director.* (1) Two Administrative Assistants to the Director.

(2) One Courier.

(3) One Receptionist.

(4) One Special Assistant to the Director.

(b) *Office of the Deputy Director.* (1) One Special Assistant to the Deputy Director.

(2) Two Confidential Administrative Assistants to the Deputy Director.

(c) *Office of the Assistant Director for Telecommunications Management.* (1) One Confidential Administrative Assistant to the Assistant Director.

(d) *Office of the Assistant Director for Federal-State Relations.* (1) One Confidential Administrative Assistant to the Assistant Director.

(e) *Office of the Assistant Director for Resources and Economic Affairs.* (1)

One Confidential Administrative Assistant to the Assistant Director.

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

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

[F.R. Doc. 62-5760; Filed, June 12, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (r) is added to § 6.368 as set out below.

§ 6.368 **Peace Corps.**

* * * * *

(r) Chief, Division of Training.

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

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

[F.R. Doc. 62-5761; Filed, June 12, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

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

[Milk Order 39]

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area (7 CFR Part 1039), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for June, July, and August 1962: That portion of § 1039.44(d), which reads, "located within the State of Wisconsin or not more than 150 miles by the shortest highway distance as determined by the market administrator, from the City Hall of Milwaukee, Wisconsin."

(b) Notice of proposed rule making, public procedure thereon and 30 days notice of effective date hereof are impractical, unnecessary and contrary to the public interest in that:

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

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

(3) This suspension action is requested by cooperative associations representing approximately 80 percent of producers and handlers of more than 70 percent of the milk in the market because increased production is making it necessary to transfer and divert milk to distant nonpool plants for manufacturing purposes.

(4) The suspension will provide for transfer and diversion of milk excess to fluid bottling requirements to nonpool plants at distant locations for Class II use during the remaining heavy production months.

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

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of June, July and August 1962.

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

Effective date: June 1, 1962.

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

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5775; Filed, June 12, 1962; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

Miscellaneous Amendments

On December 28, 1961, and January 13, 1962, there were published in the FEDERAL REGISTER notices of proposed amendments of the regulations in Part 92, Title 9, Code of Federal Regulations, relating to the importation of animals and animal products.

After due consideration of all relevant material submitted in connection with such notices and pursuant to provisions of sections 6, 7, 8, and 10 of the Act of August 30, 1890, as amended (21 U.S.C. 102–105), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and section 306 of the Act June 17, 1930, as amended (19 U.S.C. 1306), Part 92, Code of Federal Regulations, is amended in the following respects:

§ 92.4 [Amendment]

1. Section 92.4 is amended by changing paragraphs (a) and (b) to read as follows:

(a) *Application for permit.* (1) For ruminants, swine, poultry, and animal semen intended for importation from any part of the world, except as otherwise provided in §§ 92.19, 92.27, and 92.31, the importer shall first apply for and obtain from the Division an import permit. The application shall specify the name and address of the importer, the species, breed, number or quantity, purpose of importation, the country of origin, the port of embarkation in the foreign country, the mode of transportation, route of travel, the port of entry in the United States, and the proposed date of arrival of the animals or animal semen to be imported, and the name of the person to whom the animals or animal semen will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the animals are susceptible, as well as vaccinations or other precautionary treatments to which the animals or animal semen have been subjected. Notice of any such requirement will be given to the applicant in each case.

(2) An application for permit to import will be denied for domestic ruminants or swine, or semen from ruminants or swine, from any country where it has been declared, under section 306 of the Act of June 17, 1930, that foot-and-mouth disease or rinderpest has been determined to exist.

(3) An application for permit to import ruminants, swine, poultry, or animal semen may also be denied because of: Communicable disease conditions in the area or country of origin, or in a country where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned countries; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the animals or animal semen; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Director believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.

(b) *Permit.* When a permit is issued, the original and two copies will be sent to the importer. It shall be the responsibility of the importer to forward the original permit and one copy to the shipper in the country of origin, and it shall also be the responsibility of the importer to insure that the shipper presents the copy of the permit to the carrier and makes proper arrangements for the original permit to accompany the shipment to the specified U.S. port of entry for presentation to the collector of customs. Animals and animal semen for which a permit has been issued will be received at the specified port of entry within the 14-day period prescribed in the permit, after which time the permit shall be void. Ruminants, swine, poultry, and animal semen for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if shipment is from any port other than the one designated in

the permit; if arrival in the United States is at any port other than the one designated in the permit; or if the animals or semen are not handled as outlined in the application for the permit and as specified in the permit issued.

2. Section 92.7 is amended to read:

§ 92.7 Declaration and other documents for animals and animal semen.

(a) The certificates, declarations, and affidavits required by the regulations in this part shall be presented by the importer or his agent to the collector of customs at the port of entry, upon arrival of animals or animal semen at such port, for the use of the veterinary inspector at the port of entry.

(b) For all animals and animal semen offered for importation, the importer or his agent shall first present two copies of a declaration which shall list the port of entry, the name and address of the importer, the name and address of the broker, the origin of the animals or animal semen, the number, breed, species, and purpose of the importation, the name of the person to whom the animals or animal semen will be delivered, and the location of the place to which such delivery will be made.

3. Section 92.19 is amended to read:

§ 92.19 Import permit and declaration for animals and animal semen.

(a) For ruminants, swine, poultry, and animal semen intended for importation from Canada, the importer shall first apply for and obtain from the Division an import permit as provided in § 92.4: *Provided,* That an import permit is not required for poultry offered for entry at a land border port designated in § 92.3 (b); and *Provided further,* That an import permit is not required for a ruminant or swine offered for entry at a land border port designated in § 92.3(b) if such animal: (1) Was born in Canada or the United States, and (2) has been in no country other than Canada or the United States, and (3) has not, during the preceding 60 days, been corralled, pastured, or held with, or bred by, or inseminated with semen from, any ruminants or swine for which a permit would be required under this part, and (4) is not pregnant as a result of having been bred by, or artificially inseminated with semen from, a ruminant or swine for which a permit would be required under this part.

(b) For all animals and animal semen offered for importation from Canada, the importer or his agent shall present two copies of a declaration as provided in § 92.7.

4. Section 92.27 is amended to read:

§ 92.27 Import permit and declaration for animals and animal semen.

(a) For ruminants, swine, poultry, and animal semen intended for importation from countries of Central America or of the West Indies, the importer shall first apply for and obtain from the Division an import permit as provided in § 92.4: *Provided,* That the Director of the Division, when he finds that such action may be taken without endangering the livestock or poultry industry of the United States, may, upon request by any person, authorize the importation by such person, without such application or permit, from the British Virgin Islands into the Virgin Islands of the United States, of animals consigned for immediate slaughter, and such authorization may be limited to a particular shipment or extend to all shipments under this paragraph by such person during a specified period of time. The importation of cattle from any area infested with cattle fever ticks is prohibited except as provided in paragraph (c) of § 92.28.

(b) For all animals and animal semen offered for importation from countries of Central America or of the West Indies, the importer or his agent shall present two copies of a declaration as provided in § 92.7.

5. Section 92.31 is amended to read:

§ 92.31 Import permit and application for inspection for animals and animal semen.

(a) For ruminants, swine, poultry, and animal semen intended for importation from Mexico, the importer shall first apply for and obtain from the Division an import permit as provided in § 92.4: *Provided,* That an import permit is not required for a ruminant or swine offered for entry at a land border port designated in § 92.3(c) if such animal: (1) Was born in the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, or Baja California, or the United States, and (2) has been in no country other than the United States or Mexico, and in no Mexican State other than those specified above, and (3) has not, during the preceding 60 days, been corralled, pastured, or held with, or bred by, or inseminated with semen from, any ruminants or swine for which a permit would be required under this part, and (4) is not pregnant as a result of having been bred by, or artificially inseminated with semen from, a ruminant or swine for which a permit would be required under this part.

(b) For ruminants, swine, horses, and poultry potentially eligible for importation into the United States from Mexico, the importer or his agent shall deliver to the veterinary inspector at the port of entry an application, in writing, for inspection, so that the veterinary inspector and customs representatives may make mutually satisfactory arrangements for the orderly inspection of the animals. The veterinary inspector at the port of entry will provide the importer or his agent with a written statement assigning a date when the animals may be presented for import inspection.

6. Section 92.32 is amended to read:

§ 92.32 Declaration for animals and animal semen.

For all animals and animal semen offered for importation from Mexico, the importer or his agent shall present two copies of a declaration as provided in § 92.7.

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended; 21 U.S.C. 102–105, 111; 19 U.S.C. 1306; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

The amendments impose certain restrictions necessary to prevent the introduction and dissemination of diseases into the United States, provide procedures for more effective distribution of information concerning provisions of the individual import permits to carriers and other interested persons, and clarify certain provisions of the regulations. Certain amendments proposed in the notices of rulemaking published December 28, 1961, and January 13, 1962, were not adopted.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 7th day of June 1962.

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

[F.R. Doc. 62–5774; Filed, June 12, 1962; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—DOMINIC NUCLEAR TEST SERIES, 1962

Johnston Island; Danger Area

On June 9, 1962, Joint Task Force-8 issued public notice of an extension of the danger area surrounding Johnston Island effective June 12, 1962, in connection with the DOMINIC nuclear test series now being conducted in the Pacific.

To avoid any unnecessary delay or interruption of that test activity, and to protect the health and safety of the public, the Atomic Energy Commission has amended Part 112 of its regulations. This amendment which increases the danger area encompassing Johnston Island will be effective upon filing with the FEDERAL REGISTER.

In view of the importance of these tests to the national defense, the potential hazard to the health and safety of individuals who enter the danger area as amended, and the early date planned for tests within the area surrounding Johnston Island, the Atomic Energy Commission has found that general notice of proposed rule-making and the public procedure thereon would be contrary to the public interest; and that good cause exists why this amendment should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following rules are published as a document subject to codification, to be effective upon filing with the FEDERAL REGISTER:

Section 112.3(a)(3) is deleted and the following new § 112.3(a)(3) is added:

(3) That area established, effective June 12, 1962, until a date to be announced, consisting of a zone encompassing Johnston Island and which is a circle of 530 nautical miles radius at the surface gradually extending to a circle of 570 nautical miles radius at an altitude of 5,000 feet, then gradually extending to a circle of 650 nautical miles radius at an altitude of 10,000 feet, then gradually extending to a circle of 860 nautical miles radius at an altitude of 20,000 feet, then gradually extending to a circle of 990 nautical miles radius at an altitude of 30,000 feet, then gradually extending to a circle of 1,050 nautical miles radius at an altitude of 40,000 feet and above, centered at the following geographic coordinates:

16°45′ N., and 169°31′ W.

(Secs. 161 p., 72 Stat. 337; 42 U.S.C. 2201(p). Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U.S.C. 2012, 2013, 2121)

Dated at Germantown, Md., this 11th day of June 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-5822; Filed, June 12, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-104]

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

Revocation and Designation of Control Zones; Modification of Amendment

On April 21, 1962, there was published in the FEDERAL REGISTER (27 F.R. 3845) an amendment to § 601.2267 of the regulations of the Administrator. This amendment redesignated the Baltimore, Md., control zone.

Upon publication of the FEDERAL REGISTER on April 21, 1962, it was noted that the control zone extension based on the Baltimore VORTAC 088° True radial was described as extending from the 5-mile radius zone to 6 miles east. To correctly define the intended extent of this control zone extension, action is taken herein to describe the extension as terminating 6 miles east of the VORTAC.

Since this amendment is editorial in nature and imposes no additional burden on any person, the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-NY-104 (27 F.R. 3845) is hereby modified as follows:

In the text of § 601.2267 (27 F.R. 3845) "within 2 miles either side of the Baltimore VORTAC 088° radial extending from the 5-mile radius zone to 6 miles E;" is deleted and "within 2 miles either side of the Baltimore VORTAC 088° radial extending from the 5-mile radius zone to 6 miles E of the VORTAC;" is substituted therefor.

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

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

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-5723; Filed, June 12, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-63]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Change in Extent of Jet Advisory Areas

The purpose of this amendment to § 602.50 is to eliminate dual designation of airspace. Jet advisory areas which are designated within positive control airspace are without effect since positive control pre-empts advisory service. The action taken herein will exclude airspace designated as jet advisory area when such area is within positive control airspace. This action will also serve to clarify operational procedures and to facilitate aeronautical charting.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

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

In § 602.50 (14 CFR 602.50) *Extent of jet advisory areas,* the last sentence is amended to read: "Jet advisory areas exclude the airspace within positive control areas, prohibited areas and restricted areas except those restricted areas specified in Subpart H of Part 601 of this title."

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

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

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

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-5724; Filed, June 12, 1962; 8:45 a.m.]

[Reg. Docket No. 1014; Amdt. 88]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Subpart D—Designated Mountainous Areas

CORRECTION

Amendment 88 to Part 610 of the regulations of the Administrator published in the FEDERAL REGISTER May 8, 1962, (27 F.R. 4356) is hereby corrected as follows:

In § 610.8(e) the coordinates that read "thence to latitude 18°05′ N., longitude 65°57′ W" should read "thence to latitude 18°05′ N., longitude 66°57′ W".

(Secs. 307(c), 313(a), 601; 72 Stat. 749, 752, 775; 49 U.S.C. 1348, 1354, 1421)

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

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

[F.R. Doc. 62-5725; Filed, June 12, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-55]

PART 13—PROHIBITED TRADE PRACTICES

Tucker Furs, Inc., and Morris Tucker

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Tucker Furs, Inc., et al., Chicago, Ill., Docket C-55, Dec. 27, 1961.]

In the Matter of Tucker Furs, Inc., a Corporation, and Morris Tucker, Individually and as an Officer of Said Corporation

Consent order requiring Chicago furriers to cease violating the Fur Products Labeling Act by failing to show on invoices the true animal name of the fur used in a fur product and the country of origin of imported furs, and to disclose when fur was artificially colored; and failing to maintain adequate records as a basis for price and value claims made in connection with their Incentive Award Programs whereby they advertised cer-

tain fur products for use by business firms as incentive awards to employees.

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

It is ordered, That Tucker Furs, Inc., a corporation, and Morris Tucker, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

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

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

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

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

Issued: December 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5737; Filed, June 12, 1962; 8:46 a.m.]

[Docket 7736 o.]

PART 13—PROHIBITED TRADE PRACTICES

Colgate-Palmolive Co. and Ted Bates & Co.

Subpart—Advertising falsely or misleadingly: § 13.190 *Results.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2075 *Television "mock ups", etc.*[1]

[1] New.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Colgate-Palmolive Company et al., New York, N.Y., Docket 7736, Dec. 29, 1961]

In the Matter of Colgate-Palmolive Company, a Corporation, and Ted Bates & Company, Inc., a Corporation

Order requiring a well-known manufacturer of shaving cream, among other products, and its advertising agency, to cease representing falsely in television advertising of its "Palmolive Rapid Shave"—by use of a "mock up" composed of glass or plexiglass to which sand had been applied so as to simulate sandpaper—that the "moisturizing" action of its said shaving cream was such as to make it possible to apply it to coarse sandpaper and forthwith shave off the rough surface, and that such demonstration proved the "moisturizing" properties of the product.

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

It is ordered, That respondents Colgate-Palmolive Company, a corporation, and its officers, and Ted Bates & Company, Inc., a corporation, and its officers, and the agents, representatives, and employees of respondents, directly or through any corporate or other device, in the advertising, offering for sale, sale, or distribution of shaving cream or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication, in describing, explaining, or purporting to prove the quality or merits of any product, that pictures, depictions, or demonstrations, either alone or accompanied by oral or written statements, are genuine or accurate representations, depictions, or demonstrations of, or prove the quality or merits of, any product, when such pictures, depictions, or demonstrations are not in fact genuine or accurate representations, depictions, or demonstrations of, or do not prove the quality or merits of, any such product.

And further, in the advertising, offering for sale, sale, or distribution of "Palmolive Rapid Shave," or any other shaving cream, in commerce, as "commerce" is defined in the Federal Trade Commission Act, from:

Misrepresenting, in any manner, directly or by implication, the quality or merits of any such product.

It is further ordered, That respondents, Colgate-Palmolive Company and Ted Bates & Company, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 29, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5738; Filed, June 12, 1962; 8:46 a.m.]

[Docket 8064]

PART 13—PROHIBITED TRADE PRACTICES

William Buehl Eidson et al.

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, William Buehl Eidson et al. doing business as Eidson Produce Company, Birmingham, Ala., Docket 8064, Jan. 3, 1962]

In the Matter of William Buehl Eidson, Annie Katherine Eidson, Marie Ponder, William C. Howard, Jr., and Bennie E. Crowe, Individually and as Copartners Doing Business as Eidson Produce Company

Order requiring wholesale distributors of food products, including citrus fruits, vegetables, and produce, in Birmingham, Ala., to cease receiving from suppliers a commission on substantial purchases of food products for their own account for resale, such as a discount, usually at the rate of 10 cents per 1⅗ bushel box of citrus fruit from a number of Florida packers.

The order to cease and desist is as follows:

It is ordered, That respondents William Buehl Eidson, Annie Katherine Eidson, Marie Ponder, William C. Howard, Jr., and Bennie E. Crowe, individually and as copartners, doing business as Eidson Produce Company, and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or any other food products, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or any other food products for respondents' own account, or where respondents are the agents, representatives, or other intermediaries acting for or in behalf, or are subject to the direct or indirect control, of any buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents, William Buehl Eidson, Annie Katherine Eidson, Marie Ponder, William C. Howard, Jr., and Bennie E. Crowe, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to

cease and desist contained in the initial decision.

Issued: January 3, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5739; Filed, June 12, 1962; 8:46 a.m.]

[Docket 8197 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

A. J. Hollander & Co., Inc., et al.

Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330-69 *Prominent persons.* Subpart—Misbranding or mislabeling: § 13.1235 *Indorsements, approval, or awards.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, A. J. Hollander & Co., Inc., et al., New York, N.Y., Docket 8197, Jan. 3, 1962]

In the Matter of A. J. Hollander & Co., Inc., a Corporation, and Martin Blumenthal, Sidney Weingarten, Myron M. Schwarzschild, and Frank J. Offenbacher, Individually and as Officers of Said Corporation; Olympic Sporting Goods Company, Inc., a Corporation, and Herman N. Ullman and Allen D. Ullman, Individually and as Officers of the Said Corporation; Cambridge Sporting Goods Corp., a Corporation, and Joseph Greenberg, individually and as an Officer of Said Corporation

Consent order requiring an importer and two distributors of Japanese baseball gloves, all of New York City, to cease representing falsely that prominent baseball players used or endorsed their gloves by imprinting thereon in block letters the names of well-known players, such as "Tony Kubek Model", "Elston Howard Model", etc.

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

It is ordered, That A. J. Hollander & Co., Inc., a corporation, its officers and Martin Blumenthal, individually and as an officer of said corporation, and Sidney Weingarten, Myron M. Schwarzschild and Frank J. Offenbacher, as officers of said corporation, Olympic Sporting Goods Company, Inc., a corporation, its officers, and Herman N. Ullman and Allen D. Ullman, individually and as officers of said corporation, and Cambridge Sporting Goods Corp., a corporation, its officers, and Joseph Greenberg, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of baseball gloves or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing baseball gloves upon which the names of prominent or well known baseball players are printed, either accompanied or unaccompanied by the words "Model" or "User Approved," or any other words of the same import, when in fact, such baseball gloves have not been used, approved or endorsed by such persons.

2. Representing, in any manner, directly or by implication, that a person has used, approved, or endorsed a product, when such is not the fact.

3. Placing in the hands of others any means or instrumentality by or through which they may mislead the public as to any of the matters and things set out in paragraphs 1 and 2 above.

It is further ordered, That the complaint insofar as it relates to the respondents, Sidney Weingarten, Myron M. Schwarzschild and Frank J. Offenbacher, in their individual capacities, be, and the same hereby is, dismissed.

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

Issued: January 3, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5740; Filed, June 12, 1962; 8:47 a.m.]

[Docket 8337 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Pressing Supply Co. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055-50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—PRICES: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sanford A. Specht and Annette Specht doing business as S. A. Specht Associates, New York, N.Y., Docket 8337, Jan. 3, 1962]

In the Matter of Pressing Supply Company, a Corporation, Ironfast Products Company, a Corporation, and Jerome Silk and Sidney Cozen, Individually and as Officers of Said Corporations; and Sanford A. Specht and Annett Specht, Doing Business Under the Name of S. A. Specht Associates

Consent order requiring the New York City sales representative of two affiliated Philadelphia concerns—who themselves agreed to a similar order on July 25, 1961 (26 F.R. 7771, Aug. 19, 1961)—to cease imprinting on the containers of their ironing board covers fictitiously high prices represented thereby as the usual retail prices.

The order to cease and desist is as follows:

It is ordered, That Respondents Sanford A. Specht and Annette Specht, individually and as copartners doing business under the name of S. A. Specht Associates, or under any other name or names, and Respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of ironing board covers or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in any manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which such merchandise is usually and regularly sold at retail in the trade area or areas where the representation is made;

2. Putting any plan into operation whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondents Sanford A. Specht and Annette Specht, doing business under the name of S. A. Specht Associates, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 3, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5741; Filed, June 12, 1962; 8:47 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-217; Order 248]

PART 1—RULES OF PRACTICE AND PROCEDURE

Custody, Authentication and Certification of Documents

JUNE 7, 1962.

This order amends §§ 1.2(a) and 1.14 (b), respectively, of the Commission's rules of practice and procedure so as to reflect certain procedures previously established by administrative order.

The Commission finds:

(1) The adoption of appropriate amendments will correlate pertinent sections of the rules of practice and procedure with Administrative Order No. 89.

(2) The promulgation and adoption of the following amendments are necessary for the purposes of administration of both the Federal Power Act and the Natural Gas Act.

(3) Since the amendments herein adopted involve matters of practice and procedure, notice or hearing under section 4(a) of the Administrative Procedure Act is not required.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 308 and 309 thereof (49 Stat. 858; 16 U.S.C. 825g, 825h), and the Natural Gas Act, as amended, particularly sections 15 and 16 thereof (52 Stat. 829, 830; 15 U.S.C. 717n, 717o), orders:

(A) Part 1, Rules of Practice and Procedure, of Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended as follows:

1. In § 1.2 *The Secretary,* paragraph (a) is amended to read as follows:

(a) *Official records.* (1) The Secretary shall have custody of the Commission's seal, the minutes of all action taken by the Commission, its rules and regulations and its administrative orders.

(2) The Records Officer shall have custody of all records of the Commission except those designated in subparagraph (1) of this paragraph.

2. In § 1.14 *Filings; docket; hearing calendar,* paragraph (b) *Docket* is amended by changing "Secretary" to read "Records Officer". As amended, paragraph (b) reads as follows:

(b) *Docket.* The Records Officer shall maintain a docket of all proceedings, and each proceeding as initiated shall be assigned an appropriate designation. The docket shall be available for inspection and copying by the public during the office hours of the Commission insofar as consistent with the proper discharge of the Commission's duties.

(Secs. 308, 309, 49 Stat. 858, secs. 15, 16, 59 Stat. 829, 830; 16 U.S.C. 825g, 825h; 15 U.S.C. 717n, 717o)

(B) These amendments shall become effective upon issuance of this order.

(C) The Secretary shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-5735; Filed, June 12, 1962; 8:46 a.m.]

[Docket No. R-216; Order 247]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Gas Purchase Facilities; Budget-Type Certificate Applications; Pipeline Companies

JUNE 7, 1962.

The Commission has before it for consideration the issuance of a statement of general policy by the addition of a new § 2.58 to Part 2, Subchapter A, General Rules, Chapter I of Title 18, Code of Federal Regulations.

After considering certain suggestions made in a rulemaking proceeding, Docket No. R-145, then pending before it, the Commission issued its Order No. 185 on February 8, 1956 (15 FPC 793; 21 F.R. 1485) stating therein that

* * * the Commission advises any interested natural gas company, subject to the Natural Gas Act, that it may file under Section 157.6 of the Rules, a single certificate application covering in general outline along the lines of a budget estimate the proposed routine construction intended to be undertaken by it during the current or ensuing fiscal year, listing the facilities proposed, the estimated cost of each item, the capacity, purpose and time of intended construction, customers affected by each facility proposed, effect of proposals upon gas supply and deliverability, rates, service and other pertinent information. A hearing could then be held on such a proposal and certificate issued in accordance with the general application. At the end of the period, a statement shall be filed, showing the action taken under the certificate and any authority thereunder which was not exercised. (Id. at 794.)

Pursuant to our suggestion in that order, natural gas pipeline companies have filed applications for budget authority to construct and operate gas purchase facilities. Authorizations have been issued during the past several years on a case-by-case basis. It is believed that the industry should now be informed as to the factors we will consider in the issuance of such budgetary authorizations based upon our experience in disposing of such applications. Accordingly, we are issuing the statement adopted herein.

The Commission finds:

(1) The amendment to Part 2 of the Commission's rules herein adopted represents matters of policy and procedure which do not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendment is necessary and appropriate for the purpose of administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 56 Stat. 83; 15 U.S.C. 717f, 717o), orders:

(A) Part 2, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding a new § 2.58 to read as set out below.

(B) The statement and amendment herein prescribed shall become effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

§ 2.58 Budget-type certificate applications—gas purchase facilities.

In accordance with the Commission's advice in Order No. 185, issued February 8, 1956 (15 FPC 793 at 794) and unless prevented by other factors, such as interventions in opposition, we will issue budget-type authorizations to natural gas pipeline companies covering the construction and operation of gas purchase facilities, after hearing under the abridged procedure, upon applications for certificates of public convenience and necessity, filed under § 157.6 of this chapter, provided that:

(a) The total estimated cost of the facilities to be installed in a given twelve-month period does not exceed 1½ percent of the applicant company's plant account or $5,000,000 whichever is the lesser.

(b) The total cost of any single project facilities to be installed during the authorization period does not exceed 25 percent of the total budget amount or $500,000, whichever is the lesser.

(c) The applicant agrees to file with the Commission, within sixty days after expiration of the authorization, a statement showing for each individual project:

(1) Description of facilities installed, i.e., miles and size of pipelines, compressor horsepower, metering facilities.

(2) Location of facilities.

(3) Actual installed cost of facilities subdivided by size of pipe, compressing, metering and appurtenant facilities.

(4) Estimated recoverable gas reserves in Mcf at 14.73 psia made available to applicant by means of the facilities.

(5) Names of fields connected.

(6) The names of the independent producers from whom the gas is being purchased together with the respective dates of the gas sales contracts and the docket number of the related seller.

(d) "Gas purchase facilities" means those facilities necessary to connect the applicant's system with the facilities of a seller authorized by this Commission to make a sale for resale in interstate commerce to the applicant.

(Sec. 7, 56 Stat. 83; sec. 16, 52 Stat. 830; 15 U.S.C. 717f, 717o)

[F.R. Doc. 62-5736; Filed, June 12, 1962; 8:46 a.m.]

[Docket No. R-211; Order 249]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Order Promulgating a Revised Annual Report Form for Class C and Class D Natural Gas Companies

JUNE 6, 1962.

Revision of Annual Report Form Prescribed for Class C and Class D Natural Gas Companies Subject to the Natural Gas Act, F.P.C. Form No. 2-A, Docket No. R-211.

The Commission has under consideration in this proceeding the revision of its F.P.C. Form No. 2-A, Annual Report Form Prescribed for Class C and Class D Natural Gas Companies[1] Subject to the Provisions of the Natural Gas Act and § 260.2, Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations (CFR), prescribing F.P.C. Form No. 2-A. That Report Form, as revised,

[1] Commission Order No. 231 issued December 21, 1960 (25 F.R. 13882, December 29, 1960), prescribed F.P.C. Form Nos. 301-A and 301-B as the annual financial report for independent producers of natural gas.

is prescribed hereinafter effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

The various schedules comprising F.P.C. Form No. 2–A now prescribed in § 260.2 (18 CFR 260.2), correspond to, and appear as pages 1–19 of the Commission's F.P.C. Form No. 2–A, Natural Gas Companies, Class C and Class D.[2]

This proceeding was commenced by notice of proposed rule making served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on April 4, 1962 (27 F.R. 3207). As proposed, the subject matters and revisions in § 260.2, and the General Instructions and other Schedules comprising F.P.C. Form No. 2–A were set forth in the notice of proposed rule making and attached forms of proposed revised Schedules served upon the aforesaid interested parties and filed as a part of the notice submitted to the office of the Federal Register for publication. The notice of proposed rule making invited the submission to the Commission of written data, views, comments and suggestions concerning the proposed revisions of F.P.C. Form No. 2–A and Part 260 on or before April 20, 1962. No filing responsive to the notice of proposed rule making has been received.

