Part II begins on page 1529

Pages 1431–1555

PART I

FEDERAL REGISTER

VOLUME 29 NUMBER 20

Washington, Wednesday, January 29, 1964

Contents

(*Continued on next page*)

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.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

7 CFR

970 1444
971 1444
PROPOSED RULES:
950 1475
1032 1530
1050 1530
1063 1530

14 CFR

71 [New] (3 documents) 1445, 1446
399 1446
507 1453
PROPOSED RULES:
71 [New] (6 documents) 1479, 1480
207 1476
399 1476
507 1481
514 1482

16 CFR

13 (10 documents) 1454–1458

19 CFR

PROPOSED RULES:
1 1472

21 CFR

19 1459
121 (3 documents) 1459, 1460

24 CFR

1800 1460

26 CFR

PROPOSED RULES:
301 1472

32A CFR

OEP (Ch. I):
DMO–I–26 1461

38 CFR

1 1461
2 1461
3 (2 documents) 1461, 1463
6 1461
8 1461
13 1461
17 1461
19 1464
21 1461

41 CFR

50–204 1437
PROPOSED RULES:
50–204 1476

43 CFR

192 1437

46 CFR

206 1470
222 1470
223 1470
226 1470
231 1470
236 1470
293 1471
PROPOSED RULES:
Ch. II 1475

49 CFR

120 1469
301 1469
445 1470
PROPOSED RULES:
179 1482

50 CFR

PROPOSED RULES:
25 1472
26 1472
27 1472
28 1472
29 1472
30 1472
31 1472
32 1472
33 1472
70 1472
71 1472

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, D.C., 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER L—MINERAL LANDS

[Circular 2128]

PART 192—OIL AND GAS LEASES

Miscellaneous Amendments

On page 2283 of the FEDERAL REGISTER of March 8, 1963, there was published a proposal to add new §§ 192.43a and 192.43b to 43 CFR Part 192 and a new subparagraph (a) (4) to 43 CFR 192.141.

The purpose of the proposed new sections was to define the meaning and intent of the phrase "sole party in interest" in a lease, what constitutes "interest" in a lease, and also to define collusive filings. The new subparagraph would have required that lands in lease assignments be described in the same manner as in offers to lease.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with regard to the proposals. After consideration of all of the comments and suggestions received during that period, the last sentence of the proposed § 192.43b was changed to provide for the cancellation of "interests" acquired in a lease as the result of a collusive filing rather than the "lease" itself, unless the rights of a bona fide purchaser intervened. Subparagraph (a) of § 192.141 has also been changed in such fashion as would allow descriptions of lands in lease assignments to be made in the same manner as described in the lease itself or in the manner required by § 192.42a.

The amendments are hereby adopted as set forth below, and shall become effective at the beginning of the 30th calendar day following publication in the FEDERAL REGISTER.

1. New §§ 192.43a and 192.43b and new subparagraph (a) (4) to § 192.141 are added to Title 43, Code of Federal Regulations to read as follows:

§ 192.43a Sole party in interest; statement of interest.

A sole party in interest in a lease or offer to lease is a party who is and will be vested with all legal and equitable rights under the lease. No one is, or shall be deemed to be, a sole party in interest with respect to a lease in which any other party has any of the interests described in this section. The requirement of disclosure in an offer to lease of an offeror's or other parties' interest in a lease, if issued, is predicated on the departmental policy that all offerors and other parties having an interest in simultaneously filed offers to lease shall have an equal opportunity for success in the drawings to determine priorities. Additionally, such disclosures provide the means for maintaining adequate records of acreage holdings of all such parties where such interests constitute chargeable acreage holdings. An "interest" in the lease includes but is not limited to record title interests, overriding royalty interests, working interests, operating rights or options, or any agreements covering such "interests". Any claim (existing at the time when the lease is issued) or any prospective or future claim (which is based on conditions existing at the time when the lease is issued) to an advantage or benefit from a lease, or any participation or any defined or undefined share in any increments, issues, or profits, which may be derived from or which may accrue in any manner from the lease pursuant to any agreement or understanding existing at the time when the lease is issued, is deemed to constitute an "interest" in the lease.

§ 192.43b Collusive filings.

When any person, association, corporation, or other entity or business enterprise files an offer to lease for inclusion in a drawing, and an offer (or offers) to lease is filed for the same lands in the same drawing by any person or party acting for, on behalf of, or in collusion with the other person, association, corporation, entity or business enterprise, under any agreement, scheme, or plan which would give either, or both, a greater probability of successfully obtaining a lease, or interest therein, in any public drawing, held pursuant to § 192.43 of this part, all offers filed by either party will be rejected. Similarly, where an agent or broker files an offer to lease for the same lands in behalf of more than one offeror under an agreement that, if a lease issues to any of such offerors, the agent or broker will participate in any proceeds derived from such lease, the agent or broker obtains thereby a greater probability of success in obtaining a share in the proceeds of the lease and all such offers filed by such agent or broker will also be rejected. Should any such offer be given a priority as a result of such a drawing, it will be similarly rejected. In the event a lease is issued on the basis of any such offer, action will be taken for the cancellation of all interests in said lease held by each person who acquired any interest therein as a result of collusive filing unless the rights of a bona fide purchaser as provided for in § 191.15 of this Chapter intervene, whether the pertinent information regarding it is obtained by or was available to the Government before or after the lease was issued.

2. Section 192.141 is supplemented by adding a new subparagraph (a) (4) thereto to read as follows:

§ 192.141 Requirements for filing of transfers.

(a) * * *

(4) Each instrument of transfer must describe the lands involved in the same manner as described in the lease or in the manner required by § 192.42a.

(30 U.S.C. 189, 43 U.S.C. 1201)

JANUARY 22, 1964.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 64-834; Filed, Jan. 28, 1964; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Radiation

A document amending 41 CFR Part 50-204 to include radiation safety and health standards was published in the FEDERAL REGISTER on August 9, 1963 (28 F.R. 8208). Except as may otherwise be specifically provided, these minimum radiation safety and health standards shall apply to all contractors engaged in the performance of Federal supply contracts subject to the requirements of section 1(e) of the Walsh-Healey Public Contracts Act. Their purpose is to afford the strongest possible protections to employees of Federal supply contractors against the hazards of occupational radiation. Recognizing the somatic and genetic hazards of ionizing radiation to human beings, every effort shall be made to keep exposure of workers at lowest possible levels and to avoid all unnecessary exposure of such workers. The standards shall apply to all radiation sources such as industrial X-ray, particle accelerators, high energy electron tubes, radium, by-product material and other sources to which workers for Federal supply contractors are occupationally exposed. They will be subject to continual review in order to reflect increasing scientific knowledge concerning the biological effects of radiation.

It was provided in a document published on January 10, 1964, that these regulations would become effective February 5, 1964 (29 F.R. 260). On Novem-

ber 8, 1963, proposed amendments to the radiation safety and health standards were published (28 F.R. 11929).

After consideration of all relevant matter presented, the proposed amendments are hereby adopted, effective February 28, 1964, subject to the changes set forth below.

In order to make the basic radiation safety and health standards and the amendments thereto effective at the same time, the February 5, 1964, effective date is deferred to February 28, 1964. Application of all regulations following the centerhead "Radiation" in 41 CFR 50–204 shall be withheld in the cases of AEC contractors operating AEC plants and facilities and in the cases of employers in the States of Arkansas, California, Kentucky, Mississippi, New York, or Texas, operating under licenses issued by those States, however, until appropriate orders are issued after opportunity is accorded to demonstrate why the regulations should contain special provisions for them.

The changes are as follows:

1. Footnote 3 in § 50–204.307 is amended as set forth below.

2. In § 50–204.308(c)(2) after the words, "exists radiation" the words "originating in whole or in part within radioactive material," are deleted.

3. In § 50–204.310(b) after the words "presence of patients containing", the word "radioactive" will replace the word "by-product".

4. The words "or in a manner approved by the Atomic Energy Commission" are added to the end of § 50–204.314.

5. The table entitled "Concentrations in Air and Water Above Natural Background" in § 50–204.307 is amended as set forth below.

6. The title of 29 CFR 50–204.320 is changed to read "AEC licensees" and paragraph (b) of that section is deleted.

7. In addition to adoption of the proposal subject to the above-mentioned changes, paragraph (1) of § 50–204.306 (d) of the regulations published on August 9, 1963 (28 F.R. 8208) is revised to read as set forth below.

Signed at Washington, D.C., this 24th day of January, 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

Sec.

AUTHORITY: §§ 50–204.305 to 50–204.320 issued under secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; sec. 7, 60 Stat. 241; 5 U.S.C. 1006.

2. Subparagraph (3) of 41 CFR Part 50–204.305(c) would be amended to read as follows:

§ 50–204.305 Units of ionizing radiation dose.

(c) * * *

* * * * *

(3) A dose of 0.1 rad due to neutrons or high energy protons:

* * * * *

3. New subparagraphs (3) and (4) would be added to § 50–204.306(d) to read as follows:

* * * * *

(d) * * *

(3) Alternatively, the four periods may consist of the first 14 complete, consecutive calendar weeks; the next 12 complete, consecutive calendar weeks; the next 14 complete, consecutive calendar weeks; and the last 12 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of that year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of the previous year.

(4) No employer shall change the method observed by him of determining calendar quarters (for purposes of this part) except at the beginning of a calendar year.

4. The table contained in § 50–204.307 would be revised to read as follows:

§ 50–204.307 Exposure to airborne radioactive materials.

* * * * *

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Actinium (89)	Ac 227	S	2×10^{-12}	6×10^{-8}
		I	3×10^{-11}	9×10^{-8}
	Ac 228	S	8×10^{-8}	3×10^{-3}
		I	2×10^{-6}	3×10^{-3}
Americium (95)	Am 241	S	6×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
	Am 243	S	6×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
Antimony (51)	Sb 122	S	2×10^{-7}	8×10^{-4}
		I	1×10^{-7}	8×10^{-4}
	Sb 124	S	2×10^{-7}	7×10^{-4}
		I	2×10^{-6}	7×10^{-4}
	Sb 125	S	5×10^{-7}	3×10^{-3}
		I	3×10^{-6}	3×10^{-3}
Argon (18)	A 37	Sub [2]	6×10^{-6}	----------
	A 41	Sub	2×10^{-6}	----------
Arsenic (33)	As 73	S	2×10^{-6}	1×10^{-2}
		I	4×10^{-7}	1×10^{-2}
	As74	S	3×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	As 76	S	1×10^{-7}	6×10^{-4}
		I	1×10^{-7}	6×10^{-4}
	As 77	S	5×10^{-7}	2×10^{-3}
		I	4×10^{-7}	2×10^{-3}
Astatine (85)	At 211	S	7×10^{-9}	5×10^{-5}
		I	3×10^{-6}	2×10^{-3}
Barium (56)	Ba 131	S	1×10^{-6}	5×10^{-3}
		I	4×10^{-7}	5×10^{-3}
	Ba 140	S	1×10^{-7}	8×10^{-4}
		I	4×10^{-8}	7×10^{-4}
Berkelium (97)	Bk 249	S	9×10^{-10}	2×10^{-2}
		I	1×10^{-7}	2×10^{-2}
Beryllium (4)	Be 7	S	6×10^{-6}	5×10^{-2}
		I	1×10^{-6}	5×10^{-2}
Bismuth (83)	Bi 206	S	2×10^{-7}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
	Bi 207	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-6}	2×10^{-3}
	Bi 210	S	6×10^{-9}	1×10^{-3}
		I	6×10^{-9}	1×10^{-3}
	Bi 212	S	1×10^{-7}	1×10^{-3}
		I	2×10^{-6}	1×10^{-3}
Bromine (35)	Br 82	S	1×10^{-6}	8×10^{-3}
		I	2×10^{-7}	1×10^{-2}

See footnotes at end of table.

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Cadmium (48)	Cd 109	S	5×10^{-8}	5×10^{-3}
		I	7×10^{-8}	5×10^{-3}
	Cd 115m	S	4×10^{-8}	7×10^{-4}
		I	4×10^{-8}	7×10^{-4}
	Cd 115	S	2×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Calcium (20)	Ca 45	S	3×10^{-8}	3×10^{-4}
		I	1×10^{-7}	5×10^{-3}
	Ca 47	S	2×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Californium (98)	Cf 249	S	2×10^{-12}	1×10^{-4}
		I	1×10^{-10}	7×10^{-4}
	Cf 250	S	5×10^{-12}	4×10^{-4}
		I	1×10^{-10}	7×10^{-4}
	Cf 252	S	2×10^{-11}	7×10^{-4}
		I	1×10^{-10}	7×10^{-4}
Carbon (6)	C 14	S	4×10^{-6}	2×10^{-2}
	(CO_2)	Sub	5×10^{-8}	
Cerium (58)	Ce 141	S	4×10^{-7}	3×10^{-3}
		I	2×10^{-7}	3×10^{-3}
	Ce 143	S	3×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
	Ce 144	S	1×10^{-8}	3×10^{-4}
		I	6×10^{-9}	3×10^{-4}
Cesium (55)	Cs 131	S	1×10^{-6}	7×10^{-2}
		I	3×10^{-6}	3×10^{-2}
	Cs 134m	S	4×10^{-8}	2×10^{-1}
		I	6×10^{-6}	3×10^{-2}
	Cs 134	S	4×10^{-8}	3×10^{-4}
		I	1×10^{-8}	1×10^{-3}
	Cs 135	S	5×10^{-7}	3×10^{-3}
		I	9×10^{-8}	7×10^{-3}
	Cs 136	S	4×10^{-7}	2×10^{-3}
		I	2×10^{-7}	2×10^{-3}
	Cs 137	S	6×10^{-8}	4×10^{-4}
		I	1×10^{-8}	1×10^{-3}
Chlorine (17)	Cl 36	S	4×10^{-7}	2×10^{-3}
		I	2×10^{-8}	2×10^{-3}
	Cl 38	S	3×10^{-6}	1×10^{-2}
		I	2×10^{-6}	1×10^{-2}
Chromium (24)	Cr 51	S	1×10^{-5}	5×10^{-2}
		I	2×10^{-6}	5×10^{-2}
Cobalt (27)	Co 57	S	3×10^{-6}	2×10^{-2}
		I	2×10^{-7}	1×10^{-2}
	Co 58m	S	2×10^{-8}	8×10^{-2}
		I	9×10^{-6}	6×10^{-2}
	Co 58	S	8×10^{-7}	4×10^{-3}
		I	5×10^{-8}	3×10^{-3}
	Co 60	S	3×10^{-7}	1×10^{-3}
		I	9×10^{-9}	1×10^{-3}
Copper (29)	Cu 64	S	2×10^{-6}	1×10^{-2}
		I	1×10^{-6}	6×10^{-3}
Curium (96)	Cm 242	S	1×10^{-10}	7×10^{-4}
		I	2×10^{-10}	7×10^{-4}
	Cm 243	S	6×10^{-12}	1×10^{-4}
		I	1×10^{-10}	7×10^{-4}
	Cm 244α	S	9×10^{-12}	2×10^{-4}
		I	1×10^{-10}	8×10^{-4}
	Cm 245	S	5×10^{-12}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
	Cm 246	S	5×10^{-12}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
Dysprosium (66)	Dy 165	S	3×10^{-6}	1×10^{-2}
		I	2×10^{-6}	1×10^{-2}
	Dy 166	S	2×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Erbium (68)	Er 169	S	6×10^{-7}	3×10^{-3}
		I	4×10^{-7}	3×10^{-3}
	Er 171	S	7×10^{-7}	3×10^{-3}
		I	6×10^{-7}	3×10^{-3}

See footnotes at end of table.

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Europium (63)	Eu 152	S	4×10^{-7}	2×10^{-3}
	(T/2=9.2 hrs)	I	3×10^{-7}	2×10^{-3}
	Eu 152	S	1×10^{-5}	2×10^{-3}
	(T/2=13 hrs)	I	2×10^{-8}	2×10^{-3}
	Eu 154	S	4×10^{-9}	6×10^{-4}
		I	7×10^{-9}	6×10^{-4}
	Eu 155	S	9×10^{-8}	6×10^{-3}
		I	7×10^{-8}	6×10^{-3}
Fluorine (9)	F 18	S	5×10^{-6}	2×10^{-2}
		I	3×10^{-6}	1×10^{-2}
Gadolinium (64)	Gd 153	S	2×10^{-7}	6×10^{-3}
		I	9×10^{-8}	6×10^{-3}
	Gd 159	S	5×10^{-7}	2×10^{-3}
		I	4×10^{-7}	2×10^{-3}
Gallium (31)	Ga 72	S	2×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Germanium (32)	Ge 71	S	1×10^{-6}	5×10^{-2}
		I	6×10^{-6}	5×10^{-2}
Gold (79)	Au 196	S	1×10^{-6}	5×10^{-3}
		I	6×10^{-7}	4×10^{-3}
	Au 198	S	3×10^{-7}	2×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Gold (79)	Au 199	S	1×10^{-6}	5×10^{-3}
		I	8×10^{-7}	4×10^{-3}
Hafnium (72)	Hf 181	S	4×10^{-8}	2×10^{-3}
		I	7×10^{-8}	2×10^{-3}
Holmium (67)	Ho 166	S	2×10^{-7}	9×10^{-4}
		I	2×10^{-7}	9×10^{-4}
Hydrogen (1)	H3	S	5×10^{-6}	1×10^{-1}
		Sub	2×10^{-3}	
Indium (49)	In 113m	S	8×10^{-6}	4×10^{-2}
		I	7×10^{-6}	4×10^{-2}
	In 114m	S	1×10^{-7}	5×10^{-4}
		I	2×10^{-8}	5×10^{-4}
	In 115m	S	2×10^{-6}	1×10^{-2}
		I	2×10^{-6}	1×10^{-2}
	In 115	S	2×10^{-7}	3×10^{-3}
		I	3×10^{-6}	3×10^{-3}
Iodine (53)	I 126	S	8×10^{-9}	5×10^{-5}
		I	3×10^{-7}	3×10^{-3}
	I 129	S	2×10^{-9}	1×10^{-5}
		I	7×10^{-8}	6×10^{-3}
	I 131	S	9×10^{-9}	6×10^{-5}
		I	3×10^{-7}	2×10^{-3}
	I 132	S	2×10^{-7}	2×10^{-3}
		I	9×10^{-7}	5×10^{-3}
	I 133	S	3×10^{-8}	2×10^{-4}
		I	2×10^{-7}	1×10^{-3}
	I 134	S	5×10^{-7}	4×10^{-3}
		I	3×10^{-6}	2×10^{-2}
	I 135	S	1×10^{-7}	7×10^{-4}
		I	4×10^{-7}	2×10^{-3}
Iridium (77)	Ir 190	S	1×10^{-6}	6×10^{-3}
		I	4×10^{-7}	5×10^{-3}
	Ir 192	S	1×10^{-7}	1×10^{-3}
		I	3×10^{-8}	1×10^{-3}
	Ir 194	S	2×10^{-7}	1×10^{-3}
		I	2×10^{-7}	9×10^{-4}
Iron (26)	Fe 55	S	9×10^{-7}	2×10^{-2}
		I	1×10^{-6}	7×10^{-3}
	Fe 59	S	1×10^{-7}	2×10^{-3}
		I	5×10^{-9}	2×10^{-3}
Krypton [2] (36)	Kr 85m	Sub	6×10^{-6}	
	Kr 85	Sub	1×10^{-5}	
	Kr 87	Sub	1×10^{-6}	
Lanthanum (57)	La 140	S	2×10^{-7}	7×10^{-4}
		I	1×10^{-7}	7×10^{-4}
Lead (82)	Pb 203	S	3×10^{-6}	1×10^{-2}
		I	2×10^{-6}	1×10^{-2}
	Pb 210	S	1×10^{-10}	4×10^{-6}
		I	2×10^{-10}	5×10^{-3}
	Pb 212	S	2×10^{-8}	6×10^{-4}
		I	2×10^{-8}	5×10^{-4}

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Lutetium (71)	Lu 177	S	6×10^{-7}	3×10^{-3}
		I	5×10^{-7}	3×10^{-3}
Manganese (25)	Mn 52	S	2×10^{-7}	1×10^{-3}
		I	1×10^{-7}	9×10^{-4}
	Mn 54	S	4×10^{-7}	4×10^{-3}
		I	4×10^{-8}	3×10^{-3}
	Mn 56	S	8×10^{-7}	4×10^{-3}
		I	5×10^{-7}	3×10^{-3}
Mercury (80)	Hg 197m	S	7×10^{-7}	6×10^{-3}
		I	8×10^{-7}	5×10^{-3}
	Hg 197	S	1×10^{-6}	9×10^{-3}
		I	3×10^{-6}	1×10^{-2}
	Hg 203	S	7×10^{-8}	5×10^{-4}
		I	1×10^{-7}	3×10^{-3}
Molybdenum (42)	Mo 99	S	7×10^{-7}	5×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Neodymium (60)	Nd 144	S	8×10^{-11}	2×10^{-3}
		I	3×10^{-10}	2×10^{-3}
	Nd 147	S	4×10^{-7}	2×10^{-3}
		I	2×10^{-7}	2×10^{-3}
	Nd 149	S	2×10^{-6}	8×10^{-3}
		I	1×10^{-6}	8×10^{-3}
Neptunium (93)	Np 237	S	4×10^{-12}	9×10^{-5}
		I	1×10^{-10}	9×10^{-4}
	Np 239	S	8×10^{-7}	4×10^{-3}
		I	7×10^{-7}	4×10^{-3}
Nickel (28)	Ni 59	S	5×10^{-7}	6×10^{-3}
		I	8×10^{-7}	6×10^{-3}
	Ni 63	S	6×10^{-8}	8×10^{-4}
		I	3×10^{-7}	2×10^{-3}
	Ni 65	S	9×10^{-7}	4×10^{-3}
		I	5×10^{-7}	3×10^{-3}
Niobium (Columbium) (41)	Nb 93m	S	1×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
	Nb 95	S	5×10^{-7}	3×10^{-3}
		I	1×10^{-7}	3×10^{-3}
	Nb 97	S	6×10^{-6}	3×10^{-2}
		I	5×10^{-6}	3×10^{-2}
Osmium (76)	Os 185	S	5×10^{-7}	2×10^{-3}
		I	5×10^{-8}	2×10^{-3}
	Os 191m	S	2×10^{-5}	7×10^{-2}
		I	9×10^{-6}	7×10^{-2}
	Os 191	S	1×10^{-6}	5×10^{-3}
		I	4×10^{-7}	5×10^{-3}
	Os 193	S	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	2×10^{-3}
Palladium (46)	Pd 103	S	1×10^{-6}	1×10^{-2}
		I	7×10^{-7}	8×10^{-3}
	Pd 109	S	6×10^{-7}	3×10^{-3}
		I	4×10^{-7}	2×10^{-3}
Phosphorus (15)	P 32	S	7×10^{-8}	5×10^{-4}
		I	8×10^{-8}	7×10^{-4}
Platinum (78)	Pt 191	S	8×10^{-7}	4×10^{-3}
		I	6×10^{-7}	3×10^{-3}
	Pt 193m	S	7×10^{-6}	3×10^{-2}
		I	5×10^{-6}	3×10^{-2}
	Pt 197m	S	6×10^{-6}	3×10^{-2}
		I	5×10^{-6}	3×10^{-2}
	Pt 197	S	8×10^{-7}	4×10^{-3}
		I	6×10^{-7}	3×10^{-3}
Plutonium (94)	Pu 238	S	2×10^{-12}	1×10^{-4}
		I	3×10^{-11}	8×10^{-4}
	Pu 239	S	2×10^{-12}	1×10^{-4}
		I	4×10^{-11}	8×10^{-4}
	Pu 240	S	2×10^{-12}	1×10^{-4}
		I	4×10^{-11}	8×10^{-4}
	Pu 241	S	9×10^{-11}	7×10^{-3}
		I	4×10^{-5}	4×10^{-2}
	Pu 242	S	2×10^{-12}	1×10^{-4}
		I	4×10^{-11}	9×10^{-4}
Polonium (84)	Po 210	S	5×10^{-10}	2×10^{-5}
		I	2×10^{-10}	8×10^{-4}
Potassium (19)	K42	S	2×10^{-6}	9×10^{-3}
		I	1×10^{-7}	6×10^{-4}
Praseodymium (59)	Pr 142	S	2×10^{-7}	9×10^{-4}
		I	2×10^{-7}	9×10^{-4}
	Pr 143	S	3×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Promethium (61)	Pm 147	S	6×10^{-8}	6×10^{-3}
		I	1×10^{-7}	6×10^{-3}
	Pm 149	S	3×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Protoactinium (91)	Pa 230	S	2×10^{-9}	7×10^{-3}
		I	8×10^{-10}	7×10^{-3}
	Pa 231	S	1×10^{-12}	3×10^{-5}
		I	1×10^{-10}	8×10^{-4}
	Pa 233	S	6×10^{-7}	4×10^{-3}
		I	2×10^{-7}	3×10^{-3}
Radium (88)	Ra 223	S	2×10^{-9}	2×10^{-5}
		I	2×10^{-10}	1×10^{-4}
	Ra 224	S	5×10^{-9}	7×10^{-5}
		I	7×10^{-10}	2×10^{-4}
	Ra 226	S	3×10^{-11}	4×10^{-7}
		I	5×10^{-11}	9×10^{-4}
	Ra 228	S	7×10^{-11}	8×10^{-7}
		I	4×10^{-11}	7×10^{-4}
Radon (86)	Rn 220	S	3×10^{-7}	----------
		I	----------	----------
	Rn 222	S	1×10^{-7}	----------
Rhenium (75)	Re 183	S	3×10^{-6}	2×10^{-2}
		I	2×10^{-7}	8×10^{-3}
	Re 186	S	6×10^{-7}	3×10^{-3}
		I	2×10^{-7}	1×10^{-3}
	Re 187	S	9×10^{-6}	7×10^{-2}
		I	5×10^{-7}	4×10^{-2}
	Re 188	S	4×10^{-7}	2×10^{-3}
		I	2×10^{-7}	9×10^{-4}
Rhodium (45)	Rh 103m	S	8×10^{-5}	4×10^{-1}
		I	6×10^{-5}	3×10^{-1}
	Rh 105	S	8×10^{-7}	4×10^{-3}
		I	5×10^{-7}	3×10^{-3}
Rubidium (37)	Rb 86	S	3×10^{-7}	2×10^{-3}
		I	7×10^{-8}	7×10^{-4}
	Rb 87	S	5×10^{-7}	3×10^{-3}
		I	7×10^{-8}	5×10^{-3}
Ruthenium (44)	Ru 97	S	2×10^{-6}	1×10^{-2}
		I	2×10^{-6}	1×10^{-2}
	Ru 103	S	5×10^{-7}	2×10^{-3}
		I	8×10^{-8}	2×10^{-3}
	Ru 105	S	7×10^{-7}	3×10^{-3}
		I	5×10^{-7}	3×10^{-3}
	Ru 106	S	8×10^{-8}	4×10^{-4}
		I	6×10^{-9}	3×10^{-4}
Samarium (62)	Sm 147	S	7×10^{-11}	2×10^{-3}
		I	3×10^{-10}	2×10^{-3}
	Sm 151	S	6×10^{-8}	1×10^{-2}
		I	1×10^{-7}	1×10^{-2}
	Sm 153	S	5×10^{-7}	2×10^{-3}
		I	4×10^{-7}	2×10^{-3}
Scandium (21)	Sc 46	S	2×10^{-7}	1×10^{-3}
		I	2×10^{-8}	1×10^{-3}
	Sc 47	S	6×10^{-7}	3×10^{-3}
		I	5×10^{-7}	3×10^{-3}
	Sc 48	S	2×10^{-7}	8×10^{-4}
		I	1×10^{-7}	8×10^{-4}
Selenium (34)	Se 75	S	1×10^{-6}	9×10^{-3}
		I	1×10^{-7}	8×10^{-3}
Silicon (14)	Si 31	S	6×10^{-6}	3×10^{-2}
		I	1×10^{-6}	6×10^{-3}
Silver (47)	Ag 105	S	6×10^{-7}	3×10^{-3}
		I	8×10^{-8}	3×10^{-3}
	Ag 110m	S	2×10^{-7}	9×10^{-4}
		I	1×10^{-8}	9×10^{-4}
	Ag 111	S	3×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Sodium (11)	Na 22	S	2×10^{-7}	1×10^{-3}
		I	9×10^{-9}	9×10^{-4}
	Na 24	S	1×10^{-6}	6×10^{-3}
		I	1×10^{-7}	8×10^{-4}

See footnotes at end of table.

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Strontium (38)	Sr 85m	S	4×10^{-5}	2×10^{-1}
		I	3×10^{-5}	2×10^{-1}
	Sr 85	S	2×10^{-7}	3×10^{-3}
		I	1×10^{-7}	5×10^{-3}
	Sr 89	S	3×10^{-8}	3×10^{-4}
		I	4×10^{-8}	8×10^{-4}
	Sr 90	S	3×10^{-10}	4×10^{-5}
		I	5×10^{-9}	1×10^{-3}
	Sr 91	S	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	1×10^{-3}
	Sr 92	S	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	2×10^{-3}
Sulfur (16)	S 35	S	3×10^{-7}	2×10^{-3}
		I	3×10^{-7}	8×10^{-3}
Tantalum (73)	Ta 182	S	4×10^{-8}	1×10^{-3}
		I	2×10^{-8}	1×10^{-3}
Technetium (43)	Tc 96m	S	8×10^{-6}	4×10^{-1}
		I	3×10^{-6}	3×10^{-1}
	Tc 96	S	6×10^{-7}	3×10^{-3}
		I	2×10^{-7}	1×10^{-3}
	Tc 97m	S	2×10^{-6}	1×10^{-2}
		I	2×10^{-7}	5×10^{-3}
	Tc 97	S	1×10^{-6}	5×10^{-2}
		I	3×10^{-7}	2×10^{-2}
	Tc 99m	S	4×10^{-5}	2×10^{-1}
		I	1×10^{-6}	8×10^{-2}
	Tc 99	S	2×10^{-6}	1×10^{-2}
		I	6×10^{-6}	5×10^{-3}
Tellurium (52)	Te 125m	S	4×10^{-7}	5×10^{-3}
		I	1×10^{-7}	3×10^{-3}
	Te 127m	S	1×10^{-7}	2×10^{-3}
		I	4×10^{-8}	2×10^{-3}
	Te 127	S	2×10^{-6}	8×10^{-3}
		I	9×10^{-7}	5×10^{-3}
	Te 129m	S	8×10^{-8}	1×10^{-3}
		I	3×10^{-8}	6×10^{-4}
	Te 129	S	5×10^{-6}	2×10^{-2}
		I	4×10^{-6}	2×10^{-2}
	Te 131m	S	4×10^{-7}	2×10^{-3}
		I	2×10^{-7}	1×10^{-3}
	Te 132	S	2×10^{-7}	9×10^{-4}
		I	1×10^{-7}	6×10^{-4}
Terbium (65)	Tb 160	S	1×10^{-7}	1×10^{-3}
		I	3×10^{-8}	1×10^{-3}
Thallium (81)	Tl 200	S	3×10^{-6}	1×10^{-2}
		I	1×10^{-6}	7×10^{-3}
	Tl 201	S	2×10^{-6}	9×10^{-3}
		I	9×10^{-7}	5×10^{-3}
	Tl 202	S	8×10^{-7}	4×10^{-3}
		I	2×10^{-7}	2×10^{-3}
	Tl 204	S	6×10^{-7}	3×10^{-3}
		I	3×10^{-6}	2×10^{-3}
Thorium (90)	Th 228	S	9×10^{-12}	2×10^{-4}
		I	6×10^{-12}	4×10^{-4}
	Th 230	S	2×10^{-12}	5×10^{-5}
		I	10^{-11}	9×10^{-4}
	Th 232	S	3×10^{-11}	5×10^{-5}
		I	3×10^{-11}	10^{-3}
	Th natural	S	3×10^{-11}	3×10^{-5}
		I	3×10^{-11}	3×10^{-4}
	Th 234	S	6×10^{-8}	5×10^{-4}
		I	3×10^{-8}	5×10^{-4}
Thulium (69)	Tm 170	S	4×10^{-8}	1×10^{-3}
		I	3×10^{-8}	1×10^{-3}
	Tm 171	S	1×10^{-7}	1×10^{-2}
		I	2×10^{-7}	1×10^{-2}
Tin (50)	Sn 113	S	4×10^{-7}	2×10^{-3}
		I	5×10^{-8}	2×10^{-3}
	Sn 125	S	1×10^{-7}	5×10^{-4}
		I	8×10^{-8}	5×10^{-4}

See footnotes at end of table.

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Tungsten (Wolfram) (74)	W 181	S	2×10^{-6}	1×10^{-2}
		I	1×10^{-7}	1×10^{-2}
	W 185	S	8×10^{-7}	4×10^{-3}
		I	1×10^{-7}	3×10^{-3}
	W 187	S	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	2×10^{-3}
Uranium (92)	U 230	S	3×10^{-10}	1×10^{-4}
		I	1×10^{-10}	1×10^{-4}
	U 232	S	1×10^{-10}	8×10^{-4}
		I	3×10^{-11}	8×10^{-4}
	U 233	S	5×10^{-10}	9×10^{-4}
		I	1×10^{-10}	9×10^{-4}
	U 234	S	6×10^{-10}	9×10^{-4}
		I	1×10^{-10}	9×10^{-4}
	U 235	S	5×10^{-10}	8×10^{-4}
		I	1×10^{-10}	8×10^{-4}
	U 236	S	6×10^{-10}	1×10^{-3}
		I	1×10^{-10}	1×10^{-3}
	U 238	S	7×10^{-11}	1×10^{-3}
		I	1×10^{-10}	1×10^{-3}
	U-natural	S	7×10^{-11}	5×10^{-4}
		I	6×10^{-11}	5×10^{-4}
Vanadium (23)	V 48	S	2×10^{-7}	9×10^{-4}
		I	6×10^{-8}	8×10^{-4}
Xenon (54)	Xe 131m	Sub	2×10^{-5}	----------
	Xe 133	Sub	1×10^{-5}	----------
	Xe 135	Sub	4×10^{-6}	----------
Ytterbium (70)	Yb 175	S	7×10^{-7}	3×10^{-3}
		I	6×10^{-7}	3×10^{-3}
Yttrium (39)	Y 90	S	1×10^{-7}	6×10^{-4}
		I	1×10^{-7}	6×10^{-4}
	Y 91m	S	2×10^{-5}	1×10^{-1}
		I	2×10^{-5}	1×10^{-1}
	Y 91	S	4×10^{-8}	8×10^{-4}
		I	3×10^{-8}	8×10^{-4}
	Y 92	S	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	2×10^{-3}
	Y 93	S	2×10^{-7}	8×10^{-4}
		I	1×10^{-7}	8×10^{-4}
Zinc (30)	Zn 65	S	1×10^{-7}	3×10^{-3}
		I	6×10^{-8}	5×10^{-3}
	Zn 69m	S	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	2×10^{-3}
	Zn 69	S	7×10^{-6}	5×10^{-2}
		I	9×10^{-6}	5×10^{-2}
Zirconium (40)	Zr 93	S	1×10^{-7}	2×10^{-2}
		I	3×10^{-7}	2×10^{-2}
	Zr 95	S	1×10^{-7}	2×10^{-3}
		I	3×10^{-8}	2×10^{-3}
	Zr 97	S	1×10^{-7}	5×10^{-4}
		I	9×10^{-8}	5×10^{-4}

[1] Soluble (S); Insoluble (I).