The exact nature of each of the revisions in Form 2–A is fully set forth in the respective accompanying schedule pages. The changes would be accomplished mainly through modification of existing schedules. Six new schedules would be added. Security Holders and Voting Powers; Officers and Directors; Capital Stock; Long-Term Debt; Sales of Natural Gas for Resale; and Gas Purchases. Two existing schedules will be omitted: Gas Plant in Process of Reclassification, and System Map (Class C Natural Gas Companies). The revised Annual Report Form has been adapted to changes prescribed in the Uniform System of Accounts, prescribed for Natural Gas Companies effective January 1, 1961.

The Commission finds:

(1) The notice and opportunity to comment in this rule making proceeding with respect to the matters presently before the Commission in the manner as described above are consistent and in accordance with the procedural requirements of section 4 of the Administrative Procedure Act.

(2) In view of the foregoing, and upon consideration of all relevant matters presented it is necessary and appropriate for the purposes of the Natural Gas Act that:

(a) The revised Annual Report Form as set forth in annexed Appendix A be adopted and promulgated as this Commission's F.P.C. Form No. 2–A effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year if an established fiscal year is other than the calendar year, and years thereafter; all as hereinafter provided.

(b) Section 260.2, Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations be amended to read as hereinafter provided.

(3) Good cause exists for the adoption and promulgation of the matters referred to above immediately upon issuance of this order; all as hereinafter provided.

The Commission acting pursuant to the Natural Gas Act, as amended, particularly sections 8, 9, 10 and 16, thereof (52 Stat. 825, 826, 826, 830; 15 U.S.C. 717g, 717h, 717i and 717o) orders:

(A) The revised Report Form as set forth in annexed Appendix A is adopted and promulgated as this Commission's F.P.C. Form No. 2–A effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

(B) Section 260.2, Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations, is amended to read as follows:

§ 260.2 Form No. 2–A; Annual report for natural gas companies (Class C and Class D).

(a) The form of Annual Report for natural gas companies, Class C and Class D, designated as F.P.C. Form No. 2–A[3] in the Commission's regulations under the Natural Gas Act is prescribed for the year 1961 and thereafter.

(b) Each natural gas company, as defined in the Natural Gas Act which is included in Class C or Class D as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies, effective January 1, 1961, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year (except that such reports for the calendar year 1961 or a fiscal year beginning during 1961 may be filed on or before July 16, 1962, or one month after the end of the fiscal year whichever is later) an original and one conformed copy of the above-designated F.P.C. Form 2–A, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copy may be a carbon copy if legible.

(c) This annual report contains the following schedules:

Identification.
General Instructions.
General Information.
Security Holders and Voting Powers.
Officers and Directors.
Comparative Balance Sheet.
Accumulated Provision for Depreciation, Depletion and Amortization of Utility Plant.
Capital Stock.
Long-Term Debt.
Condensed Income Statement for the Year.
Earned Surplus.
Gas Sales Data for the Year.
Gas Operation and Maintenance Expenses.
Sales for Resale—Natural Gas.
Gas Purchases.
Utility Plant Natural Gas Companies.
Gas Account—Natural Gas.
General Information Concerning Plant and Operations.
Verification.

(Sec. 8, 9, 10 and 16, 52 Stat. 825, 826, 826, 830; 15 U.S.C. 717g, 717h, 717i and 717o)

(C) This order shall be effective upon the date of issuance thereof.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62–5734; Filed, June 12, 1962; 8:45 a.m.]

[2] Form No. 2–A was prescribed by Order No. 90 of February 7, 1942 (7 F.R. 1018, February 17, 1942). It was thereafter amended by Order No. 150 of November 22, 1949 (14 F.R. 7248, December 2, 1949) and by Order No. 171–A of May 17, 1954 (19 F.R. 2965, May 21, 1954).

[3] Form filed as part of original document.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Mammoth Cave National Park, Kentucky; Limitation on Load and Weight of Vehicles

On page 4031 of the FEDERAL REGISTER of April 27, 1962, there was published a notice and text of a proposed amendment to § 7.36 of Title 36, Code of Federal Regulations. The purpose of the amendment is to control load and weight limitations on roads and ferries within Mammoth Cave National Park.

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

A new paragraph (e) is added to § 7.36 to read as follows:

§ 7.36 Mammoth Cave National Park.

* * * * *

(e) *Limitation on load and weight of vehicles.* (1) Vehicles with a gross weight in excess of 8 tons (16,000 pounds) are prohibited from using the roads or ferries within Mammoth Cave National Park, except that vehicles in excess of 8 tons carrying passengers and/or their luggage, camping equipment and related items for vacation or recreational purposes may use park roads.

(2) The Superintendent may, in his discretion when it has been administratively determined to be in the best interest of the government, issue a special permit for the moving of vehicles with a gross weight in excess of 8 tons over park roads, but in no case may the 8 ton load limit on the ferries be exceeded.

(39 Stat. 535; 16 U.S.C. 3)

PERRY E. BROWN,
Superintendent,
Mammoth Cave National Park.

[F.R. Doc. 62-5745; Filed, June 12, 1962; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Director of Compensation and Pension Service et al.

Section 2.68 is revised to read as follows:

§ 2.68 Director, Compensation and Pension Service, Deputy Director for Program Administration, Chiefs of Consultants Staffs, and persons acting in such positions, Chairmen and Section Chairmen, Committees on Waivers authorized to take final action in waiver of recovery of payments from any person pursuant to provisions of 38 U.S.C. 3102 subject to any limitations imposed by current Veterans Administration regulations and instructions.

This delegation of authority is identical to § 3.100(b) of this chapter.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-5756; Filed, June 12, 1962; 8:49 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DELEGATIONS OF AUTHORITY

In § 3.100, paragraph (b) is amended to read as follows:

§ 3.100 Delegations of authority.

* * * * *

(b) The Director, Compensation and Pension Service, the Deputy Director for Program Administration, Chiefs of Consultants Staffs, and persons acting in such positions, Chairmen and Section Chairmen, Committees on Waivers, are delegated authority to take final action in the waiver of the recovery of payments from any person pursuant to the provisions of 38 U.S.C. 3102 subject to any limitations imposed by current Veterans Administration regulations and instructions.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective June 13, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-5758; Filed, June 12, 1962; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2692]

[1846286]

ALASKA

Partly Revoking Air Navigation Site No. 183 at Aniak; Reserving Certain Airspace for Federal Aviation Agency

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and in furtherance of the objectives of section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 179; 49 U.S.C. 1115), it is ordered as follows:

1. The airspace above the following-described lands, at any height above an imaginary inclined plane, starting at 500 feet from the centerline of the Aniak Airstrip (U.S. Survey No. 2638), thence rising one foot vertically for each seven feet of horizontal distance from the said starting point, is hereby reserved and set aside under jurisdiction of the Federal Aviation Agency for the free and unobstructed passage of aircraft by whomsoever owned or operated, in, through, and across such lands:

Beginning at Corner No. 1, U.S. Survey 2638; thence N. 57°10′ W., 1,649.31 feet to Corner No. 2 of said Survey; S. 30°34′ W., 94.00 feet to a point which lies approximately 250 feet from the centerline of the existing airstrip; S. 59°26′ E., 2,563.00 feet to meander Corner No. 17 of said U.S. Survey No. 2638; N. 57°35′ W., 914.76 feet to the point of beginning.

The tract described contains 2.8 acres.

2. The Departmental Order of July 21, 1942, creating Air Navigation Site Withdrawal No. 183 is hereby revoked so far as it affects the lands described in Paragraph 1 of this order. This revocation is made in furtherance of a Federal land program in aid of which the lands will be disposed of as a townsite under Section 11 of the Act of March 3, 1891 (26 Stat. 1099; 48 U.S.C. 355), and the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a), as amended. This restoration is therefore not subject to the provisions contained in the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6g of the Act of July 7, 1958 (72 Stat. 339), granting certain preference rights of selection to the State of Alaska upon revocation of an order of withdrawal.

3. Any entry for such lands under the public lands laws, or selection or location thereof or the acquisition of any interest therein, shall be subject to the reservation made by this order and to the right of the Federal Aviation Agency to clear and keep clear the lands described, of any and all obstructions extending above the applicable height limits prescribed hereby, together with the right of ingress to, egress from and passage over the lands for the purpose of effecting and maintaining such clearance.

4. In the event the said land or any interest therein is disposed of by the United States, the instrument of conveyance shall reserve to the United States, such aviation easements or rights-of-way, and such rights of entry, and of egress and ingress as may be necessary to effectuate and preserve the objectives of this order.

5. The reservation made by this order shall be revoked upon a determination by the Federal Aviation Agency that the airspace over the lands had ceased to be used for airport purposes, or need no longer to be reserved for airport purposes, or that such airspace is no longer reasonably necessary for carrying out a project under the Federal Airport Act of May 13, 1946.

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

JUNE 7, 1962.

[F.R. Doc. 62-5743; Filed, June 12, 1962; 8:47 a.m.]

[Public Land Order 2693]

CALIFORNIA

Establishing Certain National Cooperative Land and Wildlife Management Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas in California are hereby withdrawn from application under the nonmineral public land laws and from disposition under the homestead, desert land and scrip selection laws, and designated as National Cooperative Land and Wildlife Management Areas, as indicated, to be managed by the Bureau of Land Management for the development, conservation, utilization and maintenance of their natural resources, including their recreational and wildlife resources:

CLEAR LAKE NATIONAL COOPERATIVE LAND AND WILDLIFE MANAGEMENT AREA

Unit No. 1

[Sacramento 051360]

MOUNT DIABLO MERIDIAN

T. 12 N., R. 4 W.,
Sec. 5, SW¼NW¼, N½SW¼ and SW¼SW¼;
Sec. 6, lots 6 and 7, S½NE¼, E½SW¼, and SE¼;
Sec. 7;
Sec. 8, W½NW¼ and SW¼;
Sec. 9, E½E½;
Sec. 10;
Sec. 11, SW¼NE¼, W½SW¼, SE¼SW¼, and W½SE¼;
Sec. 13, W½W½;
Secs. 14 and 15;

Sec. 17, W½E½, W½, and SE¼SE¼;
Sec. 18;
Sec. 19, lots 1 and 2, E½, and E½NW¼;
Sec. 20;
Sec. 21, SE¼NE¼, NW¼, N½SW¼, SW¼SW¼, and E½SE¼;
Sec. 22;
Sec. 23, all except the S½SE¼;
Sec. 24, NW¼NE¼ and W½;
Sec. 25, NW¼NW¼;
Sec. 26, W½W½;
Sec. 27;
Sec. 28, E½NE¼, NW¼NW¼, SW¼, NE¼SE¼, and S½SE¼;
Sec. 29;
Sec. 30, N½NE¼, SE¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 31, E½NE¼ and NE¼SE¼;
Sec. 32, N½ and N½S½;
Sec. 33, N½ and N½S½;
Sec. 34;
Sec. 35, W½ and S½SE¼.

T. 12 N., R. 5 W.,
Sec. 1, S½N½ and S½;
Secs. 2, 3, and 4;
Sec. 5, lots 1 to 4, incl., S½N½;
Sec. 9, NE¼ and N½SE¼;
Sec. 10;
Sec. 11, N½, SW¼, and SW¼SE¼;
Sec. 12;
Sec. 13, E½, E½NW¼, and NE¼SW¼;
Sec. 14, all except the NE¼NE¼;
Sec. 15, all except the W½SW¼;
Sec. 22, E½, E½NW¼, and SW¼NW¼;
Sec. 23, N½ except that portion included in lot 39, all public land in the SW¼;
Sec. 24, E½NE¼;
Sec. 25, SW¼NW¼ except that portion in lot 39;
Sec. 26, N½ except that portion in lot 39;
Sec. 27, N½NE¼, SE¼NE¼, and NE¼SE¼.

T. 13 N., R. 5 W.,
Sec. 5, S½NW¼ and S½;
Sec. 6;
Sec. 7, N½NE¼, SW¼NE¼, and S½;
Sec. 8, all except the NW¼NW¼;
Sec. 9, W½NW¼;
Sec. 17;
Sec. 18, E½;
Sec. 20, N½;
Sec. 21, all except NE¼NE¼;
Sec. 22, S½SW¼;
Sec. 27, NW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 28, N½NE¼, SE¼NE¼, NE¼NW¼, and S½SW¼;
Secs. 31 to 34, incl.;
Sec. 35, SW¼NW¼ and S½.

T. 14 N., R. 5 W.,
Sec. 31, lot 4, SE¼SW¼, W½SE¼, and SE¼SE¼;

T. 12 N., R. 6 W.,
Sec. 1, lots 6 and 7, SW¼NW¼;
Sec. 2, lots 3 and 4, S½NW¼;
Sec. 3, lots 1 to 4, incl., S½N½, and NE¼SE¼;
Sec. 4, lots 1 to 4, incl.;
Sec. 5, lots 1 to 4, incl., SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 6, lot 1.

T. 13 N., R. 6 W.,
Sec. 1, lots 1 and 2, S½NE¼, and S½;
Sec. 2, lot 1, SE¼NE¼, S½SW¼, and SE¼;
Sec. 3, SE¼SW¼ and SE¼;
Sec. 13, SW¼NW¼ and SW¼;
Sec. 14, S½NE¼, SW¼SW¼, and SE¼;
Sec. 15, S½SW¼ and SE¼SE¼;
Sec. 17, W½NE¼, SE¼NE¼, SW¼, and W½SE¼;
Sec. 18, lots 2, 3, and 4, W½NE¼, SE¼NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 19;
Sec. 20, N½NW¼, SW¼NW¼, NW¼SW¼, and E½SE¼;
Sec. 21, all except the NW¼NW¼;
Secs. 22 and 23;
Sec. 24, W½ and W½SE¼;
Secs. 25 to 28, incl.;
Sec. 29, N½NE¼, SE¼NE¼, W½SW¼, SE¼SW¼, and NE¼SE¼;
Sec. 30, lots 1, 2, and 3, W½NE¼, NE¼NE¼, E½NW¼, and NE¼SW¼;
Sec. 31, SE¼NE¼ and NE¼SE¼;
Sec. 32, NE¼, NE¼NW¼, and S½;
Secs. 33 to 35, incl.

T. 13 N., R. 7 W.,
Sec. 13, S½NE¼ and SE¼;
Sec. 24, E½;
Sec. 25, N½ and SE¼;
Sec. 26, NE¼NE¼.

(Approximately 41,304 acres.)

Unit No. 2

[Sacramento 051807]

MOUNT DIABLO MERIDIAN

T. 11 N., R. 4 W.,
Sec. 7, SW¼NE¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 8, S½SW¼;
Sec. 17, NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, S½ lot 1, lots 2 and 3, S½NE¼, and E½SW¼;
Sec. 19, NE¼NW¼ and SE¼;
Sec. 20, NE¼NE¼ and W½SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, lots 1 and 2, NE¼, and E½NW¼.

T. 11 N., R. 5 W.,
Sec. 1, S½NW¼ and SW¼;
Sec. 2, lots 1 to 4, incl., S½NW¼, SW¼, E½SE¼;
Sec. 3, lot 1, and lots 5 to 13, incl., N½SW¼, SE¼, except 90.35 acres contained in lots 5 to 10, incl., and NE¼SW¼ which is M.S. patent #1071439, dated August 8, 1934, to Red Elephant Quicksilver Mfg. Co.;
Sec. 4, lots 3 to 11, incl., SW¼NW¼, and S½SE¼;
Sec. 6, lots 1 to 4, incl., and lots 6 and 7, E½SW¼, and SW¼SE¼;
Sec. 7, lots 5 to 12, incl., N½NE¼, and E½SW¼;
Sec. 8, W½W½;
Sec. 9, N½NE¼ and NE¼NW¼;
Sec. 10, lots 1 to 6, incl., N½SE¼;
Sec. 11, lots 1 to 9, incl., W½NE¼, and N½NW¼;
Sec. 12, lots 1 to 6, incl., N½NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 13, lots 1 to 12, incl., NW¼;
Sec. 14, lots 1 to 12, incl., NE¼;
Sec. 15, E½E½ and SW¼SE¼;
Sec. 17, lots 1 to 4, incl., SW¼;
Sec. 18, lots 13 to 16, incl.;
Sec. 20, lots 1 to 4, incl., NW¼, E½SW¼, N½SE¼, and SE¼SE¼;
Sec. 21, lots 1 to 14, incl., S½SE¼;
Sec. 22, lots 5 and 6, E½NE¼, and SE¼;
Sec. 23, lots 1 to 14, incl., N½SW¼;
Sec. 24, lots 1 to 10, incl., S½NW¼, and SW¼;
Sec. 25, lots 2 and 3, S½NE¼, NW¼, W½SW¼, and SE¼SW¼;
Sec. 26, lots 1 to 8, incl., NE¼;
Sec. 27, lots 1 to 5, incl., NE¼, N½SE¼, and SE¼SE¼;
Sec. 28, lots 1 and 2, NE¼, and NE¼SE¼;
Sec. 29, NE¼NE¼;
Sec. 35, lots 3, 4, 5, 6, 8, 9, 10, 11, and 12.

T. 14 N., R. 5 W.,
Sec. 6, lots 1 to 7, incl., S½NE¼, and E½SE¼;
Sec. 18, lots 1, 2, and 3, SE¼NE¼, W½NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 30, lots 1 and 2, E½NW¼.

T. 15 N., R. 5 W.,
Sec. 18, lot 4;
Sec. 19, lots 2, 3, and 4;
Sec. 30, lots 1 to 4, incl., SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 31, lots 1 to 4, incl., E½W½, and W½E½.

T. 11 N., R. 6 W.,
Sec. 1, lots 1 and 5, E½SE¼;
Sec. 12, E½NE¼, SW¼NE¼, and SE¼;
Sec. 13, E½, E½NW¼, and NE¼SW¼;
Sec. 24, N½NE¼.

T. 14 N., R. 6 W.,
Sec. 1, lots 1 to 4, incl., S½N½, and S½;
Sec. 2, lots 1 to 4, incl., S½N½, and S½;
Sec. 3, lots 1, 2, and 4, S½N½, and S½;
Sec. 5, SW¼;
Sec. 6, lots 5, 6, and 7, E½SW¼, and SE¼;
Sec. 7, lot 1, N½NE¼, SE¼NE¼, NE¼NW¼, SE¼SW¼, S½SE¼, and NE¼SE¼;
Sec. 8, N½, NW¼SW¼, and S½S½;
Sec. 9, S½N½;
Sec. 10, N½, E½SW¼, and SE¼;
Sec. 11, W½E½ and W½;
Sec. 12;
Sec. 13, N½, N½SW¼, and SW¼SW¼;
Sec. 14;
Sec. 15, E½, E½W½, and SW¼SW¼;
Sec. 17, E½, E½W½, and NW¼NW¼;
Sec. 18, lot 4, NW¼NE¼, E½SW¼, and SW¼SE¼;
Sec. 19, lot 1, E½, and E½W½;
Sec. 20, E½, S½NW¼, and SW¼;
Sec. 22, N½, SW¼, and NE¼SE¼;
Sec. 23, N½N½, SW¼NE¼, S½NW¼, NW¼SW¼, and NW¼SE¼;
Sec. 24, E½, E½NW¼, NW¼NW¼, and NE¼SW¼;
Sec. 25, NE¼NE¼;
Sec. 27, NW¼NW¼;
Sec. 28, N½S½ and SW¼SW¼;
Sec. 29;
Sec. 30, NE¼, N½SE¼, and SE¼SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, N½.

T. 15 N., R. 6 W.,
Sec. 2, lots 1, 2, and 3, E½ lot 5, lot 6, W½ lot 7, lot 8, SW¼, and NW¼SE¼;
Sec. 3, lots 5 and 8, N½SW¼, SW¼SW¼, and E½SE¼;
Sec. 4, lots 2 to 8, incl., N½S½, SE¼SW¼, and S½SE¼;
Sec. 5;
Sec. 6;
Sec. 7, lots 1 to 4, incl., NE¼, E½W½, and N½SE¼;
Sec. 8, NE¼, W½, and NE¼SE¼;
Sec. 9, NE¼NE¼, S½NE¼, SW¼NW¼, and SE¼;
Sec. 10, NE¼NE¼, S½NE¼, W½NW¼, and S½;
Sec. 11, W½;
Sec. 12, S½NW¼ and SW¼;
Secs. 13 to 15, incl.;
Sec. 17, SW¼NW¼ and W½SW¼;
Sec. 18, lots 2, 3, and 4, SE¼NE¼, E½SW¼, and SE¼;
Sec. 19;
Sec. 20, W½W½;
Sec. 21, E½;
Secs. 22 to 27, incl.;
Sec. 28, E½E½, and NW¼NE¼;
Sec. 29, W½;
Sec. 30;
Sec. 31, lots 1, 2, and 3, NE¼, E½W½, and SE¼;
Sec. 32, W½;
Sec. 33, E½E½;
Sec. 34, N½, NW¼SW¼, and SE¼;
Sec. 35.

T. 16 N., R. 6 W.,
Sec. 3, lot 4, SW¼NW¼;
Sec. 4;
Sec. 9, W½ and W½SE¼;
Sec. 21, S½NE¼, W½, and SE¼;
Sec. 22, NE¼NE¼, S½NE¼, SE¼NW¼, and S½;
Sec. 23, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 26, W½ and W½E½;
Secs. 27 and 28;
Sec. 33, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 34, N½ and N½S½;
Sec. 35, W½NE¼, NW¼, N½SW¼, and SE¼.

T. 14 N., R. 7 W.,
Sec. 1, lots 1 to 4, incl., S½N½, N½S½, SE¼SW¼, and S½SE¼;

Sec. 2, lots 1 and 2, S½NE¼, N½NW¼, SE¼NW¼, and SE¼;
Sec. 3, lots 1 to 4, incl., S½N½, SW¼, and W½SE¼;
Sec. 4;
Sec. 5, lots 1 to 4, incl., S½N½, and NE¼SE¼;
Sec. 6, lot 1, SE¼NE¼;
Sec. 9, NE¼, E½NW¼, and N½SE¼;
Sec. 10, lots 1 to 16, incl.;
Sec. 11, W½W½;
Sec. 12, N½NE¼;
Sec. 13, E½SE¼;
Sec. 24, NE¼NE¼.

T. 15 N., R. 7 W.,
Sec. 8, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 9, N½, NW¼SW¼, S½S½, and NE¼SE¼;
Sec. 10, NW¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 11, N½ and N½SE¼;
Sec. 12, N½, N½SW¼, and NW¼SE¼;
Sec. 13, NE¼NE¼, S½N½, and S½;
Secs. 14, 15, 24, 25, and 31;
Sec. 34, S½NE¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 35, N½, E½SW¼, and SE¼.

(Approximately 59,507 acres.)

Unit No. 3

[Sacramento 053906]

MOUNT DIABLO MERIDIAN

T. 9 N., R. 2 W.,
Sec. 19, lots 1, 2, 3, and 4, E½NW¼, and NE¼SW¼;
Sec. 30, lots 2, 3, and 4, SE¼NW¼, and E½SW¼;
Sec. 31, lots 1, 2, 3, and 4, E½W½, and SE¼.

T. 9 N., R. 3 W.,
Sec. 1, NW¼SW¼ and S½S½;
Sec. 2;
Sec. 3, lots 1, 2, 3, and 4, S½N½, and N½S½;
Sec. 4, lot 2, S½NE¼;
Sec. 10, NE¼, E½NW¼, SW¼NW¼, NE¼SW¼, S½SW¼, N½SE¼, and SE¼SE¼;
Secs. 11 and 12;
Sec. 13, N½ and SW¼;
Sec. 14, N½N½, S½NW¼, NW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 23, NE¼ and N½SE¼;
Sec. 24.

T. 10 N., R. 3 W.,
Sec. 22, SW¼SE¼;
Sec. 26, SW¼;
Sec. 27;
Sec. 28, SW¼NE¼, S½NW¼, and S½;
Sec. 33, E½, E½NW¼, and NE¼SW¼;
Sec. 34;
Sec. 35, SW¼NE¼, W½, and SE¼.

T. 18 N., R. 5 W.,
Sec. 7, lots 1, 2, 3, and 4, W½E½, and SE¼SE¼;
Sec. 18, lots 1, 2, and 3, W½NE¼, SE¼NE¼, and SE¼;
Sec. 19, E½;
Sec. 20, SW¼NW¼, and SW¼;
Sec. 29, W½W½, SE¼SW¼, and SW¼SE¼;
Sec. 30, NE¼ and N½SE¼;
Sec. 32, W½ and NW¼NE¼.

T. 18 N., R. 6 W.,
Sec. 1, E½SE¼;
Sec. 12, E½E½;
Sec. 13, NE¼NE¼.

(Approximately 11,277 acres.)

OTAY NATIONAL COOPERATIVE LAND AND WILDLIFE MANAGEMENT AREA

[Los Angeles 0140244]

SAN BERNARDINO MERIDIAN

T. 18 S., R. 1 E.,
Sec. 1, lots 3, 4, S½NW¼, SW¼, and SW¼SE¼;
Sec. 2, S½;
Sec. 3, SE¼NW¼, S½SW¼, NE¼SW¼, and SE¼;
Sec. 9, SE¼NE¼ and E½SE¼;
Sec. 10, N½NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 11, N½, NE¼SW¼, S½SW¼, and SE¼;
Secs. 12 to 15, incl.;
Sec. 17, S½;
Sec. 18, SE¼;
Sec. 20, NE¼, N½NW¼, and SE¼NW¼;
Sec. 21, S½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Secs. 22 to 27, incl.;
Sec. 28, S½NE¼, S½NW¼, N½SW¼, and SE¼;
Sec. 29, NW¼;
Sec. 33, N½NE¼;
Sec. 34;
Sec. 35, lot 1, NE¼, N½NW¼, and SW¼NW¼.

T. 18 S., R. 2 E.,
Sec. 17, NE¼NE¼, S½NE¼, S½NW¼, and S½;
Sec. 18, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 19, lots 1, 2, 3, and 4, W½NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 20, NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 21, N½, SW¼, and NW¼SE¼;
Sec. 27, N½NW¼;
Sec. 28, N½NE¼, N½NW¼, SW¼NW¼, and W½SW¼;
Sec. 29, NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 30, lots 1, 2, 3, and 4, W½NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 31;
Sec. 32, lot 1, N½NW¼.

(Approximately 15,437 acres.)

JACUMBA NATIONAL COOPERATIVE LAND AND WILDLIFE MANAGEMENT AREA

[Los Angeles 0146497]

SAN BERNARDINO MERIDIAN

T. 17 S., R. 8 E.,
Secs. 15, 21, 22, 26, 27, and 28;
Sec. 33, N½, N½S½, and S½SE¼;
Secs. 34 and 35.

T. 18 S., R. 8 E.,
Sec. 2, SW¼NW¼, W½SW¼, NE¼SW¼, and NW¼SE¼;
Sec. 3, lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼.

(Approximately 6,400 acres.)

The areas described in this order, including the public and nonpublic lands, total in the aggregate approximately 133,925 acres.

For the purpose of furthering the objectives of this order, the Bureau of Land Management shall manage the lands in cooperation with the Bureau of Sport Fisheries and Wildlife, the State of California (through its appropriate agencies or instrumentalities), and with such other interested parties as the Bureau of Land Management, the State, and the Bureau of Sport Fisheries and Wildlife may agree should participate in the appropriate development, conservation, utilization, and maintenance of the lands and resources thereon.

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

JUNE 7, 1962.

[F.R. Doc. 62-5744; Filed, June 12, 1962; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

Administrative Finality of Division Decisions

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of June A.D. 1962.

There being under consideration § 1.101 of the Commission's general rules of practice, and good cause appearing therefor:

It is ordered, That subparagraph (2) of paragraph (a) of § 1.101 be, and it is hereby, amended to read as follows:

(2) *Administrative finality of division decisions.* All decisions, orders, or requirements of a division of the Commission in any proceeding shall be considered administratively final, except those involving issues of general transportation importance, those wherein the division reverses, changes, or modifies a prior decision by a hearing officer, and those wherein the initial decision is made by a division: *Provided, however*, That this subparagraph shall not preclude the seasonable filing of a petition for relief under paragraphs (b) and (c) of this section, to be considered and disposed of by the division or appellate division which made the decision, order, or requirement as to which relief is sought.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and that notice of this amendment be filed with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 204, 205, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat. 933, sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5770; Filed, June 12, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED PLUMS

Proposed United States Standards for Grades [1]

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards for Grades of Canned Plums (7 CFR 52.1781–52.1796) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). The amendments as hereinafter set forth would (1) combine the two categories of "green gage plum groups" and "yellow egg plum groups" into one classification; and (2) provide for "whole" plums to be peeled as well as unpeeled.

Statement of consideration. Under former marketing practices light-colored plums suitable for canning were divided into two basic groups: (a) Green gage plum groups and (b) yellow egg plum groups. In each of these light-colored plum groups are specific varieties of plums, which upon canning, resemble each other as to color and other characteristics depending upon the degree of maturity at time of canning. In the canned product it is difficult to differentiate between plums of the two groups, and confusion arises in buying and selling when either of the two varietal groups are specified. The current practice of canners is to process several varieties of light-colored plums all of which may be offered interchangeably as greenish-yellow or yellow plums. The change in the definition for whole plums to include "peeled" style is proposed to accommodate the increased volumes of this style which are now being canned.

The proposed amendments, if adopted, should assist processors and others in marketing canned plums more effectively on the basis of current commercial practices.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

The proposed amendments are as follows:

1. Change § 52.1782 to read:

§ 52.1782 Varietal types of canned plums.

(a) Purple plum groups.

(b) Green-yellow and yellow plum groups.

2. Change paragraph (a) of § 52.1783 to read:

§ 52.1783 Styles of canned plums.

(a) "Whole" canned plums are whole, unpitted plums which may or may not be peeled.

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: June 8, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62–5772; Filed, June 12, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1047]

[Docket No. AO–33–A25]

MILK IN FORT WAYNE, INDIANA, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Wayne, Indiana, on February 5, 1962, pursuant to notice thereof issued on December 29, 1961 (27 F.R. 121).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary of Agriculture on May 18, 1962 (27 F.R. 4841; F.R. Doc. 62–4973) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 4841; F.R. Doc. 62–4973) are hereby approved and adopted and set forth in full herein.

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

1. Extension of the marketing area;
2. Class II milk price;
3. Revision of obligations of a handler operating a nonpool distributing plant;
4. Modification of provisions regarding pool plants which also meet the pooling requirements of another Federal order; and
5. Administrative and conforming changes.

Issues 3 and 4 were considered separately in a decision issued by the Assistant Secretary on April 30, 1962 (27 F.R. 4282) and amendments related thereto were made effective as of May 16, 1962. The remaining issues 1, 2, and 5 are considered herein.

Findings and conclusions. The following findings and conclusions on material issues 1, 2, and 5 are based on evidence presented at the hearing and of the record thereof.

1. The Fort Wayne marketing area should be expanded to include the Indiana counties of Blackford, Jay and Wabash. Addition to these three counties will result in a marketing area more closely conforming with the sales territory of presently regulated handlers and will fully regulate two milk distributors in Wabash County and partially regulate an additional distributor because of sales in Jay County.

Three presently regulated Fort Wayne handlers account for approximately 49 percent of the fluid milk distribution in Jay County. Twenty-six percent of the sales in this county is made by Indianapolis regulated handlers and approximately 5 percent is made by a regulated handler under the North Central Ohio order from a plant at Lima, Ohio. The remaining 20 percent of the fluid sales in this county emanate from a nonpool plant at New Bremen, Ohio, and represents about 4 percent of the total fluid milk distribution from this plant.

Approximately 30 percent of the fluid milk distribution in Wabash County is made by Fort Wayne regulated handlers. Indianapolis regulated handlers likewise account for about 30 percent and a South Bend handler has approximately 10 percent of the total fluid sales in this county. Two presently unregulated handlers with plants located in Wabash County, account for the remaining 30 percent.

Wabash County was also proposed to be added to the Indianapolis, Indiana, marketing area at a recent hearing held in Indianapolis. Although distribution in Wabash County from regulated sources is about equally divided between Fort Wayne and Indianapolis handlers, this county is more closely associated with the Fort Wayne market. The two unregulated milk distributors with plants located in Wabash County also distribute fluid milk products in Huntington County, which is presently part of the Fort Wayne marketing area.

Inclusion of Wabash County in the Fort Wayne marketing area will fully regulate the two presently unregulated milk distributors selling in this county. Regulated handlers will, therefore, be assured that no procurement or sales

advantage can accrue to handlers with whom they compete for sales in this county. Presently, these two handlers are unregulated. They have a competitive advantage over Fort Wayne handlers on distribtuion in Wabash County, since although they have a high utilization the prices paid dairy farmers by these handlers are based on the Fort Wayne blend price.

Addition of Wabash County to the Indianapolis marketing area would tend to compound the problem of shifts in regulation of Fort Wayne handlers between orders whereas inclusion of this county in the Fort Wayne area will not so affect Indianapolis handlers having approximately the same proportion of sales in both markets. Official notice is taken of the amendment to the Fort Wayne order effective May 16, 1962, designed to mitigate such shifts in regulation.

Blackford County, Indiana, should also be added to the Fort Wayne marketing area, since it constitutes an important segment of the distribution area of Fort Wayne handlers. Approximately 72 percent of the fluid distribution in the County is made by three fully regulated Fort Wayne handlers and the remaining 28 percent is distributed by five Indianapolis regulated handlers. Since all of the milk presently sold in this county is from regulated sources, the addition of this county to the Fort Wayne marketing area will bring no additional handlers under regulation.

2. The Class II price under the order should be established at the level of the basic formula price but not to exceed the price resulting from the present Class II butter-powder formula plus ten cents. The basic formula price incorporated in the order, effective March 1, 1962, is established as the average price per hundredweight paid for manufacturing grade milk in the States of Minnesota and Wisconsin as reported by the Department of Agriculture, adjusted to a 3.5 percent butterfat test.

At the present time the Class II price is based on the higher of two alternative formulae, one based on the market prices of butter and nonfat dry milk and the other based on the reported paying prices of a group of Midwestern condenseries located in Michigan and Wisconsin. Originally there were 18 plants in the group but recently the number had dwindled until now there are only 7 plants reporting.

So that the Class II price may accurately reflect the nationwide market for most manufactured dairy products, the Class II price should be based on the average price paid dairy farmers as determined by the Minnesota-Wisconsin price series. This price for manufacturing grade milk in Minnesota and Wisconsin is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these states in the previous month. Plant operators report the pounds of manufacturing grade milk received from farmers, the butterfat content and the total money paid to farmers for milk delivered at their plants. This two-state area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for the supply. In Minnesota about 80 percent, and in Wisconsin about 65 percent, of the milk sold off farms is of manufacturing grade. About half of all the manufacturing grade milk sold off farms in the United States is produced in these two states.

Since the Minnesota-Wisconsin price as announced is that paid for milk of the actual butterfat test received by the plants, it will be necessary to adjust the announced price to reflect the value of milk of 3.5 percent butterfat content. As in the case of the basic formula now used for pricing Class I milk, this would be done by using a differential equal to 0.12 times the average quotation for the month for Grade A (92-score) butter at Chicago.

Until more experience has been gained with this new price series, it should also be provided that in no event should the Class II price exceed the present butter-powder formula plus ten cents. Such a limitation would prevent the Class II price from being overly affected in the unlikely event that supply-demand conditions peculiar to a particular segment of the manufactured milk industry were to exert an undue influence on the Minnesota-Wisconsin price. Under the provisions as recommended herein, the price for milk in excess of the market's needs for fluid use will be maintained at the maximum level consistent with facilitating the movement of such milk to manufacturing outlets.

The bulk of the market's milk in excess of fluid requirements, cottage cheese and ice cream, is handled by the cooperative associations and manufactured into butter, nonfat dry milk solids and hard cheese. It is expected that the Class II price herein recommended will accommodate the needs of the market and promote the orderly disposal of milk surplus to the market's fluid requirements.

Producers proposed that the Class II price be based on the Minnesota-Wisconsin price but that such Class II price be limited to the price resulting from the present butter-powder formula plus five cents. The ten-cent limitation is more appropriate and will return producers a value for their milk consistent with the value of milk used in the manufacture of similar products in nearby markets, the milksheds of which overlap that of the Fort Wayne market. Several Northeastern Ohio pool plants handling reserve milk are located in the Fort Wayne milkshed and one such plant is located in the Fort Wayne marketing area proper. Manufacturing outlets for the Indianapolis market are also located in the Fort Wayne milkshed. In these circumstances, prices for reserve milk should be closely aligned among these orders. The recommended Class II price will be identical to the price established for milk utilized in the manufacture of butter, hard cheese, nonfat dry milk solids and similar products under the nearby Northeastern Ohio and Indianapolis Federal orders. Official notice is hereby taken of the decision issued by the Assistant Secretary of Agriculture on May 11, 1962, which established the Indianapolis Class II price identical to that herein recommended for the Fort Wayne market.

5. Recommended changes in the order language, other than provisions heretofore specifically discussed, are clarifying and conforming changes necessary to implement substantive amendments. These include revision of the order language regarding inventories of fluid milk products. The changes herein recommended express more clearly and precisely than does the language of the present order that the reclassification charge on fluid milk inventories disposed of the following month should apply to the quantities of such inventories derived from milk of producers which was classified and priced as Class II the previous month and other source milk which was not classified and priced under another Federal order. Such revision will in no way change the application of this or any other provisions of the order.

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

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

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

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

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

Rulings on exceptions. No exceptions were filed on behalf of interested parties and the major cooperative serving the market supported the findings, conclusions and the amendments to the order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handing of Milk in the Fort Wayne, Indiana, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1962 is hereby determined to be the representative period for the conduct of such referendum.

Richard J. Connally is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

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

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area

§ 1047.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1047.46 (c) and (d) and the corresponding steps of § 1047.47; and

(c) The amount of milk for which a payment is computed pursuant to § 1047.62 (a) (2) or (b) (2).

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended as follows:

1. Section 1047.6 is revised to read as follows:

§ 1047.6 Marketing area.

Fort Wayne, Indiana, marketing area, hereinafter called the "marketing area", means all the territory within the counties of Adams, Allen, Blackford, De Kalb, Huntington, Jay, La Grange, Noble, Steuben, Wabash, Wells and Whitley, all in the State of Indiana, together with all municipal corporations therein and all institutions owned or operated by the Federal, State or County Government located wholly or partially within the county.

2. Section 1047.51(b) is revised to read as follows:

§ 1047.51 Class prices.

* * * * *

(b) *Class II milk price.* The price per hundredweight for Class II milk of 3.5 percent butterfat content shall be the basic formula price: *Provided,* That such Class II price shall not exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent plus ten cents:

(1) From the Chicago butter price subtract three cents and multiply by 4.2; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month to the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

3. Part 1047 is amended by adding a new § 1047.49 to read as follows:

§ 1047.49 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1047.46(f) and the corresponding step of § 1047.47 subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to §§ 1047.46 and 1047.47 in:

(a) Producer milk and receipts of fluid milk products from other pool plants; and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

4. Section 1047.70 (d) and (f) are revised to read as follows:

§ 1047.70 Computation of value of producer milk.

* * * * *

(d) Multiply the hundredweight of skim milk and butterfat subtracted pursuant to § 1047.49(a) by the difference between the Class II price for the preceding month and the Class I price for the current month;

* * * * *

(f) Multiply the hundredweight of skim milk and butterfat remaining after the calculation pursuant to § 1047.49(b) by the rate pursuant to § 1047.63(b).

[F.R. Doc. 62-5776; Filed, June 12, 1962; 8:51 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL AVIATION AGENCY

[14 CFR Part 48]

[Reg. Docket No. 1234; Draft Release 62-26]

OPERATION RULES FOR ROCKETS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 62-5529 appearing at page 5403 of the issue for Thursday, June 7, 1962, the section number reference appearing in the fifth line of § 48.20 should read "§ 48.22(g)" instead of "§ 48.22(7)".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14661 (RM-227); FCC 62-609]

RADIO BROADCAST SERVICES

Proposed Use of Automatic Logging Devices

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Commission rules require that each standard, FM, and TV broadcast station maintain both program and operating logs. The program log contains entries relating to the content of the programs which are broadcast. Revision in the manner of keeping this log are the subject of another rule making proceeding and is not discussed herein. The instant proceeding deals only with proposals to revise the method of keeping the operating log. The operating log is for the purpose of keeping a performance record of the operation of the transmitter and associated equipment. Among other items it is required that entries be recorded in the log each half hour of the operating constants of the last stage of the transmitter, the transmission line meter or antenna current, and readings of the frequency monitor.

3. On January 13, 1961, the National Association of Broadcasters (NAB) filed a petition for the institution of rule making to permit the use of automatic logging devices for recording information now required to be entered manually in the operating logs of standard broadcast, FM broadcast, and television broadcast stations. The NAB states that equipment is readily available to the broadcast industry which will permit logs to be kept automatically with equal or better accuracy than is possible by manual methods and that an automatic log will enable readings to be made on a more frequent basis than now required by the rules.

4. Radio stations WSJS, Winston-Salem, N.C. (600 kc, 5 kw, DA-2) and Washington, D.C. stations WTOP-FM (96.3 mc, 20 kw ERP) and WTOP-TV (Channel 9, 316 kw ERP) have conducted extensive experiments with automatic logging equipment obtaining the required information with instruments located at the transmitter site, and stations WTOP-AM (1500 kc, 50 kw, DA-2), KFI (640 kc, 50 kw, non-directional), Los Angeles, California, and WIP (610 kc, 5 kw, DA-1), Philadelphia, Pennsylvania conducted similar experiments automatically recording the desired parameters with recording devices located at remote control points.

5. In general, all of these systems are operated either by use of a selector switch which feeds the desired information in a pre-determined sequence to a common recorder located at the transmitter site, or should the recorder be located at a remote point which is usually the studio, the desired information is first delivered to a telephone line and then to the remote control point where the information is fed into the recorder which automatically prints the readings on logging paper. One system employed individual recorders for recording each parameter at the transmitter site, thereby making it unnecessary to use a selector switch. A rubber stamp mark is placed on each daily log to identify the parameters contained thereon and to provide correction factors to be applied to the recordings to convert them to absolute values. If a recorded parameter is not within preset values an alarm circuit is actuated. As proof of the practicability and accuracy of these automatic recorders, the NAB submitted both the manually and automatically recorded logs of the following stations for the indicated periods: WTOP-AM, 10 days; WTOP-TV, 10 days; WTOP-FM, 10 days; WSJS, one day; and WIP, 34 days.

6. Related to the instant proceeding is a petition filed March 13, 1958, by the same petitioner requesting that AM frequency monitor readings be recorded only twice a day instead of each half hour, as is now required. This petition was denied on October 10, 1960, but in so doing the Commission stated that it would reconsider the matter when a petition for the use of automatic logging devices was filed. On its own motion the Commission on November 28, 1960 issued a notice of proposed rule making (Docket No. 13854) concerning frequency monitor requirements for television broadcast stations in which it was proposed that television stations make measurements only once each day instead of having a continuously operating frequency monitor as required by the present rules. In view of this proposed relaxation in the TV frequency monitors requirements and our earlier statement with regard to reconsideration, the NAB in the instant petition has renewed its request that we likewise relax the AM and FM requirements. This matter has been given careful study but we are not convinced that a relaxation of the AM and FM frequency monitoring requirements would be in the public interest. Our observations indicate that there continues to be a significant number of AM and FM stations not operating within the prescribed frequency limits. We believe that the half hourly reading of the monitors as now required serves a useful purpose. Frequent recording of the monitor readings assists the operator in maintaining the performance of the transmitter in accordance with Commission requirements and is a reminder of the need for continuous surveillance of this important aspect of station operation. Neither do we believe would there be any particular gain in eliminating the requirement of an approved frequency monitor leaving the method of checking the station frequency to the discretion of the station licensee as we have proposed in TV. Existing stations are presently equipped with approved type monitors and the change suggested would not affect a significant cost saving.

7. In view of the showing made in the NAB petition on the use of automatic logging devices by standard, FM, and TV broadcast stations, we believe a rule making should be instituted. In addition, we propose to make certain other changes in our logging requirements as described below.

8. The type of information required to be entered in the operating log is usually set forth in the various sections of the rules pertinent to the subject. The particular section of the rules pertaining to the keeping of the operating log does not, however, repeat all of these various requirements. We are, therefore, proposing to repeat in the rules dealing with the keeping of logs all of the requirements related to this subject. We are also of the view that recording of the information now required in the operating log could be simplified by keeping the data in two separate logs. The operating log would continue to contain those entries closely associated with the operation of the transmitter. A second record to be known as the maintenance log would contain only those entries which relate to the maintenance of the equipment and which are performed on a less frequent basis. The additional log will also serve to reduce the number of omissions that are due to inadvertence or lack of familiarity with the requirements of certain sections of the rules which apply only infrequently.

9. Commission records reveal an increasing carelessness with respect to operating requirements and equipment performance standards. The provisions of the rules which no longer require all operators to hold first-class radiotelephone operator licenses, for example, are not intended to lower the technical standards of operation or to imply that stations can be operated without adequately qualified technical supervision. In order to encourage more responsibility in this area, it is proposed to require that the supervising radio operator of a station operating as above be required to make entries concerning the maintenance and operation of the station equipment in the maintenance log at least once each day.

10. The Commission requests that interested parties submit their views and relevant data on the proposed rules outlined below.

11. Authority for the adoption of the amendment proposed herein is contained in Sections 4(i) and 303(j) of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set out in § 1.213 of the Commission's

rules and regulations, interested persons may file comments on or before July 20, 1962, and reply comments on or before August 1, 1962. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

13. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: June 6, 1962.

Released: June 8, 1962.

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

It is proposed to amend Part 3 of the Commission's rules as follows:

1. Section 3.39 is amended by deleting the text of paragraph (h) and inserting "[Reserved]" as follows:

§ 3.39 Indicating instruments—specifications.

* * * * *

(h) [Reserved]

2. Section 3.56(b)(1) is amended to read:

§ 3.56 Modulation monitors.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

3. Section 3.58(b)(1) is amended to read:

§ 3.58 Indicating instruments.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

4. Section 3.60(b)(1) is amended to read:

§ 3.60 Frequency monitor.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

5. In § 3.111, the introductory text and paragraphs (b) and (c) are amended and paragraphs (d) and (e) are added as follows:

§ 3.111 Logs.

The licensee or permittee of each standard broadcast station shall maintain program, operating, and maintenance logs, and other records, and shall require entries to be made as follows:

* * * * *

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna and the time it stops.

(2) An entry of each interruption to the carrier wave and its cause and duration, followed by the signature of the person restoring operation.

(3) An entry, each half-hour, of the following (actual readings observed prior to making any adjustments to the equipment) and, when appropriate, an indication of corrections made to restore parameters to normal operating values:

(i) Operating constants of the last radio stage (total plate current and plate voltage).

(ii) Antenna current or common point current if directional.

(iii) Frequency monitor reading.

(4) An entry each day of the following where applicable:

(i) Antenna base currents for each mode of operation where remote antenna meters or a common point meter are normally employed but are defective.

(ii) Where there is a remote control operation of a directional antenna station, readings for each pattern taken at the transmitter (within two hours of commencement of operation) of:

(*a*) Common point current.

(*b*) Base current(s).

(*c*) Phase monitor sample loop current(s).

(*d*) Phase indications.

(5) Any other entries required by the instrument of authorization or the rules.

(c) In the maintenance log:

(1) An entry, each week, of the following where applicable:

(i) A notation indicating calibration of the remote reading antenna ammeter(s) against the regular antenna ammeter(s).

(ii) Time and result of test of auxiliary transmitter.

(iii) A notation of all frequency checks and measurements made independently of the frequency monitor and of the correlation of these measurements and frequency monitor indications.

(iv) A notation of the calibration check of automatic recording devices as required by paragraph (d) of this section.

(2) An entry of the date and time of removal from and restoration to service of any of the following equipment in the event it becomes defective:

(i) Modulation monitor.

(ii) Frequency monitor.

(iii) Final stage plate voltmeter.

(iv) Final stage plate ammeter.

(v) Base current ammeter(s).

(vi) Common point ammeter.

(3) Record of tower light inspections where required by § 17.38 of this chapter (Part 17—Construction, Marking, and Lighting of Antenna Structures).

(4) Entries shall be made so as to fully describe any operation during the experimental period other than regular operation.

(5) A daily inspection of all transmitting equipment in use shall be made by an operator meeting the requirements of § 3.93(c), upon completion of which the operator shall enter a signed statement that the required inspection has been made and noting in detail the repairs and maintenance work which were accomplished in order to ensure operation in accordance with the Commission's rules and the current instrument of authorization for that station. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reasons for failure to make satisfactory repairs.

(6) Any other entries required by the instrument of authorization or the rules.

(d) Automatic devices accurately calibrated and with appropriate time, date, and circuit functions may be utilized to record the entries in the operating log provided they do not affect the operation of circuits or accuracy of indicating instruments of the equipment being recorded. The recording devices must have an accuracy equivalent to the accuracy of the indicating instruments and the calibration shall be checked against the original indicators at least once a week and the results noted in the maintenance log. Should any of the automatic log readings not be within the tolerances or other requirements specified in the rules or instrument of authorization, provisions shall be made to automatically actuate an alarm circuit warning of such condition. If the station is not remotely controlled the automatic recording devices shall be located at the transmitter location. Should the station be remotely controlled the automatic recording equipment shall be located at the remote control point. The automatic devices shall be located convenient to the operator on duty and shall be inspected periodically during the broadcast day.

(e) In addition to the logs the following records are required:

(1) Latest measurement of audio proof of performance.

(2) Copy of antenna resistance measurements submitted with Form 302.

(3) Copy of field intensity measurements to establish performance of directional antennas as required by § 3.151.

6. Section 3.113 is amended to read:

§ 3.113 Logs and records; by whom kept.

(a) Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

(b) The logs and records shall be made available upon request by an authorized representative of the Commission.

7. Section 3.252(b)(1) is amended to read:

§ 3.252 Frequency monitor.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

8. Section 3.253(b)(1) is amended to read:

§ 3.253 Modulation monitor.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

9. Section 3.258(b)(1) is amended to read:

§ 3.258 Indicating instruments.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

10. In § 3.281, the introductory text and paragraphs (b) and (c) are amended and paragraphs (d) and (e) are added as follows:

§ 3.281 Logs.

The licensee or permittee of each FM broadcast station shall maintain for each station, separate program, operating, and maintenance logs, and other records, and shall require entries to be made as follows: *Provided, however,* If the same licensee or permittee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, one program log may be maintained for both stations for such periods as both stations simultaneously broadcast the same programs:

* * * * *

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna and the time it stops.

(2) An entry of each interruption to the carrier wave and its cause and duration, followed by the signature of the person restoring operation.

(3) An entry, each half-hour, of the following (actual readings observed prior to making any adjustments to the equipment):

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) RF transmission line meter reading.

(iii) Frequency monitor reading.

(4) Any other entries required by the instrument of authorization or the rules.

(c) In the maintenance log:

(1) An entry each week of the time and result of test of auxiliary transmitter.

(2) A notation of all frequency checks and measurements made independently of the frequency monitor and of the correlation of these measurements and frequency monitor indications.

(3) A notation each week of the calibration check of automatic recording devices as required by paragraph (d) of this section.

(4) An entry of the date and time of removal from and restoration to service of any of the following equipment in the event it becomes defective:

(i) Modulation monitor.

(ii) Frequency monitor.

(iii) Final stage plate voltmeter.

(iv) Final stage plate ammeter.

(v) Transmission line radio frequency voltage current or power meter.

(5) Record of tower light inspections where required by § 17.38 of this chapter (Part 17—Construction, Marking, and Lighting of Antenna Structures).

(6) Entries shall be made so as to fully describe any operation during the experimental period other than regular operation.

(7) A daily inspection of all transmitting equipment in use shall be made by an operator meeting the requirements of § 3.265(c), upon completion of which the operator shall enter a signed statement that the required inspection has been made and noting in detail the repairs and maintenance work which were accomplished in order to ensure operation in accordance with the Commission's rules and the current instrument of authorization for that station. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reasons for failure to make satisfactory repairs.

(8) Any other entries required by the instrument of authorization or the rules.

(d) Automatic devices accurately calibrated and with appropriate time, date, and circuit functions may be utilized to record the entries in the operating log provided they do not affect the operation of circuits or accuracy of indicating instruments of the equipment being recorded. The recording devices must have an accuracy equivalent to the accuracy of the indicating instruments and the calibration shall be checked against the original indicators at least once a week and the results noted in the maintenance log. Should any of the automatic log readings not be within the tolerances or other requirements specified in the rules or instruments of authorization, provisions shall be made to automatically actuate an alarm circuit warning of such condition. If the station is not remotely controlled the automatic recording devices shall be located at the transmitter location. Should the station be remotely controlled the automatic recording equipment shall be located at the remote control point. The automatic devices shall be located convenient to the operator on duty and shall be inspected periodically during the broadcast day.

(e) In addition to the logs, the record of latest measurement of audio proof of performance is required to be kept available.

11. Section 3.283 is amended to read:

§ 3.283 Logs and records; by whom kept.

(a) Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

(b) The logs and records shall be made available upon request by an authorized representative of the Commission.

12. Section 3.320 is amended by deleting the text of paragraph (e) and inserting "[Reserved]" as follows:

§ 3.320 Indicating instruments—specifications.

* * * * *

(e) [Reserved]

13. Section 3.552(b)(1) is amended to read:

§ 3.552 Frequency monitor.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

14. Section 3.553(b)(1) is amended to read:

§ 3.553 Modulation monitor.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

15. Section 3.558(b)(1) is amended to read:

§ 3.558 Indicating instruments.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

16. In § 3.581 the introductory text and paragraphs (b) and (c) are amended and paragraphs (d) and (e) are added as follows:

§ 3.581 Logs.

The licensee or permittee of each noncommercial educational FM broadcast station shall maintain program, operating, and maintenance logs, and other records, and shall require entries to be made as follows:

* * * * *

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna and the time it stops.

(2) An entry of each interruption to the carrier wave and its cause and duration, followed by the signature of the person restoring operation.

(3) For each station licensed for transmitter power output above 10 watts, an entry of the following each half-hour (actual readings observed prior to making any adjustments to the equipment):

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) RF transmission line meter reading.

(iii) Frequency monitor reading.

(4) Any other entries required by the instrument of authorization or the rules.

(c) In the maintenance log:

(1) An entry each week of the time and result of test of auxiliary transmitter.

(2) A notation of all frequency checks and measurements made independently of the frequency monitor and of the correlation of these measurements and frequency monitor indications.

(3) A notation each week of the calibration check of automatic recording devices as required by paragraph (d) of this section.

(4) An entry of the date and time of removal from and restoration to service of any of the following equipment in the event it becomes defective:

(i) Modulation monitor.

(ii) Frequency monitor.

(iii) Final stage plate voltmeter.

(iv) Final stage plate ammeter.

(v) Transmission line radio frequency voltage current or power meter.

(5) Record of tower light inspections where required by § 17.38 of this chapter (Part 17—Construction, Marking and Lighting of Antenna Structures).