[2] "Sub" means that values given are for submersion in an infinite cloud of gaseous material.

5. Footnotes 2 and 3 of § 50–204.307 would be revised to read as follows:

§ 50–204.307 Exposure to radioactive materials.

* * * * *

[2] If either the identity or the concentration of any radionuclide in the mixture is not known, the limiting values for purposes of this table shall be:

a. For purposes of Table I, Col. 1–1×10^{-12}

b. For purposes of Table I, Col. 2–3×10^{-7}

[3] If the conditions specified below are met, the corresponding values specified below may be used in lieu of that specified in paragraph 2 above.

a. If the identity of each radionuclide in the mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the concentration limit for the mixture is the limit specified in the table above for the radionuclide in the mixture having the lowest concentration limit; or

b. If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in the table above are not present in the mixture, the concentration limit for the mixture is the lowest concentration limit specified in the table above for any radionuclide which is not known to be absent from the mixture; or

c. —

Element (atomic number) and isotope	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
If it is known that Sr 90, I 129, Pb 210, Po 210, At 211, Ra 223, Ra 224, Ra 226, Ac 227 Ra 228, Th 230, Pa 231, Th 232, and Th-nat are not present		9×10^{-4}
If it is known that Sr 90, I 129, Pb 210, Po 210, Ra 223, Ra 226, Ra 228, Pa 231, and Th-nat are not present		6×10^{-4}
If it is known that Sr 90, Pb 210, Ra 226 and Ra 228 are not present		2×10^{-4}
If it is known that Ra 226 and Ra 228 are not present		3×10^{-4}
If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 241 and Bk 249 are not present	3×10^{-9}	
If it is known that alpha-emitters and Pb 210, Ac 227, Ra 228, and Pu 241 are not present	3×10^{-10}	
If it is known that alpha-emitters and Ac 227 are not present	3×10^{-11}	
If it is known that Ac 227, Th 230, Pa 231, Pu 238, Pu 239, Pu 240, Pu 242, and Cf 249 are not present	3×10^{-12}	
If Pa 231, Pu 239, Pu 240, Pu 242 and Cf 249 are not present	2×10^{-12}	

6. Section 50–204.308 would be revised to read as follows:

§ 50–204.308 Precautionary procedures and personnel monitoring.

(a) Every employer shall make such surveys as may be necessary for him to comply with the regulations in this part. "Survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

(b) Every employer shall supply appropriate personnel monitoring equipment, such as film badges, pocket chambers, pocket dosimeters, or film rings, to, and require the use of such equipment by:

(1) Each employee who enters an area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of § 50–204.306; and

(2) Each employee under 18 years of age who enters an area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in paragraph (a) of § 50–204.306.

(3) Each employee who enters a high radiation area.

(c) As used in this part:

(1) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received (e.g., film badges, pocket chambers, pocket dosimeters, film rings, etc.);

(2) "Radiation area" means any area, accessible to personnel, in which there exists radiation, at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirem, or in any 5 consecutive days a dose in excess of 100 millirems;

(3) "High radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirems.

7. Section 50–204.309 would be renumbered as § 50–304.317.

8. Section 50–204.310 would be renumbered as § 50–204.319.

9. A new § 50–204.309 would be established to read as follows:

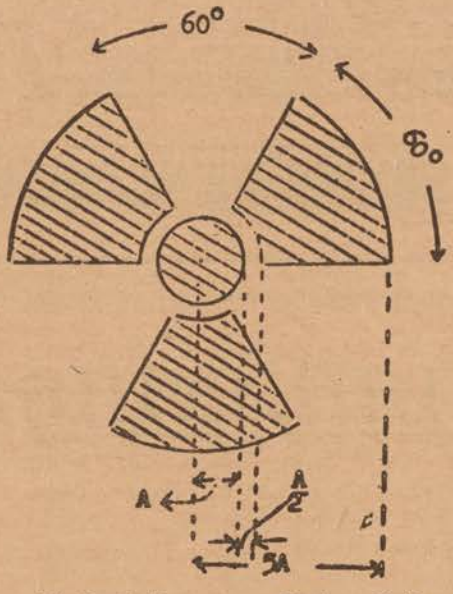
§ 50–204.309 Caution signs, labels, and signals.

(a) *General.* (1) Symbols prescribed by this section shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this section is the conventional three-bladed design:

RADIATION SYMBOL

1. Cross-hatched area is to be magenta or purple.
2. Background is to be yellow.

(2) In addition to the contents of signs and labels prescribed in this section, employers may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation or to radioactive material.



(b) *Radiation areas.* Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [3]
RADIATION AREA

(c) *High radiation areas.* (1) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

[3] Or "Danger"

CAUTION [3]
HIGH RADIATION AREA

(2) Each high radiation area shall be equipped with a control device which shall either cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirem in one hour upon entry into the area or shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering and the employer or a supervisor of the activity are made aware of the entry. In the case of a high radiation area established for a period of 30 days or less, such control device is not required.

(d) *Airborne radioactivity areas.* (1) As used in the regulations in this part, "airborne radioactivity area" means (i) any room, enclosure, or operating area in which airborne radioactive materials, composed wholly or partly of radioactive material, exist in concentrations in excess of the amounts specified in Column 1 of § 50–204.307; or any room, enclosure, or operating area in which airborne radioactive material exists in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in Column 1 of § 50–204.307.

(2) Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [3]
AIRBORNE RADIOACTIVITY AREA

(e) *Additional requirements.* (1) Each area or room in which radioactive material is used or stored and which contains any radioactive material (other than natural uranium or thorium) in any amount exceeding 10 times the quantity of such material specified in paragraph (g) of this section shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [3]
RADIOACTIVE MATERIAL(S)

(2) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding one hundred times the quantity specified in paragraph (g) of this section shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [3]
RADIOACTIVE MATERIAL(S)

(f) *Containers.* (1) Each container in which is transported, stored, or used a quantity of any radioactive material (other than natural uranium or thorium) greater than the quantity of such material specified in paragraph (g) of this section shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

CAUTION [3]
RADIOACTIVE MATERIAL

(2) Each container in which natural uranium or thorium is transported, stored or used in a quantity greater than ten times the quantity specified in paragraph (g) of this section shall bear a durable, clearly visible label bearing

the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIAL

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph a label shall not be required:

(i) If the concentration of the material in the container does not exceed that specified in § 50–204.307, Column 2 of this part, or

(ii) For laboratory containers, such as beakers, flasks, and test tubes, used transiently in laboratory procedures, when the user is present.

(4) Where containers are used for storage, the labels required in this paragraph shall state also the quantities and kinds of radioactive materials in the containers and the date of measurement of the quantities.

(g) *Material.*

Material	Microcuries
Ag^{108}	1
Ag^{111}	10
As^{76}, As^{77}	10
Au^{198}	10
Au^{199}	10
$Ba^{140}+La^{140}$	1
Be^{7}	50
C^{14}	50
Ca^{45}	10
$Cd^{109}+Ag^{109}$	10
$Ce^{144}+Pr^{144}$	1
Cl^{36}	1
Co^{60}	1
Cr^{51}	50
$Cs^{137}+Ba^{137}$	1
Cu^{64}	50
Eu^{154}	1
F^{18}	50
Fe^{55}	50
Fe^{59}	1
Ga^{72}	10
Ge^{71}	50
H^{3}(HTO or H_2^3O)	250
I^{131}	10
In^{114}	1
Ir^{192}	10
K^{42}	10
La^{140}	10
Mn^{52}	1
Mn^{54}	50
Mo^{99}	10
Na^{22}	10
Na^{24}	10
Nb^{95}	10
Ni^{59}	1
Ni^{63}	1
P^{32}	10
$Pd^{103}+Rh^{103}$	50
Pd^{109}	10
Pm^{147}	10
Po^{210}	0.1
Pr^{143}	10
Pu^{239}	1
Ra^{226}	0.1
Rb^{86}	10
Re^{186}	10
Rh^{105}	10
$Ru^{106}+Rh^{106}$	1
S^{35}	50
Sb^{124}	1
Sc^{46}	1
Sm^{153}	10
Sn^{113}	10
Sr^{89}	1
$Sr^{90}+Y^{90}$	0.1
Ta^{182}	10
Tc^{96}	1
Tc^{99}	1
Te^{127}	10
Te^{129}	1
Th (natural)	50
Tl^{204}	50
Tritium. See H^3	250
U (natural)	50
U^{233}	1
U^{234}–U^{235}	50
V^{48}	1
W^{185}	10
Y^{90}	1
Y^{91}	1
Zn^{65}	10
Unidentified radioactive materials or any of the above in unknown mixtures	0.1

[2] Or "Danger"

NOTE: For purposes of § 50–204.309 where there is involved a combination of isotopes in known amounts the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity").

10. A new § 50–204.310 would be established to read as follows:

§ 50–204.310 Exceptions from posting requirements.

Notwithstanding the provisions of § 50–204.309:

(a) A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level twelve inches from the surface of the source container or housing does not exceed five millirem per hour.

(b) Rooms or other areas in on site medical facilities are not required to be posted with caution signs because of the presence of patients containing radioactive material provided that there are personnel in attendance who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the regulations in this part.

(c) Caution signs are not required to be posted at areas or rooms containing radioactive materials for periods of less than eight hours provided that (1) the materials are constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established in the regulations in this part and; (2) such area or room is subject to the employer's control.

11. A new § 50–204.311 would be established to read as follows:

§ 50–204.311 Exemptions for radioactive materials packaged for shipment.

Radioactive materials packaged and labeled in accordance with regulations of the Interstate Commerce Commission shall be exempt from the labeling and posting requirements of § 50–204.309 during shipment, provided that the inside containers are labeled in accordance with the provisions of § 50–204.309.

12. A new § 50–204.312 would be established to read as follows:

§ 50204.312 Instruction of personnel: posting.

All employers regulated by the AEC shall be governed by § 20.206 (10 CFR Part 20) standards. All other employers shall be regulated by the following:

(a) All individuals working in or frequenting any portion of a radiation area shall be informed of the occurrence of radioactive materials or of radiation in such portions of the radiation area; shall be instructed in the safety problems associated with exposure to such materials or radiation and in precautions or devices to minimize exposure; shall be instructed in the applicable provisions of these radiation health and safety regulations for the protection of employees from exposure to radiation or radioactive materials; and shall be advised of reports or radiation exposure which employees may request pursuant to these regulations.

(b) Each employer shall post a current copy of the regulations of this part and a copy of the operating procedures applicable to the work under contract conspicuously in such locations as to ensure that employees working in or frequenting radiation areas will observe these documents on the way to and from their place of employments, or shall keep such documents available for examination of employees upon request.

13. A new § 50–204.313 would be established to read as follows:

§ 50–204.313 Storage of radioactive materials.

Radioactive materials stored in a nonradiation area shall be secured against unauthorized removal from the place of storage. This will apply to covered employees, except those under AEC regulation which will be governed by the applicable provisions of § 20.207 (10 CFR Part 20).

14. A new § 50–204.314 would be established to read as follows:

§ 50–204.314 Waste disposal.

No employer shall dispose of radioactive material except by transfer to an authorized recipient or in a manner approved by the Atomic Energy Commission.

15. A new § 50–204.315 would be established to read as follows:

§ 50–204.315 Notification of incidents.

(a) *Immediate notification.* Each employer shall immediately notify the Regional Director of the appropriate Wage and Hour and Public Contracts Divisions Regional Office, U.S. Department of Labor for employees not regulated by AEC by means of 10 CFR Part 20, by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual of 150 rems or more of radiation; or exposure of the feet, ankles, hands or forearms of any individual to 375 rems or more of radiation; or

(2) A loss of one working week or more of the operation of any facilities affected; or

(3) Damage to property in excess of $100,000.

(b) *Twenty-four hour notification.* Each employer shall within 24 hours notify the Regional Director of the appropriate Wage and Hour and Public Contracts Divisions' Regional Office, U.S. Department of Labor for employees not regulated by AEC by means of 10 CFR Part 20, by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or

more of radiation; or exposure of the feet, ankles, hands or forearms to 75 rems or more of radiation; or

(2) A loss of one day or more of the operation of any facilities affected; or

(3) Damage to property in excess of $1,000.

16. A new § 50–204.316 would be established to read as follows:

§ 50–204.316 Reports of overexposure and excessive levels and concentrations.

(a) In addition to any notification required by § 50–204.315 each employer shall make a report in writing within 30 days to the Regional Director of the appropriate Wage and Hour and Public Contracts Divisions' Regional Office, U.S. Department of Labor, for employees not regulated by AEC by means of 10 CFR Part 20; (1) Each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit in this part. Each report required under this paragraph shall describe the extent of exposure of persons to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved, the cause of the exposure, levels of concentrations; and corrective steps taken or planned to assure against a recurrence.

(b) In any case where an employer is required pursuant to the provisions of this section to report to the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor any exposure of an individual to radiation or to concentrations of radioactive material, the employer shall also notify such individual of the nature and extent of exposure. Such notice shall be in writing and shall contain the following statement:

This report is furnished to you under the provisions of 41 CFR Part 50–204, U.S. Department of Labor, Wage and Hour and Public Contracts Divisions. You should preserve this report for future reference.

17. A new § 50–204.318 would be established to read as follows:

§ 50–204.318 Disclosure to former employee of individual employee's record.

At the request of a former employee each employer shall furnish to the former employee a report of the former employee's exposure to radiation as shown in records maintained by the employer, pursuant to § 50–204.317(a). Such report shall be furnished within 30 days from the time the request is made; shall cover each calendar quarter of the individual's employment involving exposure to radiation, or such lesser period as may be requested by the employee. The report shall also include the results of any calculations and analysis of radioactive material deposited in the body of the employee. The report shall be in writing and contain the following statement:

This report is furnished to you under the provisions of the U.S. Department of Labor, Wage and Hour and Public Contracts Divisions, Radiation Safety and Health Standards (41 CFR Part 50–204). You should preserve this report for future reference.

(b) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

18. A new § 50–204.320 would be established to read as follows:

§ 50–204.320 AEC licensees.

Any employer who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended, under a license issued by the Atomic Energy Commission and in accordance with the requirements of Part 20, Chapter 1, Title 10, Code of Federal Regulations, shall be deemed to be in compliance with the requirements of this part with respect to such possession and use.

[F.R. Doc. 64–883; Filed, Jan. 28, 1964; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 970—CARROTS GROWN IN SOUTH TEXAS

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for the fiscal period ending July 31, 1964, and amended expenses for the fiscal period ending July 31, 1963, to be effective under Marketing Agreement No. 142 and Order No. 970, both as amended (7 CFR Part 970; 28 F.R. 7467, 7584) regulating the handling of carrots grown in South Texas, was published in the FEDERAL REGISTER January 4, 1964 (29 F.R. 107). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Carrot Committee, established pursuant to the amended marketing agreement and order, it is hereby found and determined that:

§ 970.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Carrot Committee, established under Marketing Agreement No. 142 and Order No. 970, both as amended, to enable the committee to perform its functions under the provisions of the marketing agreement and marketing order during the fiscal period August 1, 1963, through July 31, 1964, will amount to $37,000.00.

(b) The rate of assessment to be paid by each handler under Marketing Agreement No. 142 and Order No. 970, both as amended, shall be one-half cent ($0.005) per 50 pound sack (or crate) of carrots, or the equivalent quantity thereof packed in other containers, handled by him as the first handler thereof during said fiscal period.

In § 970.203 *Expenses and rate of assessment* (27 F.R. 12183), paragraph (a) is amended to read as follows:

§ 970.203 Expenses and rate of assessment.

(a) The reasonable expenses incurred by the South Texas Carrot Committee enabling such committee to perform its functions during the fiscal period ended July 31, 1963, amounted to $35,184.69. The budget for such fiscal period shall be, and is hereby, amended, pursuant to § 970.42(c) and recommendations of the committee, to approve expenses for $35,184.69. No change in the rate of assessment is necessary.

* * * * *

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of the amended marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable carrots from the beginning of such period, and (2) the current fiscal period began on August 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable carrots beginning with such date.

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

Dated: January 24, 1964.

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

[F.R. Doc. 64–896; Filed, Jan. 28, 1964; 8:55 a.m.]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Change in Fiscal Period, and Approved Expenses and Rate of Assessment

Notice of rule making on amending § 971.103 *Fiscal Period,* and on § 971.204, *Expenses and Rate of Assessment* for the fiscal period ending July 31, 1964, was published in the FEDERAL REGISTER, December 18, 1963 (28 F.R. 13786). These rules, as recommended by the South Texas Lettuce Committee, are to be made effective pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971) herein referred to collectively as the order. The order authorizes regulation of the handling of lettuce grown in the Lower Rio Grande Valley in South Texas and it is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested parties an opportunity to submit data, views, or

arguments pertaining thereto not later than 14 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, it is hereby found that the rules as hereinafter set forth are in accordance with the provisions of the said order and such rules will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Therefore, the beginning and ending dates prescribed in § 971.103, and the expenses and rate of assessment prescribed in § 971.204, as hereinafter set forth, are hereby approved.

A. Amend § 971.103 to read:

§ 971.103 Fiscal period.

The fiscal period which extends from November 1, 1962, through October 31, 1963 (7 CFR 971.103), shall end July 31, 1963. Beginning August 1, 1963, and thereafter, the fiscal period shall begin August 1 of each year and end July 31 of the following year, both dates inclusive.

B. Amend § 971.204 *Expenses and rate of assessment* to read:

§ 971.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1963, through July 31, 1964, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $16,050.00.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be two cents ($0.02) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meanings as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) No advance preparation for such effective date will be required of handlers for compliance therewith; (2) the changed fiscal period will tend to promote more effective fiscal operations under the order; (3) the relevant provisions of the order require that rates of assessment fixed for a particular period shall apply to all assessable lettuce from the beginning of such period; (4) the current fiscal period, upon approval of these rules, will have begun on August 1, 1963, and (5) no useful purpose would be served by postponing the effective date of such rules, which, therefore, shall be effective upon publication in the FEDERAL REGISTER.

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

Dated: January 24, 1964.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-897; Filed, Jan. 28, 1964; 8:55 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-WE-131]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones, Revocation of Control Area Extension and Designation of Transition Areas

On October 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10717) stating that the Federal Aviation Agency proposed to alter the San Diego (Lindbergh Field), San Diego (NAS North Island) and NAAS Ream Field, Calif., control zones; revoke the San Diego control area extension; and designate the Santa Catalina, Calif., and San Diego transition areas.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the Notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the San Diego, Calif. (Lindbergh Field), San Diego (NAS North Island), and NAAS Ream Field, Calif., control zones are amended to read:

a. *San Diego, Calif. (Lindbergh Field)*

Within a 5-mile radius of Lindbergh Field, San Diego, Calif. (latitude 32°43'58" N., longitude 117°11'14" W.); within 2 miles each side of the Lindbergh VOR 106° radial, extending from the 5-mile radius zone to 7 miles E. of the VOR, excluding the portion S. of a line extending from latitude 32°43'22" N., longitude 117°16'20" W. to latitude 32°43'22" N., longitude 117°12'23" W., to latitude 32°41'02" N., longitude 117°07'25" W.; and the portion N. of latitude 32°47'00" N.

b. *San Diego, Calif. (NAS North Island)*

Within a 5-mile radius of NAS North Island (latitude 32°42'00" N., longitude 117°12'35" W.); within the arc of a 10-mile radius circle centered on the North Island TACAN, extending clockwise from a line 2 miles N. of and parallel to the TACAN 120° radial to the 162° radial, excluding the portion N. of a line from latitude 32°43'22" N., longitude 117°17'20" W., to latitude 32°43'22" N., longitude 117°12'23" W., to latitude 32°41'02" N., longitude 117°07'25" W. and the portion within the NAS Ream Field, Calif., control zone.

c. *NAAS Ream Field, Calif.*

Within a 3-mile radius of NAAS Ream Field (latitude 32°34'00" N., longitude 117°06'50" W.), and that airspace W. of Ream Field within the arc of a 6-mile radius circle centered on Ream TACAN, extending counterclockwise from a line 2 miles N. of and parallel to the Ream TACAN 288° radial to the United States/Mexican Flight Information Region boundary, excluding the portion under the jurisdiction of Mexico.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the San Diego, Calif., control area extension.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

a. *San Diego, Calif.*

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°15'00" N., longitude 117°30'30" W., to latitude 33°15'00" N., longitude 117°17'00" W., to latitude 33°00'-00" N., longitude 117°07'00", to latitude 33°00'00" N., longitude 116°51'00" W., thence S. along longitude 116°51'00" W. to the United States/Mexican Border, thence W. along the United States/Mexican Border, and Flight Information Region Boundary to latitude 32°29'40" N., longitude 117°21'00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32°33'00" N., longitude 117°27'30" W., thence N. to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33°30'00" N., longitude 117°30'00" W., thence to latitude 33°30'00" N., longitude 116°18'00" W., thence to latitude 33°00'00" N., longitude 116°18'00" W., thence to latitude 33°00'00" N., longitude 116°05'00" W., thence S. via longitude 116°-05'00" W. to the United States/Mexican Border, thence W. via the United States/Mexican Border and Flight Information Region boundary to latitude 32°29'40" N., longitude 117°21'00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32°37'15" N., longitude 117°31'50" W., thence to latitude 32°34'45" N., longitude 117°39'00" W., thence to latitude 32°49'30" N., longitude 117°45'15" W., thence to latitude 32°57'40" N., longitude 117°35'00" W., thence to latitude 33°11'00" N., longitude 117°48'55" W., thence to latitude 33°15'00" N., longitude 117°30'00" W., thence N. via longitude 117°-30'00" W., to the point of beginning, excluding the portion within W-536. The portion of this transition area within R-2503 shall be used only after obtaining prior approval from appropriate authority.

b. *Santa Catalina, Calif.*

That airspace extending upward from 1,200 feet above the surface bounded on the E. by longitude 117°30'00" W., on the S. by a line extending from latitude 33°15'00" N., longitude 117°30'00" W., to latitude 33°11'-00" N., longitude 117°48'55" W., to latitude 33°18'00" N., longitude 118°34'00" W., on the W. by longitude 118°34'00" W., and on the N. by latitude 33°30'00" N., excluding the portion within Control Area 1177. The portion of this transition area within R-2503 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 22, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-802; Filed, Jan. 28, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

On August 22, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9263) stating that the Federal Aviation Agency pro-

posed to alter the control zone at Atlanta, Ga.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for reasons stated in the notice, the following action is taken:

In § 71.171 (27 F.R. 220–91, November 10, 1962), the Atlanta, Ga., (Municipal Airport) control zone is amended to read:

Atlanta, Ga. (Municipal Airport)

Within a 5-mile radius of Atlanta Municipal Airport (latitude 33°38'42'' N., longitude 84°25'37'' W.); within 2 miles each side of the Atlanta ILS localizer W. course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer SE. course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer E. course, extending from the 5-mile radius zone to the INT of the localizer E. course and the McDonough, Ga., VORTAC 333° radial; within a 3-mile radius of Morris AAF (latitude 33°37'20'' N., longitude 84°20'30'' W.); within 2 miles each side of the Rex, Ga., VOR 271° radial, extending from the 5-mile radius zone to 8.5 miles E. of the Atlanta Airport, and within 2 miles each side of the Fulton, Ga., VOR 151° radial, extending from the Atlanta Municipal Airport 5-mile radius zone to the Fulton County 5-mile radius zone.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

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

Issued in Washington, D.C., on January 22, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–803; Filed, Jan. 28, 1964; 8:45 a.m.]

[Airspace Docket No. 63–PC–9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On October 1, 1963, there was published in the FEDERAL REGISTER (28 F.R. 10549) a proposal to raise the floors of the VOR Federal airways in Hawaii.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

The substance of the proposal having been published and for the reasons stated in the notice, the following actions are taken:

In § 71.127 (27 F.R. 220–37, November 10, 1962, 28 F.R. 7290, 7670, 9428) the following changes are made:

1. In V–1, 2, 3, 6, 7, 11, 13, 16, and 17 Hawaii add:

The airspace below 1,200 feet MSL is excluded.

2. In V–4 Hawaii add:

The airspace below 3,500 feet MSL from the INT of Lihue 186° and Koko Head 254° radials to the INT of Koko Head 254° and South Kauai, Hawaii, 133° radials, and below 1,200 feet MSL from the INT of Koko Head 254° and South Kauai 133° radials to the INT of Koko Head 065° and Molokai, Hawaii, 311° radials and below 2,500 feet MSL from the INT of Koko Head 065° and Molokai 311° radials to the INT of Koko Head 065° and Upolu Point 002° radials is excluded.

3. In V–9 Hawaii "21,000 feet MSL within W–321 (Area C) is excluded." is deleted and "Flight level 300 within W–321 (Area C) and the airspace below 1,200 feet is excluded." is substituted therefor.

4. In V–8 Hawaii add:

The airspace below 1,200 feet MSL from the INT of Honolulu 179° and Molokai 268° radials to the INT of Molokai 067° and Maui, Hawaii, 331° radials and below 2,500 feet MSL from the INT of Molokai 067° and Maui 331° radials to the INT of Molokai 067° and Upolu Point 010° radials is excluded.

5. In V–12 Hawaii add:

The airspace below 3,500 feet MSL from the INT of Lihue 195° and Honolulu 269° radials to the INT of South Kauai, Hawaii, 133° and Honolulu 269° radials, and below 1,200 feet MSL from the INT of South Kauai 133° and Honolulu 269° radials to the INT of Koko Head 050° and Molokai, Hawaii, 311° radials, and below 2,500 feet MSL from the INT of Koko Head 050° and Molokai 311° radials to the INT of Koko Head 050° and Maui 012° radials is excluded.

6. In V–14 Hawaii "is excluded." is deleted and "and the airspace below 5,000 feet MSL from the INT of the South Kauai 271° radial and Long. 161°-20'00'' W., to Long. 159°43'00'' W., and below 1,200 feet MSL from Long. 159°-43'00'' W. to Koko Head is excluded." is substituted therefor.

7. In V–15 Hawaii "is excluded." is deleted and "and the airspace below 5,000 feet MSL from the INT of South Kauai 288° radial and Long. 161°15'00'' W. to Long. 159°43'00'' W., and below 1,200 feet MSL from Long. 159°43'00'' W. to Hilo is excluded." is substituted therefor.

These amendments shall become effective 001 e.s.t., April 2, 1964.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 22, 1964.

H. B. HELSTROM,
Acting Chief, Airspace
Utilization Division.

[F.R. Doc. 64–809; Filed, Jan. 28, 1964; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Regulation Policy Statement No. 21]

PART 399—STATEMENTS OF GENERAL POLICY AMENDMENT AND CODIFICATION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1964.

The Board's policy statements published in Part 399 for the guidance of the public are presently arranged in chronological sequence of adoption by the Board, and modification of a policy statement is now accomplished by rescission and adoption of a new statement. The Board has decided, in the light of experience, that its policy statements would be more useful to the public if the statements were grouped according to subject matter and were subject to amendment in the same manner in which other regulations are amended.

Accordingly, the currently effective policy statements have been redesignated and grouped into subparts, which are arranged according to subject matter. The policies have been reviewed for applicability and, with one principal exception, have been amended where necessary to reflect changes in the law, the air transportation industry, or the Board's practices. Since this is essentially a codification, however, and not a general revision of the policy statements, substantive changes have been kept to a minimum.

Four policy statements have been substantively amended in the manner indicated:

Section 399.11 sets forth the Board's "use it or lose it" policy for local service carriers. The "use it or lose it" policy, first applied to new local service authorizations in the Seven States Area Investigation decision (28 C.A.B. 680; E–13254, December 8, 1958), has been expanded in actual practice to apply to all local service authorizations, and the policy statement reflects this practice. At the same time the policy relating to permanent certification of local service carriers (former § 399.27), which contained the original traffic standard for local service carriers, has now been fully executed and has therefore been deleted.

Section 399.30, the policy on temporary subsidy rates, combines former §§ 399.13 and 399.32 into one section. The new statement has been revised to make the language accord with present practice in the method of computing subsidy needs and to make clear that the granting of temporary rates is an emergency action.

Section 399.50, the policy on extensions of time for filing reports, is a revision of former § 399.22, air carrier reporting delinquencies. The new statement indicates that extensions of time for filing reports will be granted only in emergency situations that could not be anticipated and guarded against by the carrier concerned. Also, the sanction of civil penalties (authorized by the 1962 amendment to section 901(a) of the Act) is made expressly applicable to overdue reports, in lieu of the present sanction of deferring action on petitions for increased mail rates.

Section 399.80, the policy on unfair and deceptive practices of ticket agents (former § 399.18), has been expanded to include as an unfair practice misrepresentations as to the requirements that must be met by persons or organizations in order to qualify for charter or group fare flights.

One policy statement which is due for substantive amendment, the domestic coach policy (former § 399.19), is being reprinted at this time in its present form as § 399.33. The Board recognizes that this policy is out of date in a number of respects because of the advent of new types of aircraft, the use of dual configurations, and changes in the relationship of coach to first-class fares, and early revision and reissuance of the

policy in the light of prevailing conditions is contemplated.

Except as indicated above, the other policy statements are being republished without substantive change, although updating changes and other minor editorial revisions have been made in some instances. For convenience of reference, the former and new designations of policies by number are tabulated in appendix A.

Since this amendment and codification of Part 399 relate solely to general policies of the Board, notice and public procedure hereon are not required and the regulation may be made effective upon less than 30 days' notice.

Accordingly, the Board hereby amends and codifies Part 399 of its Policy Statements (14 CFR Part 399), effective January 29, 1964, as hereinafter set forth.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A—TABLE OF CROSS REFERENCES TO FORMER AND NEW DESIGNATIONS OF POLICY STATEMENTS

Former section	*New section*
399.0	399.1
399.1	399.2
399.2	399.3
399.3	399.5
399.4	399.4
399.13	399.30
399.14	399.31
399.15	399.32
399.16	399.10
399.17	399.14
399.18	399.80
399.19	399.33
399.20	399.12
399.21	399.13
399.22	399.50
399.23	399.52
399.24	399.52
399.26	399.70
399.27 [1]	[1] 399.11
399.32	399.30
399.33	399.51
399.34	399.35
399.35	399.15
399.36	399.16
399.38	399.60
399.39	399.61
399.40	399.36
399.41	399.17
399.42	399.18
399.43	399.34
399.44	399.90

New section	*Former section*
399.1	399.0
399.2	399.1
399.3	399.2
399.4	399.4
399.5	399.3
399.10	399.16
399.11 [1]	[1] 399.27
399.12	399.20
399.13	399.21
399.14	399.17
399.15	399.35
399.16	399.36
399.17	399.41
399.18	399.42
399.30	399.13 and 399.32
399.31	399.14
399.32	399.15
399.33	399.19
399.34	399.43
399.35	399.34

[1] New policy substituted for rescinded policy.

New section	*Former section*
399.36	399.40
399.50	399.22
399.51	399.33
399.52	399.23 and 399.24
399.60	399.38
399.61	399.39
399.70	399.26
399.80	399.18
399.90	399.44

Subpart A—Applicability and Effect of Policy Statements

Sec.
399.1 Applicability.
399.2 Exclusions.
399.3 Statements in other Board documents.
399.4 Nature and effect of policy statements.
399.5 Arrangement of policy statements.

Subpart B—Policies Relating to Operating Authority

399.10 Local service carrier certificates to indicate nature of operations specifically.
399.11 "Use it or lose it" policy for subsidized local service carriers.
399.12 Negotiation by air carriers for landing rights in foreign countries.
399.13 Standard provisions in foreign air carrier permits.
399.14 Issuance of foreign air carrier permits for Canadian transborder operations in small aircraft.
399.15 Processing of applications of foreign air carriers, pursuant to Part 212 of this chapter, for Statements of Authorization to conduct off-route charter trips.
399.16 Military Air Transport Service charter exemptions.
399.17 Public interest factors in granting special orders or amendments to interim operating authority for transatlantic passenger charter service.
399.18 Maximum duration of fixed-term route authorization granted by exemption; renewal of such authority.

Subpart C—Policies Relating to Rates and Tariffs

399.30 Temporary subsidy rates.
399.31 Rate policy applicable to nonsubsidized carriers.
399.32 Rate policy applicable to subsidized carriers.
399.33 Domestic coach policy.
399.34 Free transportation on inaugural flights in overseas and foreign air transportation with "new type" aircraft.
399.35 Free or reduced-rate transportation of persons in foreign air transportation by United States flag air carriers.
399.36 Processing of tariff publications filed on notice of 45 days or longer.

Subpart D—Policies Relating to Accounts and Reports

399.50 Extensions of time for filing reports.
399.51 Confidential treatment of unaudited preliminary year-end reports.
399.52 Retroactive adjustments of expenses.

Subpart E—Policies Relating to Hearing Matters

399.60 Standards for determining priorities of hearing.
399.61 Presentations of public and civic bodies in route proceedings.

Subpart F—Policies Relating to Aircraft Accident Investigations

399.70 Investigation of accidents involving foreign aircraft.

Subpart G—Policies Relating to Enforcement

Sec.
399.80 Unfair and deceptive practices of ticket agents.

Subpart H—Policies Relating to Prohibited Interests and Activities of Air Carriers

399.90 Non-transport activities of subsidized air carriers.

AUTHORITY: The provisions of §§ 399.1 to 399.90 issued under sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324; and sec. 3 of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002.

Subpart A—Applicability and Effect of Policy Statements

§ 399.1 Applicability.

All statements of general policy adopted by the Board for the guidance of the public will be published in this part, except as provided in § 399.2.

§ 399.2 Exclusions.

The following types of policies are not included in this part:

(a) Policies relating solely to the internal management of the Board;

(b) Policies requiring secrecy in the public interest or in the interest of national defense;

(c) Policies that are repetitive of section 102 of the Act;

(d) Policies that are fully expressed in a procedural or substantive rule of the Board, or in any opinion, decision, order, certificate, permit, exemption, or waiver of the Board;

(e) Expressions of encouragement or admonition to industry to follow a certain course of action;

(f) Positions on legislative items and on other matters that are outside the scope of the Board's current statutory powers and duties.

§ 399.3 Statements in other Board documents.

No statement contained in any Board opinion, decision, order, certificate, permit, exemption, or waiver shall be considered a statement of policy within the meaning of this part, even though such statements may constitute a precedent in future cases or declare future policy to be followed in like cases. Similarly, a denial by the Board or relief sought, or statements of the Board's reasons for failure to issue a rule upon which rule making proceedings have been commenced shall not be considered statements of policy, except to the extent that it is specifically stated that such denial or failure is based upon a policy thereafter to be followed.

§ 399.4 Nature and effect of policy statements.

Policy statements published in this part will be observed by the Board until rescinded, but any policy may be amended from time to time as experience or changing conditions may require. Changes in policy may be made with or without advance notice to the public and will become effective upon publication in the FEDERAL REGISTER unless otherwise provided. If it appears to the Board, in its consideration of any matter before it, that the application of a policy published in this part would run counter to an express provision of law or policy enunci-

ated by Congress in the Act, the published policy shall not be applicable to such matter.

§ 399.5 Arrangement of policy statements.

The statements of general policy relating to the various duties and functions of the Board are grouped according to subject matter in the following subparts; the titles of the subparts indicate the general subject matter included therein.