(6) Entries shall be made so as to fully describe any operation during the experimental period other than regular operation.

(7) A daily inspection of all transmitting equipment in use shall be made by an operator meeting the requirements of § 3.565(c), upon completion of which the operator shall enter a signed statement that the required inspection has been made and noting in detail the repairs and maintenance work which were accomplished in order to ensure operation in accordance with the Commission's rules and the current instrument of authorization for that station. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reasons for failure to make satisfactory repairs.

(8) Any other entries required by the instrument of authorization or the rules.

(d) Automatic devices accurately calibrated and with appropriate time, date, and circuit functions may be utilized to record the entries in the operating log provided they do not affect the operation of circuits or accuracy of indicating instruments of the equipment being recorded. The recording devices must have an accuracy equivalent to the accuracy of the indicating instruments and the calibration shall be checked against the original indicators at least once a week and the results noted in the maintenance log. Should any of the automatic log readings not be within the tolerances or other requirements specified in the rules or instrument of authorization, provisions shall be made to automatically actuate an alarm circuit warning of such condition. If the station is not remotely controlled the automatic recording devices shall be located at the transmitter location. Should the station be remotely controlled the automatic recording equipment shall be located at the remote control point. The automatic devices shall be located convenient to the operator on duty and shall be inspected periodically during the broadcast day.

(e) In addition to the logs, the record of latest measurement of audio proof of performance is required to be kept available.

17. Section 3.583 is amended to read:

§ 3.583 Logs and records; by whom kept.

(a) Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

(b) The logs and records shall be made available upon request by an authorized representative of the Commission.

18. In § 3.663, the introductory text and paragraphs (b) and (c) are amended and paragraph (d) is added as follows:

§ 3.663 Logs.

The licensee or permittee of each television station shall maintain program, operating, and maintenance logs, and shall require entries to be made as follows:

* * * * *

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna and the time it stops.

(2) An entry of each interruption to the carrier wave and its cause and duration, followed by the signature of the person restoring operation.

(3) An entry of the following each half-hour (actual readings observed prior to making any adjustments to the equipment):

(i) Operating constants of last radio stage of aural transmitter (total plate current and plate voltage).

(ii) Transmission line meter readings for both transmitters.

(iii) Any other entries required by the instrument of authorization or the rules.

(c) In the maintenance log:

(1) A daily comparison of the transmitter frequency with the reference source.

(2) An entry each week of the time and result of test of auxiliary transmitters.

(3) A notation each week of the calibration check of automatic recording devices as required by paragraph (d) of this section.

(4) A monthly comparison of the transmitter frequency with an external primary standard.

(5) An entry of the method used and results of camparing the frequency deviation of the station with an external frequency source whenever the local visual or aural frequency reference source becomes defective.

(6) An entry of the date and time of removal from and restoration to service of any of the following equipment in the event it becomes defective.

(i) Visual modulation monitoring equipment or aural modulation monitor.

(ii) Visual or aural frequency monitor.

(iii) Final stage plate voltmeters of aural and visual transmitters.

(iv) Final stage plate ammeters of aural and visual transmitters.

(v) Visual and aural transmitter transmission line radio frequency voltage, current or power meter.

(7) Record of tower light inspections where required by § 17.38 of this chapter (Part 17—Construction, Marking and Lighting of Antenna Structures).

(8) Entries shall be made so as to fully describe any operation.

(9) Any other entries required by the instrument of authorization or the rules.

(d) Automatic devices accurately calibrated and with appropriate time, date, and circuit functions may be utilized to record the entries in the operating log provided they do not affect the operation of circuits or accuracy of indicating instruments of the equipment being recorded. The recording devices must have an accuracy equivalent to the accuracy of the indicating instruments and the calibration shall be checked against the original indicators at least once a week and the results noted in the maintenance log. Should any of the automatic log recordings not be within the tolerances or other requirements specified in the rules or instrument of authorization, provisions shall be made to automatically actuate an alarm circuit warning of such condition. The automatic devices shall be located convenient to the operator on duty and shall be inspected periodically during the broadcast day.

19. Section 3.688 is amended by deleting paragraph (d) and inserting "Reserved", and paragraph (f)(1) is amended to read:

§ 3.688 Indicating instruments.

* * * * *

(d) [Reserved]

* * * * *

(f) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

20. Section 3.690(b)(1) is amended to read:

§ 3.690 Frequency monitors.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station to show the date and time the equipment was removed from and restored to service.

21. Section 3.691(b)(1) is amended to read:

§ 3.691 Modulation monitors.

* * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station to show the date and time the equipment was removed from and restored to service.

[F.R. Doc. 62-5762; Filed, June 12, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 136]

[Ex Parte No. 171]

AUTOMATIC BLOCK SIGNAL SYSTEMS, INTERLOCKING, TRAFFIC CONTROL SYSTEMS, AUTOMATIC TRAIN STOP, TRAIN CONTROL, AND CAB SIGNAL SYSTEMS, AND OTHER SIMILAR APPLIANCES, METHODS, AND SYSTEMS

Proposed Rules, Standards, and Instructions for Installation, Inspection, Maintenance, and Repair

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 25th day of May A.D. 1962.

Notice is hereby given pursuant to provisions of section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1,003) of the institution by the Interstate Commerce Commission, on its own motion, under authority of section 25 of the Interstate Commerce Act as amended (49 CFR Part 26) of an investigation for the purpose of revising, amending, and modifying the Rules, Standards, and Instructions for Installation, Inspection, Maintenance, and Repair of Automatic Block-Signal Systems, Interlocking, Traffic Control Systems, Automatic Train Stop, Train Control and Cab Signal Systems and Other Similar Appliances, Methods, and Systems, prescribed by the Commission's order of June 29, 1950, as amended.

Reasons for investigation. Since the prescription of Rules, Standards, and Instructions, which have been in effect for nearly 12 years, technological developments have made it necessary that certain rules be modernized and clarified to meet the changes in conditions and equipment. In some respects said Rules, Standards, and Instructions are incomplete and inadequate to carry out the purposes of section 25 of the Interstate Commerce Act.

Proposed Rules, Standards, and Instructions. The Rules, Standards, and Instructions tentatively proposed herein as substitutes for the corresponding Rules, Standards, and Instructions prescribed by the Commission's order of June 29, 1950, are set forth below. These proposed Rules, Standards, and Instructions are subject to any change or changes that may be made as a result of this investigation.

Submission of written views, arguments, or suggestions. Any interested person may, on or before August 1, 1962, file with the Commission's Secretary at Washington, D.C., an original and six copies of verified statements containing views, arguments, or suggestions to be considered in this connection and may request oral argument thereon. The statements (affidavits) with or without exhibits attached, must be signed in ink and must show the post office address of affiant. Unless otherwise ordered, after consideration of representations so received and with such changes as may seem warranted because of them, an order will be entered making the revised Rules, Standards, and Instructions effective after due notice to all carriers which will be subject thereto.

Notice to parties in interest. Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, and by serving copies on each common carrier by railroad subject to the Interstate Commerce Act and on each national organization of railroad employees.

By the Commission, Division 3.

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

Proposed revisions:

§ 136.2 Grounds.

Each circuit, the functioning of which affects the safety of train operation, shall be kept free of any ground or combination of grounds which will permit a flow of current equal to or in excess of 75 percent of the release valve of any relay or other electromagnetic device in the circuit, except circuits which include any track rail and except the common return wires of single-wire, single-break, signal control circuits using a grounded common, and alternating current power distribution circuits which are grounded in the interest of safety.

§ 136.6 Hand-operated switch equipped with switch circuit controller.

Hand-operated switch equipped with switch circuit controller connected to the point, or with facing-point lock and circuit controller, shall be so maintained that when point is open one-fourth inch or more on facing-point switch and three-eighths inch or more on trailing-point switch, track or control circuits will be open or shunted or both, and if equipped with facing-point lock with circuit controller, switch cannot be locked. Switch circuit controllers, facing-point locks and switch-and-lock movements and their connections on such hand-operated switch shall be securely fastened in place, and contracts maintained with an opening of not less than one-sixteenth inch when open.

§ 136.11 Adjustment, repair or replacement of defective component.

When any component of a system or interlocking, except track rails, the proper functioning of which is essential to the safety of train operation, is defective to such an extent that it fails to perform its intended function, it shall be adjusted, repaired or replaced without undue delay.

§ 136.51 Track circuit requirements.

Track relay shall be in deenergized position whenever any of the following conditions exists, and the track circuit of an automatic train-stop, train-control, or cab-signal system shall be deenergized in the rear of the point where any of the following conditions exists:

(a) When a rail is broken or a rail or switch-frog is removed except when a rail is broken or removed in the shunt fouling circuit of a turnout or crossover, provided, however, that shunt fouling circuit may not be used in a turnout through which permissible speed is greater than 45 miles per hour. It shall not be a violation of this requirement if a track circuit is energized: (1) When a break occurs between the end of rail and track circuit connector; within the limits of rail-joint bond, appliance or other protective device, which provides a bypath for the electric current, or (2) as result of leakage current or foreign current in the rear of a point where a break occurs or a rail is removed.

(b) When a train, locomotive, or car occupies any part of a track circuit, including fouling section of turnout except turnouts of hand-operated main track crossover. It shall not be a violation of this requirement where the presence of sand, rust, dirt, grease, or other foreign matter on the rail prevents effective shunting.

(c) Where switch shunting circuit is used:

(1) Switch point is not closed in normal position.

(2) A switch is not locked where facing-point lock with circuit controller is used.

(3) An independently operated fouling-point derail equipped with switch circuit controller is not in derailing position.

§ 136.201 Track-circuit control of signals.

The control circuits for signal aspects with indications more favorable than "proceed at restricted speed" shall be controlled automatically by track circuits extending through the entire block.

§ 136.204 Track signaled for movements in both directions, requirements.

On track signaled for movements in both directions, a train shall cause one or more opposing signals immediately ahead of it to display the most restrictive aspect, the indication of which shall not be more favorable than "proceed at restricted speed." Signals shall be so arranged and controlled that if opposing trains can simultaneously pass signals displaying proceed aspects, and the next signal in advance of each such signal then displays an aspect requiring a stop, or its most restrictive aspect, the distance between opposing signals displaying such aspects shall be not less than the aggregate of the stopping distances for movements in each direction. Where such opposing signals are spaced stopping distance apart for movements in one direction only, signals arranged to display restrictive aspects shall be provided in approach to at least one of the signals. Where such opposing signals are spaced less than stopping distance apart for movements in one direction, signals arranged to display restrictive aspects shall be provided in approach to both such signals. In absolute permissive block signaling when a train enters the block between sidings the opposing head block signals shall display an aspect requiring a stop.

§ 136.301 Where signals shall be provided.

Signals shall be provided to govern the train movements into and through the interlocking, except that a signal shall not be required to govern movements over a hand-operated switch into the interlocking if the switch is provided with an electric lock and a derail at the clearance point, either pipe-connected to the switch or independently locked electrically.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.302 Track circuits and route locking.

Track circuits and route locking shall be provided throughout the interlocking. Route locking shall become effective when the first pair of wheels of a locomotive or car passes a point not more than five feet in advance of the signal governing its movement.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.303 Control circuits for signals, selection through circuit controller operated by switch points or by switch locking mechanism.

The control circuit for each aspect with indication more favorable than "proceed at restricted speed" of power-operated signal governing movements over switches, movable-point frogs and derails shall be selected through circuit controller operated directly by switch points or by switch locking mechanism, or through relay controlled by such circuit controller, for each switch, movable-point frog, and derail in the routes governed by such signal. Circuits shall be arranged so that such signal can display an aspect more favorable than "proceed at restricted speed," only when each switch, movable-point frog, and derail in the route is in proper position.

NOTE. Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.305 Approach or time locking.

Approach or time locking shall be provided in connection with signals displaying aspects with indications more favorable than "proceed at restricted speed."

§ 136.311 Signal control circuits, selection through track relays, and through signal mechanism contacts and time releases at automatic interlocking.

The control circuits for aspects with indications more favorable than "proceed at restricted speed" shall be selected through track relays for all track circuits in the route governed or through repeating relays for such track relays. At automatic interlocking, signal control circuit shall be selected (a) through track relays for all track circuits in the route governed and in all conflicting routes within the interlocking or through repeating relays for such track relays; (b) through signal mechanism contacts or relay contacts closed when signals for such conflicting routes display stop aspects; and (c) through normal contacts of time releases for such conflicting routes or contacts of relays repeating the normal position of contacts of such time releases.

NOTE: Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.312 Movable bridge, interlocking of signal appliances with bridge devices.

When movable bridge is protected by interlocking the signal appliances shall be so interlocked with bridge devices that before a signal governing movements over the bridge can display an aspect to proceed the bridge must be locked and the track alined, with the bridge locking members within one inch of their proper positions and with the track rail on the movable span within three-eighths inch of correct surface and alinement with rail on bridge abutment or fixed span.

§ 136.314 Electric lock for hand-operated switch or derail.

Electric lock shall be provided for each hand-operated switch or derail within the interlocking, except where train movements are made at not exceeding 20 miles per hour. At manually operated interlocking it shall be controlled by operator of the machine and shall be unlocked only after signals governing movements over such switch or derail display aspects indicating stop. Approach or time locking shall be provided.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.328 Plunger of facing-point lock.

Plunger of lever operated facing-point lock shall have at least 8-inch stroke. When lock lever is in unlocked position the end of the plunger shall clear the lock rod not more than one inch.

§ 136.339 Mechanical locking, maintenance requirements.

Locking and connections shall be maintained so that, when a lever or latch is mechanically locked, the following will be prevented:

(a) *Mechanical machine*—(1) *Latch-operated locking.* Raising lever latch block so that bottom thereof is within three-eighths inch of top of quadrant.

(2) *Lever-operated locking.* Moving lever latch block more than three-eighths inch on top of quadrant.

(b) *Electromechanical machine*—(1) *Lever moving in horizontal plane.* Moving lever more than five-sixteenths inch when in normal position or more than nine-sixteenths inch when in reverse position.

(2) *Lever moving in arc.* Moving lever more than 5°.

(c) *Power machine*—(1) *Latch-operated locking.* Raising lever latch block so that bottom thereof is within seven thirty-seconds inch of top of quadrant.

(2) *Lever moving in horizontal plane.* Moving lever more than five-sixteenths inch when in normal position or more than nine-sixteenths inch when in reverse position.

(3) *Lever moving in arc.* Moving lever more than 5°.

§ 136.402 Signals controlled by track circuits and control operator.

The control circuits for signal aspects with indications more favorable than "proceed at restricted speed" shall be controlled by track circuits extending through entire block. Also, in addition, at controlled point they shall be controlled by control operator, and, at manually operated interlocking, manually in cooperation with control operator.

§ 136.404 Signals at adjacent controlled points.

Signals at adjacent controlled points shall be so inter-connected that aspects with indications more favorable than "proceed at restricted speed" cannot be displayed simultaneously for conflicting movements.

§ 136.405 Track signaled for movements in both directions, change of direction of traffic.

On track signaled for movements in both directions, occupancy of the track between opposing signals at adjacent controlled points shall prevent changing the direction of traffic from that which obtained at the time the track became occupied, except that when a train having left one controlled point reaches a section of track immediately adjacent to the control point at which switching is performed, an aspect permitting an opposing movement at not exceeding restricted speed may be displayed into the occupied block.

§ 136.407 Approach or time locking, where required.

Approach or time locking shall be provided for all controlled signals.

§ 136.502 Automatic brake application, initiation by restrictive block conditions stopping distance in advance.

An automatic train-stop or train-control system shall operate to initiate an automatic brake application at least stopping distance from the entrance to a block, wherein any condition described in § 136.205 obtains, and at each main track signal requiring a reduction in speed.

§ 136.504 Operation interconnected with automatic block-signal system.

An automatic train-stop or train-control system shall operate in connection with an automatic block-signal system and shall be so interconnected with the signal system as to perform its intended function in event of failure of the engineman to obey a main track signal requiring a reduction in speed.

§ 136.553 Seal or lock, where required.

Seal shall be maintained on any device, other than double heading cock, by means of which the operation of the pneumatic portion of automatic train-stop or train-control apparatus can be cut out.

§ 136.564 Acknowledging time.

Acknowledging time of intermittent automatic train-stop device shall be not more than 30 seconds.

§ 136.576 Roadway element.

Roadway elements, except track circuits, including those for test purposes, shall be gaged monthly for height and alinement, and shall be tested at least every 6 months.

§ 136.587 Departure test.

A test of the automatic train-stop, train-control or cab-signal apparatus on each locomotive, except locomotives and multiple-unit cars equipped with mechanical trip stop only, shall be made over track elements or test circuits or with portable test equipment, either on departure of locomotive from its initial terminal or, if locomotive apparatus is cut out between initial treminal and equipped territory, prior to entering equipped territory, to determine if such apparatus is in service and is functioning properly. If a locomotive makes more than one trip in any 24-hour period only one departure test shall be required in such 24-hour period. If departure test is made by an employee other than engineman, the engineman shall be informed of the results of such test and a record kept thereof.

§ 136.602 Operation in conjunction with automatic block-signal system. [Deleted]

[F.R. Doc. 62–5750; Filed, June 12, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 83]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling 1196.77 acres in Pinal County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 10 S., R. 11 E.,
Sec. 33, lots 1, 2 and lots 5–19 inclusive;
Sec. 34, NE¼, E½NW¼, and lots 1–8 inclusive.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order, subject to the provisions of paragraph 4, shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There are no preference right applications as provided for by 43 CFR 257.5.

Dated June 1, 1962.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 62–5757; Filed, June 12, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–155]

CONSUMERS POWER CO.

Order Postponing Hearing

A Notice of Hearing on Provisional Operating License for Nuclear Facility in the above-captioned matter was published on May 30, 1962, at 27 F.R. 5101. The notified hearing date was July 2, 1962. By joint motion the applicant and the AEC regulatory staff have requested that the hearing be postponed to July 10, 1962.

Good cause for granting the motion is found in the showing that the applicant, after issuance of the Notice of Hearing, has filed Amendment No. 12 to its license application setting out additional information concerning limitations on maximum heat flux at overpower and increasing the reactor core size from 56 to 78 fuel bundles in the proposed operation. This Amendment No. 12, as well as the application and the record of prior proceedings in this matter, are available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

It is found: That the requested hearing postponement will conduce to the orderly dispatch of the Commission's business; that the issues specified in the Notice of Hearing (27 F.R. 5101) are unchanged; that the time for filing petitions for leave to intervene and the time for filing answer should be extended; and that this order should be promptly published in the FEDERAL REGISTER.

Accordingly, it is ordered, This 6th day of June 1962 pursuant to § 2.718 of the Commission's rules that the hearing upon the pending application for a provisional operating license (including Amendment No. 12 thereto) shall be convened at 10 a.m., e.d.t., on Tuesday, July 10, 1962, in the Auditorium of the Atomic Energy Commission Headquarters in Germantown, Maryland, upon the issues specified in the Notice of Hearing as published at page 5101 of the FEDERAL REGISTER dated May 30, 1962: *And it is further ordered,* That petitions for leave to intervene pursuant to § 2.714 of the Commission's rules may be filed not later than July 5, 1962, and answers to the Notice of Hearing shall be filed on or before June 26, 1962; and

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Issued: June 6, 1962, Germantown, Md.

ATOMIC ENERGY COMMISSION,
J. D. BOND,
Presiding Officer.

[F.R. Doc. 62–5722; Filed, June 12, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13670; Order No. E–18423]

ZANTOP AIR TRANSPORT, INC.

Application for Exemptions To Provide Certain Military Transportation Services in Fiscal Year 1962

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of June 1962.

On June 4, 1962, Zantop Air Transport, Inc. (Zantop) filed an application requesting exemption from the provisions of sections 401 and 403 of the Federal Aviation Act of 1958 and from the provisions of Part 207 of the Board's Economic Regulations to perform certain "Logair" cargo transportation services with C–46 and DC–6 aircraft between various military installations in this country under contract to the Military Air Transport Service for fiscal year 1962.

By Order E–18318 dated May 9, 1962, the Board, inter alia, approved the transfer of Coastal Air Lines' temporary certificate of public convenience and necessity for supplemental air service to Zantop, effective June 8, 1962.

Concurrent with its application for exemption, Zantop filed motions for leave to file additional information and for extension of reconsideration to C–46 rates in the matter, inter alia, of exemptions and minimum rates for certain certificated scheduled and supplemental air carriers performing "Logair" cargo transportation services between various military installations in this country and for grant of Zantop's petition to intervene in that proceeding.[1]

Zantop's application indicates that it is performing Logair services with C–46 aircraft at a rate of $0.5777 per aircraft mile, except certain changes ordered since the contract award date for which the rate is $0.5977 per aircraft mile, and with DC–6 aircraft at a rate of $1.445 per aircraft mile. The current Logair minima are $.60 for C–46 aircraft[2] and $1.485 for DC–6A aircraft.[3]

Zantop alleges in its application and separate petitions and motions that it has suffered losses under its contract rates for both C–46 and DC–6 services and that it requires a C–46 rate of $0.68 per aircraft mile and a DC–6 rate higher than the superseded rate of $1.44 per mile.[4]

In consideration of the necessity for uninterrupted continuity of Zantop's Logair services for the military establishment, and the impracticability of an adequate examination of Zantop's claims for higher rates in the few days between the time its petition was filed and June 8, 1962, when its exemption must become effective, we deem it appropriate to grant Zantop exemption to perform Logair services for the remainder of fiscal year 1962 subject to the same minimum rates in effect for other Logair operators in fiscal year 1962. The present Logair minimum rates for C–46 and DC–6 aircraft are slightly higher than Zantop's current contract rates and accordingly will mitigate the financial problem alleged by the carrier.[5] More-

[1] AAXICO (Docket 12548) and World (Dockets 12557 and 12958).

[2] Order E–17462 dated September 15, 1961.

[3] Order E–18401 dated June 4, 1962.

[4] The DC–6A rate was increased to $1.485 per aircraft mile by Order E–18401 on June 4, 1962, which Zantop apparently was not aware of when it filed its current application for exemption. Although Zantop's petition for leave to intervene was dismissed, as indicated in that order "the considerations and information submitted by Zantop have been taken into consideration in our resolution of the entire matter."

[5] Zantop's application states that after certification and grant of exemption by the Board, the contract price will be that established by the Board as the minimum rate.

over, the present minimum rates were developed on the basis of careful consideration by the Board of the costs of performing Logair services by other carriers and are considered by the Board to be reasonable minimum rates for such services.

We have earlier dismissed a Zantop petition to intervene in Docket 12548 et al., and, accordingly, we will deny the carrier's instant motion insofar as it renews that request and seeks reconsideration of the C–46 minimum rates heretofore established.[6] We will grant that part of the carrier's instant motion asking leave to file additional information bearing on proper C–46 minimum rates for the future.

The process of issuing a certificate of public convenience and necessity could not be completed in time for Zantop to provide the transportation for which exemption is requested. There is involved here an over-all government procurement policy which constitutes unusual circumstances affecting the operations of Zantop. The operation is of limited extent both in terms of the total transportation provided and in the particular transportation for which exemption is sought.

The rates and charges for the services, as well as the rules, regulations, practices, and services in connection with the proposed transportation, have been or will be specified in contracts. The nature of the transportation precludes its use except by the defense agencies. Compliance with section 403 of the Act would serve no statutory purpose in these circumstances.

We have already found fair and reasonable the rates on the basis of which the exemption will be granted. Zantop has indicated it has executed a CRAF Standby Contract. It is evident that the Air Force considers this contract to be in furtherance of the mission of the defense establishment.

The Board finds that the enforcement of sections 401 and 403 of the Federal Aviation Act of 1958 would be an undue burden on Zantop in connection with the military transportation services during the period June 8 through June 30, 1962, as described in Zantop's exemption application, by reason of the limited extent of, and unusual circumstances affecting, its operations and is not in the public interest, provided that the rates of compensation for such services are no less than as hereinafter specified.

Therefore, pursuant to sections 204(a) and 416(b) of the Federal Aviation Act of 1958,

It is ordered:

1. That an exemption is granted to Zantop Air Transport, Inc. from the requirements of sections 401 and 403 of the Federal Aviation Act of 1958 to perform the Logair transportation services as described in its application from June 8 through June 30, 1962, provided that the rate of compensation is no less than $0.60 per aircraft statute mile (course flown basis) for C–46 aircraft and $1.485 per aircraft statute mile (course flown basis) for DC–6 aircraft.

2. That Zantop's motion filed June 4, 1962, for leave to submit additional information related to rates for C–46 Logair services is granted.

3. That, except as herein granted, Zantop's motion filed June 4, 1962, is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–5759; Filed, June 12, 1962; 8:49 a.m.]

[6] Order E–18401, June 4, 1962.

FEDERAL AVIATION AGENCY

[OE Docket No. 62–CE–6]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The General Electric Company, Lynchburg, Virginia, proposes to construct a radio antenna structure near Stephan, South Dakota, at latitude 44°21'09" north, longitude 99°27'34" west. The overall height of the structure would be 2,575 feet above mean sea level (400 feet above ground).

Objections were made in response to the circularization by the Air Transport Association of America and the Aircraft Owners and Pilots Association on the basis that the proposed structure would require an increase in the minimum en route altitude on VOR Federal airways Nos. 26 and 26 South between the Pierre, South Dakota, VOR and the Huron, South Dakota, VOR from 3,400 feet to 3,600 feet.

At the Kansas City Informal Airspace Meeting the ATA withdrew its objection.

The proposed structure would be located approximately 34.8 miles east of the Pierre VOR, 4.1 miles south of the centerline of Victor 26, seven miles north of the centerline of Victor 26S, and 2.2 miles south of a direct course between the Pierre Airport and the Howes Airport at Huron, South Dakota. It would exceed the hazards to air navigation criteria as defined in § 626.12 of the regulations of the Administrator as applied to Victor 26 between the Pierre VOR and the Huron VOR and would require an increase in the MEA of this airway segment from 3,400 feet to 3,600 feet. The Federal Aviation Agency 1961 peak day IFR traffic count for the affected airway segment was two flights. The Agency study disclosed that this increase in minimum en route altitude would have no substantial adverse effect upon aeronautical operations. It was determined that the proposed structure would not affect the minimum en route altitude or the minimum obstruction clearance altitude established for Victor 26S.

The FAA report of VFR general aviation operation for fiscal year 1961, indicates that there were approximately 120 Visual Flight Rules flight plans filed for direct route between the Pierre Airport and the Howes Airport, approximately 60 of which filed a flight altitude of 3,000 feet. The balance filed a flight altitude in excess of 3,000 feet. However, aircraft which file VFR at 3,000 via direct route between the above airports, should pass two miles north of the proposed structure at an elevation 425 feet higher than the proposed structure. Logical routing for VFR flight between Pierre and Huron other than direct would be via the airway Victor 26 or via the prominent highway and railroad between Pierre and Huron which parallels the direct route still farther north of the proposed structure. Therefore, the study disclosed that the proposed structure would have no adverse effect upon VFR operations between Pierre and Huron.

The Agency study disclosed that no other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the erection of the proposed antenna structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, and it is hereby determined that the structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

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

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62–5726; Filed, June 12, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12920; FCC 62–604]

ATLASS BROADCASTING CO., INC. (KKHI)

Order Designating Application for Hearing on Stated Issues

In re application of Atlass Broadcasting Co., Inc. (KKHI), San Francisco, California, Docket No. 12920, File No.

BP-12744; has: 1550 kc, 10 kw, DA-2, U, Class II, req: 1550 kc, 10 kw, 50 kw-LS, DA-2, U, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of June 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposal of Atlass Broadcasting Co., Inc. causes objectionable interference to Station KFBK, Sacramento, California.

2. The Commission is unable to find that the applicant is financially qualified to construct and operate the proposal because the cost estimates ($125,000) of the proposed construction were prepared by a previous licensee and current information is required; that the financial data filed with the application for assignment to the instant applicant (BAL-4277) does not show funds available or plans for financing the proposed construction.