Subpart B—Policies Relating to Operating Authority

§ 399.10 Local service carrier certificates to indicate nature of operations specifically.

It is the policy of the Board to include a provision in the certificates of all local service air carriers to make it clear that their operations are definitely local air transportation, as distinguished from the service rendered by scheduled trunkline air carriers. The language that will be included is substantially as follows:

This certificate is issued pursuant to a determination of policy by the Civil Aeronautics Board that, in the discharge of its obligation to encourage and develop air transportation under the Federal Aviation Act of 1958, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by scheduled trunkline air carriers. In accepting the certificate, the holder acknowledges and agrees that the primary purpose of the certificate is to authorize and require it to offer short-haul air transportation services of the character described above.

§ 399.11 "Use it or lose it" policy for subsidized local service carriers.

(a) *Expansion of local carrier services.* Consistent with the Board's basic policy of affording the advantages of air transportation to as many persons as practicable, the Board has substantially expanded the services of subsidized local carriers and has given many small cities, with marginal or unknown traffic potentialities, a chance to demonstrate that they will use and can support new or improved air services adapted to their specific needs. The Board expects the cities awarded local air service to make a determined effort to generate the traffic forecast in the certification proceedings. Unless adequate use is made of subsidized air services, the cost to the Government is not justified and the Board should terminate the authorization.

(b) *Minimum traffic standard for newly certificated cities.* It is the policy of the Board to make an early and critical evaluation of the traffic results of new authorizations to determine whether newly certificated cities are making sufficient use of authorized services or should lose such services for lack of use. Under this "use it or lose it" policy, the Board will require each city to originate an average of five or more passengers per day during the 12-month period following the initial 6 months of operations. If a city is certificated on more than one segment, the five-passenger standard will be applied to each segment. If a city fails to meet this minimum traffic standard, the Board will, in the absence of unusual or compelling circumstances, institute a formal investigation to determine whether service should be suspended or terminated. A city generating the bare traffic minimum during this trial period cannot safely assume that continued service is assured; the Board expects most cities to exceed the minimum requirements.

(c) *Minimum traffic standard for newly certificated route segments.* The Board will also evaluate the traffic results of each new route segment for the same 12-month period, following the initial six months of operations, to determine whether segments that do not adequately respond to air services should be suspended or deleted in whole or in part. If the passenger load per flight serving a segment averages less than five passengers, the Board will institute formal proceedings to delete the segment. If the passenger load per flight averages between five and seven passengers, the Board will institute proceedings to determine whether the segment should be suspended or deleted unless unusual circumstances, such as extreme isolation or national defense needs, dictate otherwise.

(d) *Continued use of local carrier services.* In evaluating the continuing need for air service at any point or on any route segment served by a local service carrier, the Board will use the minimum traffic standard of five passengers as a guide line, regardless of the type or duration of an authorization. The Board will require the local service carriers to make appropriate periodic reports of traffic results. Air carrier management is expected to suggest route or authorization modifications as soon as deficiencies in service become apparent. When a city or route segment fails to make continued use of subsidized services, the carrier is free, and is encouraged, to apply for suspension of service in advance of a Board proceeding to terminate the certification. The failure of a local service carrier to exercise vigilance in this regard may, in fact, reflect upon the economy and efficiency of management in proceedings to determine subsidy needs under section 406 of the Act.

§ 399.12 Negotiation by air carriers for landing rights in foreign countries.

(a) It is the policy of the Board (jointly with the Department of State) that, as a general rule, landing rights abroad for United States flag air carriers will be acquired through negotiation by the United States Government with foreign governments rather than by direct negotiation between an air carrier and a foreign government.

(b) It is corollary to the foregoing policy that no United States air carrier may avail itself of representations by one foreign government to further its interest with another foreign government, especially with respect to landing rights, except insofar as such representations have been specifically authorized by the United States Government.

§ 399.13 Standard provisions in foreign air carrier permits.

It is the policy of the Board that permits issued to foreign air carriers shall provide:

(a) That the permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period the permit remains in effect, to which the United States and the foreign government concerned are parties;

(b) That, by accepting the permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding in any court or other tribunal in the United States based on claims arising out of its operations under the permit.

§ 399.14 Issuance of foreign air carrier permits for Canadian transborder operations in small aircraft.

It is the policy of the Board, in accordance with a reciprocal understanding with the Air Transport Board of Canada published March 13, 1952, to facilitate so far as possible under existing law the issuance of foreign air carrier permits to Canadian operators of small aircraft for irregular transborder operations in common carriage. Authorizations granted under this procedure will be only for service of a casual, occasional, and infrequent nature and will be limited to five years' duration. Where requested, permission will customarily be granted, if statutory standards are met, to serve more than one point in the United States on the same flight, provided that no cabotage traffic is carried.

§ 399.15 Processing of applications of foreign air carriers, pursuant to Part 212 of this chapter, for Statements of Authorization to conduct off-route charter trips.

(a) *General.* This policy prescribes the general standards which will be used by the Board in processing applications of foreign air carriers for Statements of Authorization to conduct off-route charter trips. Since a determination of the public interest requires consideration of all the standards set forth in the Act, this policy does not purport to cover every matter that may be taken into account by the Board in passing upon such applications. For similar reasons, the Board reserves the right to depart from the provisions of this policy when there is a showing of exceptional circumstances and the Board finds that strict adherence to the detailed standards of the policy in a particular situation would not be in the public interest. However, in the absence of such a showing, any practice by a foreign air carrier, travel agent, or chartering group in conflict with the standards of this policy will constitute sufficient basis for denying an application for a statement of authorization. With respect to those standards applicable to chartering organizations and to travel agents, the foreign air carrier should reasonably assure itself before conducting any charter that such stand-

ards have been observed by the chartering organization and any travel agent involved (e.g., require suitable written information and assurance in connection with its own agreements with the charterer and any travel agent). If any practice in conflict with the standards of this policy is discovered after the particular charter flight has been performed and the Board finds that the carrier knew or should have known of such practice, the Board may deny future applications by the same foreign air carrier. Further, in deciding whether an application is in the public interest under the standards set forth in Part 212, the Board will assume that any flight previously authorized was actually operated unless apprised otherwise.

(b) *Provisions relating to foreign air carriers, travel agents, and chartering organizations.* In supplementation of the provisions of Part 212, of this chapter, all of which are here controlling, the following provisions of Part 295 of this chapter shall apply to off-route passenger charters by foreign air carriers:

(1) To such extent as the context will permit, the following provisions of Part 295 shall apply to foreign air carriers: §§ 295.2 (b) to (k) (definitions); 295.3 (waiver); 295.11 (solicitation and formation of a chartering group); 295.14(c) (one-way passenger and plane-load groups); 295.16 (prohibition against payments or gratuities); 295.50 (provisions for mixed charters); and 295.60 (advisory opinion).

(2) To such extent as the context will permit, the following provisions of Part 295 of this chapter shall apply to travel agents: §§ 295.2 (b) to (k) (definitions); 295.20 (limited activities); 295.21 (permissible solicitation, sale or ticketing of individual participants for land tours); 295.22 (prohibited compensation to agents who are members of chartering organizations); 295.23 (prohibition against double compensation); 295.24 (prohibition against incurring obligations); 295.25 (prohibition against payments or gratuities); and 295.50 (provisions for mixed charters).

(3) To such extent as the context will permit, the following provisions of Part 295 of this chapter shall apply to chartering organizations: §§ 295.2 (b) to (k) (definitions); 295.30 (solicitation of charter participants); 295.31 (passengers on charter flights); 295.32 (participation of immediate families in charter flights); 295.33 (a) to (c) (charter costs); 295.34(a) (statements of charges); 295.50 (provisions for mixed charters); and 295.60 (advisory opinion).

NOTE: Approval of an application for off-route charter authority in accordance with this policy statement shall not be construed as implying an exemption from any standard self-imposed by members of IATA under Charter Resolution 045, notwithstanding the Board's reserved right to waive any of the conditions imposed by it in approving IATA Charter Resolution 045.

§ 399.16 Military Air Transport Service charter exemptions.

In passing upon applications for exemptions from sections 401 and 403 of the Act to enable air carriers to perform charters for the Military Air Transport Service (MATS), the Board will give great weight to the following criteria:

(a) Whether the carrier has contractually committed its CRAF aircraft to the Department of Defense;

(b) Whether the proposed service is in furtherance of the mission of the Department of Defense; and

(c) Whether the level of compensation provided in the charter contract is fair and reasonable.

The minimum charges set forth in Part 288 of this chapter (Board's Economic Regulations) will be considered as the minimum fair and reasonable charges for foreign and overseas services and for services between the 48 contiguous states on the one hand and Hawaii or Alaska on the other hand.

§ 399.17 Public interest factors in granting special orders or amendments to interim operating authority for transatlantic passenger charter service.

(a) *Ability to provide reliable service.* It is the policy of the Board carefully to screen and evaluate the passenger service history of applicants for seasonal charter authority, by special order or amendment to interim operating certificate under Parts 207 and 295 of this chapter, in order to provide reasonable assurance of reliable service to passengers. When an applicant has failed in the past to complete several such flights or has subjected its passengers to a significant number of unreasonably prolonged flight delays, and such cancellations or delays are not attributable to circumstances beyond the control of the carrier, the Board will deny the application unless the applicant establishes that its ability to provide reliable service has, since that time, materially improved. Moreover, the Board will not grant applications for individual flight exemptions to any air carrier which either has not applied, or has applied and been found unqualified, for a special order or amendment to interim operating authority unless there are unusual and compelling circumstances which might justify such authorizations.

(b) *Insurance coverage.* It is the policy of the Board to condition the grant of a special order or amendment to interim operating certificate, under Parts 207 and 295 of this chapter, upon compliance by the air carrier with the insurance requirements of Part 208 of this chapter, whether such carrier be a supplemental air carrier or a carrier holding a certificate of public convenience and necessity for the carriage of property only or property and mail only.

(c) *Substitute air transportation and incidental expenses on return portion of charter flight.* It is the policy of the Board to condition the grant of a special order or amendment to interim operating certificate, under Parts 207 and 295 of this chapter, upon the express agreement of the applicant air carrier to assume a firm and legally binding obligation which, in the judgment of the Board, meets the following standards:

(1) *Substitute air transportation.* (i) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft finally to enplane each passenger and commence the take-off procedures at the airport of departure before the forty-eighth hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this subparagraph.

(ii) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than forty-eight hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other air carrier or foreign air carrier.

(iii) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of forty-eight hours following the scheduled departure time of any such charter flight, the charterer or his duly authorized agent may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the costs of such air transportation to the substitute air carrier or foreign air carrier.

(iv) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this subparagraph, periods of delay caused by the prohibition of flights from the airport of departure because of weather or other operational conditions shall be excluded if, and while, the air carrier had an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness posted at such airport.

(2) *Incidental expenses.* (i) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft finally to enplane each passenger and commence the take-off procedures at the airport of departure before the sixth hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this subparagraph. Such payments shall be made at the airport of departure, as soon as they become due, to the charterer or his duly authorized agent for the account of each passenger, including infants and children traveling at reduced fares.

(ii) Such payments shall be made at the rate of $16.00 for each full twenty-four hour period of delay following the scheduled departure time. However, the sum of $8.00 shall be paid for each passenger delayed during all, or any portion, of the initial period of six hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of $8.00 shall be paid for each passenger delayed in installments of $4.00 for the first and second succeeding six-hour period of delay, or any fractional part thereof. If the delay continues beyond

a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of $4.00 for each further six-hour period of delay, or any fractional part thereof: *Provided, however,* That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or to provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of subparagraph (1) of this paragraph.

(d) *Ability to discharge obligations concerning substitute air transportation and incidental expenses.* It is the policy of the Board to condition the grant of a special order or amendment to interim operating certificate, under Parts 207 and 295 of this chapter, upon a showing satisfactory to the Board that the applicant air carrier can, and will, effectively and adequately discharge its obligations to provide substitute air transportation and pay incidental expenses in accordance with the provisions of paragraph (c) of this section. It is the further policy of the Board, when the applicant does not make such a satisfactory showing, to condition the grant of such special order or amendment to interim operating certificate upon the applicant's having entered into definite arrangements which the Board believes will effectively guarantee the performance of those obligations or having procured a surety bond which, in the judgment of the Board, meets the following standards:

(1) *Scope of obligation incurred by surety.* Such surety bond shall impose upon the surety company a firm and legally binding obligation to pay promptly to the charterer, or his duly authorized agent, in the United States, any and all sums of money which may be due and owing to the charterer by the chartered air carrier under the terms and conditions of the charter contract if, and when, the latter shall default thereon by refusing to honor promptly a request for such payments.

(2) *Terms and conditions of coverage.* The obligations of the surety company pursuant to such a surety bond shall not be subject to cancellation or suspension, by either party, on less than 30 days' notice by registered mail to both the other party to the surety contract and the Board.

(3) *Source of coverage.* Such surety bond shall be issued by a reputable and financially responsible surety company which is legally authorized to issue bonds of that type in any state, territory, or possession of the United States.

(e) *Conditions on special orders and amendments to interim operating certificates.* It is the policy of the Board to incorporate the following express conditions in each special order or amendment to interim operating certificate issued under Parts 207 and 295 of this chapter:

(1) The air carrier agrees to provide substitute transportation and pay incidental expenses;

(2) Each contract for a transatlantic charter operated pursuant to seasonal authorization shall incorporate the provisions of this policy statement defining the scope of the air carrier's obligation to provide substitute transportation and pay incidental expenses; and

(3) The tariffs of the air carrier on file with the Board shall not, insofar as they pertain to transatlantic charter trips operated thereunder, contain any provision which is inconsistent with the standard of insurance coverage specified in paragraph (b) of this section; or with the obligations assumed in accordance with paragraph (c) of this section; or with the obligation, surety bond, or other arrangement assumed, procured or entered into in accordance with paragraph (d) of this section.

(f) *Limitation on special orders and amendments to interim operating certificates.* It is the policy of the Board to limit the effectiveness of special orders and amendments to interim operating certificates under Parts 207 and 295 of this chapter so that each such order or amendment shall be effective only with respect to transatlantic charter flights as to which:

(1) There is in full force and effect, to the extent specified in paragraphs (b), (c) and (d) of this section and in any special order or Board order granting an amendment to interim operating certificate, insurance coverage, a surety bond or equivalent arrangement and an obligation to provide substitute air transportation and cover the costs of incidental expenses; and

(2) The air carrier has fully complied with each and every condition specified in paragraph (e) of this section and any pertinent provisions of a special order or amendment to interim operating certificate.

§ 399.18 Maximum duration of fixed-term route authorization granted by exemption; renewal of such authority.

It is the policy of the Board to limit the duration of exemptions which authorize fixed-term route service to a maximum period of two years, and to entertain requests for renewal of such authority only when incorporated in a duly filed application for substantially equivalent certificate authority under section 401 of the Act. (See § 302.909 of this chapter (Procedural Regulations) and § 377.10 (c) of this chapter (Special Regulations).)

Subpart C—Policies Relating to Rates and Tariffs

§ 399.30 Temporary subsidy rates.

It is the policy of the Board to fix temporary subsidy rates, when such emergency action is required, at a level designed to provide only such amounts as are deemed necessary for continuation of operations prior to the establishment of a final rate. In most cases, this objective may be attained by providing an amount of subsidy equivalent to the subsidy break-even need (i.e., the excess of operating expenses over non-subsidy revenues) plus the carrier's interest charges on long-term debt. Temporary subsidy rates will be established at an amount less than the sum of subsidy break-even need and interest charges in any case where overpayment might otherwise appear likely to result.

§ 399.31 Rate policy applicable to non-subsidized carriers.

It is the policy of the Board that rate levels should reflect cyclical needs, rather than the needs of any particular year. In examining mail or commercial rate proposals, the Board will consider not only the conditions prevailing at the time the proposals are advanced, but also the future prospects and the abnormal earnings of prior years. Accordingly, if earnings should fall markedly after a period during which they have been at high levels, the carriers will be expected to absorb such losses without resort to mail or commercial rate adjustments, unless it can be demonstrated that such earnings are below the level necessary to provide a fair return over a reasonably extended period which includes the good years as well as the bad.

§ 399.32 Rate policy applicable to subsidized carriers.

It is the policy of the Board to permit subsidized carriers maximum freedom to experiment, in interstate and overseas air transportation, with commercial rate changes for the purpose of maximizing revenues and thereby minimizing subsidy requirements, provided the resulting rates are not otherwise unreasonable.

§ 399.33 Domestic coach policy.

It is the policy of the Board to encourage regular coach service by the certificated route air carriers as one means of achieving the maximum development of civil aviation in the United States through placing air travel within the economic reach of the great majority of the traveling public. For the purpose of this policy, coach operations will be divided into two main classes: off-peak services and high density services.

(a) *Off-peak services.* Off-peak services are reduced-fare services which have as their primary objective the additional utilization of available equipment and facilities with flights departing at such times—particularly during the night hours—as would make their operation in first-class service uneconomic because of the inconvenience of the departure time.

(b) *High density services.* High density services are reduced-fare services which are conducted, without restriction as to flight departure time, in aircraft specifically equipped for and assigned to such service and having the applicable minimum seating capacity set forth below:

DC–4	64
DC–6	72
DC–6B	76
Constellation 049 to 749	79
Constellation 1049	88

NOTE: Maximum seating density is governed by the Civil Air Regulations.

(c) *Food service.* No free food service except coffee or similar beverages will be permitted on either off-peak or high density service.

(d) *Fare differentials.* Both high density and off-peak services will be sub-

ject to a fare ceiling of 75 percent of the corresponding first-class fare.

§ 399.34 Free transportation on inaugural flights in overseas and foreign air transportation with "new type" aircraft.

This policy statement prescribes the general standards that will be used in deciding applications, under § 223.8 of this chapter, for permission to furnish free transportation in overseas and foreign air transportation on so-called "inaugural flights" with "new type" aircraft.

(a) *Free transportation permissible.* Free transportation may be authorized on each type of aircrafe described herein when that type is being introduced for the first time by a carrier on its system of routes or a part thereof as hereinafter set forth. Free transportation on such flights may be authorized even though the type of aircraft involved may have been on the market and in use by other carriers for a number of years.

(b) *"New type" aircraft.* (1) For purposes of this policy, aircraft are classified according to the aircraft type certificate issued by the Administrator of the Federal Aviation Agency pursuant to section 603(a) of the Act. Variations of a basic model of aircraft covered by a single type certificate are listed together and are considered a single type. Any one of the following certificated aircraft may be regarded as a "new type" aircraft:

Manufacturer's model designation	*Date certificated*
Boeing S–307	Mar. 13, 1940.
Boeing SA–307B	May 4, 1940.
L–049, L–149, L–649 and L–749	Dec. 29, 1945.
DC–4	June 6, 1946.
DC–6	June 23, 1947.
M–202	Sept. 3, 1947.
B–377	Sept. 3, 1948.
CV–240	Dec. 7, 1948.
DC–6B	Apr. 11, 1951.
M–404	Oct. 5, 1951.
L–1049	Nov. 28, 1951.
CV–340 and CV–440	Mar. 27, 1952.
DC–7	Nov. 12, 1953.
Viscount	June 13, 1955.
L–1649A	Mar. 29, 1957.
F–27	Oct. 29, 1957.
Bristol Britannia 305	Apr. 10, 1958.
Lockheed 188A–08	Aug. 22, 1958.
Boeing 707–100 & –200	Sept. 18, 1958.
Sud Caravelle SE210	Apr. 8, 1959.
Grumman G–159	May 21, 1959.
Boeing 707–300 & –400	July 15, 1959.
Douglas DC–8	Aug. 31, 1959.
Convair 22 (880)	May 1, 1960.
Boeing 720	June 30, 1960.
Armstrong-Whitworth 650	Dec. 2, 1960.
de Havilland Comet 4C	Dec. 21, 1960.
de Havilland DHC–4 Caribou	Dec. 23, 1960.
Canadair CL–44D4	May 24, 1961.
Lockheed GL–1329	Aug. 28, 1961.
Convair 30 (990)	Dec. 15, 1961.
Handley Page Herald 300	May 25, 1962.

(2) With respect to aircraft for which the Administrator may issue type certificates in the future, all aircraft covered by a single type certificate will be regarded as of the same type in the Board's consideration of proposals to furnish free transportation on inaugural flights. Examples of such types of aircraft, which are now being developed, are:

A. V. Roe 748.
Boeing 727.
Breguet 941.
Convair 63.
de Havilland DH–121.
Lockheed 300.
Short SC 5.
Vickers BAC–111.
Vickers Vanguard 950.
Vickers VC–10.

(3) With respect to aircraft of foreign manufacture not certificated by the Administrator, each basic type of aircraft and all its variations shall be regarded as one type.

(c) *Geographical areas.* (1) Some carriers' operations are virtually worldwide in scope and these carriers generally maintain operating divisions or areas. For equitable reasons, therefore, the Board is establishing three "geographical areas" and will consider a carrier's system having routes in more than one of these areas to be divided into separate parts coincident with such areas.

(2) In the case of a carrier having a multi-area system, as above described, inaugural flights may be permitted in each geographical area at the time a new type of aircraft is introduced in service by the carrier in such area. If an inaugural flight is operated over routes of the carrier in two or more geographical areas, such flight will be considered as a separate inaugural flight in each of the geographical areas in which such flight is operated.

(3) A carrier having both overseas and foreign routes in the same area will be permitted inaugural flights in such area to the same extent as a carrier having only overseas, or only foreign, routes in such area.

(4) "Geographical areas" shall be considered to be as follows:

Area 1. The area encompassed by the routes of any given carrier between:

(a) Points in any State of the United States, or the District of Columbia, on the one hand, and points in Puerto Rico, the Virgin Islands, or the Canal Zone, on the other;

(b) Points in one and points in any other of the following territories and possessions: Puerto Rico, Virgin Islands, and the Canal Zone;

(c) Points in any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone, on the one hand, and any other points outside thereof on the North American and South American continents, Greenland, Bermuda, Cuba, Haiti, Dominican Republic, Jamaica, Netherlands Antilles, Trinidad, Bahamas, Leeward Islands, or Windward Islands, on the other.

Area 2. The area encompassed by the routes of any given carrier between:

Points in any State of the United States, the District of Columbia, or any territory or possession of the United States, on the one hand, and (a) points in Europe, Africa, Iceland, Ascension Island, Azores, Canary Islands, and Madeira, and (b) points beyond Europe or Africa in Asia or Australasia, involving transportation over the Atlantic Ocean, on the other.

Area 3. The area encompassed by the routes of any given carrier between:

(a) Points in any State of the United States, the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Asia or Australasia and points intermediate thereto that are not in the United States, or a territory or possession thereof, on the other hand, involving transportation over the Pacific Ocean; or

(b) Points in any State of the United States, or the District of Columbia, on the one hand, and points in a territory or possession of the United States located in the Pacific Ocean, on the other, which involves transportation over the Pacific Ocean; or

(c) Points in a territory or possession of the United States, on the one hand, and points in any other territory or possession of the United States located in the Pacific Ocean, on the other, which involves transportation over the Pacific Ocean.

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

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

§ 399.36 Processing of tariff publications filed on notice of 45 days or longer.

When tariffs are filed with the Board 45 days or more in advance of their effective date, and bear a posting date as provided in § 221.31(a)(10) of this chapter, it is the policy of the Board to issue an order, if any, suspending the tariff and ordering an investigation at least fifteen (15) days before such tariff is to become effective. In the event the Board, for any reason, cannot take action on a tariff within the time specified herein, the Board will notify the filing carrier or his agent of this fact at least fifteen (15) days before the effective date of the tariff. This policy statement, however, should not be interpreted as limiting the Board's power, under section 1002 of the Act, to suspend a tariff at any time prior to its effective date. Thus, where circumstances warrant, the Board will issue a suspension order although it is less than 15 days prior to the tariff's effective date.

Subpart D—Policies Relating to Accounts and Reports

§ 399.50 Extensions of time for filing reports.

With respect to the prescribed reporting requirements, the Board will grant extensions of time for filing reports only in emergency situations that could not be anticipated and guarded against by the air carrier concerned. Written requests setting forth good reason for such an extension must be submitted sufficiently in advance of the due date to permit consideration and communication to the carrier of the action taken. When requests for extensions are denied by the Board and reports are not filed on the due date, the delinquent carriers will be subject to a civil penalty for each day the violation continues, as provided in section 901(a) of the Act.

§ 399.51 Confidential treatment of unaudited preliminary year-end reports.

In consideration of air carrier interest in confidential treatment of unaudited preliminary year-end reports, which are by their nature subject to change, and in the absence of specific public interest factors that require disclosure of such reports, it is the policy of the Board to grant requests of air carriers for temporary withholding of such unaudited reports from public disclosure until the final report is filed, or the final report is due, or the carrier releases the information contained in the preliminary report, whichever shall first occur.

§ 399.52 Retroactive adjustments of expenses.

Except as required by the Board to conform the accounting to the provisions of the Economic Regulations or as permitted by the Board to conform the books with adjustments required by the Board for rate-making purposes, it is the policy of the Board for accounting and reporting purposes to adhere strictly to the principle that costs once charged to expense shall not be reversed in a subsequent fiscal year and charged again as expense of future periods.

Subpart E—Policies Relating to Hearing Matters

§ 399.60 Standards for determining priorities of hearing.

(a) *General.* This policy statement describes the general standards which will be used by the Board in determining the order in which it will designate for hearing those matters on its docket which are to be decided after notice and hearing. Among such matters are applications for certificates of public convenience and necessity or for foreign air carrier permits; applications under section 408 of the Act for approval of consolidations or acquisitions of control; complaint cases; and various rate-making proceedings.

(b) *Standards.* Matters will be assigned for hearing in accordance with the degree of relative priority which each matter is entitled to on the basis of the comparative public interest involved therein. Among other things, the Board will take into account:

(1) Statutory requirements for preference or statutory limitations on the time within which the Board shall act;

(2) The impact of delay on the public or particular persons;

(3) The need for promptly securing compliance with the provisions of the Act;

(4) The time for which the matter has already been pending and which would be required to dispose of it;

(5) Whether the application requests renewal of an existing temporary authorization; and

(6) In matters relating to operating authority—

(i) Whether a proposal might reduce subsidy or increase economy of operations;

(ii) Whether an application proposes new service;

(iii) The volume of traffic that might be affected by the grant or denial of the proposal;

(iv) The period that has elapsed since the Board considered the service needs of the places or areas involved; and

(v) The relative availability of necessary staff members of the carriers, communities and the Board, in the light of other proceedings already in progress, to handle the processing of the case.

Interested persons may urge upon the Board such considerations as they believe should lead it to accord a particular application a priority different from that which the Board has given it.

§ 399.61 Presentations of public and civic bodies in route proceedings.

For the purpose of implementing the Board's policy to provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and otherwise to expedite route proceedings, and in light of experience, the following guidelines are hereby established:

(a) Public and civic bodies which represent the same geographic area or community should consolidate their presentation of evidence, briefs or oral argument to the examiner and the Board;

(b) A public body or a civic organization, or several such bodies or organizations whose presentation of evidence is consolidated, should keep to a minimum the number of witnesses used to present the factual evidence in support of the community's position;

(c) Exhibits offered in evidence by a public body or civic organization should be limited to evidence of the economic characteristics of the community and area involved, data as to community of interest and traffic, evidence with respect to the sufficiency of existing service, and airport data, and should not include data relating to number of electricity, water and gas meters, telephones, schools, freight car loadings, building permits, sewer connections, or volume of bank deposits in the community.

Subpart F—Policies Relating to Aircraft Accident Investigations

§ 399.70 Investigation of accidents involving foreign aircraft.

It is the policy of the Board, in the case of accidents involving aircraft of foreign air carriers that occur in the United States, to investigate to the extent necessary to furnish the foreign government a full report of all facts, conditions, and circumstances, as well as the probable cause. This investigation may or may not require a public hearing.

Subpart G—Policies Relating to Enforcement

§ 399.80 Unfair and deceptive practices of ticket agents.

It is the policy of the Board to regard any of the following enumerated practices (among others) by a ticket agent as an unfair or deceptive practice or unfair method of competition:

(a) Misrepresentations[1] which may induce members of the public to believe that the ticket agent is an air carrier.

(b) Using or displaying or permitting or suffering to be used or displayed the name, trade name, slogan or any abbreviation thereof, of the ticket agent, in advertisements, on or in places of business, or on aircraft in connection with the name of an air carrier with whom it does business, in such manner that it may mislead or confuse the traveling public with respect to the agency status of the ticket agent.

(c) Misrepresentations as to the quality or kind of service, type or size of aircraft, time of departure or arrival, points served, route to be flown, stops to be made, or total trip-time from point of departure to destination.

(d) Misrepresentation as to qualifications of pilots or safety record or certification of pilots, aircraft or air carriers.

(e) Misrepresentations that passengers are directly insured when they are not so insured; for example, where the only insurance in force is that protecting the air carrier in event of liability.

(f) Misrepresentations as to fares and charges for air transportation or services in connection therewith.

(g) Misrepresentation that special discounts or reductions are available, when such discounts or reductions are not specified in the lawful tariffs of the air carrier which is to perform the transportation.

(h) Advertising or otherwise offering for sale or selling air transportation or services in connection therewith at less than the rates, fares and charges specified in the currently effective tariffs of the air carrier or air carriers who are engaged to perform such air transportation or services, or offering or giving rebates or other concessions thereon, or assisting, suffering or permitting persons to obtain such air transportation or services at less than such lawful rates, fares and charges.

(i) Misrepresentations that special priorities for reservations are available when such special considerations are not in fact granted to members of the public generally.

(j) Selling air transportation to persons on a reservation or charter basis for specified space, flight or time, or representing that such definite reservation or charter is or will be available or has been arranged, without a binding commitment with an air carrier for the furnishing of such definite reservation or charter as represented or sold.

(k) Selling or issuing tickets or other documents to passengers to be exchanged or used for air transportation knowing or having reason to know or believe that such tickets or other documents will not be or cannot be legally honored by air carriers for air transportation.

---

[1] The word "misrepresentation" used in this list includes any statement or representation made in advertising or made orally to members of the public which is false, fraudulent, deceptive or misleading, or which has the tendency or capacity to deceive or mislead.

(l) Failing or refusing to make proper refunds promptly when service cannot be performed as contracted or representing that such refunds are obtainable only at some other point, thus depriving persons of the immediate use of the money to arrange other transportation, or forcing them to suffer unnecessary inconveniences and delays or requiring them to accept transportation at higher cost, or under less desirable circumstances, or on less desirable aircraft than that represented at the time of sale.

(m) Misrepresentations regarding the handling, forwarding or routing of baggage or other property, or the loss or tracing thereof, or failing or refusing to honor proper claims for loss of or damage to baggage or other property.

(n) Misrepresentation as to the requirements that must be met by persons or organizations in order to qualify for charter or group fare flights.

Subpart H—Policies Relating to Prohibited Interests and Activities of Air Carriers

§ 399.90 Non-transport activities of subsidized air carriers.

(a) *Applicability.* This policy shall apply to proceedings in which the Board, in exercising its regulatory powers with regard to subsidized carriers, is required to make a determination as to the public interest or consistency with the Act. Its applicability shall include, but not be limited to, proceedings under sections 408, 409, and 412 of the Act.

(b) *Non-transport activity* means any business activity performed by a subsidized air carrier which is not an integral part of the transportation of persons, property or mail by the carrier pursuant to its certificate of public convenience and necessity or other authorization granted by the Board.

(c) *Presumption against non-transport activity.* Substantial engagement by subsidized carriers in non-transport activities will be presumed by the Board not to be in the public interest. The carriers shall have the burden of proving through factual evidence submitted in proceedings before the Board that their engagement in such activities will not involve a risk of significant financial loss and will not unduly divert the management or otherwise interfere with the primary business of the subsidized carrier which is to provide air transportation.

(d) *Public interest factors.* The major factors which the Board will consider in determining whether a non-transport activity is in the public interest are as follows:

(1) The amount of additional investment in plant and organization and the number of personnel necessary to perform the non-transport activity in excess of that required to perform the carrier's own air transportation functions (to the extent the non-transport activity is performed making use of the idle time of plant, organization and personnel essential to the carrier's air transport function it shall not be deemed adverse to the public interest);

(2) The carrier's past experience and degree of financial success in performing the activity;

(3) The amount and strength of the competition;

(4) The speculative nature of the activity;

(5) The affinity of the activity to the normal activities of an air carrier;

(6) The amount of supervision by the management required by the nature and scope of the activity;

(7) The extent to which the financial interest of the carrier in the non-transport activity may conflict with its interest in the economic performance of air transportation;

(8) The extent to which the non-transport activity contributes to the development of traffic over the routes of the carrier; and

(9) The extent to which the activity constitutes a contribution to safety in air commerce which would be lost if the activity were discontinued.

[F.R. Doc. 64-887; Filed, Jan. 28, 1964; 8:53 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1944; Amdt. 678]

PART 507—AIRWORTHINESS DIRECTIVES

Hamilton Standard Propellers

A proposal to amend Part 507 of the Regulations of the Administrator to supersede Amendment 37, 24 F.R. 7254, AD 59-17-3, with a new directive to include the increase in number of blade models affected on Hamilton standard aluminum alloy propeller blades and to incorporate the new service bulletins was published in 28 F.R. 9957.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment was received concerning the proposal to substitute the words "gouging and/or marring" for the words "other damage" used in the present AD. This proposed change was an attempt to be more definitive concerning the types of damages which require blade removal. However, from the comment received objecting to the substitution, it is clear that the words "gouging and/or marring" do not accomplish the intended purpose and are, in fact, ambiguous when used in connection with this AD. Therefore, the proposed change has not been adopted and the present phrase "other damage" has been retained in the AD.

Another comment suggested that all propellers should be permitted to continue in service for 50 hours following the required inspection before having a face alinement check. This suggestion is made in connection with the provision in the AD which would permit postponement of the face alinement check for 50 hours' time in service in those instances where a face alinement gage is not available and a satisfactory track check is made. The requirements in the AD concerning face alinement checks are consistent with the provisions of the manufacturers' service bulletins. In this connection the manufacturer recommends and the Agency concurs that the face alinement check should be made as soon as possible. Therefore, the Agency does not consider it appropriate in the interest of safety to permit propellers to be continued in service without a face alinement check in those instances where a face alinement gage is available.

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

HAMILTON STANDARD. Applies to all Hamilton Standard aluminum-alloy propeller blades. (Aircraft on which these propeller blades are installed include but are not necessarily confined to the Boeing 377; Convair 240, 340, 440; Douglas DC-3 Series, DC-6, DC-6A, DC-6B, DC-7, DC-7A, DC-7B, DC-7C; Lockheed 049, 749A, 1049/C/D/G/H, 1649A; and Martin 202A, 404.)

Compliance required as indicated.

For all aluminum-alloy propeller blades exposed to known or suspected impact with solid objects (blades static or rotating), the following shall be accomplished:

(a) Non-surface-treated blades shall be inspected in accordance with the applicable Hamilton Standard Bulletins and Service Manuals. If repair of damage requires procedures that include bending or twisting, the blade shall be removed and repaired prior to further flight. Other damage may be repaired without blade removed in accordance with the applicable Hamilton Standard instructions.

(b) Surface-treated blades as classified in Hamilton Standard Bulletin No. 596B shall be inspected in accordance with the applicable Hamilton Standard Bulletins and Service Manuals.

(1) Blades with visual evidence of bending, twisting, or other damage shall be removed before further flight and submitted to Hamilton Standard for repair. A complete description of the circumstances surrounding the incident plus all available alinement records shall accompany the blade, since such details will determine the extent of the repair required.

(2) Blades with no visual evidence of bending, twisting, or other damage shall be treated as follows:

(i) If the applicable alinement gage is available, measure alinement and disposition blades in accordance with Hamilton Standard Service Bulletin No. 602A.

(ii) If an alinement gage is not available, measure propeller track. If track is beyond the tolerance specified in Table II of Hamilton Standard Service Bulletin No. 596A, the propeller shall be removed from service immediately. If track is within limits, the propeller may be continued in service for a period not to exceed 50 hours' time in service before the face alinement check prescribed in (1) is conducted.

(Hamilton Standard Service Bulletins Nos. 596, 596A, 596B, and 602A cover this same subject.)

This supersedes Amendment 37, 24 F.R. 7254 (AD 59-17-3).

This amendment shall become effective March 1, 1964.

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

Issued in Washington, D.C. on January 21, 1964.

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

[F.R. Doc. 64-800; Filed, Jan. 28, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-636]

PART 13—PROHIBITED TRADE PRACTICES

American Textile Company of New England, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.30–75 *Textile Fiber Products Identification Act.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification.* Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* § 13.1053–80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–80 *Textile Fiber Products Identification Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–80 *Textile Fiber Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–70 *Textile Fiber Products Identification Act.* Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2280–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, American Textile Company of New England, Inc., et al., Boston, Mass., Docket C-636, Dec. 27, 1963]

In the Matter of American Textile Company of New England, Inc., a Corporation, and Benjamin Weissman, Esther Weissman and Allen Weissman, Individually and as Officers of Said Corporation

Consent order requiring Boston, Mass., sellers of upholstery fabrics to furniture manufacturers and upholstery shops, to cease violating the Textile Fiber Products Identification Act by using terms for their products which falsely represented the fiber content, such as "Silkora", and failing to label fiber textiles with the correct generic name, on labels and in advertising; labeling products misleadingly as "Nylock" and setting forth the fiber content on labels as "100% Nylon" when only the surface yarns were composed of 100 percent Nylon; failing to label samples and swatches with required information; removing labels or other identification prior to final sale; furnishing false guaranties that their textile fiber products were not misbranded or falsely invoiced; and failing in other respects to comply with requirements of the Act.

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

It is ordered, That respondents American Textile Company of New England, Inc., a corporation, and its officers and Benjamin Weissman, Esther Weissman, and Allen Weissman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Stamping, labeling, invoicing, advertising or otherwise identifying such products by representing, either directly or by implication through the use of such terms as "Nylock" and "Silkora" or any other terms, that such products contain any fibers which are not present therein.

3. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

4. Using a generic name or fiber trademark on any label whether required or non-required, without making a full and complete fiber content disclosure in accordance with the Act and regulations the first time such generic name or fiber trademark appears on such label.

5. Using fiber trademarks or generic names on labels affixed to textile fiber products in such a manner as to be false, deceptive or misleading as to fiber content or so as to indicate directly or indirectly that any such textile fiber product is composed of wholly or in part of a particular fiber when such is not the case.

6. Using words, symbols, or depictions on labels attached to textile fiber products which constitute or imply the name or designation of a fiber when such fiber is not present in the aforesaid product.

7. Failing to affix labels showing the respective fiber content and other required information to samples, swatches and specimens of textile fiber products subject to the aforesaid Act which are used to promote or effect sales of such textile fiber products.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by implication of the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

3. Failing to set forth all parts of the required information in advertisements of textile fiber products in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence.

4. Using non-required information and representations in any advertisement of any textile fiber product in such a manner as to be false, deceptive or misleading as to the fiber content of the textile fiber product or so as to interfere with, minimize or detract from required information.

C. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents American Textile Company of New England, Inc., a corporation, and its officers and Benjamin Weissman, Esther Weissman, and Allen Weissman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label or other identification required by the Textile Fiber Products Identification Act to be on or affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product has been sold and delivered to the ultimate consumer.

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, 1963.

By the Commission.

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

[F.R. Doc. 64-818; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C-633]

PART 13—PROHIBITED TRADE PRACTICES

AMT Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, AMT Corporation (Troy, Mich.) et al., Docket C-633, Dec. 24, 1963]

In the Matter of AMT Corporation, a Corporation, and West H. Gallogly, John A. Bacon, Jr., Harry C. Haaxma, and Harold R. Smith, Individually and as Officers of Said Corporation

Consent order requiring distributors of toys and related products in Troy, Mich., to cease representing by means of television commercials that their toy designated "Authentic Model Turnpike" included two cars when it had only one, and representing falsely that it also included "track infield grass, shrubbery and trees, driving course obstacles and numerous miniature pieces" such as "lamp posts, grandstand, first-aid shack, start and finish markers scoreboard and human figures".

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

It is ordered, That respondents AMT Corporation, a corporation, and its officers, and West H. Gallogly, John A. Bacon, Jr., Harry C. Haaxma, and Harold R. Smith, individually and as officers 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 or distribution of toys or related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, by use of any illustration, depiction or demonstration, alone or accompanied by oral or written statements, purporting to illustrate, depict or demonstrate any toy or related product, or the characteristics thereof, or representing in any other manner, directly or by implication, that any toy or related product possesses any characteristic, or contains or includes any pieces, parts or components not in accordance with fact.

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

Issued: December 24, 1963.

By the Commission.

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

[F.R. Doc. 64-819; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C-634]

PART 13—PROHIBITED TRADE PRACTICES

Sarah Cohen, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification;* § 13.525 *Wool products tags or identification.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 72 Stat. 1717, 15 U.S.C. 45, 68, 70) [Cease and desist order, Sarah Cohen, Inc., et al., Norfolk, Va., Docket C-634, Dec. 24, 1963]

In the Matter of Sarah Cohen, Inc., a Corporation, and Anna Klein, Herbert Goldberg, and Jeanette Goldberg, Individually and as Officers of Said Corporation

Consent order requiring the operators of a ladies' specialty shop in Norfolk, Va., engaged in the retail sale of coats, dresses, sweaters and other apparel, to cease violating the Textile Fiber Products Identification and the Wool Products Labeling Acts by failing to label certain textile fiber and wool products and by removing, prior to final sale, the stamps or other identification required to be affixed to such products.

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

It is ordered, That respondents Sarah Cohen, Inc., a corporation, and its officers, and Anna Klein, Herbert Goldberg and Jeanette Goldberg, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or in the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Sarah Cohen, Inc., a corporation, and its officers, and Anna Klein, Herbert Goldberg andn Jeanette Goldberg, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer.

It is further ordered, That respondents Sarah Cohen, Inc., a corporation, and its officers, and Anna Klein, Herbert Goldberg, and Jeanette Goldberg, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the introduction into commerce, or the offering for sale, sale, transportation, or delivery for shipment, in commerce, of any wool product, as "wool product" and "commerce" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from failing to securely affix to or place on each product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Sarah Cohen, Inc., a corporation, and its officers, and Anna Klein, Herbert Goldberg, and Jeanette Goldberg, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of any stamp, tag, label, or other means of identification affixed to any wool product subject to the provisions of the Wool Products Labeling Act of 1939 with intent to violate the provisions of the said Act.

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 24, 1963.

By the Commission.

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

[F.R. Doc. 64-820; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C-672]

PART 13—PROHIBITED TRADE PRACTICES

Gert Salomon et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.*

Subpart—Misbranding or mislabeling: § 13.1181 *Composition;* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–800 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Gert Salomon trading as Knitting Machines Unlimited trading as Yarns Unlimited, Santa Monica, Calif., Docket C–672, Dec. 31, 1963]

In the Matter of Gert Salomon, Also Known as George Salomon, an Individual Trading as Knitting Machines Unlimited Trading as Yarns Unlimited

Consent order requiring a Los Angeles retailer of yarns to cease violating the Wool Products Labeling Act by such practices as labeling as containing "100% Mohair", yarns which contained substantially less than "100% Mohair", and contained a substantial amount of non-woolen fibers, failing to disclose on labels the percentages of woolen and other fibers in yarns, describing fiber content on labels as "vinylic (Rhovyl)" instead of using the common generic name, and failing to comply with other labeling requirements; and to cease violating the Federal Trade Commission Act by advertising as "100% Italian Mohair", yarn which contained fibers other than Mohair.

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

It is ordered, That respondent Gert Salomon, also known as George Salomon, an individual trading as Knitting Machines Unlimited trading as Yarns Unlimited and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool yarn or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the common generic name of fibers in the required information on labels, tags or other means of identification attached to wool products.

4. Failing to set forth the percentages of specialty fibers in required information on stamps, tags, labels or other means of identification attached to wool products when an election is made to use the generic name of the specialty fiber instead of the term wool.

It is further ordered, That respondent Gert Salomon, also known as George Salomon, an individual trading as Knitting Machines Unlimited trading as Yarns Unlimited and respondent's representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of yarn or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in yarn or any other textile products in advertisements applicable thereto or in any other manner.

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

Issued: December 31, 1963.

By the Commission.

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

[F.R. Doc. 64–821; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. 7813 o.]

PART 13—PROHIBITED TRADE PRACTICES

Joseph A. Kaplan & Sons, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials;* § 13.736 *Group buying organizations;* § 13.738 *Markdown allowances.* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.* Discriminating in price under section 2, Clayton Act—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.844 *Return of merchandise.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Joseph A. Kaplan & Sons, Inc., Yonkers, N.Y., Docket 7813, Nov. 15, 1963]

Order requiring a Yonkers, N.Y., manufacturer of shower curtains, shower curtain sets and accessories under the trade name of "Jackson", to cease discriminating in price in various ways in its favored treatment of, among others, some 26 large retail customers which were the stockholders of a corporate wholesaler they organized in 1946—soon after the Commission issued a desist order against their knowingly inducing and receiving discriminations in price through a corporate agency created by them for such purpose, Associated Merchandising Corp. (AMC) et al., Docket 5027, 40 F.T.C. 578—for the purpose of providing special prices to them; respondent's price discriminations including charging differences in cost of as much as about 18 percent in favor of AMC stores and regularly favoring the AMC stores with markdown allowances resulting in lower net prices which were not made to AMC's competitors, in violation of section 2(a) of the Clayton Act; negotiating with AMC and the other customers on an individual basis in granting advertising allowances on close-out sales while not making such allowances to competing stores, in violation of section 2(d); and accepting the return of merchandise from some of its customers but not all, thus providing those favored with a service not provided others, in violation of section 2(e).

The order to cease and desist is as follows:

It is ordered, That respondent Joseph A. Kaplan & Sons, Inc., a corporation, its officers, employees, assignees, and representatives, directly or through any corporate or other device, in or in connection with the sale of shower curtains, shower curtain sets, shower curtain accessories, and related products in commerce, as commerce is defined in the Clayton Act, as amended, forthwith cease and desist from:

1. Discriminating, directly or indirectly, in the price of said products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's products.

2. Paying or contracting to pay, or granting or contracting to grant, or allowing, directly or indirectly, anything of value, including checks and credits, to or for the benefit of a customer as compensation or in consideration of any advertising or promotional services or facilities furnished by or through said customer in connection with the sale or offering for sale of respondent's products, unless such payments, credits, grants or allowances are available on proportionally equal terms to all other customers competing in the distribution of said products.

3. Discriminating directly or indirectly among competing purchasers of its products by contracting to furnish, furnishing, or contributing to the furnishing of the service or facility of accepting the return of its unsold products to any purchaser of said products bought for resale, with or without processing, unless such service or facility is accorded on proportionally equal terms to all purchasers concerned in the resale of said products.

Further order requiring report of compliance is as follows:

It is further ordered, That respondent, Joseph A. Kaplan & Sons, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as set forth in this order.

Issued: November 15, 1963.

[1] New.

By the Commission, Commissioners Elman and Higginbotham concurring in the result.

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

[F.R. Doc. 64-822; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C-637]

PART 13—PROHIBITED TRADE PRACTICES

Prager Co. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.*

(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, The Prager Company trading as Prager Brush Company et al., Atlanta, Ga., Docket C-637, Dec. 27, 1963]

In the Matter of The Prager Company, a Corporation, Trading and Doing Business as Prager Brush Company, and Hans E. Prager, Individually and as an Officer of Said Corporation

Consent order requiring Atlanta, Ga., manufacturers of paint and varnish brushes and other products to cease selling brushes with no disclosure of the fact that they were composed of bristles which had been previously used; stamping the handles of certain brushes with the words "Contains CHINA 100% Pure Bristle"; when the brushing part was made in substantial part of bristle from other sources; and selling brushes without revealing that the brushing part of some of them contained other material simulating bristle along with the bristle.

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

It is ordered, That respondents The Prager Company, a corporation, trading and doing business as Prager Brush Company, or under any other name or names, and Hans E. Prager, 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 or distribution of paint and varnish brushes or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Offering for sale or selling brushes having a brushing part composed in whole or in part of bristle of the hog or swine or any other material which has been previously used without clearly disclosing such fact in advertising and sales promotional material and on invoices and other sales memoranda and by means of a legible marking or stamping on the handle or ferrule of such brushes of such size, conspicuousness and degree of permanency, as to be noticeable and readable upon casual inspection when the brush is offered for sale to consumer purchasers.

(2) Using the word "China" or any other word or words of similar import or meaning, either alone or in conjunction with other words, to designate or describe or refer to bristle of the hog or swine which is not imported from China, or otherwise misrepresenting the origin of the bristle of which the brushing part of respondents' brushes is made or composed.

(3) Offering for sale or selling brushes having a brushing part composed in part of bristle of the hog or swine and in part of material other than such bristle but which has the appearance of bristle without truthfully describing, in the order of their predominance, all constituent materials by means of a legible marking or stamping on the handle or ferrule of the brush of such size, conspicuousness and degree of permanency as to be noticeable and readable upon casual inspection when the brush is offered for sale to consumer purchasers.

(4) Placing in the hands of others the means or instrumentalities whereby they may mislead the public as to any of the matters or things prohibited in Paragraphs 1, 2 and 3 hereof.

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, 1963.

By the Commission.

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

[F.R. Doc. 64-823; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. 8295 o.]

PART 13—PROHIBITED TRADE PRACTICES

Royal Crown Cola Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Royal Crown Cola Co., Columbus, Ga., Docket 8295, Dec. 23, 1963]

Order requiring a manufacturer of beverage concentrates which were sold to independent franchised bottlers for processing into beverages for sale to retailers, to cease violating section 2(d) of the Clayton Act by such practices as paying a retail grocery chain with headquarters in Jacksonville, Fla., the sum of $1,474.30 as compensation for advertising furnished in connection with the sale of respondent's product, while not making comparable allowances available to the chain's competitors.

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

It is ordered, That respondent, Royal Crown Cola Co., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of carbonated beverages in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: "Paying or contracting for the payment of anything of value to or for the benefit of any customer of respondent as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's carbonated beverages, unless such payment or consideration is offered and otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products."

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

Issued: December 23, 1963.

By the Commission.

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

[F.R. Doc. 64-824; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C-632]

PART 13—PROHIBITED TRADE PRACTICES

W. B. Snook Mfg. Co., Inc., and Walter B. Snook

Subpart—Advertising falsely or misleadingly: § 13.190 *Results.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(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, W. B. Snook Mfg. Co., Inc., et al., Palo Alto, Calif., Docket C-632, Dec. 18, 1963]

In the Matter of W. B. Snook Mfg. Co., Inc., a Corporation, and Walter B. Snook, Individually and as an Officer of Said Corporation

Consent order requiring Palo Alto, Calif., manufacturers of silver recovery units to cease representing falsely in advertising brochures and other promotional material that their "Rotex model X-4" silver recovery unit would under all conditions of operation recover 95 percent or more of the silver released into X-ray or film clearing or fixing solutions.

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

It is ordered, That respondents, W. B. Snook Mfg. Co., Inc., a corporation, and its officers, and Walter B. Snook, individually and as an officer of said corporation, and respondents' agents, represent-

atives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of silver recovery units, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that their Rotex model X-4 silver recovery unit, or any other silver recovery unit of similar construction irrespective of its designation, will recover any stated percentage or amount of silver released into X-ray or film clearing or fixing solutions, unless (1) the stated percentage or amount does in fact reflect the percentage or amount of silver actually recoverable by the unit, and (2) there is clear disclosure of the required conditions of operation, including the type of processing equipment, whether automatic or manual, with which the unit is to be used to achieve such percentage or amount of recovery.

2. Misrepresenting, in any manner, the amount or percentage of silver that their silver recovery units will recover from X-ray or film clearing or fixing solutions.

3. Placing any means or instrumentalities in the hands of others whereby they may mislead and deceive purchasers of respondents' products as to the efficiency of silver recovery of their products.

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 18, 1963.

By the Commission.

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

[F.R. Doc. 64-825; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C-673]

PART 13—PROHIBITED TRADE PRACTICES

Spiegel Brothers Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary;* § 13.175 *Quality of product or service.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–40 *In general;* § 13.1220 *Guarantees;* § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1900 *Source or origin;* § 13.1900–30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 6, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Spiegel Brothers Corporation, et al., Long Island City, N.Y., Docket C-673, Dec. 31, 1963]

In the Matter of Spiegel Brothers Corporation, a Corporation, Steelcraft Tool Corporation, a Corporation, and Kurt J. Spiegel, Individually and as an Officer of Each of Said Corporations

Consent order requiring a corporate importer of tools and hardware, and its wholly owned sales subsidiary, both in Long Island City, N.Y., to cease misrepresenting imported drill sets by falsely stating in catalogs and on cartons that they were high speed drills, made of an alloy especially formulated for high speed drills, fully guaranteed, and regularly sold for $42.50 in the trade areas concerned; and to cease selling the drill sets with inadequate disclosure—such as the inconspicuous lettering employed—as to the foreign country of origin.

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

It is ordered, That respondents Spiegel Brothers Corporation, a corporation, Steelcraft Tool Corporation, a corporation, and their respective officers, and Kurt J. Spiegel individually and as an officer of each of said corporations, 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 drills and indexes or other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that their drill bits are speed drills or high speed drill bits; provided, however, that it shall be a defense in any enforcement proceeding herein for the respondents to establish that said drill bits are composed of the materials and have the physical properties and performance characteristics generally required for and possessed by speed drill bits or high speed drill bits respectively;

2. Representing, directly or indirectly, that said drill bits are composed of an alloy of chrome vanadium steel or other materials; provided, however, that it shall be a defense in any enforcement proceeding herein for the respondents to establish that said drill bits contain chrome vanadium steel or other materials in such amounts as to be significant to the durability, performance and other characteristics thereof;

3. Representing, directly or indirectly, that any amount is the retail price of the product in any trade area or areas in which it is offered for sale; provided, however, that it shall be a defense in any enforcement proceeding herein for the respondents to establish that said price is the price at which the product has been usually and customarily sold at retail in the trade area or areas where the representation is made;

4. Offering for sale or selling any product which is in whole or in part of foreign origin, without clearly and conspicuously disclosing on such product or in immediate connection therewith, and, if such product is enclosed in a package or container on the front panel of the package or container, in such a manner that it will not be hidden or readily obliterated, the country of origin of the product or part thereof;

5. Representing, directly or by implication that their drills or other products, are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

6. Furnishing or otherwise placing in the hands of retailers or dealers in such products the means or instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things prohibited by this order.

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 31, 1963.

By the Commission.

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

[F. R. Doc. 64-826; Filed, Jan. 28, 1964; 8:47 a.m.]

[Docket No. C-635]

PART 13—PROHIBITED TRADE PRACTICES

State Blind Sales, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–125 *Individual or private business being;* § 13.15–125(c) *Charitable institution.* Subpart—Using misleading name—Vendor: § 13.2397 *Individual or private business being charitable institution.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, State Blind Sales, Inc., (Detroit, Mich.) et al., Docket C-635, Dec. 24, 1963]

In the Matter of State Blind Sales, Inc., a Corporation, Norman W. Henson, Individually and as an Officer of Said Corporation, and Philip K. Dauvin, an Individual, Trading and Doing Business as State Blind Sales

Consent order requiring Detroit, Mich., sellers of rugs, brooms, mops and other household articles direct to the public and to distributors for resale, to cease representing falsely in advertisements in magazines, hand circulars, telephone solicitations, radio broadcasts and by other means, that their commercial businesses operated for their own profit were charitable enterprises operated for the benefit of blind and handicapped persons, that only blind and handicapped persons were employed, and that such persons produced or packaged all their products and benefitted from the sale thereof.

[1] New.

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

It is ordered, That respondents State Blind Sales, Inc., a corporation, and its officers, and Norman W. Henson, individually and as an officer of said corporation, and Philip K. Dauvin, individually and trading and doing business as State Blind Sales, 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 rugs, brooms, mops, or other miscellaneous household articles, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

a. A charitable or eleemosynary enterprise is being conducted for the benefit of the blind or the handicapped.

b. Any product which is not produced, processed or packaged by a blind or handicapped person is produced, processed or packaged by a blind or handicapped person.

c. The profits from the sale of merchandise are used for the benefit of the blind or the handicapped.

d. Only blind or handicapped persons are employed; or that blind or handicapped persons are employed, unless it is clearly and conspicuously disclosed in immediate connection and conjunction therewith the percentage of such blind or handicapped persons so employed.

2. Using the word "blind" or any other word or words of similar import or meaning in a corporate or trade name or in any other manner, to designate or describe merchandise, unless in immediate connection and conjunction therewith a clear and conspicuous disclosure is made that a substantial percentage of merchandise sold or distributed by the respondents is produced, processed or packaged by other than blind persons.

3. Placing in the hands of jobbers, retailers, salesmen and others, the means and instrumentalities by and through which they may mislead and deceive the purchasing public concerning merchandise in the respects set out above.

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 24, 1963.

By the Commission.

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

[F.R. Doc. 64-827; Filed, Jan. 28, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Grated American Cheese Food; Notice of Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of November 28, 1963 (28 F.R. 12664), amending the standard of identity for grated American cheese food by changing the basis and the minimum percentage for prescribing the milk fat, and by adding dried whey to the list of optional ingredients. Accordingly, the amendments promulgated by that order will become effective January 27, 1964.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: January 23, 1964.

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

[F.R. Doc. 64-828; Filed, Jan. 28, 1964; 8:47 a.m.]

PART 121—FOOD ADDITIVES

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

POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1058) filed jointly by Allied Chemical Corporation, 40 Rector Street, New York 6, New York; Eastman Chemical Products, Inc., 260 Madison Avenue, New York 16, New York; and Union Carbide Corporation, 270 Park Avenue, New York 17, New York, and other relevant material, has concluded that § 121.2510 of the food additive regulations should be amended to provide for the use of an additional grade of polyethylene, the so-called polyethylene "blending resins," as components of food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2510 is amended by inserting in paragraph (d) a new subparagraph (4), as follows:

§ 121.2510 Polyethylene.

* * * * *

(d) * * *

(4) Polyethylene complying with the extractability limitations of subparagraph (1) of this paragraph may be used as a component of food-contact coatings. In addition, polyethylene that complies with the following extractability limitations may be used at levels up to and including 50 percent by weight of any mixture employed as a food-contact coating:

(i) Maximum soluble fraction of 75 percent in xylene after refluxing and subsequent cooling to 25° C.

(ii) Maximum extractable fraction of 8 percent when extracted with ethyl acetate at 50° C.

(iii) Maximum extractable fraction of 53 percent when extracted with *n*-hexane at 50° C.

* * * * *

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

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

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

Dated: January 23, 1964.

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

[F.R. Doc. 64-830; Filed, Jan. 28, 1964; 8:47 a.m.]

PART 121—FOOD ADDITIVES

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

FURALTADONE; AMENDMENT TO REGULATIONS

In the matter of establishing a regulation with respect to prescribing the con-

ditions for the safe use of furaltadone in treatments for bovine mastitis.

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of November 30, 1963 (28 F.R. 12767). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the amendments are adopted as proposed.

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

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

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: January 23, 1964.

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

Section 121.249. *Food additives for use in milk-producing animals* is amended by adding to paragraph (a) a new subparagraph (2), as follows:

§ 121.249 Food additives for use in milk-producing animals.

(a) * * *

(2) (i) It contains the following in each 15 milliliters of suspension:

Furaltadone (5-(morpholino methyl)-3-[(5-nitrofurfurylidene)amino]-2-oxazolidinone) 500 mg.

Peanut oil-2 percent (weight per unit volume) aluminum monostearate vehicle, q.s.

(ii) Treat lactating cows with the contents of 15 milliliters in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Repeat after each milking for a total of three instillations.

(iii) Milk that has been drawn from animals during treatment and within 48 hours of the latest treatment may not be used for food.

* * * * *

[F.R. Doc. 64-829; Filed, Jan. 28, 1964; 8:47 a.m.]

PART 121—FOOD ADDITIVES

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

POLYSULFIDE POLYMER-POLYEPOXY RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1198) filed by Thiokol Chemical Corporation, 780 North Clinton Avenue, Trenton 7, New Jersey, and other relevant material, has concluded that the list of substances in § 121.2572 (a)(3) of the food additive regulations should be amended to provide for the use of additional optional substances as components of polysulfide polymer-polyepoxy resins used as the food-contact surface of articles intended for packaging, transporting, holding, or otherwise contacting dry food. The Commissioner has also concluded that the list of substances in § 121.2572(a)(3) should be further amended by changing the item "channel black" to read "carbon black (channel process)"; by deleting the limitation on the use of the item "magnesium chloride"; and by deleting certain substances that are generally recognized as safe in food or food packaging and thus permitted for use under the provisions of § 121.2572(a)(1). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2572(a)(3) is amended to read as follows:

§ 121.2572 Polysulfide polymer-polyepoxy resins.

* * * * *

(a) * * *

(3) Substances named in this subparagraph and further identified as required:

List of substances	*Limitations*
Bis(2-chloroethyl) formal.	----------
Bis(dichloropropyl) formal.	Cross-linking agent.
Butyl alcohol	Solvent.
Carbon black (channel process).	----------
Chlorinated paraffins	Cross-linking agent.
Epoxidized linseed oil.	----------
Epoxidized soybean oil.	----------
Epoxy resins (as listed in § 121.2514 (b)(3)(viii)(a)).	----------
Ethylene glycol monobutyl ether.	Solvent.
Magnesium chloride	----------
Methyl isobutyl ketone.	Solvent.
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	----------
Sodium dibutyl naphthalene sulfonate.	Wetting agent.
Sodium hydrosulfide	----------
Sodium polysulfide	----------
$\beta,\beta',\gamma,\gamma'$-Tetrachloro normal propyl ether.	Cross-linking agent.
Titanium dioxide	----------
Toluene	Solvent.
Trichloroethane	Cross-linking agent.
1,2,3-Trichloropropane.	Do.
Urea-formaldehyde resins.	----------
Xylene	Solvent.

* * * * *

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

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

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

Dated: January 23, 1964.

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

[F.R. Doc. 64-831; Filed, Jan. 28, 1964; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VI—President's Committee on Equal Opportunity in Housing

PART 1800—NONDISCRIMINATION IN HOUSING

Committee on Equal Opportunity in Housing

Executive Order 11063 of November 20, 1963 (27 F.R. 11527), directs Federal departments and agencies, among other things, to take necessary and appropriate action to prevent discrimination in the sale, leasing, or use of housing and related facilities (a) owned or operated by the Federal Government, (b) provided with the aid of (i) loans or grants from the Federal Government or (ii) loans insured or guaranteed by the Federal Government, or (c) made available through the development or redevelopment of property under Federally-aided

slum clearance and urban renewal programs. The Order also establishes the President's Committee on Equal Opportunity in Housing (a) to recommend general policies and procedures to implement the Order, to check on progress under the Order, and to make reports to the President, (b) to promote the coordination of the activities of the Federal departments and agencies subject to the Order, and (c) to encourage educational programs by nongovernmental groups to eliminate the basic causes of discrimination in housing and related facilities provided with Federal assistance.

A new chapter VI is added to Title 24 to read as follows:

Sec.
1800.1 Purpose and scope of rules.
1800.2 Definitions.
1800.3 Duties of the Committee.
1800.4 Duties of the Departments and Agencies subject to the Order.

AUTHORITY: The provisions of this chapter issued under sec. 501(a) of Executive Order 11063, 27 F.R. 11527, 3 CFR 1962 Supp. p. 264.

§ 1800.1 Purpose and scope of rules.

The purpose of the rules in this part is to set forth the responsibilities of the Committee and also the responsibilities of the Federal departments and agencies in relation to the Committee. The rules in this part may be amended whenever deemed necessary by the Committee.

§ 1800.2 Definitions.

(a) "Order" means Executive Order 11063 of November 20, 1962 (27 F.R. 11527; 3 CFR 1962 Supp., p. 264).

(b) "Committee" means the President's Committee on Equal Opportunity in Housing, established by the Order.

(c) "Subcommittee" means a committee of one or more members of the Committee appointed by the Chairman.

(d) "Executive Committee" means the Committee established by the Order consisting of the Committee's Chairman and two public members designated by him.

§ 1800.3 Duties of the Committee.

(a) *General policies and procedures.* The Committee shall adopt such general policies and procedures for the guidance of all Federal departments and agencies subject to the Order, as it deems appropriate.

(b) *Coordination of agency activities.* The Committee shall take such actions and make such recommendations as it deems necessary and appropriate to promote the coordination of the activities of the departments and agencies subject to the Order. The Committee may further consider such problems relating to the Order as are presented to it by any department or agency subject to the Order, or by any person, and make recommendations for resolving such problems in a coordinated manner in keeping with the spirit and objectives of the Order.

(c) *Review of agency rules and regulations.* The Committee shall, from time to time, examine the relevant rules, regulations, procedures, policies, practices, and other actions of the departments and agencies subject to the Order and make such recommendations as may be necessary or desirable to achieve the purposes of the Order.

(d) *Liaison and education.* The Committee, or any subcommittee thereof, may confer with representatives of any Federal department or agency, State or local public agency, civic, industry, or labor group, or any other group, or person directly or indirectly affected by the Order; and shall encourage educational programs by civic, educational, religious, industry, labor and other nongovernmental groups to eliminate the basic causes of discrimination in housing and related facilities provided with Federal assistance.

(e) *Hearings.* The Committee, or any subcommittee thereof, may hold such hearings, public or private, as the Committee may deem advisable, for compliance, enforcement, or educational purposes.

(f) *Reports by the Committee.* The Committee shall, at least once annually, make a report to the President which shall include reference to the actions taken and results achieved by the departments and agencies subject to the Order. Such interim reports shall be made to the President as he may require or as the Committee may deem appropriate.

(g) *Executive Committee.* Between meetings of the Committee, the Executive Committee shall carry out the functions of the Committee, except that no general policies and procedures and no general recommendations on complaints or reports or recommendations to the President shall be issued without the approval of the Committee.

(h) *Ancillary matters.* Communications intended for Committee attention should be forwarded to the President's Committee on Equal Opportunity in Housing, The White House, Washington, D.C.

§ 1800.4 Duties of the departments and agencies subject to the Order.

(a) *Cooperation with the Committee.* Each department and agency shall cooperate with the Committee, furnish the Committee, in accordance with law, such information and assistance as it may request in the performance of its functions and make reports to the Committee at such intervals as it may require.

(b) *Consultations with the Committee.* Each department and agency shall consult with the Committee in order to achieve such consistency and uniformity as may be feasible.

(c) *Rules and regulations.* Each department and agency shall, upon the adoption or amendment of any rule, regulation, procedure, or policy implementing the Order, promptly forward copies thereof to the Committee.

(d) *Complaints.* No later than the last day of each month, each department and agency shall forward to the Committee a summary of the status of all complaints under the Order pending before such department or agency and shall forward a detailed report to the Committee concerning all complaints disposed of during the preceding month.

Issued in Washington, D.C., this 8th day of January 1964.

DAVID L. LAWRENCE,
Chairman, President's Committee on Equal Opportunity in Housing.

[F.R. Doc. 64-844; Filed, Jan. 28, 1964; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[DMO I-26]

DMO I-26—PROVIDING FOR ESTABLISHMENT AND COORDINATION OF A NATIONAL DAMAGE ASSESSMENT PROGRAM

Revocation

Defense Mobilization Order I-26, dated November 22, 1957 (22 F.R. 9534) is hereby revoked. The functions of this program are restated in OEP Circular 6500.1 which may be obtained from the Office of Emergency Planning.

Dated: January 21, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-855; Filed, Jan. 28, 1964; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

PART 3—ADJUDICATION

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

PART 17—MEDICAL

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Miscellaneous Amendments

1. In Part 2, § 2.66 is revised to read as follows:

§ 2.66 Chairman and Vice Chairman, Board of Veterans Appeals delegated authority to authorize assumption of jurisdiction of adjudicative determination not involved in appeal before Board where determination has not become final; to authorize administrative action on adjudicative determination not involved in appeal before Board where determination has become final; and to approve central office investigations of matters before the Board.

This delegation of authority is identical to § 19.2 of this chapter.

2. In Part 3, § 3.103 is revised to read as follows:

§ 3.103 Information to be furnished claimants; appellate rights.

The claimant will be notified of any decision authorizing the payment of benefit or disallowance of a claim. Notice will include the reason for the decision, the claimant's right to initiate an appeal by filing a notice of disagreement and the time limits within which such notice may be filed. See subpart B, Part 19 of this chapter.

3. In § 3.104, paragraph (a) is amended and paragraph (c) is revoked so that the amended material reads as follows:

§ 3.104 Finality of decisions.

(a) The decision of a duly constituted rating agency or other agency of original jurisdiction on which an action was predicated will be final and binding upon all field offices of the Veterans Administration as to conclusions based on evidence on file at that time and will not be subject to revision on the same factual basis except by duly constituted appellate authorities or except as provided in § 3.105. See §§ 19.153 and 19.154 of this chapter.

* * * * *

(c) Revoked.

4. Section 3.107 is revised to read as follows:

§ 3.107 Awards where all dependents do not apply.

Except as provided in § 3.251(a)(4), in any case where claim has not been filed by or on behalf of all dependents who may be entitled, the awards (original or amended) for those dependents who have filed claim will be made for all periods at the rates and in the same manner as though there were no other dependents. However, if the file reflects that there is a child or children under 18 years of age for whom no claim has been filed, the award will be made only at the apportioned rate, if as to such children it is possible for a claim to be filed under which benefits may be awarded for a period prior to date of filing claim. If, at the expiration of the period allowed, claims for such additional children have not been filed, the award to the widow or child will be amended to provide for payment at the full rate over the period affected.

5. In § 3.109, paragraph (b) is amended to read as follows.

§ 3.109 Time limit.

* * * * *

(b) *Failure to furnish claim form or notice of time limit.* Failure to furnish a potential claimant any form or information concerning the right to file claim for pension, compensation, or dependency and indemnity compensation, or to furnish notice of the time limit for the filing of a claim or submission of evidence will not extend the periods allowed for these actions. As to appeals, see § 19.110 of this chapter.

6. Section 3.111 is revoked.

§ 3.111 Appeals on simultaneously contested claims. [Revoked]

7. In § 3.200, paragraph (a) is amended to read as follows:

§ 3.200 Testimony certified or under oath.

(a) Claimants and witnesses in their behalf will be duly sworn before presenting oral testimony before any rating or authorization body.