It further appearing, that, in view of the outstanding proposed rule-making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, a grant of the proposal in this proceeding, prior to a final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KKHI and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal Station KKHI would cause objectionable interference to Station KFBK, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether Atlass Broadcasting Co., Inc. is financially qualified to construct and operate its proposed station.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That McClatchy Newspapers, licensee of Station KFBK, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the subject application, the construction permit shall be conditioned as follows:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, the permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that new tower construction and adjustment of the daytime directional array has not adversely affected the operation of the nighttime directional array.

The permittee shall accept such interference as may be received in the event of a subsequent grant of the Radio KCVR application, File No. BP-14792.

The permittee shall assume responsibility for the installation of suitable filter circuits or other equipment that may be necessary to attenuate any second harmonic radiation below the present noise level or not exceed a maximum of 2 microvolts per meter at the Alameda Naval Air Station (NAS) site.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: June 8, 1962.

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

[F.R. Doc. 62-5763; Filed, June 12, 1962; 8:50 a.m.]

[Docket No. 14659; FCC 62-602]

CHERRYVILLE BROADCASTING CO., INC.

Order Designating Application for Hearing on Stated Issues

In re application of Cherryville Broadcasting Co., Inc., Cherryville, North Carolina, Docket No. 14659, File No. BP-14041, requests: 1590 kc, 500 w, day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of June 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applicant will cause interference to Station WGIV, Charlotte, North Carolina.

2. The proposed operation will receive interference from existing stations which would affect more than ten percent of the population within the proposed normally protected service area in contravention of § 3.28(d)(3) of the Commission's rules.

It further appearing, that, in view of the proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposal in this proceeding, prior to a final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing, that examination of the application indicates that an elevated water tank and factory smoke stacks are located near the proposed antenna site; that the applicant indicates that appropriate steps will be taken to prevent reradiation from man-made structures and further indicates that radiation will be restricted by means of a series loss resistance if necessary; therefore, any grant of the application will be subject to the condition that the permittee shall submit a complete nondirectional proof of performance to establish that the radiation pattern has not been seriously distorted and that radiation has been restricted as proposed; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station WGIV, Charlotte,

North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing operations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal, in contravention of § 3.28(d) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, Charlotte Radio and Television Corporation, licensee of Station WGIV, Charlotte, North Carolina, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the instant proposal, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilties, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, permittee shall submit a complete non-directional proof of performance to establish that the proposed non-directional radiation pattern has not been seriously distorted due to reradiation from man-made structures in the immediate vicinity of the proposed antenna and to establish that radiation has been restricted to essentially 177 mv/m as proposed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: June 8, 1962.

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

[F.R. Doc. 62-5764; Filed, June 12, 1962; 8:50 a.m.]

[Docket No. 14662; FCC 62M-812]

DOVER BROADCASTING CO.

Order Scheduling Hearing and Prehearing Conference

In the matter of revocation of licenses of the Dover Broadcasting Company for Standard Broadcast Station WDOV and FM Broadcast Station WDOV-FM, Dover, Delaware, Docket No. 14662.

It is ordered, This 7th day of June 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 27, 1962, in Dover, Delaware; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, July 10, 1962, in the Offices of the Commission, Washington, D.C.

Released: June 8, 1962.

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

[F.R. Doc. 62-5765; Filed, June 12, 1962; 8:50 a.m.]

[Docket Nos. 14455, 14456]

JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

Notice of Place of Hearing

In re applications of W. D. Frink, tr/as Jefferson Radio Company (WIXI), Docket No. 14455, File No. BL-8187, for license to cover construction permit BP-10672 authorizing a new standard broadcast station at Irondale, Alabama; Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, Docket No. 14456, File No. BP-14110, for construction permit to build a new standard broadcast station at Centreville, Alabama.

The hearing on the above-entitled matter presently scheduled for Monday, June 18, 1962, will be held at 10:00 a.m. in Judge Lynne's Courtroom, third floor, west side, U.S. Post Office and Court House Building, Birmingham, Alabama.

Dated: June 8, 1962.

Released: June 8, 1962.

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

[F.R. Doc. 62-5766; Filed, June 12, 1962; 8:50 a.m.]

[Docket Nos. 13067, 13068; FCC 62M-803]

NEWTON BROADCASTING CO. AND TRANSCRIPT PRESS, INC.

Order Scheduling Hearing

In re applications of Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP-12884, Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on June 5, 1962, regarding date for hearing;

It is ordered, This 5th day of June 1962, that the hearing is scheduled for October 29, 1962, at 10:00 a.m.

Released: June 6, 1962.

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

[F.R. Doc. 62-5767; Filed, June 12, 1962; 8:50 a.m.]

[Docket No. 14510 etc.; FCC 62M-809]

ROCKLAND BROADCASTING CO. ET AL.

Order Rescheduling Hearing

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP-13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP-14054; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP-14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP-14469; City of Camden (WCAM), Camden, New Jersey, Docket No. 14616, File No. BP-14638; for construction permits.

On the petition of City of Camden (WCAM), filed May 31, 1962, and without objection by the other parties: *It is ordered,* This 7th day of June, 1962, that the time for exchanging direct engineering testimony by Delaware Valley Broadcasting Co. (WAAT), Asbury Park Press, Inc. (WJLK), and City of Camden (WCAM) is extended from June 11 to July 3, 1962. This extension will not affect the scheduled engineering hearing date for the other applicants, namely, June 25, 1962. A date for the engineering hearing on the applications of WAAT, WJLK, and WCAM will be set by later order.

Released: June 7, 1962.

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

[F.R. Doc. 62-5768; Filed, June 12, 1962; 8:50 a.m.]

[Docket Nos. 14635, 14636; FCC 62M-810]

SALEM BROADCASTING CO. (WJBD) AND LEADER BROADCASTING CO.

Order After Prehearing Conference

In re applications of Thomas S. Land and Bryan Davidson d/b as Salem Broadcasting Company (WJBD), Salem, Illinois, Docket No. 14635, File No. BP-14073; Donald E. Condee and Ned M.

Webber d/b as Leader Broadcasting Co., Edwardsville, Illinois, Docket No. 14636, File No. BP-14530; for construction permits.

Prehearing conference in the above-entitled proceeding was held June 7 at 9:00 a.m. as finally scheduled. The agreements of the parties as approved by the hearing examiner are a matter of record and the transcript of the prehearing conference will be incorporated by reference herein and may be cited should any questions pertaining thereto arise.

It is therefore ordered, This 7th day of June 1962, in accordance with agreements reached during prehearing conference, that the hearing which is presently scheduled to commence on July 19, 1962, is hereby rescheduled to commence on Wednesday, September 19, 1962, at 10 a.m., at the Commission's offices, Washington, D.C.; that direct case exhibits are to be exchanged among counsel (with one copy to the hearing examiner) by August 6 and rebuttal exhibits by August 27; and that as stated above the transcript of the prehearing conference is hereby incorporated by reference herein with the same force and effect as if it were set forth in extenso.

Released: June 7, 1962.

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

[F.R. Doc. 62-5769; Filed, June 12, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP62-28, CI62-53]

EL PASO NATURAL GAS CO. AND SHELL OIL CO.

Notice of Applications, Consolidation, and Date of Hearing

JUNE 6, 1962.

Take notice that on August 2, 1961, El Paso Natural Gas Company, El Paso, Texas (El Paso) filed an application in Docket No. CP62-28, as supplemented on December 13, 1961, requesting authorization to operate an existing 2.4 miles of 4½ inch field line necessary to purchase gas from Shell Oil Company (Shell) for resale in interstate commerce. El Paso states that since May 28, 1958, it has been purchasing gas from Shell under short term contracts and transporting the gas through this field line and its existing Eunice-Carlsbad transmission line for resale in intrastate commerce. El Paso now proposes to transport this gas through the above-mentioned existing field line and its existing Eunice-Carlsbad transmission line for resale in interstate commerce. El Paso further states that it has negotiated a long term gas purchase contract with Shell covering this gas, which is located in the Los Medanos Field, Eddy County, New Mexico.

The cost of constructing this line was $27,667.00. No additional markets are proposed to be served.

Take further notice that on July 18, 1961, Shell filed its related certificate application in Docket No. CI62-53 for authorization to sell gas to El Paso for resale in interstate commerce from the above-mentioned field pursuant to a gas sales contract dated May 25, 1961, tentatively designated Shell Oil Company FPC Gas Rate Schedule No. 253. Shell owns a 100 percent working interest in the acreage dedicated to the above-mentioned contract. Shell's facilities consist of the customary lease equipment.

Deliveries are proposed to be made at the wellhead at an initial price of 15.5 cents per Mcf at 14.65 psia plus 0.0017 cent per Mcf tax reimbursement, or total price of 15.5017 cents per Mcf. The contract provides that beginning on the date of initial deliveries thereunder and continuing until January 1, 1965, El Paso will take or pay for a minimum of 2,000 Mcf per day. After January 1, 1965, El Paso will pay for a minimum of 1,000 Mcf for each 7,300 MMcf of reserves underlying the acreage dedicated to the contract, whether taken or not. The contract further provides that El Paso has 20 years from the date of initial delivery to take any gas paid for but not taken. However, if the price in effect at the time the make up gas is taken is in excess of the price in effect at the time the gas was paid for but not taken, El Paso must make up the difference.

El Paso states that the total recoverable reserves underlying the acreage dedicated to the contract are 3,500 MMcf of gas.

Additional information concerning the above applications is contained in the applications as supplemented, on file with the Commission and open to public inspection.

These matters are interrelated and should be disposed of on a consolidated record.

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 September 10, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5727; Filed, June 12, 1962; 8:45 a.m.]

[Docket No. CP62-255]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application and Date of Hearing

JUNE 6, 1962.

Take notice that on May 3, 1962, as supplemented on May 14, 1962, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City 10, Utah, filed in Docket No. CP62-255 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 59.93 miles of 20-inch O.D. pipeline in Wyoming between Applicant's East Hiawatha Field and Kanda Junction replacing the existing 16-inch pipeline between these points, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application states that the existing line was constructed in 1929 and contains numerous "wrinkle belly" expansion joints which has caused collection of liquids, low transmission efficiency, and pipeline failures during periods of low temperatures. The proposed replacement will eliminate the above operating problems and will provide the needed capacity to meet the firm peak-load requirements for the coming 1962-1963 winter season, Applicant states.

Applicant estimates that its firm peak-day requirements during the winter season of 1962-1963 will be approximately 347,000 Mcf of which 341,000 Mcf are in its Utah service area. Applicant expects to obtain 87,000 Mcf per day from its intrastate facilities, leaving 260,000 Mcf per day, an increase of 22,000 Mcf, to be obtained from its interstate system. It is estimated that the increased capacity of 22,000 Mcf per day will not be required more than 60 days during the winter season and that the increased sales will be about 1,751,000 Mcf per year.

The estimated cost of the proposed replacement, including removal of the existing pipeline, is $3,510,000, which will be financed from internal sources and short term bank loans.

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 June 28, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 25, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and con-

currence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5728; Filed, June 12, 1962; 8:45 a.m.]

[Docket No. CP62-153]

OHIO FUEL GAS CO.

Notice of Application

JUNE 6, 1962.

Take notice that on December 29, 1961, The Ohio Fuel Gas Company, an Ohio corporation whose principal place of business is 99 North Front Street, Columbus, Ohio, filed an application, as supplemented on January 22, 1962, under section 7, paragraphs (b) and (c) of the Natural Gas Act. Applicant seeks permission to abandon by sale, certain of its facilities located in Ohio to Columbia Gas of Ohio, Inc., a newly formed subsidiary of the Columbia Gas System. Applicant also requests a certificate of public convenience and necessity to sell gas to Columbia Gas of Ohio, Inc., for resale in existing markets and construct and operate 93 town border meter stations at proposed delivery points to Columbia Gas of Ohio. Total estimated cost of the new meter stations is $492,045. The aggregate book value of assets to be transferred to Columbia of Ohio, as of June 30, 1961, less related reserves and cash to be paid for utility accounts receivable, was $122,700,400. No change in service to ultimate consumers is proposed.

Additional information concerning the above proposal is contained in the application as supplemented, on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5729; Filed, June 12, 1962; 8:45 a.m.]

[Project No. 2312]

PENOBSCOT CHEMICAL FIBRE CO.

Notice of Application for License

JUNE 6, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Penobscot Chemical Fibre Company (correspondence to: George Alexander, Treasurer, Penobscot Chemical Fibre Company, 211 Congress Street, Boston, Massachusetts) for license for constructed Project No. 2312, located on Penobscot River in the Great Works section of Old Town, Penobscot County, Maine.

The project consists of: a rock-filled log and plank main dam approximately 20 feet high and 777 feet long with a 250-foot concrete and stone capped wing-section, creating river pondage extending upstream to the tailrace of the Milford Dam of the Bangor Hydro-Electric Company; fishway; log sluice; spillways, ten operating sluice gates leading to ten water wheels connected to twelve generating units (two of the water wheels being connected to two generators each) having a total installed capacity of 3380 kw of alternating current and 2150 kw of direct current.

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 day upon which protests or petitions may be filed is July 31, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5730; Filed, June 12, 1962; 8:45 a.m.]

[Docket No. CP62-258]

SOUTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

JUNE 6, 1962.

Take notice that on May 7, 1962, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham 2, Alabama, filed in Docket No. CP62-258 an application for a certificate of public convenience and necessity authorizing the operation of a tap and metering and regulating station (Mitchell Village tap) at milepost 150.399 on Applicant's Montgomery-Columbus line in Macon County, Alabama, and the sale of natural gas to the City of Tuskegee, Alabama, for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the facilities to be used in connection with the sale are already in existence and that no construction will be required of either Applicant or the City for the contemplated service.

The application further states that the City has recently purchased property in Macon County, Alabama, which, during World War II was owned and operated by the United States Army. The Army had purchased natural gas from Applicant for use on the property, which gas was delivered at the line tap described above. The property was subsequently sold to private interests and became known as Mitchell Village. Applicant has continued to deliver natural gas to Mitchell Village, selling it to the owners who distributed the gas to dwellings on said property but who did not resell the gas.

The City, the present owner of the property, has advised Applicant that it desires to resell gas, purchased from Applicant, to the occupants of the dwellings on the property. The distribution would be made through the existing distribution system. Applicant and the City have entered into a service agreement providing for the sale by Applicant and the purchase by the City of the City's natural gas requirements for Mitchell Village up to a maximum delivery obligation of 50 Mcf per day at 14.73 psia for a period of 20 years under Applicant's G-2 rate schedule which is on file with the Commission. There will be no cost to Applicant not now being incurred.

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 July 10, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5731; Filed, June 12, 1962; 8:45 a.m.]

[Docket No. CP62-173]

TOWN OF STEELE, ALABAMA

Notice of Application

JUNE 6, 1962.

Take notice that on January 25, 1962, the Town of Steele, Alabama (Applicant) filed an application, as supplemented on February 23, 1962, March 12, 1962, and March 28, 1962, pursuant to section 7 (a) of the Natural Gas Act for an order directing Southern Natural Gas Company (Southern) to establish physical connection of its facilities with those which Applicant proposes to construct and to sell and deliver up to 169 Mcf of natural gas per day to Applicant for resale and distribution in the Town of Steele and the territory surrounding said municipality all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

In its answer filed on February 26, 1962, Southern expressed its consent to the issuance of the order requested: *Provided:*

(1) That the Commission find that Applicant's proposed project is economically feasible, and

(2) That the point of interconnection between Applicant's proposed supply line and Southern's Gadsden lateral line be at or near milepost 25 of Southern's Gadsden lateral line, in the NE¼ of SE¼ of Section 6, T13S, R5E, Etowah County, Alabama.

Applicant's Supplement of March 12, 1962 expressed approval of the delivery point proposed by Southern in its answer.

Protests, request for hearing or petitions to intervene in this proceeding 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 June 29, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5732; Filed, June 12, 1962; 8:45 a.m.]

[Docket No. CP62-237]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JUNE 6, 1962.

Take notice that on April 10, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-237 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 a pipeline loop in order to sell and deliver additional quantities of natural gas to United Gas Corporation (UGC) for resale in the Town of Poplarville, Mississippi, in order to meet the increased requirements of Poplarville, a present customer of UGC, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 3.4 miles of 4-inch pipeline loop beginning at the point of tie-in of Applicant's existing Poplarville 2-inch lateral with Applicant's existing Baxterville Field-to-Mobile Junction 20-inch pipeline, Lamar County, Mississippi, and extending southerly to a point in Pearl River County, Mississippi.

Applicant states that it will provide the increased requirements of Poplarville from its present gas supply.

The third year peak day sales to Poplarville are estimated at 1,050 Mcf.

The application shows that the cost of the proposed facilities is estimated to be $68,500, which cost will be financed from 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 July 9, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 28, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5733; Filed, June 12, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JUNE 7, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 8, 1962, to June 17, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-5746; Filed, June 12, 1962; 8:47 a.m.]

TARIFF COMMISSION

[87-456-1]

CERTAIN PROVISIONS OF THE TARIFF SCHEDULES

Notice of Supplemental Hearing

Because of inadvertent delay in publication in the FEDERAL REGISTER of the notice of the hearing scheduled for June 18, 1962 in connection with the Commission's further consideration of certain provisions of the Tariff Schedules of the United States included in Annex I to the Commission's public notice issued June 1, 1962 (27 F.R. 5359) and to assure that all interested parties will have an ample opportunity to be heard in connection therewith, notice is hereby given that a supplemental public hearing has been scheduled to begin at 10 a.m., e.d.s.t., on Friday, the 29th day of June 1962, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C.

Issued: June 12, 1962.

By order of the Commission, June 12, 1962.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62-5844; Filed, June 12, 1962; 11:01 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 214]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 8, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be

numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 43), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed May 31, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Ohio Highway 440 and Interstate Highway 70, near Springfield, Ohio, over Interstate Highway 70 to junction Ohio Highway 440, east of Lewisburg, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between the same points over Ohio Highway 440.

No. MC 2202 (Deviation No. 44), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed June 1, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of Illinois Highway 47 and Interstate Highway 90, over Interstate Highway 90 to junction U.S. Highway 20, east of Rockford, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of Illinois Highway 47 and U.S. Highway 20, over U.S. Highway 20 to Rockford, and return over the same route.

No. MC 2202 (Deviation No. 45), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 30 and 202, over U.S. Highway 202 to junction Interstate Highway 80S, near King of Prussia, Pa., thence over Interstate Highway 80S to Philadelphia, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highways 30 and 202, over U.S. Highway 30 to Philadelphia, and return over the same route.

No. MC 9942 (Deviation No. 8), HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill., filed May 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Illinois Highway 1 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 41, at Kentland, Ind., thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Lafayette, Ind., thence over Indiana Highway 231 to Crawfordsville, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over Illinois Highway 1, via Watseka, Ill., to Danville, Ill., thence over U.S. Highway 136 to Crawfordsville, and return over the same route.

No. MC 38541 (Deviation No. 2), WHITE MOTOR EXPRESS, INCORPORATED, 321 Benedict Street, Nashville 6, Tenn., filed May 31, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 70N to Lebanon, Tenn., thence over U.S. Highway 70N to junction Tennessee Highway 109, thence over Tennessee Highway 109 to junction U.S. Highway 31E, at Gallatin, Tenn., thence over U.S. Highway 31E to Hodgenville, Ky., thence over Kentucky Highway 61 to Elizabethtown, Ky., thence over U.S. Highway 31W to Louisville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Louisville over U.S. Highway 31W to Elizabethtown, thence over Kentucky Highway 61 to Hodgenville, thence over U.S. Highway 31E to Westmoreland, Tenn., thence over Tennessee Highway 52 to Lafayette, Tenn., thence over Tennessee Highway 10 to junction Tennessee Highway 25, near Hartsville, Tenn., thence over Tennessee Highway 25 to junction U.S. Highway 231, thence over U.S. Highway 231 to Lebanon; also from Lafayette, Tenn., over Tennessee Highway 52 to Celina, Tenn., thence over Tennessee Highway 53 to Chestnut Mound, Tenn., thence over U.S. Highway 70N to junction unnumbered highway, near Chestnut Mound, Tenn., thence over unnumbered highway to junction Tennessee Highway 56, thence over Tennessee Highway 56 to Smithville, Tenn., thence over Tennessee Highway 26 to Lebanon; from Nashville over U.S. Highway 31E to junction Tennessee Highway 52, thence over Tennessee Highway 52 to Lafayette, Tenn.; and from Nashville over U.S. Highway 31E to Westmoreland, Tenn., and return over the same routes.

No. MC 55896 (Deviation No. 4), R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn 2, Mich., filed May 25, 1962. Attorney William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Muncie, Ind., over Indiana Highway 67 to junction U.S. Highway 36, at or near Anderson, Ind., and (B) from the junction of Indiana Highway 212 and U.S. Highway 12, near Michigan City, Ind., over Indiana Highway 212 to junction U.S. Highway 20, thence over U.S. Highway 20 to Gary, Ind., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Muncie over Indiana Highway 32 to junction Indiana Highway 67; and from the junction of U.S. Highway 12 and Indiana Highway 212 over U.S. Highway 12 to Gary, and return over the same routes.

No. MC 59474 (Deviation No. 1), DAUM OVER-NITE EXPRESS, INC., 615 Indiana Building, Indianapolis 4, Ind., filed May 31, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill., and Indianapolis, Ind., over Interstate Highway 65, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, and return over the same route.

No. MC 78632 (Deviation No. 15) HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Milwaukee, Wis., over U.S. Highway 41 to junction Wisconsin Highway 20, approximately 6 miles west of Racine, Wis., thence over Wisconsin Highway 20 to Racine, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Carrollville, Wis., thence over Wisconsin Highway 100 to junction Milwaukee County Highway H, thence over Milwaukee County Highway H to Milwaukee; from Chicago, Ill. over Illinois Highway 21 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Wisconsin Highway 36, thence over Wisconsin Highway 36 to Milwaukee; from Chicago, Ill., over U.S. Highway 41 to Milwaukee, thence over city streets to West Allis, Wis.; from Chicago, Ill., over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, thence over city streets to West Allis, Wis.; and from Chicago, Ill., over Eden's Expressway to junction U.S. Highway 41, and return over the same routes.

No. MC 78632 (Deviation No. 16) HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Mil-

waukee, Wis., over U.S. Highway 41 to junction Wisconsin Highway 158, approximately 4 miles west of Kenosha, Wis., thence over Wisconsin Highway 158 to Kenosha, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Carrollville, Wis., thence over Wisconsin Highway 100 to junction Milwaukee County Highway H, thence over Milwaukee County Highway H to Milwaukee; from Chicago, Ill., over Illinois Highway 21 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Wisconsin Highway 36, thence over Wisconsin Highway 36 to Milwaukee: from Chicago, Ill., over U.S. Highway 41 to Milwaukee; from Chicago, Ill., over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, thence over city streets to West Allis, Wis.; and from Chicago, Ill., over Eden's Expressway to junction U.S. Highway 41, and return over the same routes.

No. MC 91707 (Deviation No. 1), MAFFET TRANSFER LINE, Elizabethtown, Ky., filed May 21, 1962. Attorney Harry V. McChesney, Jr., McClure Building, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Radcliff and Elizabethtown, Ky., over New U.S. Highway 31W, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Radcliff over Kentucky Highway 447 to Elizabethtown, and return over the same route.

No. MC 108185 (Deviation No. 5), DIXIE HIGHWAY EXPRESS, INC., 1600 B Street, P.O. Box 631, Meridian, Miss., filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Opelika and Selma, Ala., over Alabama Highway 14, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Opelika over U.S. Highway 29 to junction U.S. Highway 80, thence over U.S. Highway 80 to Selma, and return over the same route.

No. MC 109972 (Deviation No. 7), HARRIS EXPRESS, INC., 1425 North Tryon Street, P.O. Box 10091, Charlotte 1, N.C., filed May 28, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 29 and Interstate Highway 85, near Belmont, N.C., over Interstate Highway 85 to junction U.S. Highway 29, approximately 6 miles north of Charlotte, N.C., thence over U.S. Highway 29 to junction Interstate Highway 85, near China Grove, N.C., thence over Interstate Highway 85 to junction U.S. Highway 15, approximately 6 miles north of Durham, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Greenville, S.C., over U.S. Highway 29 to Charlotte; and from Charlotte over U.S. Highway 29 to Greensboro, N.C., thence over U.S. Highway 70 to Durham, thence over U.S. Highway 15 to Oxford, N.C., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 81), THE GREYHOUND CORPORATION, 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Jacksonville, Fla., over Interstate Highway 10 to junction U.S. Highway 90, near Sanderson, Fla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Chattanooga, Tenn., over U.S. Highway 41, via Macon, Ga., to Lake City, Fla., thence over U.S. Highway 90 to Jacksonville, and return over the same route.

No. MC 1501 (Deviation No. 82), THE GREYHOUND CORPORATION, 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 21 and Interstate Highway 77, at or near Fairplain, W. Va., over Interstate Highway 77 to junction U.S. Highway 21, at or near White Chapel, W. Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Parkersburg, W. Va., over U.S. Highway 21 to Ripley, W. Va., thence over relocated U.S. Highway 21 to Fairplain, thence over U.S. Highway 21, via Oak Hill and Glen Jean, W. Va., to Beckley, W. Va., and return over the same route.

By the Commission.

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

[F.R. Doc. 62-5752; Filed, June 12, 1962; 8:48 a.m.]

[Notice 450]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 8, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 1550 (Sub-No. 14), filed May 24, 1962. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road NE., Minneapolis, Minn. Applicant's attorney: Will S. Tomljanovich, 2327 Wycliff Street, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, raw and processed, including blanched, cooked, and frozen, from Grand Forks and Grafton, N. Dak., Crookston, East Grand Forks, and Barnesville, Minn., to points in Minnesota and Wisconsin and those points in Illinois on and north of U.S. Highway 30.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 30844 (Sub-No. 74), filed May 14, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O.

Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, and potato products*, frozen and unfrozen, cooked, uncooked and blanched, (1) from Grand Forks, Fargo, and Grafton, N. Dak., and Crookston, Mankato, and Barnesville, Minn., and Sioux City, Iowa, to points in Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, and West Virginia, and (2) from Grand Forks and Grafton, N. Dak., to Mankato, Minn.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 43475 (Sub-No. 49), filed March 15, 1962. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, Roseville, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, frozen and unfrozen, cooked and uncooked, or blanched, from Grand Forks and Grafton, N. Dak., Crookston, Barnesville, and Mankato, Minn., to points in Minnesota, Wisconsin, and those in that part of Illinois, on and north of U.S. Highway 30.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 42487 (Sub-No. 551), filed May 11, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, not frozen, (1) from points in North Dakota and Minnesota to points in North Dakota, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Missouri, Louisville, Ky., and points in Iowa on and east of U.S. Highway 69; and (2) from points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Missouri, Louisville, Ky., and points in Iowa on and east of U.S. Highway 69.

NOTE: Applicant states that it and Missouri Consolidated Freightways Corporation are wholly owned subsidiaries of Consolidated Freightways Inc., a non-carrier; and that applicant owns all outstanding stock of New York Consolidated Freightways Corporation, Foster Freight Lines, Wheeler Transfer & Storage Company and Canadian Freightways, Ltd.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 95540 (Sub-No. 408), filed March 9, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorneys: Donald E. Leonard and Duane W. Acklie, 605 south 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked and blanched (1) from Grand Forks, Fargo, and Grafton, N. Dak., and Crookston and Barnesville, Minn., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Washington and Wisconsin, (2) from Grand Forks, Fargo, and Grafton, N. Dak., to Mankato, Minn., and (b) *frozen foods*, from Mankato, Minn., and Sioux City, Iowa, to points in the destination states indicated in a(1) above.

NOTE: Common control may be involved.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 103435 (Sub-No. 113), filed April 26, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, frozen and unfrozen, cooked, uncooked, and blanched, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Illinois, Iowa, Kansas, Missouri, Nebraska, and South Dakota.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 111812 (Sub-No. 160), filed April 5, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, and potato products, frozen and unfrozen, cooked and uncooked, and blanched*, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., Crookston, Mankato, Barnesville, Hopkins, and East Grand Forks, Minn., to points in the United States (except points in Alaska, and Hawaii).