* * * * *

8. In Part 6, § 6.150 is revised to read as follows:

§ 6.150 Claims alleging insurance contract where there is no application for insurance on file.

In those cases where claim is made alleging that a person made valid application for yearly renewal term (War Risk) insurance or United States Government life insurance, and that the insurance is subject to reinstatement, or that such insurance matured by reason of the total and permanent disability or death of the person at a time when the insurance was in force, and, in case of death, that there was a valid designation of beneficiary, or that there is entitlement to total disability benefits, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not become permanently and totally disabled, or die at a time when the insurance would have been in force if insurance had been applied for, or, in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed. The claimant will be notified of his right to initiate an appeal by filing a notice of disagreement and the time limitation for filing such notice. Further, the claimant will be informed that unless he desires to initiate and perfect an appeal to the Board of Veterans Appeals, a disagreement exists as to the matters in controversy as contemplated by the provisions of 38 U.S.C. 784 as far as the Veterans Administration is concerned. The Director, Insurance Service, or Deputy Director for Underwriting, Accounts and Insurance Claims will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity having jurisdiction over the insurance death claim.

9. Section 6.210 is revised to read as follows:

§ 6.210 Appeal to Board of Veterans Appeals.

The provisions of Part 19 of this chapter will be followed in connection with appeals to the Board of Veterans Appeals involving a claim for insurance benefits, or from a decision of fraud or forfeiture. Notice to the claimant and his representative, if any, of the right to appeal to the Board of Veterans Appeals will be sent by the Insurance Service in connection with the disallowance or partial disallowance of a claim for insurance benefits or a decision of fraud or forfeiture.

10. In Part 8, § 8.70 is revised to read as follows:

§ 8.70 Claims alleging insurance contract where there is no application for insurance on file.

In those cases where claim is made alleging that a person made valid application for National Service life insurance on file, the claimant will be reject to reinstatement or a waiver of payment of premiums is in order, or that the insurance matured by reason of the death of the insured at a time when the insurance was in force, and that there was a valid designation of beneficiary, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not die at a time when the insurance would have been in force if insurance had been applied for, or, in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed. The claimant will be notified of his right to initiate an appeal by filing a notice of disagreement and the time limitation for filing such notice. Further, the claimant will be informed that unless he desires to initiate and perfect an appeal to the Board of Veterans Appeals, a disagreement exists as to the matters in controversy as contemplated by the provisions of 38 U.S.C. 784 as far as the Veterans Administration is concerned.

The Director, Insurance Service, or Deputy Director for Underwriting, Accounts and Insurance Claims will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity in the office having jurisdiction over the insurance death claim.

11. Section 8.117 is revised to read as follows:

§ 8.117 Appeal to Board of Veterans Appeals.

The provisions of Part 19 of this chapter will be followed in connection with appeals to the Board of Veterans Appeals involving a claim for insurance benefits, or from a decision of fraud or forfeiture. Notice to the claimant and his representative, if any, of the right to appeal to the Board of Veterans Appeals will be sent by the Insurance Service in connection with the disallowance or partial disallowance of a claim for insurance benefits or a decision of fraud or forfeiture.

12. In Part 13, § 13.76 is revised to read as follows:

§ 13.76 Appeals from Chief Attorney's determination under 38 U.S.C. 3203 (b) (3).

(a) *Notification.* The Chief Attorney will be responsible for notification of action taken and the right to initiate an appeal by filing a notice of disagreement and of the time limits within which such notice may be filed (§ 19.109 of this chapter) when he determines that:

(1) The dependent is not in need.

(2) The needs of the dependent parent are to be met from the veteran's estate or from Personal Funds of Patients and no payments or partial payments will be made for the dependent parents' support from appropriated funds.

(3) No award from appropriated funds for care and maintenance for the veteran in a non-Veterans Administration hospital will be made, and that the veteran's estate will have to defray the cost.

(b) *Appeals.* Part 19 of this chapter will be followed in connection with appeals to the Board of Veterans Appeals from determinations of the Chief Attorney. Appeals may be initiated by a dependent parent on questions of need and payments for his or her support from appropriated funds, and by a guardian for the disallowance of the use of appropriated funds for the veteran's institutional care and maintenance.

(c) *Statement of the case.* When a notice of disagreement is filed, the Chief Attorney will be responsible for furnishing the claimant and his representative with a statement of the case and such notification regarding the filing of an appeal as is provided for in §§ 19.114(b) and 19.115 of this chapter.

13. In Part 17, § 17.120 (a) and (b) is amended to read as follows:

§ 17.120 Authorization of dental examinations.

* * * * *

(a) Those having a dental disability adjudicated as incurred or aggravated in active military, naval, or air service or those requiring examination to determine whether the dental disability is service connected.

(b) Those having disability from disease or injury other than dental, adjudicated as incurred or aggravated in active military, naval, or air service but with an associated dental condition that is considered to be aggravating the basic service-connected disorder.

* * * * *

14. Section 17.123(b) is amended to read as follows:

§ 17.123 Authorization of outpatient dental treatment.

* * * * *

(b) *Class II.* Those having a service-connected noncompensable dental condition or disability shown to have been in existence at time of discharge or release from active service may be authorized any treatment indicated as reasonably necessary for the one-time correction of the service-connected noncompensable dental disability or condition, but only if application for treatment is made within 1 year after discharge or release. When the services rendered on a one-time basis, as provided in this class, are found unacceptable within the limitations of good professional standards, such additional services may be afforded as are required to complete professionally acceptable treatment. The foregoing limitations in this class II as to existence of disability at time of separation from service, time of filing claim, and one-time completion of treatment are not applicable to classes II (a) and (b).

* * * * *

15. In § 17.140, paragraphs (a), (b) and (d) are amended as follows:

§ 17.140 Adjudication of claims.

(a) Claims for reimbursement of expenses or payment for medical services obtained without prior authorization of the Veterans Administration will be adjudicated in the Outpatient Service or Clinic having responsibility for the fee basis program of the area in which the unauthorized medical services were rendered.

(b) Claims for services rendered veterans in foreign countries excluding the Philippines will be adjudicated in the Office of the Clinic Director, Veterans Benefits Office, Washington, D.C.

* * * * *

(d) Claims, as defined in § 17.141, will be subject to one review, after an adverse decision, upon appeal to the Board of Veterans Appeals. Appeals must be initiated within 1 year from the date of notification to the claimant or his representative of the original adverse decision, and the claimant or representative will be so advised. (See §§ 19.109 and 19.118 of this chapter.) Appeals are governed by Part 19 of this chapter.

16. In Part 21, § 21.0 is revised to read as follows:

§ 21.0 Appeals from vocational rehabilitation and education determinations.

Determinations made on claims for education and training benefits under Part VII or Part VIII, Veterans Regulation No. 1(a), as amended, and chapters 31, 33 and 35, Title 38, United States Code, are subject to appeal to the Board of Veterans Appeals. Appeals are governed by Part 19 of this chapter.

17. In § 21.1, the introductory portion immediately preceding paragraph (a) is amended to read as follows:

§ 21.1 Finality of action.

The decision of a duly constituted vocational rehabilitation and education activity of original jurisdiction as to an issue properly within its jurisdiction will be final and binding upon all field offices of the Veterans Administration and is not subject to revision on the same evidence except by duly constituted appellate authority or except as provided in § 21.2.

* * * * *

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

These VA regulations are effective the date of approval.

Approved: January 22, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-853; Filed, Jan. 28, 1964; 8:49 a.m.]

PART 3—ADJUDICATION

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

GENERAL RATING CONSIDERATIONS

In § 3.321, paragraphs (b) and (c) are amended to read as follows:

§ 3.321 General rating considerations.

* * * * *

(b) *Exceptional cases*—(1) *Compensation.* Ratings shall be based as far as practicable, upon the average impairments of earning capacity with the additional proviso that the Administrator shall from time to time readjust this schedule of ratings in accordance with experience. To accord justice, therefore, to the exceptional case where the schedular evaluations are found to be inadequate, the Chief Benefits Director or the Director, Compensation and Pension Service, upon field station submission, is authorized to approve on the basis of the criteria set forth in this paragraph an extra-schedular evaluation commensurate with the average earning capacity impairment due exclusively to the service-connected disability or disabilities. The governing norm in these exceptional cases is: a finding that the case presents such an exceptional or unusual disability picture with such related factors as marked interference with employment or frequent periods of hospitalization as to render impractical the application of the regular schedular standards.

(2) *Pension.* Where the evidence of record establishes that an applicant for pension who is basically eligible fails to meet the disability requirements based on the percentage standards of the rating schedule but is found to be unem-

ployable by reason of his disability(s), age, occupational background and other related factors, the following are authorized to approve on an extra-schedular basis a permanent and total disability rating for pension purposes: The Chief Benefits Director or the Director, Compensation and Pension Service, upon field station submission; the rating board, without field station submission, where regular schedular standards are met as of the date of rating decision; or the Adjudication Officer, without field station submission, where the regular schedular standards are not met but the applicant has attained 55 years of age.

(3) *Effective dates.* The effective date of these extra-schedular evaluations granting or increasing benefits will be in accordance with the facts found but not earlier than the date of claim.

(c) *Advisory opinion.* Cases in which application of the schedule is not understood or the propriety of an extra-schedular rating is questionable may be submitted to Central Office for advisory opinion.

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

This VA regulation is effective the date of approval.

Approved: January 24, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-856; Filed, Jan. 28, 1964; 8:50 a.m.]

PART 19—BOARD OF VETERANS APPEALS

Part 19 is revised to read as follows:

Subpart A—Appeals—General

Subpart B—Appeals—Rules of Practice

AUTHORITY: The provisions of this Part 19 issued under 72 Stat. 1114; 1240, as amended; 38 U.S.C. 210, 4001–4009.

Subpart A—Appeals—General

§ 19.1 General appellate jurisdiction.

All questions on claims involving benefits under the laws administered by the Veterans Administration are subject to review on appeal to the Administrator of Veterans Affairs, decisions in such cases to be made by the Board of Veterans Appeals. Jurisdiction is vested by statute in the Board to make final decisions on all questions reviewed on appeal, with the exception of those involving insurance contracts. (38 U.S.C. 784, 4004(a)) In its decision, the Board is bound by the regulations of the Veterans Administration, instructions of the Administrator and precedent opinions of the chief law officer. The statutory jurisdiction vests responsibility in the Board to apply and exercise all the adjudicative criteria and authority in such controlling media properly for application by the department having original adjudicative responsibility for claims for benefits.

§ 19.2 Delegation of authority to Chairman and Vice Chairman, Board of Veterans Appeals.

In addition to the authority vested in the Chairman and Vice Chairman, Board of Veterans Appeals, by law, Veterans Administration regulations and manuals, authority is delegated to each as follows:

(a) To authorize assumption of jurisdiction of an adjudicative determination not involved in an appeal before the Board where the determination has not become final.

(b) To authorize administrative action on an adjudicative determination not involved in an appeal before the Board where the determination has become final.

(c) To approve Central Office investigations of matters before the Board.

§ 19.3 Subject matter of appeals.

More specifically, the Board's appellate jurisdiction covers questions of entitlement to compensation for service-connected disabilities; pension for disability without regard to service connection; death compensation and pension; dependency and indemnity compensation; vocational rehabilitation, including need therefor; education and training allowance; subsistence allowance; educational assistance allowance and special training allowance (38 U.S.C. ch. 35); special allowance (38 U.S.C. 412); death gratuity (38 U.S.C. 423); insurance benefits, including maturity of contracts, waiver of premiums, and legal beneficiary; payment or reimbursement for unauthorized medical expenses; burial allowances; disability suffered as the result of examination, treatment or hospitalization or vocational training; emergency officers' retirement benefits; basic eligibility to loans and unemployment compensation; adjusted compensation; waiver or recovery of overpayments; forfeiture of rights; and all related mixed questions of fact and law, such as character and type of service, attorney fees, marital relations, dependency, validity of claims, apportionment, reduction and increase in compensation or pension benefits, and similar questions. Under 38 U.S.C. 3203(b)(3), jurisdiction extends to determinations of the Chief Attorney on the following questions: need of a dependent parent; payments

from appropriated funds to a dependent parent for his or her support; use of appropriated funds for the veteran's institutional care and maintenance.

§ 19.4 Disclosure of information.

Appeals decisions and statements of the case will not disclose matters that would be contrary to 38 U.S.C. 3301 or otherwise contrary to the public interest. Such matters may be disclosed to a designated representative unless the relationship between the claimant and the representative is such that disclosure to the representative would be as harmful as if made to the claimant. (38 U.S.C. 4005 (d)(2))

§ 19.5 Restriction as to change in payments pending determination of administrative appeals.

In the event of an administrative appeal, no change in payments based on that review or determination will be made until a decision is made by the Board of Veterans Appeals.

Subpart B—Appeals—Rules of Practice

GENERAL

§ 19.101 Rule 1; authority.

Pursuant to the authority vested in the Administrator of Veterans Affairs (38 U.S.C. 210(c)) there are hereby issued revised rules of practice which govern proceedings in appeals to the Board of Veterans Appeals.

§ 19.102 Rule 2; jurisdiction.

(a) *Statutory.* The Board's jurisdiction extends to all questions on claims involving benefits under the laws administered by the Veterans Administration. (38 U.S.C. 4004(a))

(b) *Delegated authority.* The Board may assume jurisdiction of an unappealed issue on its own motion in a case properly before the Board, as provided in § 19.2.

§ 19.103 Rule 3; governing criteria.

In the consideration of appeals, the Board shall be bound by the regulations of the Veterans Administration, instructions of the Administrator, and precedent opinions of the General Counsel. (38 U.S.C. 4004(c))

§ 19.104 Rule 4; finality of decisions.

Decisions of the Board of Veterans Appeals are final, with the exception that claims involving insurance contracts are subject to court review. (38 U.S.C. 211(a), 784, 4004(a)) Reconsideration by the Board may be accorded under Rule 48 (§ 19.148).

ESTABLISHMENT AND COMPOSITION OF BOARD

§ 19.105 Rule 5; establishment of Board.

The Board of Veterans Appeals is established by authority of and functions pursuant to Chapter 71, Title 38, United States Code.

§ 19.106 Rule 6; composition of Board.

The Board shall consist of a Chairman, Vice Chairman, associate members, and such other professional, administrative, clerical and stenographic personnel as are found necessary. (38 U.S.C. 4001(a))

§ 19.107 Rule 7; appointment, assignment and rotation of members.

(a) *Appointment.* Members of the Board (including the Chairman and Vice Chairman) shall be appointed by the Administrator with the approval of the President of the United States. (38 U.S.C. 4001(b))

(b) *Assignment.* The Chairman may divide the Board into sections of three members and assign the members of the Board thereto. (38 U.S.C. 4002)

(c) *Rotation.* The Chairman may from time to time rotate the members of the sections.

(d) *Vacancy or absence.* If as a result of a vacancy, absence, or inability of an assigned member to serve, a section of the Board does not have a full complement of members, the Chairman may assign other members or direct the section to proceed without any additional assignment of members. (38 U.S.C. 4002)

§ 19.108 Rule 8; function of Board.

The principal function of the Board is to consider all applications on appeal properly before it, conduct hearings on appeal, evaluate the evidence of record and enter decisions in writing on the questions presented on appeal.

NOTIFICATION OF APPELLATE RIGHTS

§ 19.109 Rule 9; notice of right to appeal.

(a) *General.* The claimant and his representative, if any, will be informed of the right to initiate an appeal by the filing of a notice of disagreement in writing, and the time limit within which such notice must be filed. This information will be included in each notification of a determination of entitlement or nonentitlement to Veterans Administration benefits by the agency of original jurisdiction.

(b) *Administrative appeals.* In notifying a claimant of an administrative appeal, see Rule 25 (§ 19.125).

(c) *Contested claims.* In notifying a contesting claimant of appellate rights, see Rule 17 (§ 19.117).

§ 19.110 Rule 10; failure to receive notice.

While it is contemplated that the agency of original jurisdiction will give proper notice of the right to appeal and the time limit, failure to notify the claimant of his right to such appellate review or of the time limit applicable to a notice of disagreement or substantive appeal will not extend the applicable period for taking this action.

APPLICATION FOR REVIEW ON APPEAL

§ 19.111 Rule 11; who can file an appeal.

(a) *Claimant, authorized representative, attorney or agent.* A notice of disagreement and a substantive appeal may be filed by a claimant personally or by an accredited representaitve of a recognized service organization, attorney or agent, provided a proper power of attorney has been filed. Where contesting claimants are involved, see Rule 17 (§ 19.117).

(b) *Incompetent claimant.* If the claimant is incompetent, a notice of disagreement and a substantive appeal may be filed by the legal guardian or other proper fiduciary; or, in the absence of one of these, by the next of kin or next friend.

(c) *Attorneys and agents for fee.* An attorney or agent may file an appeal for a fee in any claim wherein a fee has been denied or he is not satisfied with the determination as to the amount of the fee.

§ 19.112 Rule 12; what constitutes an appeal.

An appeal consists of a timely filed notice of disagreement in writing and, after a statement of the case has been furnished, a timely filed substantive appeal.

§ 19.113 Rule 13; notice of disagreement.

A written communication from a claimant or his representative expressing dissatisfaction or disagreement with an adjudicative determination of an agency of original jurisdiction will constitute a notice of disagreement. The notice should be in terms which can be reasonably construed as evidencing a desire for review of that determination. It need not be couched in specific language. Specific allegations of error of fact or law are not required.

§ 19.114 Rule 14; action by agency of original jurisdiction on notice of disagreement.

(a) *Preliminary action.* When a notice of disagreement is timely initiated, the agency of original jurisdiction may take appropriate development and review action, not inconsistent with Title 38, United States Code, and the applicable Veterans Administration Regulations in Title 38, Code of Federal Regulations.

(b) *Statement of the case.* If no preliminary action is required or when it is completed, the agency of original jurisdiction will prepare a statement of the case pursuant to Rule 15 (§ 19.115), if the issue or issues are not resolved by granting the benefit sought in the appeal, or through withdrawal of the notice of disagreement.

§ 19.115 Rule 15; statement of the case.

(a) *Purpose.* The purpose of the statement of the case is to give the claimant "notice" of the facts pertinent to the issue or issues and the action taken, sufficient to permit proper exercise of statutory appeal rights.

(b) *Contents.* A statement of the case shall consist of:

(1) A summary of the evidence in the case pertinent to the issue or issues with which disagreement has been expressed;

(2) A citation or discussion of the pertinent law, Veterans Administration Regulations or other criteria, and, where applicable, the provisions of the Schedule for Rating Disabilities;

(3) The decision on the issue or issues and the reasons for the determination.

(c) *Furnishing statement of the case and information on filing substantive*

appeal—(1) *Copies of statement of the case.* The statement of the case will be forwarded to the claimant at his latest address of record and to his representative, if any.

(2) *Information on filing substantive appeal.* With the statement of the case, the appellant and his representative will be furnished information on the right and time limit to file a substantive appeal, and VA Form 1–9, Appeal to Board of Veterans Appeals. Information will also be included as follows:

(i) That the benefits sought must be clearly identified;

(ii) That the substantive appeal should set out specific allegations of error of fact or law, related insofar as possible to specific items in the statement of the case;

(iii) That the appellant will be presumed to be in agreement with any statement of fact contained in the statement of the case to which no exception is taken;

(iv) That the agency of original jurisdiction may close the case for failure to respond to the statement of the case; and

(v) That the Board of Veterans Appeals will base its decision on the evidence and argument of record, and will not be limited to that cited in the statement of the case.

(d) *Supplemental statement of the case.* A supplemental statement of the case, so designated, will be furnished when subsequent actions are taken, evidence is received, a material defect is discovered, or for any other reasons the original statement is inadequate to effect the letter and intent of the law.

§ 19.116 Rule 16; substantive appeal.

VA Form 1–9, Appeal to Board of Veterans Appeals, adequately executed, or its equivalent in correspondence, from a claimant or his representative following the furnishing of a statement of the case will constitute a substantive appeal. The appeal should set out specific allegations of error of fact or law. Such allegations shall be construed in a liberal manner in determining their adequacy, with consideration of the technicalities involved. To the extent feasible, allegations should be related to specific items in the statement of the case.

§ 19.117 Rule 17; contested claims.

(a) *Notice of appeal rights.* In a contested claim, where one is allowed and the other is denied or the allowance of one claim would result in payment of a lesser amount to another claimant, all parties of interest will be specifically notified of the action taken and of the right and time limit for initiation of an appeal. (38 U.S.C. 4005A(a))

(b) *Who can file a notice of disagreement or substantive appeal.* In a contested claim, a notice of disagreement or substantive appeal may be filed by either party within the time limits set out in Rule 18 (§ 19.118).

(c) *Notice to parties on receipt of notice of disagreement.* Upon the filing of a notice of disagreement in a contested claim, all parties in interest and their representatives will be furnished a copy of the statement of the case in the same manner as that prescribed in Rule 15 (§ 19.115). The party in interest who filed the notice of disagreement will be duly notified of the right and time limit to file a substantive appeal and of the requirements, and furnished with VA Form 1–9, Appeal to Board of Veterans Appeals. (38 U.S.C. 4005A(b))

(d) *Notice of substance of appeal to other parties.* When a substantive appeal is filed, the substance of the appeal will be communicated to the other party or parties of interest and a period of 30 days will be allowed for filing a brief or argument in answer. (38 U.S.C. 4005A(b))

(e) *Notices to last addresses of record.* Notices in contested claims will be forwarded to the last known address of record of the parties concerned and such action will constitute sufficient evidence of notice. (38 U.S.C. 4005A)

§ 19.118 Rule 18; time limit for filing.

(a) *Notice of disagreement*—(1) *General.* A notice of disagreement shall be filed within 1 year from the date of mailing of notification of the initial review or determination; otherwise, that determination will become final. (38 U.S.C. 4005(b)(1))

(2) *Contested claims.* Where one claim is allowed and one denied, or the allowance of one claim would result in payment of a leser amount to another claimant, the notice of disagreement from the person adversely affected shall be filed within 60 days from the date of mailing of notification of the review or determination; otherwise, that determination will become final. (38 U.S.C. 4005A(a))

(b) *Substantive appeal*—(1) *General.* A substantive appeal shall be filed within 60 days from the date of mailing of the statement of the case, or within the remainder of the 1-year period from the date of mailing of notification of the review or determination being appealed, whichever is greater. (38 U.S.C. 4005(d)(3)) Where a supplemental statement of the case is furnished, a period of 30 days will be allowed for supplementing the appeal.

(2) *Contested claims.* A substantive appeal shall be filed within 30 days from the date of mailing of the statement of the case. (38 U.S.C. 4005A(b))

(c) *Extension of time*—(1) *General.* An extension of the 60-day period to file a substantive appeal or the 30-day period for supplementing an appeal following a supplemental statement of the case may be granted for good cause shown.

(2) *Contested claims.* An extension of the 30-day period to file a substantive appeal may be granted for good cause shown. In granting an extension in contested claims, consideration will be given to the interests of the other parties involved. (38 U.S.C. 4005A(b))

(3) *Additional evidence filed.* The filing of additional evidence after receipt of notice of an adverse decision shall not extend the time limit for initiating or completing an appeal from that decision.

(d) *Acceptance of postmark date.* A notice of disagreement or a substantive appeal postmarked prior to expiration of the applicable time limit will be accepted as having been timely filed.

(e) *Computation of time limit.* In computing the time limit for filing a notice of disagreement or a substantive appeal, the first day of the specified period will be excluded and the last day included. Where the time limit would expire on a Saturday, Sunday, or holiday, the next succeeding workday will be included in the computation.

§ 19.119 Rule 19; adequacy or timely filing of appeals questioned.

If there is a question as to the adequacy or timely filing of a notice of disagreement or substantive appeal, or if a protest is received from an adverse determination as to adequacy or timeliness, the agency of original jurisdiction will forward the case to the Board of Veterans Appeals for a final determination.

§ 19.120 Rule 20; place of filing.

The application for review on appeal shall be filed with the Veterans Administration office from which the claimant received notice of the decision being appealed. (38 U.S.C. 4005(b)(1))

§ 19.121 Rule 21; termination of appeals.

(a) *Closing; failure to respond to statement of case.* The agency of original jurisdiction may close a case without notice to a claimant for failure to respond to a statement of the case within the period or periods allowed. (38 U.S.C. 4005(d)(3)) However, if response is subsequently received within the 1-year appeal period (except for contested claims), the appeal will be considered to be reactivated.

(b) *Withdrawal*—(1) *Notice of Disagreement.* A notice of disagreement may be withdrawn at any time before a timely substantive appeal is filed or expiration of the time allowed for such action.

(2) *Substantive appeal.* A substantive appeal may be withdrawn at any time before the Board enters a decision, except where withdrawal would be detrimental to the appellant or the Government.

(3) *Who may withdraw.* Withdrawal may be by the claimant or his authorized representative (person or organization) except that a representative may not withdraw either a notice or disagreement or substantive appeal filed by the claimant personally.

(c) *Dismissal.* Appeals which are insufficient in allegations of error of fact or law may be dismissed by the Board of Veterans Appeals. (38 U.S.C. 4005(d)(5))

§ 19.122 Rule 22; docketing of appeals.

(a) *In order received.* Applications for review on appeal shall be docketed in the order in which they are received. (38 U.S.C. 4007)

(b) *Remanded cases.* Cases returned to the Board following action pursuant to a remand decision shall assume their original places on the docket.

ADMINISTRATIVE AND MERGED APPEALS

§ 19.123 Rule 23; administrative appeal.

(a) *General.* An administrative appeal from a decision of the agency of original jurisdiction may be filed by officials of the Veterans Administration authorized to do so to resolve a conflict of opinion concerning a question on a claim involving benefits under laws administered by the Veterans Administration. Such appeals may be taken from unanimous decisions denying or allowing the benefit claimed, in whole or in part, or from decisions involving dissenting opinions.

(b) *Form of appeal.* An administrative appeal is entered by memorandum entitled "Administrative Appeal" in which the issues and the bases for the appeal are set forth.

§ 19.124 Rule 24; officials authorized and time limits for filing administrative appeals.

The following officials of the Veterans Administration are authorized by the Administrator of Veterans Affairs, pursuant to authority contained in 38 U.S.C. 4006, to file administrative appeals within the time limits specified:

(a) *Central Office*—(1) *Officials.* A Chief Director or Service Director of the Department of Veterans Benefits and the Department of Medicine and Surgery, and the General Counsel.

(2) *Time limit.* Such officials must file an administrative appeal within one year from the date of the decision, or within one year from the date of mailing notice of such decision, whichever is later.

(b) *Agencies of original jurisdiction*—(1) *Officials.* Managers, adjudication officers, and officials at comparable levels in field offices deciding any claims for benefits, from any decision originating within their established jurisdiction.

(2) *Time limit.* The Manager or comparable official must file an administrative appeal within 6 months from the date of the decision appealed or within 6 months from the date of mailing notice of the decision, whichever is the later date. Officials below the level of Manager must do so within 60 days from such date.

§ 19.125 Rule 25; notification of claimant.

When an administrative appeal is entered, the claimant and his representative, if any, will be promptly informed concerning the question at issue, and will be allowed a period of 60 days to join in the appeal if he so desires. Information will be included relative to the effect of such action and preservation of Normal appeal rights if he does not elect to join.

§ 19.126 Rule 26; merger of administrative appeal and claimant's appeal.

If the claimant or his representative elects to join in the administrative appeal, it becomes a "merged" appeal and the rules governing an appeal initiated by a claimant are for application. The presentation of evidence or argument in response to notification of the right to "join" in the administrative appeal will be construed as merging the appeal.

§ 19.127 Rule 27; effect of decision on administrative or merged appeal.

If the administrative appeal is merged, the appellate decision on the merged appeal will constitute final disposition of the claimant's appellate rights. If the claimant does not merge, normal appellate rights on the same issue are preserved, and the decision is entered by another section of the Board. For disqualification of members, see Rule 47. (§ 19.147)

REPRESENTATION

§ 19.128 Rule 28; right to representation.

A claimant will be accorded full right to representation in all stages of an appeal by a recognized service organization, attorney or agent, or other person authorized to represent him before the agency of original jurisdiction. (38 U.S.C. 3401–3405; 4005(a))

§ 19.129 Rule 29; service organizations.

(a) *Designation.* The designation of a service organization will be by duly executed VA Form 23–22, Appointment of Service Organization as Claimant's Representative. (§ 14.628(a) of this chapter)

(b) *Revocation or change of power of attorney.* A claimant shall be permitted to revoke a power of attorney to a service organization whenever he so desires, irrespective of whether he concurrently executes a power of attorney to another organization.

§ 19.130 Rule 30; attorneys or agents admitted to practice before Veterans Administration.

(a) *Designation.* The designation of an attorney or agent will be by duly executed VA Form 2–22a, Power of Attorney, or its equivalent. (§ 14.649 of this chapter) The designation should be an individual attorney or agent, rather than a firm or partnership.

(b) *Diligence in prosecution of claim.* In order to preserve attorneyship rights, an attorney or agent shall be required to exercise due diligence in the prosecution of a claim. (§ 14.642 of this chapter)

(c) *Revocation or change of power of attorney.* Upon a showing of good cause, a claimant may revoke a power of attorney to an attorney or agent. (§ 14.644 of this chapter)

(d) *Admission to practice.* The provisions of 38 U.S.C. 3404 and § 14.629 of this chapter are applicable to admission of attorneys or agents to practice before the Veterans Administration. Admissions to practice are under the control of the General Counsel of the Veterans Administration and any questions concerning admissions should be addressed to him.

(e) *Fee and expenses.* An attorney or agent may initiate an appeal to the Board of Veterans Appeals on the question of entitlement to a fee or expenses in connection with a claim for Veterans Administration benefits. See §§ 14.650 through 14.658 of this chapter for criteria covering fees and expenses.

§ 19.131 Rule 31; other persons as representative.

(a) *Recognition for a particular claim.* Any competent person, including an attorney who has not been admitted to practice before the Veterans Administration, who is a citizen of the United States or a resident of the United States or one of the possessions, may be recognized as a representative for a particular claim, unless that person has been barred from practice before the Veterans Administration. (38 U.S.C. 3403)

(b) *Designation.* The designation must be by power of attorney which stipulates that no fee or compensation of any nature will be charged or paid for the services. The designation will be by VA Form 2–22a, Power of Attorney, or its equivalent.

§ 19.132 Rule 32; general.

(a) *One representative.* Only one attorney, agent or service organization shall be recognized at any one time. (38 U.S.C. 4005(b)(2))

(b) *Change of status from wife to widow.* A power of attorney submitted by the wife of a veteran may continue in effect after she becomes a widow.

(c) *Recognition of power of attorney after death of veteran.* A service organization which has power of attorney to represent a veteran may, in the event of death of the veteran, be recognized for a reasonable period thereafter, but not as representative of a survivor claimant who has appointed another representative.

HEARINGS

§ 19.133 Rule 33; general.

(a) *Right to a hearing.* A hearing on appeal shall be granted where a claimant or his representative expresses a desire to appear in person. (38 U.S.C. 4002)

(b) *Purpose of hearing.* The purpose of a hearing is to receive argument or testimony relevant and material to the appellate issue.

(c) *Nonadversary proceedings.* Hearings conducted by and for the Board are ex parte in nature and nonadversary. Cross-examination by parties to the hearing will not be permitted. Proceedings will not be limited by legal rules of evidence, but reasonable bounds of relevancy and materiality will be maintained.

§ 19.134 Rule 34; who may appear.

The claimant, his authorized representative, Members of Congress and their staff may appear and present argument in support of a claim. At the request of a claimant, a contact representative of the Veterans Administration may present the appeal at a hearing before the Board of Veterans Appeals or to a hearing agency acting for the Board.

§ 19.135 Rule 35; witnesses.

(a) *General.* The testimony of witnesses will be heard. A claimant or his representative may arrange for the voluntary appearance of such witnesses as he desires, but the Board will not require the appearance of any Veterans Administration official or other person.

(b) *Testimony under oath.* All testimony must be given under oath (affir-

mation if oath against religious principles), unless excused for cause. If the individual declines, he should be informed that his testimony will not bear the weight of sworn testimony. Administration of the oath for the sole purpose of presenting contentions and argument is not required.

§ 19.136 Rule 36; expenses of attending hearing.

No expenses incurred by a claimant, his counsel, or witnesses incident to attendance at a hearing may be paid by the Government.

§ 19.137 Rule 37; scheduling and notice of hearing.

(a) *General.* A hearing on appeal will normally be set for a date after the statement of the case is furnished the claimant. To the extent that facilities permit, they are set for the convenience of claimants and their representatives, with consideration of the travel distance involved.

(b) *Notification of hearing.* When a hearing is scheduled, the person requesting the hearing will be notified of the time and place of the hearing, including notice that the Government may not assume any expense incurred by the claimant, his representative or witnesses incident to attendance at the hearing.

(c) *Extension of time.* An extension of time for appearance at a hearing may be granted, but with consideration of the interests of other parties involved in contested claims. Ordinarily, hearings will not be postponed more than 30 days.

§ 19.138 Rule 38; place of hearing.

A hearing may be held in one of the following places, at the option of the claimant:

(a) Before a section of the Board of Veterans Appeals in Washington, D.C.

(b) Before a traveling section of the Board of Veterans Appeals, if practicable.

(c) Before appropriate personnel in the Veterans Administration regional or other office nearest the claimant's residence, acting as a hearing agency for the Board of Veterans Appeals.

§ 19.139 Rule 39; hearings in contested claims.

If a hearing is scheduled for either party to a simultaneously contested claim, the Board will either accord the representative of the other contesting claimant the opportunity to be present but not participate, or will advise the other contesting claimant in writing of the substance of the argument or contentions advanced. In either event, a reasonable time will be allowed for argument or testimony in refutation, and a separate hearing for the other contesting claimant will be scheduled for that purpose, if requested.

§ 19.140 Rule 40; transcript of hearing.

The proceedings at the hearing shall be recorded and a copy of the complete transcript incorporated as a permament part of the claims record. (38 U.S.C. 4002) A copy may be furnished without cost to the claimant or his representative upon request made at the time of or prior to the hearing; otherwise, a charge may be made in accordance with § 1.526 of this chapter.

EVIDENCE

§ 19.141 Rule 41; submission of additional evidence in support of appeal.

A claimant may submit additional evidence or information as to the availability of additional evidence after initiating an appeal. Failure to submit evidence requested by the agency of original jurisdiction after initiation of an appeal will not serve as a ground for withdrawal of the appeal.

§ 19.142 Rule 42; action by agency of original jurisdiction on evidence.

(a) *Evidence received prior to transfer of records to Board of Veterans Appeals.* Evidence received in the agency of original jurisdiction after the initiation of an appeal and prior to transfer of the records to the Board of Veterans Appeals, including cases in which certification may have been completed, will be referred to the rating or authorization activity for review and disposition. A supplemental statement of the case will be furnished the claimant and his representative as provided in Rule 15 (§ 19.115). Where a supplemental statement of the case is not furnished, the claimant and his representative will be notified of the action taken and the reasons for the action.

(b) *Evidence received after transfer of records to the Board of Veterans Appeals.* Additional evidence received in an agency of original jurisdiction after the records have been transferred to the Board of Veterans Appeals for appellate consideration will be forwarded to the Board if it has a direct bearing on the appellate issue or issues. The Board will then determine what procedural steps are required with respect to the new evidence.

ACTION BY THE BOARD

§ 19.143 Rule 43; order of consideration.