NOTE: Common control may be involved.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117119 (Sub-No. 52), filed May 3, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark.; A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (1) from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; (2) from points in Grand Forks County, Park River, and Grafton, N. Dak., and Crookston and East Grand Forks, Minn., to Mankato, Minn., and Sioux City, Iowa; and (3) from Sioux City, Iowa, and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; and *empty containers*, or other such incidental facilities (not specified) used in transporting the above commodities on return.

NOTE: Applicant states that it is authorized to lease temporarily the properties of Pellham Transportation Company, Inc.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117686 (Sub-No. 11), filed March 9, 1962. Applicant: RAYMOND C. HIRSCHBACK, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (a) from Grand Forks, Fargo, and Grafton, N. Dak., and Crookston and Barnesville, Minn., to points in Alabama, Arizona, Arkansas, California, Florida, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Oregon, Tennessee, Texas, and Washington (b) from Grand Forks, Fargo and Grafton, N. Dak., to Mankato, Minn., and (2) *frozen foods*, from Mankato, Minn., and Sioux City, Iowa, to points in Alabama, Arizona, Arkansas, California, Florida, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Oregon, Tennessee, Texas, and Washington.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 119268 (Sub-No. 12), filed May 7, 1962. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, Birmingham 5, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (1) from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas, (2) from points in Grand Forks County, Park River, and Grafton, N. Dak., and Crookston and East Grand Forks, Minn., to Mankato, Minn., and Sioux City, Iowa, and (3) Sioux City, Iowa, and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Ten-

nessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas.

HEARING: July 31, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

By the Commission.

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

[F.R. Doc. 62-5753; Filed, June 12, 1962; 8:48 a.m.]

[Notice 451]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 8, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 52), filed May 9, 1962. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Grimm & Postell, 1375 Peachtree Street, NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Refractory grain, kyanite* and *mullite,* other than in bulk, from points in Wilkes and Lincoln Counties, Ga., and McCormick County, S.C., to points in Ohio, Missouri, Illinois, Indiana, Michigan, and Kentucky.

HEARING: July 24, 1962, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 1222 (Sub-No. 20), filed May 23, 1962. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, Ohio. Applicant's attorney: Robert H. Kinker, Seventh Floor McClure Building, P.O. Box 127, Frankfort, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foam, cellular, expanded, or sponge plastic articles, and materials,* from Hanging Rock, Ohio (just west of Ironton), to points in Indiana, Kentucky, West Virginia, and those points in Pennsylvania on and west of U.S. Highway 219, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant states duplication with present authority to be eliminated.

HEARING: July 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 2309 (Sub-No. 46), filed May 22, 1962. Applicant: GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, Dallas, Tex. Applicant's representative: R. L. Carraway, P.O. Box 35706, Dallas 35, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives (other than explosives, incendiary, gas, smoke or tear-producing ammunition falling within that category), household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, Tex., and Freeport, Tex.; (1) from Houston over Texas Highway 288 to Freeport, and (2) from Houston over Texas Highway 35 to junction with Texas Highway 288 at or near Angleton, Tex., thence over Texas Highway 288 to Freeport, and return over the same routes, serving no intermediate points and correlating service with applicant's present service over its existing authorized route to and from Houston, Tex.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 2960 (Sub-No. 5), filed June 4, 1962. Applicant: D. A. BEARD TRUCK LINES COMPANY, a corporation, 6002 Harvey Wilson, Houston, Tex. Applicant's attorney: Joe G. Fender, P.O. Box 66787, Houston 6, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: (1) *Ammunition (explosives, incendiary, or gas, smoke, or tear producing), manufactured ingredients and component parts of ammunition, and* (2) *general commodities* (except those of unusual value, Classes A and B explosives, other than ammunition and manufactured ingredients and component parts of ammunition as specified above, livestock, rock, gravel, sand, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, and Freeport, Tex., (1) from Houston, over Texas Highway 288 to Freeport, and (2) from Houston, over Texas Highway 35 to junction with Texas Highway 288 at or near Angleton, thence over Texas Highway 288, to Freeport, and return over the same routes, serving no intermediate points, and coordinating service with Applicant's regular route operations to and from Houston, Tex.

NOTE: Common control may be involved.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Examiner C. Evans Brooks.

No. MC 2980 (Sub-No. 1), filed April 26, 1962. Applicant: LANDGREBE MOTOR TRANSPORT, INC., State Road No. 130, Valparaiso, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Valparaiso, Ind., and Wanatha, Ind.; over U.S. Highway 30, and return over the same route, serving all intermediate points.

HEARING: July 26, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 149.

No. MC 4405 (Sub-No. 392), filed May 25, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers* and *trailer chassis and semitrailer chassis* (except those designed to be drawn by passenger automobiles) in initial movements, in truckaway and driveaway service, from Findlay, Ohio, to points in the United States, including Alaska but excluding Hawaii, and (2) *tractors,* in secondary driveway service, only when drawing trailers moving in initial driveaway service, from Findlay, Ohio, to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: Applicant states "W. F. Carey and Bert B. Beveridge who control applicant also control Automobile Carriers, Inc., and C. & J. Commercial Driveaway Company, Inc."

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 10761 (Sub-No. 120), filed April 16, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210-12, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving Utica, Mich. located in Macomb County, as an off-route point in connection with applicant's regular-route operations between Detroit, Mich., and Bay City, Mich.

HEARING: August 2, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 10928 (Sub-No. 44), filed June 7, 1962. Applicant: SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, Dallas, Tex. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment), be-

tween Houston, and Freeport, Tex., (a) from Houston, over Texas Highway 288, to Freeport, and return over the same route, serving no intermediate points, and (b) from Houston, over Texas Highway 35, to junction of Texas Highway 35, and Texas Highway 288, thence over Texas Highway 288, to Freeport, and return over the same route, serving no intermediate points.

NOTE: Common control may be involved.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 20994 (Sub-No. 2), filed April 13, 1962. Applicant: INTER CITY AUTO FREIGHT, INC., 1821 Dock Street, Tacoma, Wash. Applicant's attorneys E. K. Murray and E. M. Murray, 1125 Rust Building, Tacoma 2, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk): (1) Between Everett, Wash., and Diablo, Wash.; over presently authorized routes, serving all intermediate points. (2) Between Diablo Dam and the Summit of The Cascade Mountains near Rainy Pass, Wash.; from Diablo Dam over unnumbered highway through Fourth of July Pass to the junction of Ruby Creek and Cabin Canyon Creek, thence over unnumbered highway to Rainy Pass, thence to the Summit of The Cascade Mountains and return over the same route, serving all intermediate points.

NOTE: The purpose of this application is to enable applicant in (1) above to permit service to all intermediate points unrestricted, and in (2) above to extend carrier's present regular-route authority and also amend carriers present regular-route authority by removing therefrom, where same presently exists, restrictions prohibiting the transportation of "commodities requiring special equipment."

HEARING: July 26, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate before Examiner Richard H. Roberts.

No. MC 22195 (Sub-No. 89), filed May 7, 1962. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas and natural gasoline*, in bulk, in tank vehicles, from Mentor, Minn., and points within 5 miles thereof to points in North Dakota, South Dakota, Iowa, Wisconsin, and the upper peninsula of Michigan and to points in North Dakota and Minnesota on the International Boundary Line between the United States and Canada, and *rejected shipments*, of the above specified commodities, on return.

HEARING: July 17, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo. M. Pellerzi.

No. MC 22195 (Sub-No. 90), filed May 14, 1962. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, from West Fargo, N. Dak., and points within five (5) miles thereof, to points in Minnesota, South Dakota, Iowa, and Nebraska, and *rejected shipments* of the commodities specified above, on return.

HEARING: July 16, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 23939 (Sub-No. 142), filed May 21, 1962. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank trailers, between missile sites, production plants, and missile test facilities in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

NOTE: Applicant states it presently holds permanent authority to transport certain of the above-identified commodities between specified points and states encompassed within the territorial description above set forth. Applicant seeks no duplicating operating authority.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 28478 (Sub-No. 18), filed April 5, 1962. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points within five (5) miles of Howell, Mich., as off-route points in connection with carrier's authorized regular route operations to and from Howell.

HEARING: July 30, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 30224 (Sub-No. 21), filed May 23, 1962. Applicant: TRANSPORT SERVICE, INC., first and Capitol Street, Yankton, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer* and *empty beer containers*, from Minneapolis and Saint Paul, Minn., to Yankton, S. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities above, on return trips.

HEARING: July 27, 1962, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 366, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 30844 (Sub-No. 73), filed May 11, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, (a) from Luverne, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Kansas, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Washington, D.C., and (b) from Sioux City, Iowa, to Luverne, Minn.

NOTE: Applicant states the proposed service as shown in (b) above will be restricted to traffic moving beyond Luverne, Minn., to points in the destination states specified in (a) above.

HEARING: July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 30844 (Sub-No. 63) (CORRECTION), filed March 9, 1962, published in FEDERAL REGISTER issue of May 16, 1962, corrected May 28, 1962, and republished, as corrected, this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Iowa City, Iowa, to Downingtown, Pa., and (2) from Council Bluffs, Iowa to Pittsburgh, Greensburg, Carbon Center, and Scranton, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: The purpose of this republication is to designate the destination point of "Carbon Center, Pa." in lieu of "Carbon, Pa." as previously published.

HEARING: Remains as assigned June 20, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner Richard White.

No. MC 46280 (Sub-No. 44), filed March 1, 1962. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue S., Grand Rapids 8, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring

special equipment), between Detroit, Mich., on the one hand, and on the other, Grand Ledge, Mich.

HEARING: July 31, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 50069 (Sub-No. 257), filed May 18, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Huron, Ohio, and points within five (5) miles thereof, to points in Minnesota, New York, Wisconsin, Illinois, Indiana, and Michigan.

HEARING: July 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 52657 (Sub-No. 622), filed May 21, 1962. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, trailer chassis, semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in driveaway service, from Exeter, Pa., to points in the United States, including Alaska (except points in Hawaii), and (2) *tractors*, in secondary driveaway service, only when drawing trailers in initial movements, from Exeter, Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 52657 (Sub-No. 623), filed May 21, 1962. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, trailer chassis, semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Findlay, Ohio, to points in the United States, including Alaska (except points in Hawaii), (2) *tractors*, in secondary driveaway service, only when drawing trailers in initial movements, from Findlay, Ohio, to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, (3) *trailers, semitrailers* (except those designed to be drawn by passenger automobiles), in secondary movements in truckaway and driveaway service, from Exeter, Pa., to points in the United States, including Alaska (except points in Hawaii), and (4) *tractors*, in secondary driveaway service, only when drawing trailers in secondary movements, from Exeter, Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

NOTE: Applicant states the proposed service as shown in (3) and (4) above, is restricted to the transportation of trailers and semitrailers that were manufactured or assembled in Findlay, Ohio, and were transported to Exeter, Pa., for the purpose of assembling or installing bodies or other equipment.

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 52657 (Sub-No. 624), filed May 21, 1962. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles*, in initial driveaway and truckaway service, from points in Schuylkill County, Pa., to points in the United States, including Alaska (except in Hawaii), and (2) return of *motor vehicles*, from points in the United States, including Alaska (except points in Hawaii), to points in Schuylkill County, Pa.

NOTE: Applicant states the return shipments to be restricted to motor vehicles that were manufactured or assembled at points in Schuylkill County, Pa., and returned because of rejection, damaged, repairs, conversion or further research development.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 52861 (Sub-No. 4), filed March 26, 1962. Applicant: HAROLD W. STEWART, INC., 102 Andrus Road, Toledo, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844–5850 North High Street, Worthington, Ohio. Applicant's attorneys: Herbert Baker and James Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (except liquid commodities and cement), between points in Lucas County, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, and Michigan (except those points in Michigan within 40 mile radius of Monroe, Mich.).

HEARING: July 19, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC 52861 (Sub-No. 5), filed March 26, 1962. Applicant: HAROLD W. STEWART, INC., 102 Andrus Road, Toledo, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844–5850 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities* (except liquid commodities), between Monroe, Mich., and points within 40 miles of Monroe, on the one hand, and, on the other, points in Ohio within 40 miles of Monroe.

HEARING: July 20, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 55896 (Sub-No. 14), filed May 15, 1962. Applicant: R.W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment), from Goshen, Ind., to Marion, Ind.; from Goshen over Indiana Highway 15 to Marion, and return over the same route, serving no intermediate points as an alternate route for operating convenience only in connection with applicant's regular-route operations.

HEARING: July 27, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 149.

No. MC 61396 (Sub-No. 90), filed May 23, 1962. Applicant: HERMAN BROS., INC., 2501 North 11th Street, P.O. Box 189, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oyster shells, fish meal, fish scrap*, and *animal feed grade sugar*, from Council Bluffs, Iowa, and Omaha, Nebr., to points in Iowa, Nebraska, Minnesota, Missouri, North Dakota, South Dakota, and Kansas. (2) *Salt*, from Council Bluffs, Iowa, to points in Kansas. (3) *Returned and rejected shipments*, on return in (1) and (2) above.

HEARING: July 19, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 61506 (Sub-No. 14) (AMENDMENT), filed February 21, 1962, published FEDERAL REGISTER issue May 30, 1962, amended May 31, 1962, and republished as amended this issue. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Applicant's attorney: Theodore M. Forbes, Jr., Suite 825, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, other than gasoline, kerosene, refined, and crude oils, between Charleston, S.C., and Savannah, Ga., on the one hand, and, on the other, points in Georgia and South Carolina.

NOTE: The purpose of this republication is to change the proposed operation to a "be-

tween" movement in lieu of a "from and to" movement.

HEARING: Remains as assigned July 13, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 64994 (Sub-No. 37), filed May 24, 1962. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's representative: Frank C. Philips (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, wrapping paper* and *activated carbon*, from Covington, Va., to points in Ohio, Indiana, those in Michigan on and south of U.S. Highway 21 and those in the Chicago, Ill., Commercial Zone as defined by the Commission.

HEARING: July 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 65802 (Sub-No. 23), filed April 2, 1962. Applicant: LYNDEN TRANSFER, INC., P.O. Box 433, Lynden, Wash. Applicant's attorney: James T. Johnson, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pyrite cinders*, from the Port of Entry on the International Boundary Line between the United States and Canada at or near Blaine, Wash., to Bellingham, Wash.

NOTE: Applicant states it and Milky Way, Inc., holder of authority issued in Docket No. MC 110899, are controlled by Henry Jansen.

HEARING: July 27, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

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

HEARING: July 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 67916 (Sub-No. 22), filed April 5, 1962. Applicant: NEW YORK CENTRAL TRANSPORT COMPANY, a corporation, 230 Park Avenue, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk in tank vehicles, and motor vehicles when transported in special equipment), between Detroit, Mich., and Saginaw, Mich.; from Detroit over Expressway out of Detroit over Northwestern Highway to U.S. Highway 24 to the U.S. Highway 10 Bypass; U.S. Highway 10 to U.S. Highway 23; thence over U.S. Highway 23 to Michigan Highway 46, thence over Michigan Highway 46 to Saginaw, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations between Detroit and Midland, Mich.

NOTE: Applicant states it is a subsidiary of the New York Central Railroad Company (Central). Central, as the parent railroad company, controls other carrier corporations, which are members of a group known as The New York Central System. The Alleghany Corp., in turn, controls Central and its affiliated carriers.

HEARING: July 30, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 69876 (Sub-No. 10), filed April 25, 1962. Applicant: BURKS PELZ TRANSFER, INC., 801–B North Wabash Street, Evansville, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities such as are usually handled by wholesale hardware houses*, from Evansville, Ind., to points in Cumberland, Fayette, Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, Randolph, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski and Massac Counties, Ill., and points in Ballard, McCracken, Carlisle, Hickman, Fulton, Graves, Marshall, Calloway, Lyon, Trigg, Christian, Caldwell, Todd, Warren, Barren, Butler, Muhlenberg, Hopkins, Webster, Union, Henderson, Daviess, Hancock, Ohio, Livingston, Crittenden, and McLean Counties, Ky.

NOTE: Applicant states that the proposed transportation will be under a continuing contract with Boetticher & Kellogg Co., Inc., of Evansville, Ind.

HEARING: July 23, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 1.

No. MC 71219 (Sub-No. 4), filed April 18, 1962. Applicant: FRIEDMAN TRANSFER & CONSTRUCTION CO., INC., 19 East Commerce Street, Youngstown, Ohio. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as building contractor's equipment, heavy and bulky articles, machinery and machine parts, the transportation of which because of size or weight requires the use of specialized handling or rigging* (except iron and steel and iron and steel articles, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and such other commodities, as are used in connection with the construction of pipelines), between points in Columbiana, Trumbull, and Mahoning Counties, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: Applicant states it "now possesses most of the requested authority and does not seek duplicating or overlapping rights; the purpose is to make the Westbound and the Eastbound commodity and service descriptions identical with each other, and also more consistent with its grandfather description."

HEARING: July 24, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gorgon M. Callow.

No. MC 74857 (Sub-No. 6), filed January 31, 1962. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 1111 West Court Street, Cincinnati, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel, iron, copper, brass*, and *aluminum items*, such as are stored, handled, and shipped by steel and metal warehouses and service centers, from points in Hamilton County, Ohio, to points in Ohio on and south of U.S. Highway 30 and on and west of U.S. Highway 21; and *returned or rejected shipments of the above commodities* on return.

HEARING: July 17, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 76177 (Sub-No. 288), filed May 3, 1962. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, Suite 605, 711 14th Street, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, from Milan Arsenal, near Milan, Tenn., to Eglin Air Force Base, near Valparaiso, Fla.

NOTE: Applicant holds contract authority under MC 89778, therefore dual operations may be involved. Applicant states that it controls Alabama Highway Express.

HEARING: July 20, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Wm. N. Culbertson.

No. MC 77135 (Sub-No. 18), filed April 10, 1962. Applicant: PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, 21st Floor, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) between points in California, on the one hand, and, on the other, points in Montana, (2) between points in Oregon, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, and (3) between points in Washington, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming.

HEARING: August 7, 1962, in the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Richard H. Roberts.

No. MC 77656 (Sub-No. 3), filed March 26, 1962. Applicant: JOHNSTOWN MOTOR FREIGHT, INC., 438 Belmont Street, Johnstown, Pa. Applicant's attorney: S. Harrison Kahn, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty cans* from Baltimore, Md., to Tipton, Pa.; and (2) *groceries* from Baltimore, Md., to Tyrone, Tipton, and Altoona, Pa.

NOTE: Applicant states that its president manages the operations of Vincent S. Lowman, MC-31953.

HEARING: July 26, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gordon M. Callow.

No. MC 82079 (Sub-No. 5), filed April 20, 1962. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Street SW., Grand Rapids, Mich. Applicant's attorney: J. M. Neath, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk flour* between Chicago, Ill., and points in its commercial zone, on the one hand, and on the other, Grand Rapids, Lowell, Ionia, and Quincy, Mich., and points in their respective commercial zones.

HEARING: August 3, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 73.

No. MC 87231 (Sub-No. 18), filed May 24, 1962. Applicant: BAY & BAY TRANSFER CO., INC., 815 North Fourth Street, Minneapolis, Minn. Applicant's attorney: Val M. Higgins, One Thousand First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and bags, from Minneapolis and St. Paul, Minn., and points within 25 miles thereof, to points in Minnesota, Wisconsin, North Dakota, and South Dakota.

HEARING: July 12, 1962, at the Old Post Office Building, Public Square and Superior Avenues, Cleveland, Ohio, before Examiner James Anton.

No. MC 88856 (Sub-No. 2), filed April 26, 1962. Applicant: GAY C. HOWREY, La Porte City, Iowa. Applicant's attorney: William B. Mooney, First National Bank Building, Waverly, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe products of all sizes*, from Waterloo, Iowa, (1) to points in Minnesota on and south of U.S. Highway 12, (2) to points in Wisconsin lying on and south of U.S. Highway 8, and on and west of U.S. Highway 51, and (3) to points in Illinois lying on and north of U.S. Highway 6 and on and west of U.S. Highway 51, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: July 24, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 90230 (Sub-No. 4), filed March 19, 1962. Applicant: BISETT TRUCKING CO., a corporation, 142 Davis Street, Bradford, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, such as are transported in dump vehicles, from points in Chautauqua, Cattaraugus, Allegany, and Steuben Counties, N.Y., to points in Warren, McKean, Potter, and Tioga Counties, Pa.

NOTE: Applicant states that at present "the above-specified service is restricted to hauls of not more than 25 miles from point of origin to points of destination, except asphaltic concrete which is restricted to hauls of not more than 50 miles from point of origin to point of destination. This application is to respectfully request the deletion of the above mileage restrictions. No other changes in territory are requested."

HEARING: July 27, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gordon M. Callow.

No. MC 90373 (Sub-No. 16), filed January 29, 1962. Applicant: C & R TRUCKING CO., INC., Inman Avenue, Avenel, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Phthalic anhydride and metalic soaps of fatty acids*, from Perth Amboy, N.J., to points in Westchester County, N.Y., and New York, N.Y., Pennsylvania and Connecticut, and *empty containers or other such incidental facilities* used in transporting the above-described commodities and *returned and rejected commodities*, on return.

HEARING: July 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 90373 (Sub-No. 17), filed March 1, 1962. Applicant: C & R TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. Applicant's attorney: Leroy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Petty's Island, N.J., to Coraopolis (Moon Township) and New Kensington, Pa., and *empty containers, returned and rejected commodities, or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: July 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 94265 (Sub-No. 83), filed April 18, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meatpacking houses*, as listed in parts A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Perry, Iowa, to points in Delaware, North Carolina, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: July 26, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 94265 (Sub-No. 84), filed April 24, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norkfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meatpacking houses*, as listed in parts A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Denison and Fort Dodge, Iowa, to points in Delaware, Maryland, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: July 27, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 94265 (Sub-No. 85), filed May 11, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., Thomas Corner Station, Norfolk, Va. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, (a) from Luverne, Minn., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, Washington, D.C., and West Virginia, and (b) from Sioux City, Iowa, to Luverne, Minn.

NOTE: Applicant states the proposed service in (b) above will be restricted to traffic moving beyond Luverne, Minn., to points in the destination States specified in (a) above.

HEARING: July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 94265 (Sub-No. 86), filed May 21, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *frozen foods* from Norfolk, Va., to points in Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Oklahoma, Maryland, Delaware, West Virgina, Kentucky, Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio, Pennsylvania, New York, Michigan, Minnesota, Colorado, New Jersey, and the District of Columbia.

HEARING: July 30, 1962, at the Offices of the Interstate Commerce Commission,

Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 94759 (Sub-No. 1), filed April 30, 1962. Applicant: ARROW TOWING SERVICE, INC., 1136 SW. Montgomery Street, Portland 1, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, moved by means of wrecker-type equipment, between points in Oregon on the one hand, and on the other, points in Idaho, Montana, Nevada, and California.

HEARING: July 30, 1962, at the Interstate Commerce Commission Hearing Room, 410 SW. 106th Avenue, Portland, Oreg., before Examiner Richard H. Roberts.

No. MC 95540 (Sub-No. 420), filed April 18, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, (A) from Luverne, Minn., to points in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, Kentucky, Ohio, Indiana, Illinois, Missouri, Washington, D.C., and Denver, Colo., and (B) from Sioux City, Iowa, to Luverne, Minn.

NOTE: Applicant states the proposed operation in (B) is restricted to traffic moving beyond Luverne, Minn. to points in the destination states specified in (A) above. Applicant further states it is under common control with Arctic Express, Inc., through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

HEARING: July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 95540 (Sub-No. 424), filed April 25, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from points in Sumter County, Ga., to points in Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Common control may be involved.

HEARING: July 23, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 95540 (Sub-No. 427) (CORRECTION), filed April 30, 1962, published in the FEDERAL REGISTER, issue of May 16, 1962, republished this issue as corrected June 4, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*.

NOTE: The purpose of this republication is to indicate the *correct spelling* of *Saltsburg*, Pa., one of the origin points.

HEARING: Remains as assigned June 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 101075 (Sub-No. 74), filed April 30, 1962. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Ronald B. Pitsenbarger (same address is applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Fargo, N. Dak., and points within 15 miles thereof, to points in Minnesota, South Dakota, Nebraska, and Iowa, and *rejected shipments*, on return.

NOTE: Applicant states no duplicating authority requested.

HEARING: July 16, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 103378 (Sub-No. 235), filed May 16, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphatic fertilizer solutions and dry chemicals*, in bulk, in tank vehicles and hopper-type vehicles, from points in Richmond County, Ga., to points in Richmond County, Ga., and points in Alabama, Florida, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and (2) *acids and chemicals*, in bulk, in tank vehicles and hopper-type vehicles, from points in Richmond County, Ga., to points in Alabama, Florida, Louisiana and Mississippi.

HEARING: July 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 103654 (Sub-No. 67), filed May 25, 1962. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, in bulk, in tank vehicles, from points in Minneapolis-St. Paul Commercial Zone to points in North Dakota, South Dakota, and Wisconsin.

HEARING: July 27, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 105813 (Sub-No. 65), filed April 25, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, cocoa*, and *ice cream coating*, from Milwaukee, Wis., and Newark, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Indiana, Kentucky, Tennessee, Virginia, Mississippi, Alabama, West Virginia, and Louisiana.

HEARING: July 30, 1962, at Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 105813 (Sub-No. 68), filed May 10, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami, Fla. 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 foods*, from Deerfield, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

HEARING: August 2, 1962, at Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 106223 (Sub-No. 61), filed May 3, 1962. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizer* (synthetic gum or resin) in bulk, in tank vehicles, from Avon Lake, Ohio, to points in Illinois (except Chicago).

HEARING: July 17, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 106644 (Sub-No. 44), filed May 18, 1962. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Guy H. Postell, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, in flat-bed vehicles, from Catawba, S.C., and points within five (5) miles thereof, to points in Iowa, Kansas, Maine, New Hampshire, Oklahoma, Vermont, and Wisconsin.

HEARING: July 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 107107 (Sub-No. 211), filed April 13, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

HEARING: August 2, 1962, at Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 107107 (Sub-No. 215), filed May 21, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery*, and (2) *advertising, promotional, and display materials*, and *food* and *beverage dispensers*, from Jacksonville, Fla., to points in Tennessee.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 107107 (Sub-No. 218), filed May 31, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled citrus products*, not frozen and not canned, in vehicles equipped with mechanical refrigeration, from Waycross, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia.

HEARING: June 15, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 107403 (Sub-No. 404), filed May 18, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, and varnishes*, in bulk, in tank vehicles, from points in Allegheny, Beaver, and Westmoreland Counties, Pa., to points in Maryland, Michigan, New Jersey, New York, Ohio, and West Virginia.

HEARING: July 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 107403 (Sub-No. 406), filed May 22, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate*, in bulk, from Cleveland, Ohio, to points in New York on and west of New York Highway 14.

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 107403 (Sub-No. 407), filed May 22, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, in bulk, from Front Royal, Va., to points in Maryland, Pennsylvania and West Virginia.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 107496 (Sub-No. 243), filed May 9, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Hennepin, Ramsey, Washington, Anoka, Garver, Scott, Dakota, and Chisago Counties, Minn., to points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, and the Upper Peninsula of Michigan.

NOTE: Applicant states that it is wholly owned by John Ruan, and it in turn controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corp. Note also that applicant holds contract carrier authority under MC 119136 and subs thereunder.

HEARING: July 23, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 107515 (Sub-No. 400), filed May 22, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic packaging material*, requiring temperature control in transit in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Mississippi, Louisiana, Texas, South Carolina, West Virginia, Indiana, Kentucky, Tennessee, Virginia, Alabama, Ohio, Illinois, Florida, North Carolina, Arkansas, Oklahoma, Kansas, and Missouri.

NOTE: Common control may be involved.

HEARING: July 24, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 107544 (Sub-No. 47), filed May 22, 1962. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in tank vehicles, moving on Government bills of lading, from Hopewell, Va., to missile sites at or near Davis Monthan Air Force Base, Ariz., Little Rock Air Force Base, Ark., and McConnell Air Force Base, Kans.

NOTE: Applicant holds contract carrier authority in MC 113959, therefore, dual operations may be involved.

HEARING: July 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 107544 (Sub-No. 49), filed June 1, 1962. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Chattanooga, Tenn., and points within ten (10) miles thereof, to points in Georgia, Alabama, North Carolina, South Carolina, and Virginia.

NOTE: Applicant holds contract authority in MC 113959; therefore, dual operations may be involved.

HEARING: July 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 108158 (Sub-No. 52), filed May 4, 1962. Applicant: MID-CONTINENT FREIGHT LINES, INC., 11 Oak Street SE., Minneapolis, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and ammunition not so classified and component parts of ammunition, however classified, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over the following alternate routes for operating convenience only, in connection with applicant's regular route operations, (1) between junction U.S. Highway 66 and U.S. Highway 24, near Chenoa, Ill., and Dallas, Tex., from junction U.S. Highway 66 and U.S. Highway 24 near Chenoa, over U.S. Highway 66 to Venita, Okla., thence over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75, to Dallas, and return over the same route, serving no intermediate points, (2) between Minneapolis, Minn., and Tulsa, Okla., from Minneapolis, over U.S. Highway 65 to Springfield, Mo., thence over U.S. Highway 66 to Tulsa, and return over the same route, serving no intermediate points, (3) betwen Tulsa, Okla., and Dallas, Tex., from Tulsa, over U.S. Highway 75, to Dallas, and return over the same route, serving no intermediate points, (4) between Minneapolis, Minn., and Dallas, Tex., from Minneapolis, over U.S. Highway 65 to Springfield, Mo., thence over U.S. Highway 66 to Venita, Okla., thence over U.S. Highway 69, to junction U.S. Highway 75, thence over U.S. Highway 75, to Dallas, and return over the same route, serving no intermediate points, (5) between Rock Island and the junction of U.S. Highways 61 and 24 at or near Taylor, Mo. (serving said junction at or near Taylor, Mo., as a point of joinder only), from Rock Island, over U.S. Highway 61, to junction U.S. Highway 24 at or near Taylor, and return over the same route serving no intermediate points, (6) between Rock Island, Ill., and Chicago, Ill., (a) from Rock Island, over U.S. Highway 150 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction U.S. Highway 30, thence over U.S. Highway 30, to junction East-West Tollway near Aurora, Ill., thence over East-West Tollway, to Chicago, Ill., and return over the same route, serving no intermediate points, (b) from Rock

Island, over Illinois Highway 92 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Alternate U.S. Highway 30 near Galt, Ill., thence over Alternate U.S. Highway 30, to Chicago, Ill., and return over the same route, serving no intermediate points, and (7) between Rock Island, Ill., and Milwaukee, Wis., from Rock Island, over U.S. Highway 150, to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Milwaukee, and return over the same route, serving no intermediate points.

NOTE: The service proposed in Nos. (6) and (7) above, will be restricted against local service between Rock Island, and Chicago, Ill., and Rock Island, and Milwaukee, Wis., respectively.

HEARING: July 18, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 108449 (Sub-No. 146), filed May 4, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oyster shells, fish meal, fish scrap*, and *animal feed grade sugar*, and (2) *salt*, (a) *from* Council Bluffs, Iowa, and Omaha, Nebr., to points in Iowa, Nebraska, Minnesota, North Dakota, South Dakota, Missouri, and Kansas, and (b) from Council Bluffs, Iowa, to points in Kansas.

NOTE: Applicant states Moore Motor Freight Lines, Inc., MC 17481 is a wholly owned subsidiary.

HEARING: July 19, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 108449 (Sub-No. 148), filed May 9, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from West Fargo, N. Dak., to points in Minnesota, South Dakota, Iowa, and Nebraska.

NOTE: Applicant states that Moore Motor Freight Lines, Inc., MC 17481 is a wholly owned subsidiary.

HEARING: July 16, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 108449 (Sub-No. 150), filed May 24, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West Count Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas and natural gasoline*, in bulk, in tank vehicles, from Mentor, Minn., and points within 5 miles thereof to points in North Dakota, South Dakota, Iowa, Wisconsin, and the Upper Peninsula of Michigan and to points in Minnesota and North Dakota located on the International Boundary Line between the United States and Canada.

HEARING: July 17, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 109170 (Sub-No. 3), filed May 10, 1962. Applicant: WILLIAM ENGEL, doing business as ENGEL'S TRUCKING, 125 South 13th Street, Sharpsville, Pa. Applicant's attorney: Martin E. Cusick, First Federal Building, Sharon, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel products and materials and supplies used in the manufacture of iron and steel, mill supplies used in the operation of the plants, mills, mines and offices of iron and steel manufacturers, processors and fabricators* (excluding liquid commodities usually transported in bulk and tank trucks), (1) between Sharpsville (Mercer County), Pa., and points in Ohio and New York, (2) between Neville Island (Allegheny County), Pa., and points in Ohio and New York, (3) between Dover and New Philadelphia (Tuscarawas County), Ohio, and points in Pennsylvania and New York, and (4) between Lackawanna (Erie County), N.Y., and points in Pennsylvania and Ohio.

NOTE: Applicant states the proposed operation will be for Shenango Furnace Company and Luzerne Coke Company.

HEARING: July 23, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gordon M. Callow.

No. MC 110252 (Sub-No. 55), filed April 12, 1962. Applicant: JAMES J. WILLIAMS, INC., 1108 North Pearl Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and dry fertilizer compounds*, (1) from ports of entry on the International Boundary Line between the United States and Canada near Northport, Wash., and (2) from Velox, and Trentwood, Wash., to points in Adams, Valley, Washington, Gem, Payette, Boise, Canyon, Ada, Elmore, and Owyhee Counties, Idaho.

HEARING: July 19, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 110525 (Sub-No. 505), filed May 18, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and Ronald N. Colbert, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from West Conshohocken, Pa., to points in Maryland.

HEARING: July 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 199.

No. MC 110525 (Sub-No. 507), filed May 29, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate*, in bulk, from Cleveland, Ohio, to points in New York on and west of New York Highway 14.

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 110525 (Sub-No. 508), filed May 29, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, in bulk, from Front Royal, Va., to points in Pennsylvania, Maryland, and West Virginia.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 110698 (Sub-No. 213), filed May 15, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals* in bulk, in hopper vehicles, from points in Richmond County, Ga., to points in Richmond County, Ga. and points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (2) *liquid chemicals* in bulk, in tank vehicles, from points in Richmond County, Ga., to points in Alabama, Florida, Louisiana and Mississippi.

NOTE: Common control may be involved.

HEARING: July 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 111812 (Sub-No. 138), (REPUBLICATION), filed November 3, 1961, published in FEDERAL REGISTER issue of December 6, 1961, and republished as amended this issue. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. The subject application as originally filed and published sought authority as a *common carrier*, over irregular routes, in the transportation of *canned goods* (a) from Penn Yan, Red Creek and Waterloo, N.Y., and points within five (5) miles of each, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin and (b) from points in Monroe, Orleans, and Wayne Counties, N.Y., to points in Wisconsin. The application was amended January 18, 1962 to include the transportation of *Gelatin*, in packages, when moving in mixed loads with canned

goods, from Hamlin, N.Y., to points in Wisconsin and Minnesota. Notice of the application as amended was not republished. At the hearing held April 9, 1962, at Chicago, Ill., Hearing Examiner Lyle Farmer presiding, the issues presented and considered included the broadening amendment. The purpose of this republication is to allow any person or persons who might have been prejudiced by lack of notice as to the inclusion of the gelatine in the authority sought, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 111812 (Sub-No. 161), filed April 5, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points east of U.S. Highway 383 and 183 on and south of U.S. Highway 30 in Nebraska (except Omaha, and Lincoln, Nebr.), to points in North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Illinois, Michigan, Indiana, Ohio, Kentucky, Virginia, West Virginia, Maryland, Delaware, District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine New Mexico, Arizona, and California.

NOTE: Common control may be involved.

HEARING: July 16, 1962, at South Court Room, Old Post Office Building, 16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 112020 (Sub-No. 154) (AMENDMENT), filed February 26, 1962, published issue of March 7, 1962, amended June 1, 1962, and republished as amended this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fatty acid esters, glycerides, vegetable oils, corn syrups, animal oils*, and *blends of each*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Missouri, Illinois, Indiana, and Kentucky, and (2) *vegetable oils, corn syrups, animal oils*, and *blends of each*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Ohio and New York.

HEARING: June 18, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Armin G. Clement.

No. MC 112520 (Sub-No. 73), filed May 15, 1962. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphatic fertilizer solution and dry chemicals*, in bulk, in tank or hopper-type vehicles, from points in Richmond County, Ga., to points in Richmond County, Ga., and points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and (2) *liquid chemicals*, in bulk, in tank vehicles, from points in Richmond County, Ga., to points in Alabama, Florida, Louisiana, and Mississippi.

HEARING: July 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 113855 (Sub-No. 61), filed February 1, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* between points in Montana on the one hand, and on the other, points in Minnesota and points in North Dakota, except those located in the southwest portion of the State which is bounded on the north by U.S. Highway 10, and on the east by U.S. Highway 83, but including points on both of said highways.

HEARING: July 23, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 113908 (Sub-No. 94), filed May 3, 1962. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, between points in Nebraska, on the one hand, and, on the other points in Kansas, Iowa, Missouri, and South Dakota.

HEARING: July 19, 1962, at South Court Room, Old Post Office Building, 16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 114126 (Sub-No. 2), (REPUBLICATION), filed October 18, 1961, published FEDERAL REGISTER, issue of November 29, 1961, and republished this issue. Applicant: ASSOCIATED ENTERPRISES, LTD., a corporation, Box 139, Salmo, British Columbia, Canada. Applicant's attorney: Carl P. Jensen, 1114 Norton Building, Seattle 4, Wash. By application filed October 18, 1961, applicant sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from points on the International Boundary Line between the United States and Canada located in Montana, and Ports of Entry at/or near Porthill and Eastport, Idaho, Oroville, Ferry, Danville, Cascade, and Northport, Wash., to points in Washington, Idaho, and Montana. Cascade is located in British Columbia across from Laurier, Wash., and Nelway is across from Metaline Falls, Wash. Previous notice erroneously omitted Nelway and designated Cascade as a Washington point. Hearing was held January 10, 1962, the application was amended to substitute Laurier for Cascade and Metaline Falls was named in place of the omitted point of Nelway. A Report of the Commission, served May 7, 1962, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in foreign commerce, over irregular routes, of *ore concentrates*, in bulk, from ports of entry on the International Boundary Line between the United States and Canada at or near Oroville, Ferry, Danville, Laurier, Northport, and Metaline Falls, Wash., and Porthill and Eastport, Idaho, to Tacoma, Wash., and Kellogg, Idaho, and that unless otherwise ordered, a certificate authorizing such operations should be granted, subject to the condition that issuance of a certificate will be withheld for a period of 30 days after publication in the FEDERAL REGISTER of a description of the authority granted herein, during which time any interested party may file an appropriate pleading.

No. MC 114533 (Sub-No. 45), filed April 3, 1962. Applicant: B. D. C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eye Glasses, frames, lenses, and parts thereof*, between Detroit, Mich., on the one hand, and, on the other, Cleveland and Toledo, Ohio.

HEARING: August 1, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 115915 (Sub-No. 12), filed May 28, 1962. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carrier Certificate* 61 M.C.C. 209, from Sioux City, Iowa, to points in California.

NOTE: Applicant states all service to be limited to a transportation service to be performed under a continuing contract with Sioux City Dressed Pork, Inc., Sioux City, Iowa. Applicant further states that it is a partner of Dahl Truck Lines, Sioux City, Iowa (MC 109746).

HEARING: July 25, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 116067 (Sub-No. 4), filed April 10, 1962. Applicant: NEBRASKA SHORT LINE CARRIERS, INC., 605 South 12th Street, Lincoln, Nebr. Applicant's attorney: Duane W. Acklie, 1319 First National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, sections A, B, and C, 61 MCC 209, from Omaha, Nebr., to points in Ohio and Detroit, Mich.

NOTE: Common control may be involved.

HEARING: July 18, 1962, at South Court Room, Old Post Office Building,

16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 116442 (Sub-No. 1), filed May 24, 1962. Applicant: BAKER'S EXPRESS CO., INC., Dagsboro, Del. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* and *limestone* from the site of the Warner Company plant at Devault, Pa., to points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 116544 (Sub-No. 20), filed March 26, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked and blanched, from Hastings, Nebr., and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Missouri, Louisiana, Arkansas, Oklahoma, Mississippi, Texas, and Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: July 20, 1962, at South Court Room, Old Post Office Building, 16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 116646 (Sub-No. 2), filed February 28, 1962. Applicant: JOHN P. FONTANA, 100 Florida Street, Laurium, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* from points in Houghton County, Mich., to Virginia and Duluth, Minn., Hurley, Superior, and Ashland, Wis., and points in Marinette, Oconto, Brown, and Florence Counties, Wis., and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return, the proposed operations to be for the Bosch Brewing Company.

NOTE: Applicant states that he is a partner in J & J Transport (MC–116483).

HEARING: July 31, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 282.

No. MC 116949 (Sub-No. 1), filed April 6, 1962. Applicant: AVERY J. BURNS, 2210 Leech Street, Sioux City, Iowa. Applicant's attorney: William B. Jensen, 222 Davidson Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New and used semi-trailers, wrecked trailers, new and used parts for semi-trailers*, including towaway, but excluding other means of motor hauling, between Sioux City, Iowa, and points in Maine, Vermont, New Hampshire, Massachusetts, New York, Delaware, Pennsylvania, West Virginia, Virginia, Maryland, North Carolina, South Carolina, Georgia, Florida, Kentucky, Ohio, Tennessee, California, Alabama, Mississippi, Louisiana, Arkansas, Oregon, Washington, Nevada, Arizona, Utah, Michigan, Rhode Island, Connecticut, New Jersey, and the District of Columbia; and (2) *new, used, and wrecked truck tractors* between (A) Omaha, Nebr., and (B) Sioux City, Iowa, and points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: July 25, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 117344 (Sub-No. 90), filed April 16, 1962. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, feritlizer compounds, fertilizer ingredients, and fertilizer materials*, from Cincinnati, Ohio, to points in Indiana and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant has contract carrier authority in MC 50404 Sub-No. 87 thereunder, therefore, dual operations may be involved.

HEARING: July 18, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 117427 (Sub-No. 29), filed May 25, 1962. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, 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 vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, from Catawba, S.C., and points within five (5) miles thereof, to points in Iowa and Wisconsin.

NOTE: Applicant holds contract authority in MC 116145; therefore, dual operations may be involved.

HEARING: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 117686 (Sub-No. 14), filed April 16, 1962. Applicant: RAYMOND CO. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, 1319 First National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packing house products*, as described by the Commission in Appendix I, 61 M.C.C. 209, from Luverne, Minn., and Sioux City, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 118991 (Sub-No. 2), filed May 11, 1962. Applicant: COAST TO COAST TRUCKING, CO., a corporation, 856 Warner Street SW., Atlanta 10, Ga. Applicant's attorney: William T. Croft, 912 Federal Bar Building, 1815 H. Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, rugs, cotton, rayon, and wool fabrics, cotton, rayon, and synthetic fibres and yarns, and machinery for the manufacture of all of the foregoing*, from points in Georgia, North Carolina, South Carolina, and Tennessee, to points in California, and Arizona, and (2) *Electrical appliances and parts thereof, heating and cooking equipment and parts thereof, hot water heaters and parts thereof, air conditioning equipment and parts thereof, rubber floor mats, cleaning and scouring compounds, paint removing compounds, cooling and freezing machines and parts thereof, sheet aluminum, garbage disposal units and parts thereof, musical instruments, plastic articles, and outdoor or porch furniture*, from points in California, to points in Texas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Florida, North Carolina, and South Carolina.

NOTE: Applicant states the proposed service is to be restricted to that performed under a continuing contract with Shipper's Cooperative, Inc., a corporation of 5330 Lankerskim Boulevard, Los Angeles, Calif.

HEARING: July 30, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson. This assignment is for applicant's presentation only. A continued hearing for additional evidence to be submitted at Los Angeles, Calif., is contemplated at the discretion of the presiding examiner.

No. MC 119256 (Sub-No. 7), filed May 14, 1962. Applicant: PETROLEUM TRANSIT CORPORATION OF SOUTH CAROLINA, P.O. Box 921 East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* from Chattanooga, Tenn., and points within 10 miles thereof, to points in Georgia, Alabama, North Carolina, and South Carolina.

NOTE: Common control may be involved (MC–FC–61150).

HEARING: July 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 119555 (Sub-No. 1) (AMENDMENT), filed April 2, 1962, published in

FEDERAL REGISTER issue of May 9, 1962, republished, as amended June 4, 1962, this issue. Applicant: OIL INDUSTRY SUPPLIERS, LIMITED, 400 Archibald Street, St. Boniface, Man., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil, petro chemicals, petroleum products* and *food products*, in bulk, in tank vehicles, from Belmond and Sioux City, Iowa, Minneapolis, Saint Paul, and Savage, Minn., Wood River, Ill., and Grand Forks, N. Dak., to the port of entry on the international boundary between United States and Canada at Noyes, Minn.

NOTE: The purpose of this republication is to add Sioux City, Iowa and Savage, Minn., as points of origin.

HEARING: Remains as assigned July 6, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Abraham J. Essrick.

No. MC 119777 (Sub-No. 7), filed May 22, 1962. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crating, veneer, baskets, oak treads, oak risers, oak sills, oak molding, cardboard cartons nails* and *lumber*, between points in Logan and Whitley Counties, Ky., Adams, Tenn. and points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, Texas, and all States east of the Mississippi River namely: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, the District of Columbia, Virginia, West Virginia, Ohio, Illinois, Indiana, Michigan, Wisconsin, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Mississippi, Alabama, and Florida.

NOTE: Applicant states the following restriction: No lumber shall be transported from Arkansas, Louisiana, points in Texas east of U.S. Highway 77, Georgia, South Carolina, Alabama, and North Carolina.

HEARING: July 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 119777 (Sub-No. 8), filed May 24, 1962. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated pipe and fittings, wrought iron*, and *steel pipe and fittings*, from Jeffersonville and Indiana Harbor, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia; and *rejected or damaged shipments of above commodities* and *empty containers or other such incidental facilities* (not specified) used in transporting above commodities, on return.

HEARING: July 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Garland E. Taylor.

No. MC 119792 (Sub-No. 4), filed May 4, 1962. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Deerfield, Ill., to points in Alabama, Arkansas, Mississippi, Louisiana, Georgia, Florida, North Carolina, South Carolina, and Tennessee.

HEARING: August 2, 1962, at Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 120841 (Sub-No. 2), filed April 4, 1962. Applicant: WALTER J. DUNLAP AND W. A. BIRCKBICHLER, a partnership, doing business as BLACK AND WHITE EXPRESS, 217 American Avenue, Butler, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packing house products*, from McKeesport, Pa., to points in Allegheny, Westmoreland, Armstrong, and Butler Counties, Pa.

HEARING: July 25, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gordon M. Callow.

No. MC 121312. Applicant: HAROLD H. SCHLICHTING, doing business as HAROLD'S RENT-A-TRUCK, Mile 2, Seward Highway, Anchorage, Alaska. Applicant's attorney: John M. Stern, Jr., P.O. Box 1672, Anchorage, Alaska. Assigned for hearing to determine whether Permit No. 5 issued August 7, 1961, by the Alaska Public Service Commission constitutes a certificate of public convenience and necessity within the meaning of the second proviso of section 206(a)(1) of the act.

HEARING: July 9, 1962, at the Federal Building, Anchorage, Alaska, before Examiner Frank R. Saltzman.

No. MC 123242 (Sub-No. 6) (AMENDMENT), filed March 19, 1962, published FEDERAL REGISTER issue June 6, 1962, amended and republished in this issue. Applicant: MISSOURI LUMBER TRANSPORTS, INC., P.O. Box 231, Arcadia, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except flooring), *wooden pallets, pallet materials and charcoal*, from points in Missouri, on, east and south of a line beginning at the Missouri-Arkansas State line, near Gainesville, Mo., and extending along Missouri Highway 5 to junction U.S. Highway 66 near Lebanon, Mo., thence along U.S. Highway 66 to the Missouri-Illinois State line at the Mississippi River, to Louisville, Ky., Milwaukee, Wis., and points in Illinois, Indiana, and Ohio.

NOTE: Applicant states *"Commodities exempt* from Commission Regulation under section 203(b)(b), Interstate Commerce Act," will be transported, on return. The purpose of this republication is to clarify the commodities proposed to be transported.

HEARING: Remains as assigned, July 12, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 123391 (Sub-No. 2), filed May 23, 1962. Applicant: NICHOLAS TUSO, JR., doing business as INTERSTATE TRANSPORTATION COMPANY, Third and Chestnut Avenue, P.O. Box 55, Vineland, N.J. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel and aviation gasoline*, in bulk, in tank vehicles, between Burlington and Jacksonville, N.J., on the one hand, and, on the other, points in Delaware and those in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to its junction with U.S. Highway 522, and thence along U.S. Highway 522 to the Pennsylvania-Maryland State line.

NOTE: Applicant states he presently holds authority to transport jet fuel and aviation gasoline, in bulk, in tank vehicles, from certain named points in Pennsylvania and Delaware to Burlington and Jacksonville, N.J. No duplicating authority is herein sought.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 123783 (Sub-No. 2), filed May 7, 1962. Applicant: WALT JONES WRECKER SERVICE, INC., 432 Whitehall Street SW., Atlanta, Ga. Applicant's attorney: Bates Block, 1220 First National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled trucks, tractors* and *semitrailers* (excluding mobile homes), and *serviceable replacements therefor*, in wrecker towaway service, between points in Georgia on the one hand, and on the other, points in North Carolina, South Carolina, Virginia, West Virginia, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, and Florida.

HEARING: July 25, 1962, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 124105 (Sub-No. 7), filed April 19, 1962. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *lime*, and *limestone*, in bulk and in packages, from the site of the Longview Lime Corporation plant, Longview, Ala., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it is a wholly owned subsidiary of Baggett Transportation Company, a motor carrier under Certificate

No. MC 76177 and a contract carrier under MC 89778, which corporation controls Alabama Highway Express, Inc., under approval of this Commission. Applicant also has contract carrier authority under MC 119223 Sub-Nos. 3 through 14; therefore dual authority may be involved.

HEARING: July 18, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Wm. N. Culbertson.

No. MC 124105 (Sub-No. 8), filed April 27, 1962. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and lime*, in bags and in bulk, from the plant site of Southern Cement Company, Division of Martin-Marietta Corporation, Magnolia, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it is a wholly owned subsidiary of Baggett Transportation Company, MC 76177. Applicant has pending applications in MC 119223 and Subs thereunder for contract carrier authority.

HEARING: July 19, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Wm. N. Culbertson.

No. MC 124109 (Sub-No. 2), filed April 23, 1962. Applicant: B.F.C. TRANSPORTATION, INC., P.O. Box 985, Cedar Rapids, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated shipping containers, partitions and parts thereof, corrugated sheets*, and (other than corrugated shipping containers), between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Alton, East St. Louis, Fulton, Quincy, Rock Island, and Savannah, Ill., and La Crosse, and Prairie du Chien, Wis.

HEARING: July 24, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 124159, filed January 22, 1962. Applicant: DAGGETT TRUCK LINE, INC., Frazee, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, from Adel, Fort Dodge, Mason City, and Sioux City, Iowa, to points in Minnesota and North Dakota.

NOTE: Applicant states it proposes to transport exempt commodities on return.

HEARING: July 30, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 124175 (Sub-No. 1) (CORRECTION), filed May 4, 1962. Applicant: ALBERT DE LOTTO AND JOHN PETERSON, doing business as PLAZA TRUCKING CO., 97 Charles Street, New York, N.Y. 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: *Fishing tackle, reels, lines, lures, spools, rods, hooks, leaders, sinkers, tackle boxes, floats, oils, greases, advertising materials, parts and blanks*, used in connection with the business and sale of fishing tackle and supplies, (1) from New York, N.Y., to the plant site of The Garcia Corp., Teaneck, N.J.; and (2) from the plant site of The Garcia Corp. in Teaneck, N.J., to New York, N.Y.

NOTE: The purpose of this republication is to indicate the name of applicant as above instead of John Peterson and Albert De Lotto, as shown in previous publication.

HEARING: Remains as assigned June 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 124252 (Sub-No. 1), filed May 23, 1962. Applicant: HAROLD P. COLLIER, doing business as HAROLD COLLIER TRUCKING, Pittsburgh Road, Uniontown, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Uniontown, Washington, Greensburg, McKeesport, Carrolltown, Johnstown, and Belle Vernon, Pa., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: July 25, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gordon M. Callow.

No. MC 124256, filed March 5, 1962. Applicant: ROBERT BATES, INC., 12320 Southwest Denfield Road, Beaverton, Oreg. Applicant's attorney: William F. White, 1200 Jackson Tower, Portland 5, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *groceries*, in truckload lots only, from Sacramento, Stockton, Modesto, Newman, Tracy, Crockett, Hayward, Oakland, and Alameda, Calif., to Spokane, Wash.

NOTE: Applicant states it proposes to transport *exempt commodities*, on return.

HEARING: July 20, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate before Examiner Richard H. Roberts.

No. MC 124267, filed March 12, 1962. Applicant: WARREN S. BRUGH, doing business as FREMONT GAS MARKET, 207 South Bell Street, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles* from points in Iowa, Kansas, Colorado, and South Dakota to Fremont, Nebr.

HEARING: July 19, 1962, at South Court Room, Old Post Office Building, 16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 124273, filed March 13, 1962. Applicant: ORAL W. PETERSEN, doing business as PETE'S TOWING SERVICE, 21841 Pacific Highway South, Midway, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile Homes and Trailers*, designed to be towed by passenger vehicles, in towaway service, between points in Washington, Oregon, California, Montana, and Alaska.

HEARING: July 23, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Examiner Richard H. Roberts.

No. MC 124315, filed March 28, 1962. Applicant: Robert Lukenbill and Dwight Johnson, doing business as J & L Co., 6517 North Smith Street, Spokane, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Spokane, Wash., to Newport, Pullman, and Colville, Wash., and Wallace, Lewiston, Moscow, Plummer, Coeur d'Alene, Sandpoint, and Kellogg, Idaho, and *rejected and stale bakery products and empty containers*, on return.

HEARING: July 20, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate before Examiner Richard H. Roberts.

No. MC 124320, filed April 4, 1962. Applicant: STANLEY TRUCKING CO., INC., 2406 Wycliff Avenue, St. Paul, Minn. Applicant's attorney: Harold J. Soderberg, 845 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Surplus Government property* from Pueblo Ordnance Depot, Colo., Memphis General Depot, Tenn., Brookley Air Force Base (near Mobile), Ala., Naval Air Station, Jacksonville, Fla., Marine Supply Center, Albany, Ga., Atlanta General Depot, Ga., Naval Supply Center, Norfolk, Va., Fort Holabird, Baltimore, Md., Gentile Air Force Depot (near Dayton), Ohio, Philadelphia Naval Shipyard, Pa., Schenectady General Depot, N.Y., and Newport Naval Supply Depot, R.I., to Minneapolis and St. Paul, Minn.

HEARING: July 26, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 124338, filed April 9, 1962. Applicant: RUFUS W. PARKER, doing business as PARKER REFRIGERATED SERVICE, 1301 Collins Road, Tacoma 44, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *canned goods* between Milton-Freewater, Oreg., on the one hand, and on the other, points in California, Oregon, Idaho, Utah, and Washington, including ports of entry in Washington and Idaho on the United States-Canadian international boundary line.

NOTE: Since applicant holds common carrier authority under MC 123478, dual operations may be involved.