Applications for review on appeal shall be considered in the order in which they are entered on the docket, except that a case may be advanced on the docket for earlier consideration for sufficient cause shown. (38 U.S.C. 4007)

§ 19.144 Rule 44; expert medical opinions.

(a) *Opinion of the Chief Medical Director.* The Board may obtain an expert medical opinion from the Chief Medical Director of the Veterans Administration on medical questions involved in the consideration of an appeal, when in its judgment such medical expertise, in addition to that available from the Board's medical staff, is needed for equitable disposition of the appeal.

(b) *Opinion of independent medical experts.* When in the judgment of the Board expert medical opinion, in addition to that available within the Veterans Administration, is warranted by the medical complexity or controversy involved in an appeal, the Board may obtain an advisory medical opinion from one or more independent medical experts who are not employees of the Veterans Administration. Opinions will be secured, as requested by the Chairman of the Board, from recognized medical schools, universities, clinics or medical institutions, with which arrangements for such opinions have been made by the Administrator of Veterans Affairs. Actual selection of the expert or experts to give the opinion in an individual case will be made by an appropriate official of the institution. (38 U.S.C. 4009)

§ 19.145 Rule 45; the decision.

(a) *Decisions based on entire record.* The claimant is presumed to be in agreement with any statement of fact contained in a statement of the case to which no exception is taken. Decisions of the Board, however, shall be based on a review of the entire record. (38 U.S.C. 4005(d) (4), (5))

(b) *Disposition of issues.* The decision of the Board will dispose of each issue on appeal by allowance, denial, remand or dismissal, in whole or in part.

(c) *Format.* The decision of the Board shall be in writing and shall set forth specifically the issue or issues, findings of fact and conclusions of law separately stated and the reasons for the Board's decision. (38 U.S.C. 4004(d))

(d) *Unanimous decision.* Where the members of the section unanimously concur in the decision, it shall be the final determination of the Board. (38 U.S.C. 4003(a))

(e) *Dissent.* Where the members do not agree, the Chairman of the Board may either concur with the majority, in which event this will constitute final determination of the Board, or he may direct further consideration by two or more sections, including the section to which the case was originally assigned. Any decision which is not unanimous will require concurrence of the Chairman of the Board. If the members are equally divided, the Chairman will participate in the determination.

§ 19.146 Rule 46; remand for further development.

(a) *General.* When, during the course of review, it is determined that further evidence or clarification of the evidence is essential for a complete and impartial appellate determination, the section of the Board shall remand the case to the agency of original jurisdiction, directing the further development to be undertaken.

(b) *Review by agency of original jurisdiction.* Where the development results in additional evidence, a supplemental statement of the case will be furnished the claimant and his representative, where indicated, and the records will again be reviewed by the agency of original jurisdiction. Review by the agency of original jurisdiction is not required where the remand is only for assembly of records previously considered by the agency of original jurisdiction.

(c) *Resubmission to Board of Veterans Appeals.* Unless the benefits appealed for are granted on review by the agency of original jurisdiction, the records will

be returned to the Board of Veterans Appeals for completion of appellate review. Remanded cases will not be closed for failure to respond to the supplemental statement of the case.

§ 19.147 Rule 47; disqualification of members.

(a) *General.* A member of the Board shall disqualify himself in a hearing or decision on an appeal from a determination in which he participated or had supervisory responsibility in the agency of original jurisdiction prior to his appointment as a member of the Board, or where there are other circumstances which might give the impression of bias either for or against the appellant.

(b) *Appeal on same issue subsequent to decision on administrative appeal.* Members of the Board signatory to the decision on administrative appeal will disqualify themselves from acting on a subsequent appeal by the claimant on the same issue.

RECONSIDERATION OF APPELLATE DECISIONS

§ 19.148 Rule 48; when accorded.

Reconsideration of an appellate decision may be accorded by the Board of Veterans Appeals:

(a) For obvious error of fact or law upon allegation by the claimant or on the Board's own motion; or

(b) Upon discovery of additional service department records. (38 U.S.C. 4003, 4004(b))

§ 19.149 Rule 49; requirements in application.

Application for reconsideration shall set forth clearly and specifically the alleged error of fact or law in the decision of the Board.

§ 19.150 Rule 50; evidence considered.

The determination as to whether an error exists which warrants reversal of the Board's decision shall be based on evidence of record at the time the decision was entered and additional evidence submitted after the decision may not be considered.

§ 19.151 Rule 51; time limit for filing of requests for reconsideration.

Request for hearing for the purpose of showing error in the Board's decision shall be made within 1 year from the date of the mailing of notice of the original decision. A brief for the purpose of showing error in the Board's decision may be filed at any time.

§ 19.152 Rule 52; members to consider allegations of error.

When allegations of error of fact or law result in reconsideration, the Chairman may assign one or more additional sections to participate with the members signatory to the decision being reconsidered. Any decision which is not unanimous will require concurrence of the Chairman of the Board. If the members are equally divided, the Chairman will participate in the determination.

§ 19.153 Rule 53; finality of decisions of the agency of original jurisdiction where appeal not timely initiated and perfected.

If a notice of disagreement is not timely filed and followed by a timely substantive appeal within the periods prescribed in Rule 18 (§ 19.118), the action or determination of the agency of original jurisdiction shall become final and the claim will not thereafter be reopened or allowed, except as may otherwise be provided by Veterans Administration Regulations in Title 38, Code of Federal Regulations.

§ 19.154 Rule 54; finality of decisions of the agency of original jurisdiction affirmed on appeal.

Where an appeal is timely filed and perfected, the decision of the agency of original jurisdiction, if affirmed, does not become final until the date of the appellate decision.

§ 19.155 Rule 55; new claim after appellate decision.

Where a reopened claim is filed and evidence is submitted in support thereof which establishes a new factual basis, the reopened claim shall be adjudicated without regard to prior appellate decision on the issue. The claimant may appeal the action.

§ 19.156 Rule 56; death of claimant during pendency of appeal.

Where at the death of the veteran an appeal was pending before the Board of Veterans Appeals, the Board may complete its action without application from the survivors.

These VA regulations are effective the date of approval.

Approved: January 22, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-854; Filed, Jan. 28, 1964; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Report Form P—Carriers by Pipe Line

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of January A.D. 1964.

It appearing, that the matter of annual reports of carriers by pipe line being under further consideration and, the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.61 of the order of January 21, 1959, in the matter of Carriers by Pipe Line—Annual Report Form P, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.61 be, and it is hereby, modified and amended to read as follows:

§ 120.61 Annual reports of carriers by pipe line.

Commencing with the year ended December 31, 1963, and for subsequent years thereafter, until further order, all carriers by pipe line subject to the provisions of section 20, part I of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form P (Carriers by Pipe Line), which is attached to and made a part of this section.[1] Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 54 Stat. 944; 49 U.S.C. 20)

And it is further ordered, That a copy of this order and of Annual Report Form P shall be served on all carriers by pipe line subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D.C., and by filing a copy thereof with the Director, Federal Register Division.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-858; Filed, Jan. 28, 1964; 8:50 a.m.]

SUBCHAPTER C—CARRIERS BY WATER

PART 301—REPORTS

Inland and Coastal Waterways Annual Report Form K–A (Class A and Class B Carriers)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of January A.D. 1964.

The matter of annual reports of Class A and B water carriers operating on inland and coastal waterways being under further consideration, and the changes to be made by this order being reductions and minor changes in the data to be furnished, rulemaking procedures under section 4 of the Administrative Proce-

[1] Filed as part of the original document.

dure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 301.10 of the order of January 25, 1963, in the matter of Inland and Coastal Waterways Annual Report Form K–A (Class A and Class B Carriers), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 301.10 be, and it is hereby, modified and amended to read as follows:

§ 301.10 Annual reports of Class A and B water carriers on inland and coastal waterways.

Commencing with the year ended December 31, 1963, and for subsequent years thereafter until further order, all water carriers on inland and coastal waterways, subject to the provisions of section 313, Part III of the Interstate Commerce Act, and Classes A and B, as described in § 126.2 of this chapter viz., carriers with average annual operating revenues exceeding $100,000, are required to file annual reports in accordance with Inland and Coastal Waterways Annual Report Form K–A (Class A and Class B Water Carriers), which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year of which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12, and sec. 304, 54 Stat. 933; 49 U.S.C. 904. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20, and sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

And it is further ordered, That copies of this order and of Annual Report Form K–A shall be served on all Class A and Class B water carriers on inland and coastal waterways subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such water carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

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

[F.R. Doc. 64–859; Filed, Jan. 28, 1964; 8:50 a.m.]

SUBCHAPTER D—FREIGHT FORWARDERS

PART 445—ANNUAL REPORTS

Annual Report Form F–a (Class A Freight Forwarders)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of January A.D. 1964.

The matter of annual reports from Class A freight forwarders being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 445.1 of the order of January 26, 1961, in the matter of Annual Report Form F–a (Class A Freight Forwarders), be, and it is hereby, modified and amended with respect to reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 445.1 be, and it is hereby, modified and amended, to read as follows:

§ 445.1 Annual reports of Class A Freight Forwarders.

Commencing with the year ended December 31, 1963, and for subsequent years thereafter, until further order, all Class A freight forwarders, as described in § 445.3, viz., forwarders having annual gross operating revenues of $100,000 or more, are required to file annual reports in accordance with Annual Report Form F–a (Class A Freight Forwarders), which is attached hereto and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31, of the year following the year to which it relates.

(Sec. 403, 56 Stat. 285; 49 U.S.C. 1003. Interpret or apply sec. 412, 56 Stat. 294, as amended; 49 U.S.C. 1012)

And it is further ordered, That copies of this order and of Annual Report Form F–a shall be served upon all Class A freight forwarders subject to its terms and upon every trustee, receiver, executor, administrator, or assignee of any such forwarder, and that notice of this order shall be given to the general public by posing a copy thereof in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

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

[F.R. Doc. 64–860; Filed, Jan. 28, 1964; 8:51 a.m.]

[1] Filed as part of the original document.

Title 46—SHIPPING

Chapter II—Department of Commerce, Maritime Administration

SUBCHAPTER A—POLICY, PRACTICE AND PROCEDURE

[General Order 69, 76, 88]

PART 206—MISCELLANEOUS FEES

PART 222—STATEMENTS, REPORTS AND AGREEMENTS REQUIRED TO BE FILED

PART 223—BILL OF LADING REQUIREMENTS

PART 226—FREE TIME AND DEMURRAGE CHARGES ON IMPORT PROPERTY APPLICABLE TO ALL COMMON CARRIERS BY WATER

PART 231—PUBLICATION, POSTING AND FILING OF FREIGHT AND PASSENGER RATES, FARES AND CHARGES

PART 236—STEAMSHIP CONFERENCES USING CONTRACT/NON-CONTRACT RATES

Miscellaneous Amendments

Pursuant to Reorganization Plan No. 7 of 1961, the newly created Federal Maritime Commission in continuing the regulatory functions of the former Federal Maritime Board transferred to it under certain regulations contained in Chapter II of Title 46, Code of Federal Regulations, published its General Order 1 in the FEDERAL REGISTER issue of August 19, 1961 (26 F.R. 7788) citing its authority for the continuance of such functions under said regulations.

This document is being published for the purpose of clarifying the changes effected in Chapter II, Title 46, Code of Federal Regulations, by the "revocations, redesignations, and change of terminology" and/or republications of certain regulations by the Federal Maritime Commission under its Chapter IV, Title 46, Code of Federal Regulations.

1. Whereas, the Federal Maritime Commission under its Chapter IV, Title 46, Code of Federal Regulations, published "revocations, redesignations and change of terminology" in F.R. Doc. 63–10552, appearing in the FEDERAL REGISTER issue of October 4, 1963 (28 F.R. 10703); therefore §§ 222.11–222.17 of Part 222, Parts 223, 226 [General Order 69], 231, and 236 [General Order 76] are hereby deleted from Chapter II, Title 46, Code of Federal Regulations.

2. Whereas, the Federal Maritime Commission republished the text of Subpart B [General Order 88] of Part 206, without substantive change, in F.R. Doc. 64–223, appearing in the FEDERAL REGISTER issue of January 10, 1964 (29 F.R. 265); therefore, Subpart B of Part 206 is hereby deleted from Chapter II, Title 46,

Code of Federal Regulations; Subpart C of Part 206 is redesignated Subpart B.

Dated: January 22, 1964.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-842; Filed, Jan. 28, 1964; 8:49 a.m.]

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 95, Rev., Amdt. 1]

PART 293—INVENTORIES OF VESSELS COVERED BY OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Miscellaneous Amendments

Part 293 is hereby amended as follows:

1. Paragraph (b) of § 293.4 *Responsibilities and participation* is amended to read as follows:

§ 293.4 Responsibilities and participation.

* * * * *

(b) the Maritime Administration reserves the right to participate in the taking and processing of any inventories required by § 293.3(a) to the degree considered necessary to protect the Government's interest.

§ 295.5 [Amended]

2. Section 293.5 *Scope and evaluation of inventories* is amended by deleting the words "Maritime Administration's" in the last sentence of paragraph (a) and by deleting all of paragraph (d).

3. Section 293.6 *Certifications* is amended by changing paragraphs (b) (1), (c), and (d) to read as follows:

§ 293.6 Certifications.

* * * * *

(b) *Subsistence stores, slop chest, bar stock, unbroached consumable stores, and fuel.* (1) Within 60 days after the completion of the physical inventories of subsistence stores, slop chest, bar stock (if maintained by the operator), unbroached consumable stores, and fuel, taken pursuant to § 293.3(a), certified priced listings shall be submitted to the appropriate Coast Director.

* * * * *

(c) *Inventory differences of expendable equipment and spare parts.* Within 120 days (unless an extension of not more than 60 days is granted for a good cause by the Coast Director) after the completion of the physical inventories of expendable equipment and spare parts taken pursuant to the provisions of § 293.3(a) (excepting subparagraph (1) thereof) a responsible official of the Operator shall submit a certified priced statement of differences, determined by comparison of the initial inventory with the closing inventory, to the appropriate Coast Director.

(d) *Certificates.* Upon completion of the physical inventory of a subsidized vessel taken pursuant to § 293.3 and at the time of submittal of the priced statements required by this section, a responsible official of the Operator shall execute in duplicate certifications as to the accuracy of the inventory and forward one such certification to the appropriate Coast Director and the other (without supporting documents) to the Chief, Office of Government Aid, Washington, D.C. Form MA-500, entitled "Certification of Inventories and Inventory Statements of Ships Covered by Operating-Differential Subsidy Agreements" shall be utilized for this purpose and it shall be the responsibility of each subsidized operator to reproduce and furnish his own required supply of these forms.

The foregoing changes shall be effective as of the date of publication in the FEDERAL REGISTER and shall be applicable to all inventories in process as of such date.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Report's Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: January 22, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-843; Filed, Jan. 28, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS DISTRICTS, PORTS, AND STATIONS; LOS ANGELES, CALIFORNIA

Proposed Change in Name

JANUARY 21, 1964.

The port of Long Beach, California, since the end of World War II, has attained the position of a major center of world commerce. At the same time, Long Beach is an integral part of the customs port of entry of Los Angeles, California, in Customs Collection District No. 27 (Los Angeles). It is the long-established policy of the Bureau of Customs to give proper recognition to the cities involved, when two or more cities comprise one combined customs port of entry. Other such dual port names include San Francisco-Oakland, California; Duluth-Superior, Wisconsin; Beaufort-Morehead City, North Carolina; Norfolk-Newport News, Virginia; and others. It is felt that the inclusion of both Los Angeles and Long Beach in the official name of the customs port of entry will benefit the commerce of both cities.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), it is proposed that the official name of the customs port of entry of Los Angeles, California, in Customs Collection District No. 27 (Los Angeles) be changed to include the words "Long Beach", the combined customs port of entry to be known as Los Angeles-Long Beach. It is further proposed to amend § 1.1(c) of the Customs regulations to reflect this change.

Data, views, or arguments with respect to the proposed change in the official name of the customs port of entry of Los Angeles may be addressed in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days after publication of this notice in the FEDERAL REGISTER. No hearings will be held. (FM 192-27.1 S)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-874; Filed, Jan. 28, 1964; 8:52 a.m.]

Internal Revenue Service

[26 CFR Part 301]

PROFESSIONAL SERVICE CORPORATIONS, ASSOCIATIONS, AND TRUSTS

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under section 7701 of the Code, to clarify the tax treatment of professional service corporations, associations, trusts, and other organizations were published in the FEDERAL REGISTER for December 17, 1963.

A public hearing on these proposed amendments to the regulations will be held on Wednesday, Thursday, and Friday, March 4, 5, and 6, 1964, commencing each day at 10:00 a.m., e.s.t., at the Auditorium, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. It is necessary to schedule these hearings for more than one day in order that all persons who requested an opportunity to comment on the proposed amendments can be afforded that opportunity. Each person who submitted such a request will be notified of the date scheduled for him to present his comments on these proposed amendments.

Other persons who plan to attend the public hearings are requested to notify the Commissioner of Internal Revenue, Attention: Technical Planning Division, Washington, D.C., 20224, by February 28, 1964, and to advise whether they desire an opportunity to present oral comments.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 64-885; Filed, Jan. 28, 1964; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 25, 26, 27, 28, 29, 31, 32, 33, 70, 71]

PUBLIC RECREATION, ACCESS, AND USE ON WILDLIFE REFUGE AREAS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that it is proposed to amend Title 50 of the Code of Federal Regulations as set forth below. The purpose of this amendment is to establish regulations in 50 CFR 28 to define and limit public uses of and activities on national fish and wildlife conservation areas for recreational purposes and to adjust the organizational arrangement of the sections pertaining to public access and use, pursuant to the act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k). The amendment also adds citations of this act to the other Parts of Subchapter C, except Part 30, and to Subchapter E as statutory rule-making authority under which the provisions of such Parts are issued, and revises §§ 25.1, 27.10 and 70.6 to make these sections consistent with the revision of Part 28. Section 29.4, Facilitating services, is revoked as it is now covered under new §§ 28.23 and 28.24.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Part 28 is amended to read as follows:

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Sec.

AUTHORITY: The provisions of this part §§ 28.1 to 28.28 issued under R.S. 161, as amended; sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 2, 48 Stat. 1270; sec. 4, 76 Stat. 653; sec. 401, 49 Stat. 383, as amended; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 715s, 664, 460k; 43 U.S.C. 315a.

§ 28.1 Access to areas.

(a) Any person entering or using any wildlife refuge area will comply with the regulations in this subchapter, the pro-

visions of any special regulations, and all official notices posted in the area.

(b) A permit may be required for any person to enter a wildlife refuge area, unless otherwise provided in this subchapter. The permittee will abide by all the terms and conditions set forth in the permit.

§ 28.2 Access to headquarters.

The headquarters office of any wildlife refuge area will be open to public access and admission during regularly established business hours.

§ 28.3 Access when escorted.

A permit is not required for access to any part of a wildlife refuge area by a person when accompanied by the officer in charge.

§ 28.4 Access for economic use privileges.

Access to and travel upon wildlife refuge areas by a person granted economic use privileges on a wildlife refuge area are to be in strict accordance with the provisions of his agreement, lease, or permit.

§ 28.5 Emergency shelter.

A permit is not required for access to any wildlife refuge area for temporary shelter or temporary protection in the event of emergency conditions.

§ 28.6 Use of roads and trails.

Entrance to, travel on, and exit from any wildlife refuge area are permitted only on such roads, trails, footpaths, walkways, or other routes which may be designated for public use under the provisions of this subchapter. (See also §§ 26.3 and 26.14 of this subchapter.)

§ 28.7 Operation of vehicles.

When the operation of vehicles is permitted within a wildlife refuge area, under § 26.14 of this subchapter, the vehicles will be subject to the following operating requirements:

(a) The vehicles are to be mechanically safe and are to be operated in a safe and proper manner so as not to endanger life and property.

(b) The operation of vehicles will conform to the laws of the State in which the area is located governing the operation of such vehicles, except where further restricted under the provisions of this subchapter.

(c) No person is to operate any vehicle while under the influence of intoxicating liquor, narcotics, or tranquilizing drugs.

(d) Drivers of all vehicles are to comply with the directions of all official traffic signs posted on the area and with the directions of authorized Federal or State personnel.

(e) The speed of any vehicle must be reasonable and proper for the existing road conditions and at all times be within the established speed limits. Vehicle speed limits are thirty-five miles an hour except where otherwise posted.

(f) Load and weight limitations, as may be necessary, are those prescribed and posted from time to time. Such limitations are to be complied with by the operators of all vehicles. Schedules showing load and weight limitations are available at the wildlife refuge area headquarters.

(g) The parking or leaving unattended of any vehicle on any wildlife refuge area, or upon public roads where title to the land is vested in the United States, is permitted only in those places which are designated for that purpose under the provisions of this subchapter.

(h) Such other requirements which are established under the provisions of this subchapter. (See also § 27.6 of this subchapter.)

§ 28.8 Firearms.

Only the following persons may possess, use, or transport firearms on wildlife refuge areas, in accordance with applicable Federal and State law:

(a) Persons authorized to take specimens of wildlife for scientific purposes when the use of firearms is necessary for such purposes.

(b) Persons authorized by special permit to possess or use firearms for the protection of property, for field trials, and for other special purposes.

(c) Persons carrying unloaded firearms that are dismantled or cased over regularly established routes of travel.

(d) Persons commercially transporting weapons and explosives in accordance with applicable State or Federal laws and regulations.

(e) Persons using firearms for public hunting under the provisions of Part 32 of this subchapter.

(f) Such other persons as may be permitted under this subchapter. (See also § 26.12 of this subchapter.)

§ 28.9 Fires.

When the use of fires on wildlife refuge areas is permitted, under § 26.17 of this subchapter, such use must be in accordance with State or local law, and approved recreational and management rules established under the provisions of this subchapter. (See also § 27.8 of this subchapter.)

§ 28.10 Scientific study.

The use of wildlife refuge areas for scientific study is encouraged. Permits are required and may be obtained without charge for entry on such areas for scientific study and for similar purposes.

§ 28.11 Scientific specimens.

The collection of specimens of plant and animal life by recognized scientific institutions and Government agencies may be authorized under special permit. (See also § 26.8 of this subchapter.)

§ 28.12 Archeological and paleontological studies; search and removal of valued objects.

(a) Permits are required for archeological studies on wildlife refuge areas in accordance with the provisions of 43 CFR, Part 3.

(b) Permits are required for paleontological studies on wildlife refuge areas in accordance with the provisions of this subchapter.

(c) Persons may not search for or remove semi-precious rocks or mineral specimens, except as provided in § 26.28 of this subchapter.

§ 28.13 Public safety.

Persons using wildlife refuge areas are to comply with the safety requirements which are established under the provisions of this subchapter for each individual area, and with any safety provisions which may be included in leases, agreements, or use permits.

§ 28.14 Public sanitation.

Persons using a wildlife refuge area are to comply with the sanitary requirements which are established under the provisions of this subchapter for each individual area, and with the sanitation provisions which may be included in leases, agreements, or use permits. (See also § 26.19 of this subchapter.)

§ 28.15 Reporting of accidents.

(a) Accidents of whatever nature occurring within the boundaries of any wildlife refuge area are to be reported as soon as possible by the persons involved, to the officer in charge or other Federal personnel on duty at the wildlife refuge area headquarters.

(b) A motor vehicle involved in an accident is not to be moved until an investigating officer arrives at the scene of the accident, unless such vehicle constitutes a traffic or safety hazard.

§ 28.16 Lost and found articles.

Lost articles or money found on a wildlife refuge area are to be immediately turned in to the nearest refuge office.

§ 28.17 Public recreation.

(a) Wildlife refuge areas offer unusual opportunities for outdoor recreation that constitute a beneficial and proper use of national significance. Wildlife refuge areas vary greatly in their physical adaptability and accessibility for public recreational use.

(b) Public recreation of the types set forth in §§ 28.18 and 28.20 (a) and (b), will be permitted on wildlife refuge areas as an appropriate incidental or secondary use, only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other previously authorized Federal operations.

(c) After consideration of all authorized uses, purposes, and other pertinent factors relating to individual areas, all public recreational use or certain types of public recreational uses within individual areas or in portions thereof may be curtailed whenever it is considered that such action is necessary. The public will be notified of such curtailment under the provisions of this subchapter.

§ 28.18 Sightseeing, nature observations, and photography.

Priority is given to the development of facilities and services which will enhance those recreational uses directly associated with wildlife in its habitat, and which give the public enjoyment from observation, appropriate utilization, interpretation, and a better understanding of wildlife populations, habitat, and conservation values. These recreational uses include sightseeing, nature observa-

tion and photography, interpretive centers and exhibits, fishing and hunting, and other similar activities Tour routes may be closed when these activities may disturb wildlife during the breeding, concentration, or hunting seasons and when roads are damaged or susceptible to damage, or fire hazards are high. When these recreational uses and activities are permitted, the public will be notified under the provisions of this subchapter. The recreational uses and activities will be limited to designated portions of the wildlife refuge area, to specific times, and to those periods of the year which will result in the least disturbance to wildlife and its habitat.

§ 28.19 Hunting and fishing.

Hunting and fishing are permitted only in accordance with Parts 32 and 33, respectively, of this subchapter. (See also §§ 26.5, 26.6, 26.7, and 26.8 of this subchapter.)

§ 28.20 Limitation on certain recreational uses.

(a) When recreational uses, which are not directly related to the primary function of wildlife refuge areas, such as bathing, boating, camping, ice skating, picnicking, swimming, water skiing, and other similar activities are permitted, the public will be notified under the provisions of this subchapter. These recreational uses will be limited to designated portions of the wildlife refuge area, to specific times, and to those periods of the year which will result in the least disturbance to wildlife and its habitat.

(b) If golf, baseball, target shooting, and other similar activities which are foreign to the concept of conservation areas are permitted, the public will be notified under the provisions of this subchapter.

§ 28.21 Operation of boats.

When the use of boats is permitted on any wildlife refuge area, the public will be notified under the provisions of this subchapter, and the following operational requirements and limitations will apply:

(a) A permit may be required before any boat is placed in or allowed to operate upon the waters of any wildlife refuge area. (See also § 26.15 of this subchapter.)

(b) All boats operated on wildlife refuge area waters are to conform with the provisions of applicable Federal, State, and local laws, and regulations, and the provisions of this subchapter. (See also § 27.7 of this subchapter.)

(c) All boats are to conform with the terms and conditions of boat and motor specifications which are posted or otherwise established under the provisions of this subchapter.

(d) No person will operate any boat in a manner which unreasonably interferes with other boats or with the free and proper navigation of the waterways of the areas.

(e) Government-owned docks, piers, and floats are not to be used for loading and unloading of boats, except in emergencies or unless specifically authorized by the provisions of this subchapter.

(f) Boats will be operated in a safe and reasonable manner, at speeds which are reasonable and proper for existing conditions.

(g) No boats, except sailboats, are to be operated with any person riding or sitting on the gunwales or on the decking over the bow.

(h) No person is to operate any boat while under the influence of intoxicating liquor, narcotics, or tranquilizing drugs.

(i) Such other requirements or limitations which are established under the provisions of this subchapter.

§ 28.22 Water skiing.

When water skiing is permitted upon wildlife refuge area waters, the public will be notified under the provisions of this subchapter and the following requirements and limitations will apply:

(a) Water skiing is permitted only in large deep water areas during periods of low waterfowl use, in daylight hours and on those waters of the area which are posted or otherwise designated under the provisions of this subchapter.

(b) There must be two persons in the boat at all times when a skier is in "tow", with one person acting as an observer of the skier in tow.

(c) The direction of a tow boat when circling will be counter clockwise.

(d) Skiers must wear ski belts, or U.S. Coast Guard approved life jackets or buoyant vests.

(e) Water skiing is prohibited within 300 feet of harbors, swimming beaches, and mooring areas, and within 100 feet of any person swimming outside a designated swimming area.

(f) Such other requirements and limitations which are established under the provisions of this subchapter.

§ 28.23 Facilitating services.

(a) Recreational facilities may be operated by concessionaires under appropriate contract on wildlife refuge areas where there is a demonstrated justified need for large scale recreational activities such as boat rentals, swimming facilities, conducted tours of special natural attractions, shelters, tables, trailer lots, food, lodging, and related services.

(b) Facilities and services directly supporting interpretation, fishing, or hunting activity will be provided and managed either by the Bureau, by State conservation agencies, or by non-profit organizations under appropriate arrangements.

§ 28.24 Fees, charges, and permits.

(a) Reasonable charges and fees may be established and permits issued for public recreational use of national wildlife refuges.

(b) The Bureau encourages private capital or local sponsoring groups to provide and maintain recreational services or facilities whenever it is feasible. This is normally done through contracting authority of the Department of the Interior, and when so done, may allow for the charging of fees and charges commensurate with the cost of furnishing the services, providing a fair profit to the concessionaire and an equitable return to the Government.

§ 28.25 Special regulations.

(a) Special regulations may be issued for public use, access, and recreation within certain individual wildlife refuge areas where special control problems exist or where the posting of official signs would be inadequate to afford the public notice. The issued special regulations will supplement the provisions in this Part 28.

(b) Special recreational use regulations may contain the following items:

(1) Recreational uses authorized.

(2) Seasons, periods, or specific time of use.

(3) Description of areas open to recreation.

(4) Specific conditions or requirements.

(5) Other provisions.

(c) Special regulations for public use, access, and recreation are published in the daily issue of the FEDERAL REGISTER but are not codified in the Code of Federal Regulations. They are limited to one season, issued annually, and are effective upon publication in the FEDERAL REGISTER or in as many days thereafter as it is practical to allow under the circumstances. Such special regulations will be available at the headquarters of the wildlife refuge to which they relate.

§ 28.26 Penalties; visitor control and protection.

(a) Any person who violates any of the provisions, rules, regulations, posted signs, or special regulations of this subchapter, or any items, conditions or restrictions in a permit, license, grant, privilege, or any other limitation established under this subchapter shall be subject to the penalty provisions of § 27.10 of this subchapter.

(b) Refuge managers are authorized pursuant to authority delegated from the Secretary and which has been published in the FEDERAL REGISTER (Administrative Manual 4 AM 4.9), to protect fish and wildlife and their habitat and prevent their disturbance, to protect Bureau property and facilities, and to insure the safety of the using public to the fullest degree possible. The control of recreational use will be enforced to meet these purposes pursuant to Federal, State and local laws and regulations; the provisions of this subchapter and any special regulation issued pursuant thereto; and the prohibitions and restrictions as posted.

§ 28.27 Public notice and posting.

(a) Whenever a particular public access, use, or recreational activity of any type whatsoever, not otherwise expressly permitted under this subchapter, is permitted on a wildlife refuge area, or where public access, use, or recreational activities previously permitted are curtailed, the public will be notified by one of the following methods, all of which supplement this subchapter:

(1) Official signs posted conspicuously at appropriate intervals and locations;

(2) Special regulations issued under the provisions of this subchapter;

(3) Maps available in the office of the refuge manager; and

(4) Other appropriate methods which will give the public actual or constructive

notice of the permitted public access, use, or recreational activity.

(b) All public access, use, or recreational activity is prohibited in a wildlife refuge area unless the public is notified that such activity is permitted by the provisions of this subchapter. At no time will the public be notified when public access, use, or recreational activity is prohibited, unless such activity is being curtailed.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

NOTE: For FEDERAL REGISTER pages of regulations affecting temporary and special regulations of wildlife refuge areas, see List of Sections Affected.

2. The authority citations immediately preceding the first section in Parts 25, 26, 27, 29, 31, 32, 33, 70, and 71, are amended by the addition of sec. 4, 76 Stat. 654; 16 U.S.C. 460k.

3. The definition of "Special regulations" in § 25.1 is amended to read as follows:

§ 25.1 Definitions.

* * * * *

"Special regulations" mean those regulations within this subchapter used to announce and regulate the annual public hunting and fishing activity, and the public recreation, access, and use activity on the individual wildlife refuge areas.

4. Paragraph (a) of § 27.10 is amended to read as follows:

§ 27.10 Penalties.

* * * * *

(a) The penalties as prescribed by law. (Sec. 4, 76 Stat. 654, 16 U.S.C. 460k–3; Sec. 7, 60 Stat. 1080, 16 U.S.C. 666a; Sec. 9, 45 Stat. 450, 16 U.S.C. 690g; Sec. 6, 40 Stat. 756, as amended, 16 U.S.C. 707; Sec. 14, 45 Stat. 1225, 16 U.S.C. 715m; Sec. 7, 48 Stat. 452, 16 U.S.C. 718g; Sec. 11, 43 Stat. 652, 16 U.S.C. 730; Sec. 2, 33 Stat. 614, as amended, 18 U.S.C. 41)

5. Section 29.4 is revoked.

6. Section 70.6 is amended to read as follows:

§ 70.6 Public access, use, and recreation.

The public access, use, and recreation provisions set forth in Part 28 of this chapter are equally applicable to national fish hatchery areas.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 22, 1964.

[F.R. Doc. 64–838; Filed, Jan. 28, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 950]

IRISH POTATOES GROWN IN MAINE

Notice of Proposed Expenses

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses hereinafter set forth, which were recommended by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122, as amended, and Order No. 950, as amended (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 30 days following publication of this notice in the FEDERAL REGISTER. The proposal is as follows:

§ 950.211 Expenses.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122 and Order No. 950, both as amended, to enable such committee to perform its function under provisions of the amended marketing agreement and order during the fiscal period ending August 31, 1964 will amount to $14,379.00.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 24, 1964.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64–898; Filed, Jan. 28, 1964; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

METHOD OF COMPUTING CONSTRUCTION-DIFFERENTIAL SUBSIDY

Revision of Policy

Notice is hereby given that the Maritime Subsidy Board intends to revise its procedures for the determination of construction-differential subsidy under Title V, Merchant Marine Act, 1936, as amended. These new procedures will apply to all ship construction contracts hereafter executed by the Maritime Subsidy Board.

Under present law, a United States ship owner operating a United States flag ship with the aid of operating-differential subsidy is required to have his ships constructed in a United States shipyard. This owner, in turn, may receive a construction-differential subsidy to aid in the construction of a new ship to be used in the foreign commerce of the United States. This subsidy may equal, but not exceed, the difference between the bid of the United States shipbuilder constructing the ship and the fair and reasonable estimate of cost, as determined by the Maritime Subsidy Board, of constructing the proposed ship in a foreign shipbuilding center deemed by the Board to furnish a fair and representative example for determining this estimated foreign cost. It has been the practice of the Maritime Subsidy Board to compute the construction-differential subsidy on the basis of the estimated cost of building the ship in a single "fair and representative" foreign shipbuilding center, usually in the lowest cost responsible shipbuilding area.

The overall purpose of the construction-differential subsidy program, therefore, is to be as certain as possible that the American ship owner is not at a disadvantage in competition with foreign-flag operators. In administering this program, however, it is quite apparent that foreign ship owners in liner service who are in direct competition with United States operators frequently do not have their ships built at the lowest cost shipyard wherever it may appear in the world. They build their ships instead in their own shipyards to provide shipbuilding work in their own country (much as we do) or they build their ships in shipyards close to home to reduce the delivery and inspection costs that would be involved if the ship were built in some distant shipyard.

Therefore, in the interest of satisfying the major objectives of the construction-differential subsidy program, and to be as certain as possible that the Government's subsidy expense is not more than what is required to meet these objectives, the Maritime Subsidy Board believes it would be more "fair and representative" to estimate foreign shipbuilding costs not on a single shipyard basis but on the basis of a range of costs in yards throughout the world where the ship proposed by the United States operator could be built.

Accordingly, the Board intends to modify its present procedures to determine foreign shipbuilding costs by use of procedures described more fully below:

STEPS IN THE PROPOSED REVISED METHOD OF COMPUTING AND CALCULATING CONSTRUCTION-DIFFERENTIAL SUBSIDY

1. Identify the five leading foreign shipbuilding centers from the standpoint of volume of construction of vessels comparable in type to the proposed subsidized vessel. The volume of construction will be measured in terms of total tonnage under construction or on order in each shipbuilding center at the end of the calendar year preceding the year in which the proposed subsidized vessel(s) would be contracted for.

2. Prepare preliminary estimates of cost of construction of the proposed subsidized or similar vessel(s) in each of the five leading centers as determined in "1" above.

3. Calculate the weighted average of the five preliminary foreign cost estimates. The weighting would be on the basis of the relative tonnage of construction in each of the five centers.

4. Select the one foreign shipbuilding center where the preliminary estimated cost is closest to the weighted average as determined in "3" above.

5. Prepare refined cost estimate of the foreign cost of building the proposed subsidized vessel(s) in the foreign shipbuilding center identified in "4" above.

6. The subsidy rate would be based on the difference between the refined cost estimate derived in "5" above and the lowest responsible bid submitted by an American yard for the construction of the proposed subsidized vessel(s).

Interested persons may submit data, views or comments relative to this matter, in writing, in triplicate, addressed to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by close of business on February 28, 1964. The Maritime Subsidy Board will consider such written data, views or comments and take such action with respect thereto as in its discretion it deems warranted.

By order of the Acting Maritime Administrator/Maritime Subsidy Board.

Dated: January 27, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-953; Filed, Jan. 28, 1964; 8:56 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-204]

RADIATION SAFETY AND HEALTH STANDARDS

Special Provisions for Certain States

A document amending 41 CFR Part 50-204 to include radiation safety and health standards was published in the FEDERAL REGISTER on August 9, 1963 (28 F.R. 8208). On November 8, 1963, additional proposed amendments to the radiation safety and health standards were published (28 F.R. 11929). These are adopted in another document published in this issue of the FEDERAL REGISTER. It was provided, however, that application of the regulations to employers in the States of Arkansas, California, Kentucky, Mississippi, New York, or Texas, operating under licenses issued by those States would be withheld until appropriate orders are issued after opportunity is accorded such States to demonstrate why the regulations should contain special provisions for them.

Now, therefore, I hereby give notice of oral proceedings to be held at 10:00 a.m. on April 13, 1964, in the United States Department of Commerce Auditorium, on 14th Street between Constitution Avenue and E Street NW., Washington, D.C., before a hearing examiner appointed under section 11 of the Administrative Procedure Act, 5 U.S.C. 1010, for the purpose of receiving data, views, and argument concerning the question of what, if any, circumstances exist which warrant special provision for application in such States.

All persons wishing to be heard on this question shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., on or before March 31, 1964, notice of intention to appear which shall contain the following information:

(1) The name and address of the person appearing;

(2) If such person is appearing in a representative capacity, the name and address of the person or persons or organization he is representing;

(3) The substance of the position he intends to take; and

(4) The approximate length of time he will need for his presentation.

The oral presentations shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and related matters, and confine the proceedings to the terms of the aforementioned question. The hearing examiner shall have discretion to keep the record open to permit any person who participated in the oral presentations to submit additional data, views, and argument responsive to the oral presentations made by other persons. After the record has been closed, the hearing examiner shall certify it to me for final determination.

Signed at Washington, D.C., this 24th day of January 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-884; Filed, Jan. 28, 1964; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 399]

[Economic Regulations, Docket 14148]

CHARTER TRIPS AND SPECIAL SERVICES; STATEMENTS OF GENERAL POLICY

Notice of Proposed Rule Making

JANUARY 23, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Part 207 of the Board's Economic Regulations to, inter alia, revise the limitations on the amount of charter trips which may be performed by combination carriers and all-cargo carriers and to revise Part 399 of its Policy Statements to delineate the roles of the all-cargo and supplemental carriers and to establish a policy favoring the purchase from all-cargo carriers of block space at wholesale rates by the combination carriers.

The principal features of the proposed amendments are set forth in the attached explanatory statement. The texts of the proposed rules are attached as well. The rules are proposed under the authority of sections 204(a) and 401 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754; 49 U.S.C. 1324, 1371).

Interested persons may participate in these rule-making proceedings through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before February 28, 1964, will be considered by the Board. In addition, all interested persons are invited to submit ten (10) copies of written data, views, or arguments pertaining solely to the communications to be filed by other persons pursuant to the invitation set forth above. All relevant communications of this nature received on or before March 15, 1964, will be considered by the Board before taking action.

Copies of all such communications will be available for examination by interested person in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Section 401 (e) of the Federal Aviation Act of 1958 authorizes the Board to regulate the performance of charter trips or other special services of certificated route air carriers. This statutory provision is implemented by Part 207 of the Board's Economic Regulations. On July 10, 1962, the Congress enacted Public Law 87-528 which gave the all-cargo carriers a right to conduct passenger charters under regulations established by the Board, and also provided for the certification of supplemental air carriers to engage in charter operations.

On November 13, 1962, the Board issued a notice of proposed rule making,[2] to consider whether changes in Part 207 should be made in the light of the statutory amendments described above. The notice afforded an opportunity to all interested persons to submit their views on certain policy questions. Specifically the notice pointed out that under present Part 207 certain limitations are in force (1) governing the amount and frequency of off-route charter operations, and (2) prohibiting any foreign or overseas off-route charter over the route of another carrier unless prior approval has been obtained from that carrier or from the Board. Thus questions are raised whether these restrictions on the certificated combination and all-cargo route carriers should be modified in view of the role of supplemental air carriers as principally engaging in charter operations to supplement the scheduled services of the aforementioned carriers. The notice also raised the question (1) to what extent, if any, should the Board continue the policy maintained prior to enactment of Public Law 87-528 of excluding the certificated all-cargo carriers from general participation in the domestic passenger charter market; and (2) whether passenger charters of cargo carriers should be treated differently depending on whether or not they are "on-route" with reference to their cargo routes.

---

[1] Dissenting statements of Gurney and Gillilland, members, filed as part of original document.

[2] EDR-48, Docket 14148, Part 207—Charter Trips and Special Services.

Comments from 28 parties have been received in response to the notice of proposed rule making. Twelve combination carriers have filed comments. In the main they relate to passenger charters by all-cargo carriers and range from suggestions of outright prohibition of such charters to their being restricted as "off-route". Intermediate views are that these carriers should be limited to military passenger charters domestically or given authorization only on an individual application basis. Apart from this, several carriers comment that there should be no changes in Part 207 at this time or that there be no additional restrictions on combination carriers. Two carriers suggest that the "first refusal" of § 207.8 as it applies to overseas or foreign charters on routes of other carriers, be terminated.

Four all-cargo carriers have filed comments. They uniformly seek passenger charter authority almost without restriction as well as broad off-route cargo charter authority.

Nine supplemental air carriers have filed comments. The most frequent view expressed was that all charters by combination and all-cargo carriers—on-route or off-route, civil or military—should be placed under the volume limitations of § 207.5, with the provision that the all-cargo carriers should have somewhat broader authority.

Part 207 establishes restrictions on the use of charter authority by the route carriers. A route carrier is not restricted in the amount of charters it may offer over its own routes; it is limited in the amount of charters it can operate off-route.[3] During any calendar quarter, off-route charter mileage may not exceed 2½ percent of the revenue miles flown in scheduled services during the preceding 12-month period (§ 207.5). On an annual basis the permissible off-route charter mileage would thus be equivalent to about 10 percent of the mileage in scheduled service. A second restriction limits charters between points on another carrier's routes to a pattern that is irregular and infrequent (§ 207.7). Finally, if a foreign or overseas off-route charter is between points on some other carrier's routes, the consent of such carrier must be obtained or approval granted by the Board (§ 207.8). This is often referred to as the "first refusal" right.

In the light of the tremendous growth in normal route operations since Part 207 was enacted in 1951, the Part 207 restrictions come into play only infrequently in the civilian charter market insofar as the combination carriers are concerned. Thus, the relative charter volume and frequency of off-route charters is so limited that the restrictions of § 207.5 and § 207.7 are rarely faced. And in the case of overseas or foreign charters in the several instances where carrier consent has not been granted, the Board in recent years has almost invariably granted the necessary authority taking into account the chartering public's preference. Under these circumstances, we see little need for continuation of either the carrier consent provisions of § 207.8, or the frequency and regularity provisions of § 207.7. Moreover, there is certainly no over-all industry need for continuation of as high a volume limitation on off-route charters as that presently found in § 207.5. In fact, analysis of the off-route charter activity of 34 combination carriers for the 12-month period ended June 30, 1963 indicates that with the exception of 2 carriers, no combination carrier exceeded 1.5 percent of its scheduled revenue miles in civil off-route charters.

Certain basic facts about the industry are disclosed by the following tabulation for the 12 months ended June 30, 1963:

Class of carrier	Revenues (millions)			
	Total	Charter only		
		Total	Military	Commercial
Combination	$3,397	[1] $67	$42	$25
All-cargo	116	[2] 84	77	7
Supplemental	98	90	77	13
Total	3,611	241	196	45

[1] Approximately 63 percent of the related mileage involves off-route charters.
[2] Approximately one-quarter of the related traffic involves passenger transportation; about 93 percent of the related mileage involves off-route charters.

Several things are clear. First, for combination carriers as a class, charter traffic, especially off-route, represents a relatively small part of their total revenue. For the all-cargo carriers, charters especially for the military, have been the most substantial source of revenue. A similar conclusion is evident for the supplementals.

This fact takes on added significance in the light of the recently anounced intention of the Department of Defense in contracting for commercial airlift in fiscal 1965 and subsequent years to take account of a carrier's effort to reduce its relative dependency on military traffic by increasing its civil business.[4] As the Department points out, the purpose of this policy from its standpoint is to improve its emergency posture by assuring greater expansibility of airlift It also has the further purpose of strengthening the national air transportation system so that it can better meet its multiple national objectives, including the interest of national defense. The Department also intends, insofar as is consistent with the maintenance of an adequate mobilization base, to contract with the carriers for services within the scope of their commercial operations.

In the light of the foregoing it appears reasonable to establish for the combination carriers an annual limitation on their off-route charter authority at two percent of their on-route revenue plane miles, provided that no more than one-third of such amount may be flown in any consecutive three-month period. For most carriers such a limitation would not involve any serious adverse effect upon established business resources, nor would it act to deprive unduly access of the Defense Department to needed charter airlift. We would, of course, anticipate reviewing this limitation from time to time, both from the standpoint of user interests as well as for its effect on the relative position of the various carrier classes in charter activity. There may be certain carriers who have made a substantial commitment of resources to off-route charter business. In such instances we would consider taking individual action designed to provide a transition period for such carriers. In addition, we would, of course, give favorable consideration to any indicated need for broader off-route charter authority for military operations in order to permit military contract awards to a carrier designed to maintain modern turbine equipment in the national mobilization base.

We now turn to the all-cargo carriers. Cargo transportation represents a link in a system or many systems of distribution. It is an integral part of the manufacturers or distributors commercial process. Cargo carriers, by the nature of their operations require an authority which will permit them to provide cargo service on a flexible basis from the points of industrial production to points where the goods are consumed As a supplement to their certificated route operations we will permit the all-cargo carriers unlimited off-route cargo charter authority within the area of the certificated operations. By so doing the Board does not mean to deprecate the increased reliance the Department of Defense is placing upon the individually-waybilled service, both domestic and internationally, for movement of cargo in lieu of total reliance on charter services.

We believe that the major responsibility of the all-cargo carriers is to serve the public on their certificated routes. For this purpose we have encouraged, and will continue to encourage, government procurement of their services over their routes. We believe this purpose will be furthered by providing a regulatory climate in which they are free to provide contract services within the general area of their certificated authority.[5] We anticipate that as these operations develop they will contribute to a reshaping of the pattern of cargo service, and to the development of a sounder and more extensive route structure with broader benefits to the public.

We affirm our previous ruling that passenger charters are to be considered off-route for all-cargo carriers. We propose to place a limit of 2% of on-route revenue miles on passenger charters. We would anticipate granting exemption from the limitation on passenger charters should we be advised by the Department of Defense that it is required to maintain an equitable distribution of military business among the carriers.

[3] In the case of all-cargo carriers, any passenger charters between points for which the carriers hold cargo rights are nevertheless considered to be "off-route" since passenger services are not covered by the underlying certificate authority. See amendment No. 2 to Part 207 effective March 26, 1963.

[4] Department of Defense News Release No. 201-63, dated Feb. 13, 1963.

[5] For example, within the United States, each of the domestic certificated cargo carriers would be able to contract freely for the provision of charter service.

We encourage the use of blocked-space agreements between combination and all-cargo carriers. The normal facilitation of a shipper's business requires that a carrier offer space for large as well as small shipments. A combination carrier should be in a position to handle bulk cargo, as well as the small express-type packages normally moved in the belly of the combination aircraft. This purpose can be served with great benefit to both types of carriers by permitting a cargo carrier to sell guaranteed space to a combination carrier. All-cargo services of the combination carrier have been operated at substantial losses. This has had a twofold effect, (1) effective reduction of cargo rates has been impeded and (2) passenger fares subsidize all-cargo losses.

We also propose to subject the opportunity of the combination carriers to carry cargo charters off their route to the right of first refusal of the cargo carrier or carriers serving the area.[6] This will further assist in maintaining their role as cargo specialists in the national air route structure.

We turn now to the role of the supplemental carriers. As previously noted, the Congress in Public Law 87-528 established for the supplemental carriers the role of charter specialists. The supplemental carriers as a class are heavily dependent upon military charters. However, the military are concerned about the long-term continuation of this situation and propose to place increasing weight upon the volume of civil operations in awarding military airlift contracts. It can, therefore, be seen that providing an appropriate climate for the development of commercial charter traffic is vital for the future survival of this class of carrier. Moreover, we must recognize that these carriers are disadvantaged in major respects in competing with combination carriers for passenger charters or with cargo carriers for civil charter business.[7] For these reasons, it appears that a sound conclusion giving recognition to consumer interest, to the long-term development of our national air route structure, as well as the competing interest of the various classes of carrier is to subject the off-route passenger charter authority of the combination carriers to the first refusal of any supplemental carrier who will offer the charterer comparable equipment.

For the implementation of this policy we shall place responsibility upon the combination carrier to contact any supplemental carrier who shall have first advised it of its available equipment and of its interest in providing passenger charters in the area involved. We are hopeful that these provisions will lead to a close partnership between the combination carriers and the supplementals through which the latter will provide a better public service to a broader part of the public than have heretofore obtained effective charter service in the United States.

The Civil Aeronautics Board proposes to amend Part 207 of the Economic Regulations (14 CFR Part 207) as follows:

1. By adding a new § 207.1(d) to read:

(d) "Combination carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2) which authorizes the carriage of persons, property and mail or persons and property only.

2. By adding a new § 207.1(e) to read:

(e) "All-cargo carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2), which authorizes the carriage of property only or property and mail only.

3. By adding a new § 207.1(f) to read:

(f) "On-route" shall refer to service performed by an air carrier between points between which said carrier is authorized to provide service pursuant to either its certificate of public convenience and necessity or exemption authority: *Provided, however,* That passenger charter trips by any all-cargo carrier are not considered to be on-route whether or not they are performed between points designated to receive service by such carrier in its certificate of public convenience and necessity, except that in the event services are performed pursuant to a contract with the Department of Defense or an agency thereof, by an all-cargo carrier between points designated to receive service by such carrier in its certificate of public convenience and necessity which (1) involves cargo transportation in one direction and passenger transportation in the other direction or (2) involves a mixed charter, the passenger charter leg or the mileage operated in the mixed charter, as the case may be, will be considered on-route. "Off-route" shall refer to any charter which is not on-route.

4. By adding a new § 207.1(g) to read:

(g) "Base Revenue Plane Miles" means revenue mileage operated by an air carrier in scheduled services, extra sections, and on-route charter trips or special services.

5. By adding a new § 207.1(h) to read:

(h) "Mixed charter" means a charter trip in which passengers and cargo are carried on the same flight.

6. By amending § 207.5 to read as follows:

§ 207.5 Limitation on amount of charter trips which may be performed by combination carriers.

A combination carrier shall not during any calendar year perform off-route charter trips which in the aggregate, on a revenue plane mile basis, exceed 2 percent of the base revenue plane miles flown by it during the preceding calendar year: *Provided, however,* That no more than one-third of such 2 percent amount shall be flown by said carrier in any consecutive 3-month period.

7. By adding a new § 207.6 to read:

§ 207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.

(a) An all-cargo carrier shall not during any calendar year perform any off-route charters (other than all-cargo charters) which in the aggregate, on a revenue plane mile basis, exceed 2 percent of the base revenue plane miles flown by it during the preceding calendar year: *Provided, however,* That no more than one-third of such 2 percent amount shall be flown by said carrier in any consecutive 3-month period.

(b) An all-cargo carrier shall be permitted to perform off-route cargo charters within its area of operations (as defined in § 207.9(d)(1)(2)(3)(4)), without any limitation as to volume of service.

8. By abolishing the following sections:

(a) Present § 207.7,
(b) Present § 207.8,
(c) Present § 207.10,
(d) Present § 207.11,
(e) Present § 207.12,
(f) Present § 207.13.

By renumbering the following sections:

(a) Present § 207.6 as § 207.7,
(b) Present § 207.9 as § 207.8.

By adding a new § 207.9 to read as follows:

§ 207.9 First refusal rights of all-cargo and supplemental air carriers.

(a) A combination carrier shall not perform any off-route cargo charter trips between points within the area of operations of any all-cargo carrier, as defined in paragraph (d) of this section, unless (1) the consent in writing therefor of such cargo carrier has been obtained and such consent has been filed with or mailed to the Board in a properly addressed envelope with postage thereon prepaid, or (2) the Board grants authority to conduct the charter trip upon a finding that the public interest so requires.

(b) No combination carrier shall perform any off-route passenger charter trip between any pair of points or within any areas designated in a statement served upon it by a supplemental air carrier in accordance with paragraph (c) of this section, where such trip is to be performed with equipment comparable to that offered in such statement, and on dates covered by such statement, unless (1) the consent in writing therefor of such supplemental air carrier has been obtained and such consent has been filed with or mailed to the Board in a properly addressed envelope with postage thereon prepaid, or (2) the Board grants authority to conduct the charter trip upon a finding that the public interest so requires.

[6] For this purpose, we would define the area of service of the cargo carriers broadly to include operations within the geographic area served.

[7] We recognize that at least one supplemental carrier developed a substantial cargo contract business. However, the operation is not a charter one and its development took place many years ago at a time prior to full development of the resources and market ability of the all-cargo carriers. The only other supplemental which has had a substantial volume of civil cargo charters has not had to contend with an effective cargo carrier competitor in its area.

(c) Any supplemental air carrier desiring to render itself eligible for the privileges conferred by paragraph (b) of this section may file with any combination carrier a statement setting forth (1) that he is willing and able to provide charter air transportation between such points or within such areas as are designated in the statement, (2) the aircraft type or types and seating capacities operated by the carrier which are available to perform such transportation, and (3) the dates, covering a period not to exceed three months from the date of mailing of such statement, on which the supplemental air carrier holds out to furnish such charter trips.

(d) Within the meaning of paragraph (a) of this section, the areas of operations of the all-cargo carriers are the following:

(1) Within the 48 contiguous States—Slick Airways, Inc., Flying Tiger Line, Inc., and Riddle Airlines, Inc.

(2) Between the 48 contiguous States and Europe—Seaboard World Airlines, Inc., and

(3) Between the 48 contiguous States and Puerto Rico-Riddle Airlines, Inc.

(4) Between the 48 contiguous States on the one hand and the Caribbean, Central and South America on the other hand—Aerovias Sud Americana, Inc.

(e) Within the meaning of this section two aircraft types are comparable if:

(1) The aircraft types are the same class, i.e., piston aircraft, turbine propeller aircraft, or pure jet aircraft.

(2) There is a deviation of no more than 20 percent between the seating capacity of the aircraft type proposed for operation by the supplemental carrier and that proposed for operation by the combination carrier.

(3) The aircraft type operated by the supplemental carrier has sufficient seating capacity to transport the charter group in question.

It is proposed to amend Part 399 of the Board's Regulations, 14 CFR Part 399, by adding a new § 399, to read:

§ 399. Pooling arrangements of certificated air carriers.

It is the policy of the Board to permit the all-cargo carriers to sell blocked space at wholesale rates to such combination carriers as may choose to do so to provide service between the certificated points of the combination carrier involved.

[F.R. Doc. 64-888; Filed, Jan. 28, 1964; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-135]

FEDERAL AIRWAY

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 217 is designated in part from Green Bay, Wis., to Rhinelander, Wis. The Federal Aviation Agency is considering extending Victor 217 from Rhinelander direct to the Duluth, Minn., VORTAC and expanding the width of this airway segment to 13 miles from 45 nautical miles from Rhinelander to 45 nautical miles from Duluth.

The extension of Victor 217 as proposed herein would provide a connecting airway between two permanently certificated air carrier stops. The increased width would provide additional protection for aircraft when operating along this airway at more than 45 nautical miles from Rhinelander and Duluth.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-804; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-142]

FEDERAL AIRWAY AND TRANSITION AREA

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 108 extends in part from Hill City, Kansas, via the intersection of the Hill City 093° and the Salina, Kansas, 286° True radials to Salina. The latest FAA IFR peak day airway traffic survey shows two aircraft movements along this segment of Victor 108. Therefore, it appears that the retention of this portion of the airway is unustified as an assignment of airspace and the FAA proposes its revocation.

A portion of the Salina transition area northwest of Salina is bounded by the north boundary of Victor 108 from Salina to Longitude 98°30'00" W.

The proposed revocation of this segment of Victor 108 would necessitate an alteration of the Salina transition area. To provide adequate controlled airspace to accommodate Schilling AFB IFR operations in the airspace encompassed by the eastern portion of the segment of Victor 108 proposed for revocation, the boundary of the Salina transition area would be redefined as a line five miles south of and parallel to the Salina 286° True radial.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-805; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-98]

FEDERAL AIRWAY SEGMENT

Notice of Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an

amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 435 is designated from Rosewood, Ohio, via Attica, Ohio; to Carleton, Mich. The Federal Aviation Agency is considering the revocation of the segment from Attica to Carleton. The latest Federal Aviation Agency IFR peak day airway traffic survey for this segment of Victor 435 shows a maximum of one aircraft movement between Attica and Carleton. Therefore, it would appear that this airway segment is unjustified as an assignment of airspace and that it could be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-806; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-104]

FEDERAL AIRWAYS

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 153 is designated in part from the intersection of the Hartford, Conn., 223° and the La Guardia, N.Y., 059° True radials (Sound Intersection) to La Guardia. VOR Federal airway No. 863 northbound preferred route between New York, N.Y., and Boston, Mass., is designated from the INT of Idlewild, N.Y., 042° and Riverhead, N.Y., 307° True radials via the INT of Hartford, Conn., 223° and the Trinity, N.Y., 093° True radials; INT of the Trinity 093° and Norwich, Conn., 227° True radials; Norwich; to Boston, Mass.

The FAA is considering the following airspace actions:

1. Extend V-153 airway from the Sound Intersection direct to Madison, Conn.

2. Redesignate V-863 airway from La Guardia, N.Y., via Madison; Norwich; to Boston.

The extension of V-153 would provide the completing airway segment which will be utilized by aircraft operating via the proposed redesignated V-863 preferred route between La Guardia Field and Boston.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-807; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-105]

FEDERAL AIRWAY

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 157 is designated in part from Colts Neck, N.J., to Idlewild, N.Y. The Federal Aviation Agency is considering the designation of an additional segment to this airway to extend from La Guardia, N.Y., via the intersection of La Guardia 034° and Hartford, Conn., 246° True radials; to Hartford.

The preferred route from Boston, Mass., to La Guardia is via VOR Federal airway No. 875 to its intersection with the La Guardia 046° magnetic radial (034° T), thence to Stamford Intersection. The portion of this preferred route between Victor 875 and Stamford is off airways. The action proposed herein would improve air traffic service and flight planning by providing airways for the entire preferred route.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-808; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-84]

FEDERAL AIRWAY SEGMENT

Notice of Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the

Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 134 is designated in part from Tuskegee, Ala., via the intersection of the Tuskegee 053° and the Columbus, Ga., 011° True radials; intersection of the Columbus 011° and the Atlanta, Ga., 233° True radials; to Atlanta. The latest FAA peak day airway traffic survey shows no aircraft movements on this airway segment. Therefore, it appears that this airway segment is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave., SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-810; Filed, Jan. 28, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 3067]

AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Series Aircraft

Amendment 284, 26 F.R. 4051, AD 61-10-3, requires repetitive inspections of the main landing gear cylinder torque link attach lugs on Fairchild Model F-27 Series aircraft, and repairs within specified limits until such time as a FAA approved permanent modification is developed and installed. Since the issuance of Amendment 284, it has been determined that the AD should be made applicable to additional parts. It has also been determined that in certain instances repetitive inspections may be alleviated without adversely affecting safety. A provision is also being made for operators to compute their compliance in terms of landings rather than hours' time in service, based on a landing frequency of two landings per hour. Therefore, it is proposed to supersede Amendment 284 with a new directive to incorporate these changes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 1, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

FAIRCHILD. Applies to all Model F-27 Series aircraft with Dowty main landing gear outer cylinders P/N's 9010Y3, 9017Y1, 200020.609, 2.00021.241, 200021.276, 200042.302, 2.00042.303, 2.00042.601, and 2.00042.618.

Compliance required as indicated.

Due to failures of main landing gear outer cylinder torque link attach lugs, to which the upper torque link, Dowty P/N C9027Y3 is attached, the following measures are required:

(a) Outer cylinders which have accumulated 8,000 landings as of the effective date of this AD, but have not been modified in accordance with either Fairchild Service Bulletin No. 32-41A dated April 5, 1961, or Dowty Service Bulletins No. 32-15 dated October 1961, or No. 32-11 issued August 1961, revised December 1962, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be inspected as follows:

(1) Conduct a daily visual inspection for cracks in the vertical radii on the inboard and outboard sides of the main cylinder lug.

(2) Inspect the area specified in (a)(1) using dye penetrant method or FAA approved equivalent inspection within the next 50 landings after the effective date of this AD, unless already accomplished within the last 250 landings, and every 300 landings after such inspection.

(3) If cracks are found the following shall be accomplished:

(i) A crack that can be removed by reworking the outer cylinder in accordance with Fairchild Service Bulletin No. 32-41A dated April 5, 1961, or Dowty Service Bulletin No. 32-15 dated October 1961 or No. 32-11 issued August 1961, revised December 1962, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be removed before further flight, or that cylinder must be replaced before further flight.

(ii) If the crack cannot be removed as specified in (a)(3)(i), that cylinder must be replaced before further flight.

(b) Outer cylinders modified in accordance with Fairchild Service Bulletin No. 32-41A dated April 5, 1961, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be inspected as follows:

(1) Conduct a daily visual inspection for cracks in the vertical radii on the inboard and outboard sides of the main cylinder lug.

(2) Inspect the area specified in (b)(1) using dye penetrant method or FAA approved equivalent inspection within the next 50 landings after the effective date of this AD unless already accomplished within the last 250 landings, and every 300 landings after such inspection.

(3) If cracks are found the following shall be accomplished:

(i) A crack that can be removed by reworking the outer cylinder in accordance with Dowty Service Bulletin No. 32-15 dated October 1961, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be removed before further flight, or that cylinder must be replaced before further flight.

(ii) If the crack cannot be removed as specified in (b)(3)(i), that cylinder must be replaced before further flight.

(c) Outer cylinders modified in accordance with Dowty Service Bulletin No. 32-15 dated October 1961 or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be inspected as follows:

(1) Conduct a daily visual inspection for cracks in the vertical radii on the inboard and outboard sides of the main cylinder lug.

(2) Inspect the area specified in (c)(1) using dye penetrant method or FAA approved equivalent inspection within the next 50 landings after the effective date of this AD unless already accomplished within the last 250 landings, and every 300 landings after such inspection.

(3) If cracks are found, that cylinder must be replaced before further flight.

(d) Outer cylinders modified after the accumulation of 7,000 landings, in accordance with Dowty Service Bulletin No. 32-11 issued August 1961, revised December 1962, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be inspected as follows:

(1) Conduct a daily visual inspection for cracks in the vertical radii on the inboard and outboard sides of the main cylinder lug.

(2) Inspect the area specified in (d)(1) using dye penetrant method or FAA approved equivalent inspection within the next 50 landings after the effective date of this AD unless already accomplished within the last 650 landings, and every 700 landings after such inspection.

(3) If cracks are found, that cylinder must be replaced before further flight.

(e) Outer cylinders modified prior to the accumulation of 7,000 landings in accordance with Dowty Service Bulletin No. 32-11 issued August 1961, revised December 1962, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, are not required to be inspected under this AD.

(f) Compliance with this AD requires operators to maintain a record of landings. Where past records of landings have not been maintained or are unavailable, the number of landings prior to the effective date of this AD shall be estimated by substituting two (2) landings for each hour of time in service.

(g) Compliance inspection times and effectivity paragraphs, specified in the service bulletins discussed herein, must be disregarded.

(h) Upon request of the operator, an FAA maintenance inspector, subject to prior ap-

proval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes Amendment 284, 26 F.R., 4051, AD 61-10-3.

Issued in Washington, D.C., on January 21, 1964.

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

[F.R. Doc. 64-801; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 2073; Notice No. 63-44A]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS AND APPLIANCES

Notice of Proposed Rule Making: Extension of Comment Period

In the notice of proposed rule making on TSO-C63a airborne weather and ground mapping radar operating within the radio-frequency bands of 5,350 to 5,470 mc. and 9,300 to 9,500 mc., Notice No. 63-44, published in the FEDERAL REGISTER on November 28, 1963 (28 F.R. 12669), it was stated that consideration would be given to all relevant comments received on or before January 13, 1964.

It has subsequently been determined that the proposed standard for TSO-C63a was not readily available on the date that the proposal was published in the FEDERAL REGISTER. For this reason, the specified comment date of January 13, 1964, did not afford interested persons sufficient time within which to submit their comments.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on proposed TSO-C63a (Notice 63-44) will be received is extended to February 15, 1964.

Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All comments submitted will be available, both during and after the comment period, in the Docket Section for examination by interested persons.

Issued in Washington, D.C., on January 21, 1964.

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

[F.R. Doc. 64-811; Filed, Jan. 28, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 179]

[No. 32339]

TRANSFERS OF RIGHTS TO OPERATE AS A MOTOR CARRIER IN INTERSTATE OR FOREIGN COMMERCE

Notice of Proposed Rule Making

JANUARY 17, 1964.

In view of the decision of Ralph A. Veon, Inc., Contract Carrier Application, 92 M.C.C. 248, the Commission has decided that an amendment to the rules and regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce, prescribed under section 212(b) of the Interstate Commerce Act, as revised August 9, 1960, and supplemented January 23, 1963, will more effectively promote the public interest and the national transportation policy as declared in said Act and aid in its administration.

Accordingly, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), notice is hereby given of a proposed amendment of said transfer rules by the addition of a paragraph, to be designated § 179.5(h), to follow paragraph (g) in § 179.5, reading substantially as follows:

(h) Unless unusual circumstances are found by the Commission to necessitate such a transfer, the Commission will not approve a transfer of operating rights to a person engaged in a business enterprise other than for-hire transportation if such person transports property by motor vehicle in interstate or foreign commerce for business purposes within the scope, and in furtherance, of a primary business enterprise (other than transportation) of such person.

No oral hearing is contemplated on the proposed amendment to the rules, but anyone wishing to make representations in favor of or against the proposals may do so through the submission of written data, views, or arguments. The original and fourteen copies of such submission shall be filed with the Commission on or before April 1, 1964.

Notice to the general public of the proposed amendment to the rules shall be given by depositing a copy thereof in the office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register. Publication of this notice of proposed rule making is principally for the purpose of securing views of interested persons and does not mean that the proposed amendment will be adopted necessarily in the form proposed.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-861; Filed, Jan. 28, 1964; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 363]

ARIZONA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JANUARY 23, 1964.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., February 28, 1964:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 23 E.,
Sec. 1, lots 1 to 5, inclusive, and SW¼ NW¼;
Sec. 4 to 11, inclusive.
Sec. 12, lots 1, 2, 3, 4, 5, and S½SW¼;
Secs. 13, 14, 15, and secs. 17 to 36, inclusive.

The areas described aggregate 20,128.62 acres.

2. The lands described above vary from low rolling foothills to mountainous terrain cut by numerous washes. Most of the soil is a rocky or sandy clay loam.

3. All rights of the State of Arizona on the following lands have been conveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 23 E.,
Secs. 32 and 36.

The areas described aggregate 1,280.00 acres.

4. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws presented prior to 10:00 a.m., on February 28, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64-886; Filed, Jan. 28, 1964; 8:53 a.m.]

[Group 377]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

JANUARY 22, 1964.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., February 27, 1964:

GILA AND SALT RIVER MERIDIAN

T. 41 N., R. 10 W.,
T. 42 N., R. 10 W.,
T. 41 N., R 11 W.,
T. 42 N., R. 11 W.,
Sec. 33, lots 1, 2, 3, 4, and S½;
Sec. 34, lots 1, 2, 3, 4, and S½;
Sec. 35, lots 1, 2, 3, 4, and S½.

The areas described aggregate 50,682.54 acres of public land.

2. In Tps. 41 N. and 42 N., R. 10 W., the lands described vary from nearly level land to low rolling hills cut by numerous washes and gullies. Most of the soil is gravelly and rocky. Some areas have a rocky clay loam. In Tps. 41 N. and 42 N., R. 11 W., the terrain varies from nearly level land to steep broken mountains cut by many washes and draws. The soil is mostly rocky with some gravel or sandy clay loam areas.

3. All rights of the State of Arizona on the following lands have been conveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 41 N., R. 10 W.,
Secs. 2, 16, 32, and 36.
T. 42 N., R. 10 W.,
Secs. 32 and 36.
T. 41 N., R. 11 W.,
Secs. 2, 16, 32, and 36.

The areas described aggregate 5,934.12 acres.

4. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless, or until, the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws (except applications for Small Tracts), and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in suport of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on February 27, 1964 will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64-835; Filed, Jan. 28, 1964; 8:48 a.m.]

Office of the Secretary

LANDS IN SUN RIVER WINTER ELK RANGE, MONTANA

Notice of Approval of Classification Agreement

Notice is hereby given that representatives of the Bureau of Land Management and the Bureau of Sport Fish-

eries and Wildlife of this Department and of the Montana Department of Fish and Game have, in accordance with the regulations 43 CFR 192.9, agreed that the following-described lands shall not be subject to oil and gas leasing, such activities being incompatible with the management thereof for wildlife conservation purposes. Group I comprises the lands in the Sun River project in which both the surface and the mineral interests are federally-owned, whereas the lands identified in Group II are former public domain lands which were patented under the public land laws with a reservation of the oil and gas deposits therein to the United States.