HEARING: July 25, 1962, at the Washington Public Service Commission, In-

surance Building, Olympia, Wash., before Examiner Richard H. Roberts.

No. MC 124341, filed April 6, 1962. Applicant: LAWRENCE LAWYER, 757 North Indiana Street, Mooresville, 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: *Expanded shale*, also *expanded shale, ground or crushed*, in dump trailers, from Brooklyn, Ind., to points in Ohio on and west of U.S. Highway 23.

HEARING: July 27, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 60.

No. MC 124347, filed April 9, 1962. Applicant: FRANK M. FREEBORN, doing business as A-VOGUE TRANSFER LTD., 3719 West First Avenue, Vancouver 8, B.C., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, benches and stools*, between Ports of Entry on the International Boundary line between the United States and Canada located at the State of Washington and points in Whatcom, Skagit, Snohomish, and King Counties, Wash.

NOTE: Applicant states the proposed service will be limited to movements to and from British Columbia, Canada.

HEARING: July 24, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 124371, filed April 16, 1962. Applicant: JACK VINCENT, 1306 10th Street, Nevada, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and blending equipment used to erect and install fertilizer blending plants*, from Nevada, Iowa, to plant erection sites located at points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Indiana, and *damaged and rejected shipments*, on return.

HEARING: July 25, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 124378, filed April 18, 1962. Applicant: OTIS WRIGHT & SONS, INC., 632 South Union Street, Lima, 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: *Brick, tile and clay products*, from Canton, Port Washington, Somerset, Sugarcreek, and Uhrichsville, Ohio, to points in Indiana, and Illinois, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above on return.

NOTE: Applicant states the proposed service will be under a continuing contract or contracts with The Belden Brick Company, Canton, Ohio.

HEARING: July 16, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 124379, filed April 18, 1962. Applicant: WEBSTER McGIFFEN, R.R. No. 3, Vincennes, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sour cream, sour cream mixtures, imitation cream, flavored milk, low fat milk, liquid dietary foods, fruit segments, ice cream mix, orange juice, fruit juice drinks, cottage cheese*, and other *dairy products* as described in Subdivision B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 273, in containers, in vehicles equipped with temperature control devices, from Louisville, Ky., to points in Indiana on and south of Indiana Highway 18, points in Illinois bounded on the north by U.S. Highway 36 and on the west by Illinois Highway 49 from its junction with U.S. Highway 36 to intersection with Illinois Highway 33; thence over Illinois Highway 33 to Newton, Ill.; thence over Illinois Highway 130 to the Indiana-Illinois State line near Grayville, Ind., serving points on and within one (1) mile of said highways in addition to points located within the territory bounded by said highways, and (B) *returned and rejected products* described in (A) above and *empty cases and containers*, from the destinations described in (A) to Louisville, Ky.

NOTE: Applicant states "all movements to be made under contract with Sealtest Foods Division of National Dairy Products Corporation, or under contract with distributors for Sealtest Foods Division of National Dairy Products Corporation".

HEARING: July 24, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 1.

No. MC 124403, filed April 20, 1962. Applicant: C. M. BROWN, doing business as GLENDIVE TRANSFER AND STORAGE COMPANY, 113 South Merrill Avenue, Glendive, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used mobile homes*, in primary and secondary movements, in truckaway service, between points in Montana, North Dakota, South Dakota, and Wyoming.

HEARING: July 16, 1962, at 1:00 p.m., at the Yellowstone County Court House, Billings, Mont., before Examiner Richard H. Roberts.

No. MC 124461, filed May 21, 1962. Applicant: RUDOLPH S. REHAK, doing business as THREE R. TRANSPORT COMPANY, Box 347, Big Falls, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, fire arms, and liquid bulk or household goods), between International Falls, Minn., and points in the Chicago, Ill., Commercial Zone.

HEARING: July 20, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 124469, filed May 23, 1962. Applicant: WILFORD GERDIN, Princeton, Minn. Applicant's attorney: William S. Rosen, 400 Minnesota Building, St. Paul 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Seat covers*, from St. Cloud, Minn., to Salt Lake City, Utah, and Los Angeles and San Francisco, Calif., and *exempt commodities*, on return.

HEARING: July 20, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 124471 EX, filed May 18, 1962. Applicant: HARRY L. HOMSHER, JR., doing business as MAGNOLIA ESCORT SERVICE, 6807 Magnolia Avenue, Riverside, Calif. A Certificate of Exemption sought under Section 204(a)(4a), Part II, in the conduct of operations as a *common carrier*, by motor vehicle (motorcycles) over irregular routes, transporting: *Papers and small packages* wholly within the State of California, between Riverside, Calif., and points within 100 miles thereof.

HEARING: August 6, 1962, in the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Richard H. Roberts.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 3379 (Sub-No. 45), filed May 28, 1962. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., P.O. Box 830, Akron, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Akron, Ohio, and the site of the motor carrier terminal operated by A.C.E. Freight, Inc., located at Ohio Highway No. 8 and Twinsburg Road, Northfield Township, Summit County, Ohio, serving that terminal site as an off-route point in connection with applicant's authorized regular-route operations from and to Akron, Ohio, serving no intermediate points, but serving said terminal for the purpose of interchange only.

No. MC 11710 (Sub-No. 16), filed May 28, 1962. Applicant: VALLEY FREIGHT LINES, INC., New Castle, R.D. No. 2, Pa. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New Castle, Pa. and Akron and Cleveland, Ohio, with service to and from the site of the motor carrier

terminal operated by A.C.E. Freight, Inc., located at Ohio Highway No. 8 and Twinsburg Road, Northfield Township, Summit County, Ohio, in connection with applicant's authorized regular-route operations, from and to Akron and Cleveland, Ohio, serving no intermediate points, but serving the site of the said terminal as an off-route point for the purpose of interchange only.

No. MC 33641 (Sub-No. 49), filed June 5, 1962. Applicant: INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Tulare and Los Angeles, Calif., from Tulare, over U.S. Highway 99 and Interstate Highway 5, to Los Angeles, and return over the same route serving no intermediate points, as a connecting route for operating convenience only, in connection with carrier's presently authorized regular-route operations to and from Los Angeles and Tulare, Calif.

No. MC 48957 (Sub-No. 22), filed May 31, 1962. Applicant: CROWN MOTOR FREIGHT CO., a corporation, 832 East 28th Street, Paterson 3, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rayon yarn, rayon products, synthetic yarn, synthetic fibre, synthetic staple fibre, synthetic fibre products* and *materials and supplies* used in packing and shipping such commodities, between Meadville, Pa., on the one hand, and, on the other, Parkersburg, W. Va., and Lewistown, Pa., restricted to the transportation of traffic having a prior or subsequent movement by motor carrier, and (2) *warp beams*, in cradles and racks, between Parkersburg, W. Va., and Meadville, Pa.

No. MC 66562 (Sub-No. 1891), filed May 31, 1962. Applicant: RAILWAY EXPRESS AGENCY INCORPORATED, 219 East 42d Street, New York, N.Y. Applicant's attorney: Slovacek & Galliani, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Kansas City and Clinton, Mo., as follows: From Kansas City, Mo., over U.S. Highway 71 to intersection of Missouri Highway 7; thence over Missouri Highway 7 to intersection of Missouri Highway 13; thence Missouri Highway 13 to Clinton, a distance of 81 miles, and return over the same route serving no intermediate or off-route points.

NOTE 1: Applicant states this is an application "for authority to substitute motor for rail operation in the rendition of existing express service. As a substituted service application, same is made for *RESTRICTED* authority, as follows: To be limited to transportation of general commodities *moving in express service;* the general restriction "moving in express service" to be supplemented by the following specified conditions: (1) The service to be performed shall be limited to that which is auxiliary to, or supplemental of, express service; (2) shipments transported shall be limited to those moving on through bills of lading or express receipts of Railway Express Agency, Inc.; (3) such further conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, express service.

NOTE 2: Applicant is owned by 65 rail carriers and operates under the provisions of the Standard Agreement between it and said railroads (Docket 33140).

No. MC 86782 (Sub-No. 5), filed May 28, 1962. Applicant: RICHARD L. EDGAR, doing business as SAMSON TRUCK LINE, East Highway 30, P.O. Box 456, Mountain Home, Idaho. Applicant's attorney: Kenneth G. Bergquist, Sonna Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, and commodities requiring special equipment), between Boise, Idaho, and Mountain City, Nev.; from Boise over U.S. Highway 30 to Mountain Home, Idaho, thence over Idaho Highway 51 to Idaho-Nevada State line, thence over Nevada Highway 11 A to Mountain City, and return over the same route, serving off-route points within 35 miles of said route, except the Mountain Home Air Force Base, near Mountain Home, Idaho.

No. MC 105275 (Sub-No. 25), filed May 28, 1962. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in the *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, over an alternate route, for operating convenience only, between Rochester and Maple View, N.Y., from Rochester, over U.S. Highway 104, to Maple View, and return over the same route, serving no intermediate points (except Oswego, N.Y., which applicant is presently authorized to serve), and for the purpose of joinder only.

NOTE: Common control may be involved.

No. MC 105632 (Sub-No. 27), filed June 5, 1962. Applicant: CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, a corporation, 227 West Broad Street, Savannah, Ga. Applicant's attorney: William H. Teasley, P.O. Box 2126, Savannah, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving by Railway Express, in service auxiliary to or supplemental of the rail service of Central of Georgia Railway Company, between Cedartown, and Atlanta, Ga., from Cedartown, over U.S. Highway 27 (Georgia Highway 1), to Carrollton, Ga., thence over Highway 15, to Newnan, Ga., thence over U.S. Highway 29, to Atlanta, and return over the same route, serving all intermediate points between Cedartown and Newnan as presently authorized, but serving none between Newnan and Atlanta, Ga.

NOTE: Common control may be involved.

No. MC 109772 (Sub-No. 22), filed May 28, 1962. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles 22, Calif. Applicant's attorney: Charles Pieroni, 4000 West Sample Street, South Bend 21, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in truckaway service, in secondary movements, between points in Nevada and that part of California south of the northern boundaries of San Luis Obispo, Kern and San Bernardino Counties, Calif. RESTRICTION: The service authorized to be restricted against the transportation of new motor vehicles in connection with the rights held by Dallas & Mavis Forwarding Co., Inc., for the through transportation of traffic under such combination of rights.

NOTE: Applicant states this is a gateway removal application. Applicant is presently authorized to and engages in the transportation of similar commodities between California and Nevada by conducting such operations through an Arizona gateway as authorized in MC 109772 Subs 11 and 13. No duplicating authority is sought. Applicant further states it is a wholly owned subsidiary of Dallas & Mavis Forwarding Co., Inc., a common motor carrier.

No. MC 110525 (Sub-No. 510), filed May 29, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium sulfate and sodium thiocyanate*, in bulk, in tank vehicles, from Phillipsburg, N.J., to Solvay, N.Y.

No. MC 112617 (Sub-No. 120), filed May 25, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Mount Vernon, Ind., and points within five (5) miles thereof, to points in Illinois, Kentucky, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 123989 (Sub-No. 2), filed May 28, 1962. Applicant: JAMES R. BENNETT AND FRANCIS R. WEYANDT, doing business as B. & W. TRANSPORT COMPANY, Box 327, Austell, Ga. Applicant's attorney: S. 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: *Latex, latex compounds, and materials and supplies, used and useful in the compounding, production and distribution thereof*, between the plant-sites of Southern Latex Corporation, located at Austell, and Dalton, Ga., and Concord,

N.C., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia Louisiana, Mississippi, Tennessee, North Carolina, South Carolina, Virginia, and Cheswold, Del.

NOTE: Applicant states the proposed service will be for the account of Southern Latex Corporation, Austell, Ga., and of International Latex Corporation, Dover, Del.

No. MC 124133 (Sub-No. 2) filed May 24, 1962. Applicant: BERT H. MILLER, JR., doing business as MILLER'S GARBAGE SERVICE, 5900 Bunker Hill Drive, Southaven, Miss. Applicant's attorney: R. Connor Wiggins, Jr., 824 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garbage and refuse*, from points in De Soto County, Miss., on and north of Mississippi Highway 304, to points in Shelby County, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 124502, filed June 4, 1962. Applicant: QUEEN CITY BUS LINES, INC., 1000 La Fayette Avenue, Cumberland, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, in the same vehicle with passengers*, between Cumberland, Md., and Carpenters Addition, Ridgeley, and Wiley Ford, W. Va., from Cumberland, over city streets to the Maryland-West Virginia State line, thence over Ridgeley city streets and West Virginia Highway 28, to Carpenters Addition, Ridgeley, and Wiley Ford, and return over the same route, serving the unincorporated areas along the routes specified above.

NOTICE OF FILING OF PETITIONS

No. MC 8015 and No. MC 88130 (PETITION OF APPLICANT FOR REOPENING OF "GRANDFATHER" DOCKET AND MODIFICATION OF CERTIFICATES), filed May 21, 1962. Petitioner: CAPITOL TRUCKING CORPORATION, 14 Hope Street, Brooklyn, N.Y. Certificate No. MC 8015 embraces among other authority, the following, issued in Docket No. MC 88130: *Floor covering and related products* from New York, N.Y., to points in Nassau and Westchester Counties, N.Y., and those in Essex, Bergen, Hudson, Passaic and Union Counties, N.J. Said Certificate did not embrace all of the operations performed by petitioner's predecessor in interest. It is requested that the "grandfather" docket in proceeding originally instituted by Capitol Trucking and Forwarding Co. Inc., be reopened and a revised certificate be issued to petitioner as set forth therein to cover the operations for which petitioner is entitled to authority but which are not covered by its present certificate and are as follows: *General commodities* with the usual exceptions, over irregular routes, Between New York, N.Y., on the one hand, and, on the other, points in Westchester County, N.Y., and those in Essex, Hudson, Bergen, Passaic, Union, Morris, and Somerset Counties, N.J., or, in the alternative this petition be scheduled for oral hearing so that petitioner will have the opportunity to submit evidence concerning the operations of its predecessors instituted prior to June 1, 1935 and conducted continuously since that time. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 30374 (PETITION FOR WAIVER OF RULE 101(e) OF GENERAL RULES OF PRACTICE AND PETITION TO REOPEN AND AMEND CERTIFICATE), filed May 18, 1962. Petitioner: MOEY LIHN AND MAX LIHN, doing business as TRI-STATE TRANSPORTATION CO., West and Railroad Avenue, Vineland, N.J. Petitioner's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Petitioners have been on, prior and since June 1, 1935 transporting Wearing Apparel and Materials, Supplies and Equipment used in the manufacture of Wearing Apparel: Between Medford, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in the New York, N.Y., Commercial Zone, as defined by the Commission.

It was recently called to Petitioners attention that their certificate does not include authority to serve Medford, N.J. Petitioners submit that the authority granted to it does not reflect its "grandfather" operations in that the point of Medford N.J., was omitted from their Certificate. Petitioners request the Commission to reopen the "Grandfather" application in No. MC 30374. Petitioner has also filed a BMC 78 application in No. MC 30374 (Sub-No. 12) for the same authority. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this notice in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8160. Authority sought for purchase by MORRIS MOTOR EXPRESS, INC., 505 Springdale Street, Cumberland, Md., of the operating rights of CHARLES WOLLENWEBER, 209 West Camden Street, Baltimore, Md., and for acquisition by GLENN MORRIS, also of Cumberland, Md., of control of such rights through the purchase. Applicants' representative: Peter J. Decker, Traffic Consultant, 917 Grand Avenue, Cumberland, Md. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route, between Baltimore, Md., and Washington, D.C., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, West Virginia, Virginia, Delaware, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8161. Authority sought for purchase by SAM LOWENSTEIN and STANLEY LOWENSTEIN, a partnership, doing business as SUPER M FOODS DELIVERY, 204 Franklin Street, New York 13, N.Y., of the operating rights of EDWARD BRADY, 72–32 66th Place, Glendale 27, N.Y. Applicants' representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Operating rights sought to be transferred: *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 businesses, as a *contract carrier* over irregular routes between points within the territory bounded by a line beginning at Flushing Bay, on the north shore of Long Island, N.Y., and extending south along Lawrence Street to North Hempstead Turnpike, thence east along North Hempstead Turnpike to Kissena Boulevard, thence south along Kissena and Parsons Boulevards to Hillside Avenue, thence west along Hillside Avenue to Sutphin Boulevard, thence south along Sutphin Boulevard to intersection with Rockaway Boulevard, thence in a southeasterly direction along Rockaway Boulevard, to the Queens-Nassau County line at head of Jamaica Bay, thence to Broad Channel Station, thence through Jamaica Bay to Rockaway Point, and thence in a northeasterly, northwardly, and southwesterly direction along the shores of Long Island to Flushing Bay, including points on the indicated portions of the highways specified, and between points in the aforementioned territory on the one hand, and, on the other, points in New York, Bronx, Kings, Queens, and Richmond Counties, N.Y., and those in Hudson, Bergen, Essex, and Passaic Counties, and the City of Elizabeth, N.J. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8162. Authority sought for purchase by LOUIS J. KENNEDY, 342 Schuyler Avenue, Kearny, N.J., of the operating rights and certain property of MICHAEL V. MEROLA, an individual, doing business as AMERICAN TRANSPORT COMPANY, 1A Harvard Place, Belleville, N.J. Applicants' representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *Building materials*, except liquids, in bulk, in tank trucks, as a *contract carrier* over irregular routes, from Kearny, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island, within 200 miles of Kearny, *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between certain points in New Jersey, and between those certain points on the one hand, and, on the other,

points in New York, Bronx, Kings, Queens, and Nassau Counties, N.Y., and Paterson, Hawthorne, and Edgewater, N.J., *fruits, vegetables, farm products, poultry* and *sea food*, in the respective seasons of their production, from certain points in New Jersey to points in above-specified territory, with the RESTRICTION that the operations described herein are limited to a transportation service to be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act), who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified above. Vendee is authorized to operate as a *contract carrier* in New York, Pennsylvania, Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Delaware, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8163. Authority sought for purchase by DE ROSA TRANSPORTATION, INC., 2380 South Halsted Street, Chicago 8, Ill., of a portion of the operating rights of EXPRESSWAYS, INC. (JOHN G. REIBER, TRUSTEE), 3200 Maumee Avenue, Fort Wayne, Ind., and for acquisition by D & A EQUIPMENT CO., and in turn by DOMINIC DE ROSA, both of Chicago of control of such rights through the purchase. Applicants' attorneys and representative respectively: David Axelrod, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., Lesow and Lesch 3737 North Meridian Street, Indianapolis, Ind., and John G. Reiber, 315 Gettle Building, Fort Wayne, Ind. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes between Fort Wayne, Ind., and certain points in Michigan, between Angola, Ind., and Orland, Ind., serving all intermediate points, between Waterloo, Ind., and Corunna, Ind., serving no intermediate points, *general commodities*, excepting, among others, household goods and commodities in bulk, betwen Marshall, Mich., and Lansing, Mich., between Tekonsha, Mich., and Lansing, Mich., between Coldwater, Mich., and Marshall, Mich., between Marshall, Mich., and Jackson, Mich., serving all intermediate points, with the RESTRICTION that the above authority between Marshall, and Tekonsha, Mich., and intermediate points thereto is restricted against any service except on traffic moving to or from other points on the above-specified routes; between Adrian, Mich., and Lansing, Mich., between Tecumseh, Mich., and Adrian, Mich., and between Adrian, Mich., and Morenci, Mich., serving no intermediate points, over an alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Michigan, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 62–5754; Filed, June 12, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 8, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37784: *Insulating material between points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A–2249), for interested rail carriers. Rates on insulating material, as described in the application, in carloads, between points in western trunk-line territory.

Grounds for relief: Contract motor carrier competition, short-line distance formula and grouping.

Tariff: Supplement 57 to Western Trunk Line Committee tariff I.C.C. A–4338.

FSA No. 37785: *Liquid fertilizers from Idaho and Utah.* Filed by Western Trunk Line Committee, Agent (No. A–2251), for interested rail carriers. Rates on liquid fertilizers, as described in the application, in tank-car loads, from specified points in Idaho and Utah, to points in western trunk-line territory.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 18 to Western Trunk Line Committee tariff I.C.C. A–4411.

FSA No. 37786: *Returned petroleum products between points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A–2253), for interested rail carriers. Rates on petroleum products, in packages, in carloads, returned from original destination to original point of shipment, between points in western trunk-line territory.

Grounds for relief: Carrier competition.

FSA No. 37787: *Lumber and lumber articles from, to and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B–8212), for interested rail carriers. Rates on wooden fall-out shelter sections, consisting of studs with plywood glued or not glued on one side, ramin or emri lumber and articles made from ramin or emri lumber, between points in southwestern territory; between points in southwestern territory, on the one hand, and points in western trunk-line territory, also points in Illinois, Kentucky, Tennessee, and Mississippi River crossings Memphis, Tenn., and south thereof, on the other hand.

Grounds for relief: Carrier competition.

Tariffs: Supplement 139 to Southwestern Freight Bureau tariff I.C.C. 3850, and 14 other schedules named in the application.

FSA No. 37788: *Fresh vegetables from Cullman, Ala.* Filed by O. W. South, Jr., Agent (No. A4200), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in carloads, as described in the application, from Cullman, Ala., to Kenova, W. Va.

Grounds for relief: Market competition.

Tariff: Supplement 15 to Southern Freight Association tariff I.C.C. S–178.

By the Commission.

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

[F.R. Doc. 62–5751; Filed, June 12, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

EDMUND W. DUGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of June 1, 1962.

EDMUND W. DUGAN.

JUNE 1, 1962.

[F.R. Doc. 62–5749; Filed, June 12, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

Page

PROCLAMATIONS:
- Jan. 16, 1931 — 5589
- 2318 — 5589
- 2362 — 5589
- 2363 — 5589
- 2416 — 5504
- 3478 — 5529

EXECUTIVE ORDERS:
- 7435 — 5504
- 10932 — 5589
- 10933 — 5589
- 11023 — 5131
- 11024 — 5385
- 11025 — 5467
- 11026 — 5531
- 11027 — 5533
- 11028 — 5589

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Letter, Apr. 23, 1929 (superseded by EO 11023) — 5131
- Memorandum, June 1, 1962 — 5387
- Reorganization Plan 2, 1962 — 5419

5 CFR

- 6 — 5243, 5329, 5389, 5490, 5538, 5600, 5601
- 27 — 5538
- 30 — 5423

6 CFR

- 421 — 5243
- 443 — 5248, 5251

7 CFR

- 28 — 5535
- 51 — 5253
- 301 — 5536
- 319 — 5389
- 722 — 5254
- 775 — 5329, 5469
- 811 — 5255
- 813 — 5255
- 905 — 5488, 5489
- 908 — 5187, 5489
- 910 — 5187, 5490
- 911 — 5536
- 912 — 5329
- 915 — 5135, 5537
- 916 — 5256
- 917 — 5256, 5329, 5330
- 922 — 5187
- 923 — 5537
- 980 — 5330
- 987 — 5257
- 1039 — 5601
- 1133 — 5136
- 1195 — 5331

PROPOSED RULES:
- 52 — 5611
- 70 — 5562
- 81 — 5562
- 905 — 5432
- 912 — 5564
- 1001 — 5335
- 1003 — 5195
- 1005 — 5402
- 1006 — 5335
- 1007 — 5335
- 1011 — 5402
- 1014 — 5335
- 1015 — 5335
- 1016 — 5195

7 CFR—Continued

Page

PROPOSED RULES—Continued
- 1047 — 5611
- 1065–1066 — 5402
- 1071–1076 — 5402
- 1090 — 5402
- 1094 — 5402
- 1096 — 5402
- 1098 — 5402
- 1101–1107 — 5402
- 1120 — 5402
- 1126–1130 — 5402
- 1132 — 5402
- 1134 — 5402
- 1135 — 5402, 5508
- 1137 — 5402, 5508
- 1193 — 5432

9 CFR

- 74 — 5491
- 77 — 5491
- 92 — 5601

PROPOSED RULES:
- 16 — 5195
- 17 — 5195
- 18 — 5195

10 CFR

- 50 — 5491
- 112 — 5602

12 CFR

- 221 — 5538
- 271 — 5188
- 272 — 5188
- 523 — 5391
- 543 — 5391

13 CFR

PROPOSED RULES:
- 107 — 5271, 5439
- 111 — 5219

14 CFR

- 22 — 5331
- 42 — 5391
- 49 — 5392, 5393
- 221 — 5494
- 507 — 5137, 5393
- 514 — 5137, 5138
- 600 — 5257, 5540
- 601 — 5423, 5424, 5495, 5496, 5603
- 602 — 5424, 5425, 5496, 5497, 5540, 5603
- 608 — 5425, 5426
- 609 — 5179, 5541
- 610 — 5603

PROPOSED RULES:
- 48 — 5402, 5614
- 60 — 5402
- 241 — 5268
- 507 — 5439
- 600 — 5269, 5341, 5404, 5570
- 601 — 5270, 5341, 5404, 5406, 5570, 5571
- 602 — 5404, 5406
- 608 — 5341, 5570

16 CFR

- 13 — 5139, 5140, 5258, 5393–5397, 5426, 5427, 5497, 5498, 5556, 5557, 5603–5605
- 29 — 5398

17 CFR

- 231 — 5190
- 271 — 5190

17 CFR—Continued

Page

PROPOSED RULES:
- 240 — 5204

18 CFR

- 1 — 5605
- 2 — 5606
- 3 — 5331
- 260 — 5606

PROPOSED RULES:
- 154 — 5201

19 CFR

- 8 — 5190
- 12 — 5190

20 CFR

- 262 — 5398

21 CFR

- 3 — 5428
- 18 — 5429
- 19 — 5429
- 37 — 5498
- 121 — 5258, 5429, 5430
- 141a — 5499
- 141b — 5499
- 141c — 5499
- 141d — 5499
- 141e — 5499
- 146 — 5430
- 146a — 5498, 5499
- 146b — 5499
- 146c — 5430, 5499
- 146d — 5499
- 146e — 5499
- 191 — 5431, 5539

PROPOSED RULES:
- 8 — 5570
- 29 — 5198
- 120 — 5438
- 121 — 5439, 5510

26 CFR

PROPOSED RULES:
- 20 — 5268
- 25 — 5268

27 CFR

- 5 — 5259

28 CFR

- 0 — 5162

29 CFR

PROPOSED RULES:
- 9 — 5565
- 9a — 5565
- 530 — 5438

32 CFR

- 48 — 5549
- 70 — 5591
- 590 — 5259
- 591 — 5259
- 592 — 5260
- 593 — 5261
- 595 — 5261
- 596 — 5261
- 598 — 5261
- 600 — 5263
- 602 — 5264
- 606 — 5265
- 805 — 5553
- 825 — 5331
- 826 — 5553
- 827 — 5553

32 CFR—Continued Page

859 5554
887 5554
890 5331

32A CFR

PROPOSED RULES:
OIA (CH. X):
OI Reg. 1 5561

33 CFR

203 5503

36 CFR

1 5398
7 5607

PROPOSED RULES:
7 5195

38 CFR

2 5608
3 5141, 5431, 5539, 5608

39 CFR

95 5398
112 5265
151 5265

41 CFR

PROPOSED RULES:
50–202 5437

42 CFR Page

53 5503

43 CFR

PUBLIC LAND ORDERS:
125 5334
948 5334
2686 5266
2687 5266
2688 5266
2689 5334
2690 5504
2691 5557
2692 5608
2693 5608

45 CFR

PROPOSED RULES:
301 5151

46 CFR

146 5279
147 5279
530 5504

PROPOSED RULES:
401 5509

47 CFR Page

1 5558
2 5334
3 5559
8 5558
12 5560

PROPOSED RULES:
2 5345–5347
3 5347, 5614
9 5345–5347
15 5201

49 CFR

1 5610
95 5141, 5399
187 5142

PROPOSED RULES:
72 5143
73 5143, 5407
74 5146
77 5147
78 5147
136 5618

50 CFR

10 5505
33 5399–5401, 5540
260 5506