GROUP I

MONTANA PRINCIPAL MERIDIAN

T. 21 N., R. 8 W.,
Sec. 1, lot 3, SE¼NW¼, and E½SW¼;
Sec. 2, lots 3 & 4, S½NW¼, SW¼SW¼, and E½SE¼;
Sec. 11, E½NE¼, SW¼NW¼, NE¼SE¼, and SW¼SE¼;
Sec. 12, NE¼SW¼;
Sec. 14, NW¼NE¼;
Sec. 18, lots 1 to 12 inclusive, and SW¼NE¼;
Sec. 19;
Sec. 20, lots 1 to 11 inclusive, and SW¼SW¼;
Sec. 23, SW¼NE¼;
Sec. 29, W½NW¼, SE¼NW¼, and SW¼;
Sec. 30;
Sec. 31, NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 32, lots 3 & 4, lots 8 to 11 inclusive, and NW¼NW¼;
Sec. 35, NE¼NW¼.

GROUP II

MONTANA PRINCIPAL MERIDIAN

T. 21 N., R. 8 W.,
Sec. 1, lots 1, 2, 5, 6, 7, SW¼NE¼, W½SE¼;
Sec. 2, lots 1 and 2, S½NE¼, NW¼SW¼, W½SE¼;
Sec. 3, S½NE¼, NE¼SW¼, NW¼SE¼, E½SE¼;
Sec. 4, lots 1, 2, 3, 4, S½NE¼, W½SW¼, SE¼;
Sec. 5, lot 1, E½SE¼;
Sec. 6, SW¼NE¼, NW¼SE¼;
Sec. 7, lot 3;
Sec. 8, NW¼SW¼;
Sec. 9, NW¼NE¼, S½NE¼;
Sec. 10, E½NW¼, NE¼, NW¼SE¼, E½SE¼;
Sec. 11, NW¼NW¼, W½SW¼, SE¼SW¼, W½NE¼;
Sec. 12, lots 1, 2, 3, 4, W½E½, NW¼;
Sec. 13, lots 1, 2, 4, NE¼NW¼, S½NW¼, NE¼SW¼, SW¼SE¼;
Sec. 14, N½NW¼, SW¼NW¼, SE¼NE¼;
Sec. 15, NE¼NE¼, S½N½;
Sec. 17, NW¼NW¼, SW¼NE¼, E½SE¼, SE¼SW¼;
Sec. 18, NE¼NE¼;
Sec. 20, NW¼NE¼, S½NE¼;
Sec. 21, SE¼NW¼, N½SE½;
Sec. 22, E½NE¼, NW¼NW¼, S½NW¼;
Sec. 23, SW¼NW¼, E½NE¼;
Sec. 24, lots 1, 4, NW¼NE¼, NW¼, SW¼SE¼;
Sec. 25, NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 26, NW¼NE¼, NE¼NW¼;
Sec. 27, SW¼SE¼;
Sec. 29, E½, NE¼NW¼;
Sec. 31, lots 1, 2, 3, 4, SE¼SW¼;
Sec. 32, lots 1, 2, 5, 6, 7, SE¼;
Sec. 33, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 34, lot 1, NE¼SE¼, SE¼NE¼, NE¼NW¼;
Sec. 35, lots 1, 4, SE¼NE¼, N½SE¼, SW¼NW¼, NW¼SW¼.

1. The lands described in Group I, containing a total of 4,144.83 acres, were withdrawn by Public Land Order 766 of November 23, 1951, and were made available for the use and control of the Montana Department of Fish and Game by a Cooperative Agreement effective May 19, 1952, under the provisions of the Coordination Act (60 Stat. 1080).

2. The lands described in Group II, containing a total of 6,807.16 acres, are patented lands in which the oil and gas deposits are owned by the United States. A majority of these tracts have been acquired by the Montana Department of Fish and Game and, together with certain State-owned school lands, some privately-owned lands which are leased, and the withdrawn public domain lands, comprise the 20,000-acre Sun River Winter Elk Range.

3. This project provides winter range for about 3,000 head of elk that summer on the adjacent National forest lands. This elk herd is very wild due to the isolation of the summer range and, therefore, particularly susceptible to disturbances.

4. In accordance with the regulations 43 CFR 192.9(b)(3), the classification agreement closing to oil and gas leasing the public lands withdrawn by Public Land Order 766 for the Sun River Winter Elk Range and described in Group I is hereby approved. It has also been determined that the leasing of the oil and gas deposits owned by the United States in the patented lands within this elk range area, described in Group II, would be incompatible with the use and development of the range. Therefore such reserved oil and gas deposits will not be subject to lease.

5. Any oil and gas lease offers for the lands described in this notice which have been suspended pursuant to the regulations 43 CFR 192.9(d), pending completion and approval of this classification agreement, will be rejected. Any oil and gas lease which is outstanding on these lands shall continue in force and effect for the term thereof, unless sooner relinquished or terminated; however, no such lease which was issued prior to the enactment of Public Law 86-705 on September 2, 1960, shall be granted an extension under the provisions of § 192.120, 43 CFR, except in the circumstances prescribed in subparagraph (d) thereof.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 22, 1964.

[F.R. Doc. 64-836; Filed, Jan. 28, 1964; 8:48 a.m.]

HUBBELL CARPENTER

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 during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 17, 1964.

Dated: January 17, 1964.

HUBBELL CARPENTER.

[F.R. Doc. 64-837; Filed, Jan. 28, 1964; 8:48 a.m.]

CHARLES R. LEEVER

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 during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1964.

Dated: January 13, 1964.

CHARLES R. LEEVER.

[F.R. Doc. 64-838; Filed, Jan. 28, 1964; 8:48 a.m.]

JOHN LAWRENCE McNEALEY

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 during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 6, 1964.

Dated: January 6, 1964.

JOHN LAWRENCE McNEALEY.

[F.R. Doc. 64-839; Filed, Jan. 28, 1964; 8:48 a.m.]

CHARLES S. McNEER

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 during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 16, 1964.

Dated: January 16, 1964.

CHARLES S. MCNEER.

[F.R. Doc. 64-840; Filed, Jan. 28, 1964; 8:49 a.m.]

CHARLES W. WATSON

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 during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 6, 1964.

Dated: January 6, 1964.

CHARLES W. WATSON.

[F.R. Doc. 64-841; Filed, Jan. 28, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-163]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its owned vessel, the "SS Mormacguide," which is under time charter to States Marine Lines, Inc., for a period of about three to five months from September 17, 1963, to load lumber and/or lumber products, commencing about February 9, 1964, for carriage on one eastbound voyage from U.S. North Pacific ports to U.S. Atlantic ports.

This application may be inspected by interested parties in the Hearing Examiners' Office, Maritime Subsidy Board/Maritime Administration.

A hearing on the application has been set for February 5, 1964, at 10:00 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on February 4, 1964 notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on February 4, 1964, will not be granted in this proceeding.

By order of the Maritime Administrator.

Dated: January 27, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-937; Filed, Jan. 28, 1964; 8:56 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3999 etc.]

ASSOCIATED OIL & GAS CO. ET AL.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Substituting Parties, Amending and Terminating Certificates, Permitting and Approving Abandonment of Service, Cancelling Docket Numbers, Accepting and Redesignating Related Rate Schedules for Filing

JANUARY 20, 1964.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on January 16, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3999, G-5089, G-11922, G-12112, G-12440, CI60-467, CI62-555, CI62-660, CI62-988, CI62-1521, CI63-128, CI63-290, CI63-1124 and CI63-1288 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) The respective related rate schedules as designated or redesignated in the tabulation herein, should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable

and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–5089, G–11922, G–12112, CI62–555, CI62–660, CI62–1521, CI63–290, CI63–1124 and CI63–1288 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) In all other respects, the respective orders of the Commission amended by paragraph (D) above shall remain in full force and effect.

(F) The certificate heretofore issued in Docket No. CI63–128 is hereby amended by deleting therefrom authorization granted herein, in Docket No. CI64–635.

(G) The certificates heretofore issued in Docket Nos. CI60–467 and CI62–988 are hereby amended to reflect the change in operators and the redesignation of rate schedules as indicated in the tabulation herein.

(H) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–3999 and G–12440 are hereby amended by sustituting as certificate holders thereunder the respective successors in interest as indicated in the tabulation herein.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) The certificates heretofore issued in Docket Nos. G–4515, G–5089 G–9428, G–14222 and C162–118 are hereby terminated.

(K) Docket Nos. CI62–372 and CI64–640 are hereby cancelled.

(L) All FPC Gas Rate Schedules relating to the abandonment of service and the deletion of acreage permitted and approved in this order, as indicated in the tabulation herein, are cancelled.

(M) The respective related rate schedules as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the several successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the date indicated in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–3999 E 11–26–63	Associated Oil & Gas Co. (successor to the Nueces Co.).	Tennessee Gas Transmission Co., Agua Dulce Field, Nueces County, Tex.	The Nueces Co., FPC GRS No. 1.	15	
			Supplement Nos. 1–9	15	1–9
			Notice of succession 11–19–63.		
			Assignment 11–14–63 [2]	[1] 15	10
G–5089 D 1–30–61	Shell Oil Co	Phillips Petroleum Co., Panhandle Field, Gray County, Tex.	Notice of cancellation [3 4]	185	2
G–11922 [5] C 11–23–62	Humble Oil & Refining Co.	Panhandle Eastern Pipe line Co., Taloga Field, Morton County, Kans.	Supplemental agreement 4–5–62.	204	6
			Letter agreement 10–5–62 [6]	204	7
G–12440 E 11–26–63	Cloris Dale (Operator), et al. (successor to Walter Kuhn (Operator), et al.).	Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	Walter Kuhn (Operator), et al., FPC GRS No. 54.	1	
			With supplement Nos. 1–9.	1	1–9
			Notice of succession 11–21–63.		
			Assignment 10–9–63 [2]	1	10
G–14922 B 11–21–63	Pan American Petroleum Corp.	Tensas Gas Gathering Corp., Lake St. John Field, Tensas Parish, La.	Notice of cancellation 11–19–63. [4 7]	217	3
CI60–467 11–18–63 [8]	Graridge Corp. (Operator), et al. (formerly Arthur I. Ginsberg, Trustee (Operator), et al.).	Tennessee Gas Transmission Co., Southeast Tomball Field, Harris County, Tex.	Arthur I. Ginsberg, Trustee (Operator), et al., FPC GRS No. 1.	19	
			Notice of succession 11–13–63.		
			Effective date: Date of change of operator 1–1–62.		
CI60–586 [9] A 5–9–60 4–26–62 [10] D 6–4–63 D 11–8–63	Falcon Seaboard Drilling Co. (Operator), et al.	Transwestern Pipeline Co., Kiowa Creek Field, Lipscomb County, Tex.	Contract 3–25–60 [6]	7	
			Letter agreement 4–10–63.	7	1
			Letter agreement 4–23–63.	7	2
			Letter agreement 4–23–63.	7	3
			Letter agreement 9–5–63.	7	4
			Effective Date: 12–9–63.		
CI62–372 (G–12112) A 10–9–61 [11]	Petroleum, Inc. (Operator), et al.	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	Supplemental agreement 8–28–61. [6]	[12] 6	3
CI62–555 C 11–29–63	Graham-Michaelis Drilling Co. (Operator), et al.	Northern Natural Gas Co., Sitka Field, Clark County, Kans.	Supplemental agreement 12–17–62. [4]	50	2
CI62–660 C 11–27–63	James C. Sherrill, et al.	Colorado Interstate Gas Co., West Panhandle Field, Potter County, Tex.	Supplemental agreement 11–18–63. [6]	1	5
CI62–783 A 1–15–62	Pan American Petroleum Corp.	Western Gas Service Co., Guymon-Hugoton Field, Beaver County, Okla.	Contract 10–15–54	327	
			Letter 8–3–60 [4]	327	1
CI62–988 [5] E 11–18–63	Ainslie Perrault (Operator), et al. (formerly Wilshire Oil Co. of Texas (Operator), et al.).	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Wilshire Oil Co. of Texas (Operator), et al., FPC GRS No. 2.	2	
			Notice of succession 11–16–63.		
			Effective date: Date of change of operator 8–1–63.		
CI62–1521 C 11–6–63	Socony Mobil Oil Co., Inc.	El Paso Natural Gas Co., San Juan Basin Field, San Juan County, N. Mex.	Supplement agreement 10–10–63. [6]	314	7
CI63–124 A 7–26–62	Reaves and Myers (Operator), et al.	Texas Eastern Transmission Corp., Goebel Field, Live Oak County, Tex.	Socony Mobil Oil Co., Inc., FPC GRS No. 29.	1	
			Supplement Nos. 1–15	1	1–15
			Notice of succession 5–16–62.		
			Assignment 4–3–62	1	16
			Assignment 4–20–62 [2]	1	17
CI63–1124 C 11–7–63	Wrico Drilling Co. (Operator), et al.	Cities Service Gas Co., acreage in Cowley County, Kans.	Amendatory agreement 8–16–63. [6]	1	1
CI63–1288 G 11–18–63	J. C. Trahan, Drilling Contractor, Inc.	Arkansas Louisiana Gas Co., Lick Creek Field, Claiborne Parish, La.	Supplemental agreement 10–16–63. [4]	25	3
CI64–488 (G–14222) B 10–25–63	Amerada Petroleum Corp.	Transcontinental Gas Pipe Line Corp., Mission Bridge Area, Victoria County, Tex.	Notice of cancellation 11–29–63. [4 7]	66	2
CI64–612 A 11–20–63	Signal Oil and Gas Co., Operator.	Cities Service Gas Co., Fox Gasoline Plant, Sho-Vel-Tum, Healdton, North Orr, and Joiner City Fields, Carter, Stephens and Jefferson Counties, Okla.	Contract 7–23–63 [4]	10	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-613 A 11-20-63	Commonwealth Gas Corp.	Columbian Fuel Corp., Elk District, Kanawha County, W. Va.	Contract 11-19-63 [8] [12]	12	
CI64-620 A 11-26-63	Severino P. Severino, et al.	Lake Shore Pipe Line Co., Conneaut Township, Erie County, Pa.	Contract 10-9-63 [8]	1	
CI64-622 A 11-26-63	The Shamrock Oil and Gas Corp.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Contract 9-6-63 [8]	43	
CI64-628 (G-9428) B 11-26-63	Sam Sklar, et al.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Notice of cancellation 11-21-63. [4] [14]	1	11
CI64-629 (G-4515) B 11-26-63	Bennett's Valley Development Co.	New York State Natural Gas Corp., Benezette Township, Elk County, Pa.	Notice of cancellation 11-14-63.	1	3
			Notice of cancellation 11-14-63. [4] [7]	2	2
CI64-630 A 11-26-63	Star Gas Co	Cabot Corp., Sherman District, Calhoun County, W. Va.	Contract 8-23-63 [8]	22	
CI64-632 A 11-26-63	Thomas N. Berry & Co.	Cities Service Gas Co., East Goodnight Field, Lincoln County, Okla.	Contract 11-8-63 [6]	3	
CI64-634 (CI62-118) B 11-29-63	Humble Oil & Refining Co.	Northern Natural Gas Co., Dude Wilson Field, Ochiltree County, Tex.	Notice of cancellation (undated). [4] [7]	275	2
CI64-635 (CI63-128) A 11-29-63	Tommy Ward Drilling Co. (partial succession).	Northern Natural Gas Co., Como Area, Beaver County, Okla.	Contract 6-19-62	5	
			Supplemental agreement 12-9-62.	5	1
			Assignment 12-5-62 [8] [15]	5	2
CI64-636 A 11-29-63	Howard W. Sharpley, et al.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	Contract 9-18-63 [8]	1	
CI64-637 A 11-29-63	Thomas Jordan, Inc	Texas Eastern Transmission Corp., Reeves Field, Allen Parish, La.	Contract 8-28-63 [8]	2	
CI64-639 A 11-29-63	Sunray DX Oil Co., (Operator), et al.	Texas Gas Transmission Corp., Egan Field, Acadia Parish, La.	Ratification 10-25-63	243	
			Contract 12-1-51	243	1
			Letter agreement 11-1-51.	243	2
			Supplemental agreement 12-1-51.	243	3
			Letter agreement 11-18-54.	243	4
			Supplemental agreement 9-23-57.	243	5
			Letter agreement 5-18-62. [9]	243	6
CI64-640 (CI63-290) A 11-29-63 [16]	Mountain States Natural Gas Corp.	El Paso Natural Gas Co., Basin Dakota Field, LaPlata County, Colo.	Supplemental agreement 11-14-63. [9]	6	3
CI64-641 A 11-29-63	Jake L. Hamon (Operator), et al.	Northern Natural Gas Co., L. E. Graff Unit, Beaver County, Okla.	Contract 9-27-63 [8]	40	
CI64-645 A 12-2-63	Big Run Oil & Gas Co., et al. d/b/a Theodore Lockhard Well No. 1.	Hope Natural Gas Co., Troy District, Gilmer County, W. Va.	Contract 9-25-63 [8]	3	
CI64-646 A 12-2-63	Cimarron Exploration, Inc. (Operator), et al.	Panhandle Eastern Pipe Line Co., Borchers NE. Field, Meade County, Kans.	Contract 11-5-63 [8]	1	
CI64-647 A 12-3-63	George L. Yaste d/b/a Oil States Sales Co.	Equitable Gas Co., Union District, Ritchie County, W. Va.	Contract 11-19-63 [8]	12	
CI64-648 A 12-2-63	Sun Oil Co	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Contract 10-16-63	165	
			Letter agreement 10-23-63. [9]	165	1
CI64-651 A 12-2-63	Boyd Oil and Gas Co	United Fuel Gas Co., Harvey District, Mingo County, W. Va.	Contract 2-1-47 [4]	1	
CI64-652 A 12-4-63	Shell Oil Co. (Operator), et al.	Arkansas Louisiana Gas Co., West Enid Area, Garfield County, Okla.	Contract 10-24-63 [6]	294	
CI64-653 A 12-4-63	Amax Petroleum Corp.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Contract 11-7-63 [8]	13	
CI64-654 A 12-4-63	Union Texas Petroleum, a division of Allied Chemical Corp., et al.	Arkansas Louisiana Gas Co., North East Ames Field, Major County, Okla.	Contract 10-28-63	73	
			Contract 7-2-63 [6]	73	1

[1] Rate in effect subject to refund in Docket No. RI62-206.
[2] Effective date: Date of transfer of property.
[3] Partial assignment dated 6-29-60 assigned rights to Kenneth M. Axelrod to render subject service in Docket No. CI61-404. Docket No. G-5089 will be terminated.
[4] Effective date: Date of this order.
[5] Applicant agreed to accept a permanent certificate at total inital price of 16.0 cents per Mcf by letter dated 5-28-63.
[6] Effective date: Date of initial delivery.
[7] Source of gas depleted.
[8] Amendment filed to reflect change in Operator and redesignate the rate schedule.
[9] Applicant agreed to accept a permanent certificate at total initial price of 17.0 cents per Mcf by letter dated 7-15-63.
[10] Amendment to certificate application filed to include interests of co-owners and redesignate rate schedule to read (Operator), et al.
[11] Petition was originally assigned Docket No. CI62-372, however said docket will be cancelled and petition processed as an amendment to certificate in Docket No. G-12112 to add acreage.
[12] Rate under suspension in Docket No. RI63-391.
[13] Gas was formerly dedicated to United Fuel Gas Co., but was released because of an increase in pressure of buyers line. Abandonment was permitted in Docket No. CI64-382.
[14] Production no longer economically feasible.
[15] Partial assignment from Hall-Jones Oil Corp. in Docket No. CI63-128 to Applicant, subject to Northern's contract with Hall-Jones dated 6-19-62.
[16] Erroneously assigned Docket No. CI64-640, said docket will be cancelled and petition processed as an amendment to certificate in Docket No. CI63-290 to add acreage.

[F.R. Doc. 64-707; Filed, Jan. 28, 1964; 8:45 a.m.]

[Docket No. G-17270]

ACCO OIL & GAS CO. ET AL.

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Contract Amendment, Requiring Refunds, Terminating and Severing Proceeding

JANUARY 22, 1964.

On December 23, 1963, Acco Oil & Gas Company (Acco) filed an Offer of Settlement in the above-designated rate suspension proceeding, pursuant to § 1.18 of the Commission's rules of practice and procedure. This proceeding relates to the jurisdictional sale of natural gas by Acco under its FPC Gas Rate Schedule No. 2 to Tennessee Gas Transmission Company (Tennessee) from Harris and Montgomery Counties, Texas (Railroad Commission District No. 3).

The following table sets forth the data pertinent to the proceeding involved herein:

Docket No.	Rate schedule No.	Supplement No.	Effective rate	Date effective subject to refund
G-17270	2	2	[1] 16.16947	June 1, 1959

[1] At 14.65 psia.

In its offer of settlement, Acco proposes to eliminate the favored-nation, price redetermination, and periodic escalation clauses from the rate schedule involved, and to establish a settlement rate of 15.0 cents per Mcf, inclusive of present tax reimbursement,[2] for the remaining term of the contract. Acco also proposes to refund to Tennessee all amounts collected in excess of the settlement rate, plus interest at the rate of 6 percent per annum to the date of refund. The estimated amount of the refund is approximately $6,700, exclusive of interest, and the estimated decrease in annual revenues is approximately $1,370.

In support of its offer, Acco cites the deletion of the price redetermination, favored-nation and periodic escalation clauses from its gas purchase contract with Tennessee, and states that such provisions were important elements of consideration required by Acco under the contract for the long-term commitment of its gas reserves to the performance of the contract. Tennessee has stated that it has no objection to the proposed settlement.

Since the proposed settlement rate of 15.0 cents per Mcf at 14.65 psia is acceptable under the provisions of the Second Amendment[3] to the Commission's Statement of General Policy No. 61-1,[4]

[2] Under its offer, Acco further proposes to amend its contract to provide for tax reimbursement of three-fourths of any tax increases levied subsequent to Dec. 1, 1963, rather than Jan. 1, 1954.

[3] Issued Dec. 20, 1960, 24 F.P.C. 1107; amended by order No. 264, in Docket No. R-234, issued Mar. 27, 1963.

[4] Issued Sept. 28, 1960, 24 F.P.C. 818 (18 CFR, Chapter I, Part 2, § 2.56).

for jurisdictional sales of natural gas in Texas Railroad Commission District No. 3, it is believed that the public interest will best be served by accepting Acco's proposed settlement as hereinafter set forth.

Our approval of the settlement proposal should not be construed as constituting approval of any future rate increases filed in accordance with its reservation of the right to file increases to cover future tax increases.

The proceeding in Docket No. G–17270 was consolidated with the proceeding in area rate proceeding, Docket No. AR64–2; consequently, it should be severed from such area rate proceeding, and terminated as hereinafter ordered.

The Commission finds. The proposed settlement of the above-designated proceeding, on the basis described herein, as more fully set forth in the Offer of Settlement filed by Acco with the Commission on December 23, 1963, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed by Acco with the Commission on December 23, 1963 is hereby approved in accordance with the provisions of this order.

(B) Acco shall file, within 30 days from the date of issuance of this order, a notice of change providing for the 15.0 cents per Mcf rate, including present tax reimbursement, specified in its offer of settlement, and a contractual amendment to its FPC Gas Rate Schedule No. 2, which Acco shall execute with Tennessee in conformity with Acco's offer of settlement in all respects. Both the notice of change and the contractual amendment shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Within 30 days from the date of issuance of this order, Acco shall refund to Tennessee all amounts collected under its FPC Gas Rate Schedule No. 2, in excess of the settlement rate of 15.0 cents per Mcf, together with simple interest at the rate of 6 percent per annum, from the date of receipt of such excess amounts by Acco to the date of refund. Acco shall bear all costs incidental to the making of such refunds.

(D) Within 45 days from the date of issuance of this order, Acco shall report to the Commission, in writing, the details of its calculations resulting in refunds ordered pursuant to paragraph (C) above, together with a copy of a release from Tennessee with respect to such refunds.

(E) Upon notification by the Secretary of the Commission that Acco has complied with the terms and conditions of this order, the rate and charge of 15.0 cents per Mcf, including present tax reimbursement specified in the offer of settlement, shall be effective as of the date of issuance of this order, the proceeding in Docket No. G–17270 shall be deemed terminated and severed from area rate proceeding, Docket No. AR64–2, and Acco's refund obligation with respect to the proceeding in Docket No. G–17270 shall be deemed discharged.

(F) The acceptance of this offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending or hereafter instituted by or against Acco.

By the Commission.

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

[F.R. Doc. 64–812; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. RI60–196]

McGRATH & SMITH, INC., ET AL.

Order Substituting Respondent, Accepting Successors' Undertaking, Making Rate Effective Under Undertaking, and Redesignating Proceeding

JANUARY 22, 1964.

On November 12, 1963, McGrath & Smith, Inc., agent (Operator) et al., (McGrath & Smith) filed a motion to be substituted for Carl J. Westlund (Operator), et al., (Westlund) in the above-entitled proceeding.[1] On June 11, 1963, McGrath & Smith filed a notice of succession and request for authorization to continue a sale of gas to El Paso Natural Gas Company in Upton County, Texas, previously authorized to be rendered by Westlund, in Docket No. G–16092, under Westlund's FPC Gas Rate Schedule No. 1. Westlund has sold his interest in the subject properties to Wolfson Oil Company and by action of a majority of the interest owners in the properties, McGrath & Smith, as agent, has assumed operations of the properties. By letter order dated September 11, 1963, the Commission granted temporary authorization to McGrath & Smith to continue the service formerly authorized to be rendered by Westlund in Docket No. G–16092, and accepted for filing McGrath & Smith's notice of succession to be effective as of the date of such authorization, and on the basis thereof, Westlund's FPC Gas Rate Schedule and supplements were redesignated as McGrath & Smith's FPC Gas Rate Schedule No. 1 with Supplements Nos. 1 through 5, thereto.

The proceeding in Docket No. RI60–196 relates to a rate increase (from 11.1056 cents to 17.14325 cents per Mcf) filed by Westlund on February 25, 1960, and designated as Supplement No. 5 to Westlund's FPC Gas Rate Schedule No. 1. By the Commission's order issued March 23, 1960, the proposed increased rate was suspended and the use thereof deferred until August 27, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Motion pursuant to section 4(e) of the Natural Gas Act was never filed by Westlund.

[1] The above-entitled proceeding is consolidated with the proceeding in Docket No. AR61–1, et al.

Concurrently with the filing of the above motion to substitute Respondent, McGrath & Smith filed a motion, pursuant to section 4(e) of the Natural Gas Act, requesting that the Commission allow the suspended rate involved herein to become effective as of August 27, 1960, or such subsequent date as conforms to the regulations and practice of the Commission. On the same date, November 12, 1963, McGrath & Smith filed their agreement and undertaking to comply with § 154.102 of the Commission's regulations under the Natural Gas Act.

McGrath and Smith's request for the August 27, 1960 effective date may not be granted as § 154.102(a) of the Commission's regulations under the Natural Gas Act specifically provides, in part, as follows: "* * * The proposed change of rate, charge, classification, or service shall go into effect upon motion of the independent producer proposing the change as the legally effective rate and shall be charged, effective as of a date not earlier than the date of receipt of such motion by the Commission or the expiration of the suspension period, whichever is later." As stated above, a motion pursuant to section 4(e) was never filed in this proceeding by Westlund.

The Commission finds. It is necessary and proper in carrying out the provisions of the Natural Gas Act that McGrath & Smith be substituted for Westlund in Docket No. RI60–196; that the proceeding in said docket be redesignated; that the agreement and undertaking filed by McGrath & Smith be accepted for filing, and that the suspended rate in said docket be made effective subject to refund as of November 12, 1963.

The Commission orders:

(A) McGrath & Smith, Inc., agent (Operator), et al., is hereby substituted as Respondent in lieu of Carl J. Westlund (Operator), et al., in Docket No. RI60–196, and said proceeding is accordingly redesignated.

(B) The agreement and undertaking filed by McGrath & Smith to assure refunds of any amount found by the Commission not justified in this proceeding is hereby accepted for filing.

(C) The rate, charge and classification set forth in the supplement suspended in Docket No. RI60–196 is hereby made effective subject to refund as of November 12, 1963, under the agreement and undertaking filed by McGrath & Smith, and the effective rate shall be charged and collected commencing November 12, 1963, subject to any future orders of the Commission in this proceeding.

(D) McGrath & Smith shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The undertaking shall remain in

full force and effect until discharged by the Commission.

By the Commission.

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

[F.R. Doc. 64-815; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. CP63-230]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application To Amend

JANUARY 22, 1964.

Take notice that on December 11, 1963, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan, filed an application to amend the Commission's order issued November 12, 1963, in Docket No. CP63-230 (Phase I) by authorizing Applicant to deliver to Iowa Electric Light and Power Company (Iowa Electric) a maximum daily quantity of 6,315 Mcf of natural gas under Applicant's FPC Gas Rate Schedule ACQ-1 in lieu of the presently authorized maximum daily quantity of 6,000 Mcf under Applicant's FPC Gas Rate Schedule SGS-1, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order of November 12, 1963, affirmed the examiner's decision and issued a conditioned certificate wherein Applicant was authorized, among other things, to increase its system capacity so as to enable it to deliver additional maximum daily quantities of natural gas to existing customers.

Applicant states that during the contract year ending August 31, 1963, Iowa Electric's purchases were in excess of 102 per cent of 6,000 Mcf; accordingly, pursuant to the provisions of section 8 of the General Terms and Conditions of Applicant's FPC Gas Tariff a new service agreement was executed providing for a maximum daily quantity of 6,315 Mcf under Applicant's FPC Gas Rate Schedule ACQ-1. Applicant states further that this increase was not reflected in its original application in this proceeding since Iowa Electric then estimated that its requirements could be adequately met by deliveries under the SGS-1 Rate Schedule. Therefore, Applicant requests that the order of November 12, 1963, be amended to authorize the delivery of the additional 315 Mcf in maximum daily quantity.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-816; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket Nos. CP64-67, CP64-69]

UNITED NATURAL GAS CO. ET AL.

Notice of Applications

JANUARY 22, 1964.

United Natural Gas Company and The Manufacturers Light and Heat Company, Docket No. CP64-67; The Sylvania Corporation, Docket No. CP64-69.

Take notice that on September 18, 1963, as supplemented on November 12, 1963, United Natural Gas Company (United), 308 Seneca Street, Oil City, Pennsylvania, and the Manufacturers Light and Heat Company (Manufacturers), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed in Docket No. CP64-67 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing United to construct and operate certain facilities and to operate certain existing facilities and authorizing United and Manufacturers to exchange and deliver natural gas pursuant to two separate agreements, all as more fully set forth in the joint application on file with the Commission and open to public inspection.

The joint application shows that United proposes to purchase natural gas from the Sylvania Corporation (Sylvania) produced by the latter from fields in Brush Valley and Cherryhill Townships, Indiana County, Pennsylvania. United proposes to construct and operate approximately 500 feet of 3-inch pipeline extending from Sylvania's well to an existing tap on Manufacturers' 4-inch line, together with a meter station and appurtenant facilities. Said facilities are estimated to cost $5,385, which cost will be financed out of cash on hand.

Since United has no pipeline in Indiana County, it proposes to exchange gas with Manufacturers whereby gas purchased from Sylvania will be delivered by United, by means of the herein proposed 3-inch line, into Manufacturers' 4-inch line at a point in Brush Valley Township; Manufacturers will in turn deliver equal volumes of gas to United at an existing connection near Medix Run, Benezette Township, Elk County, Pennsylvania. This proposed exchange arrangement is pursuant to an agreement, dated July 3, 1963, between United and Manufacturers.

The application shows further that United and Manufacturers have also been exchanging gas in Elk County, pursuant to an agreement, dated March 8, 1960, as supplemented. Under this agreement, as supplemented, gas purchased by United in the Benezette Field is delivered into Manufacturers' 4- and 12-inch production lines and then redelivered by Manufacturers through United's Medix Run Station into United's Line No. F-100.[1] United and Manufacturers state that the facilities utilized for this exchange were considered production facilities; however, United and Manufacturers state further that by the Commission's order issued January 8, 1963, as amended, in Docket No. CP62-276, United's Line No. F-100 was authorized to be utilized for a jurisdictional service. Accordingly, United and Manufacturers request herein authorization to continue the exchange, pursuant to the March 8, 1960, agreement, as supplemented, and, further, United requests herein authorization to operate its Line No. F-100 and its Medix Run Station and the connecting 12-inch line related thereto in order to effect said exchange.

Take further notice that on September 18, 1963, Sylvania, 308 Seneca Street, Oil City, Pennsylvania, filed in Docket No. CP64-69 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to United produced from fields in Brush Valley and Cherryhill Townships, Indiana County, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection.

The initial price is 27 cents per Mcf at 15.025 psia.[2]

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate these applications for formal hearing before an examiner and 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 may be held without further notice before the Commission on these applications provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-817; Filed, Jan. 28, 1964; 8:46 a.m.]

---

[1] Said agreement, as supplemented, also permits Manufacturers to use a portion of the capacity at the Medix Run Station to pump its own gas, with Manufacturers paying its pro-rata share of the cost of operating and maintaining the station.

[2] Sylvania agreed to accept a permanent certificate at an initial price of 27.0 cents per Mcf at 15.025 psia by letter received Oct. 1, 1963.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4184]

DELAWARE POWER & LIGHT CO. ET AL.

Notice of Proposed Modification of Method of Allocating Consolidated Tax Liabilities, as Reduced by Investment Credit, Among System Companies

JANUARY 23, 1964.

In the matter of Delaware Power & Light Company, 600 Market Street, Wilmington 99, Delaware, The Eastern Shore Public Service Company of Maryland, Eastern Shore Public Service Company of Virginia; File No. 70-4184.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), a registered holding company, and its subsidiary companies have filed a joint declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") and have designated section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the transaction proposed. All interested persons are referred to the joint declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Declarants annually join as a group in filing a consolidated Federal income tax return. It is stated that certain inequities in the allocation of the group's consolidated income tax liabilities, after giving effect to the investment credit allowed on Federal income tax returns under the Revenue Act of 1962, would result if the allocation were effected pursuant to the exemptive provisions of Rule 45(b)(6) under the Act. Accordingly, declarants propose to utilize a method of allocation which will give to each of the companies included in consolidated tax returns of Delaware and its subsidiaries the full investment credit each company contributes to the total investment credit allowed on the consolidated returns. However, no company shall receive an investment credit in excess of its allocation of the consolidated tax liability as determined before the investment credit.

The joint declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is further stated that no fees and expenses are to be incurred in connection with the proposed transaction.

Notice is further given that any interested person may, not later than February 18, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-845; Filed, Jan. 28, 1964; 8:49 a.m.]

[File No. 24SF-3177]

FORT APACHE OIL & GAS, INC.

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

JANUARY 23, 1964.

I. Fort Apache Oil & Gas, Inc. (issuer), 317-20th Avenue, Yuma, Arizona, was incorporated in Nevada on October 26, 1963, for the general purpose of developing and exploiting oil and gas leaseholds, and specifically to explore for oil and gas on 1,788 acres of leased land in Navajo County, Arizona. Issuer filed with the Commission on November 18, 1963, a notification and exhibits including an offering circular relating to an offering of 300,000 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The offering circular proposed to be used by issuer in the offer and sale of its securities omits to state material facts necessary to make statements made, in the light of the circumstances under which they were made, not misleading, in that it fails to disclose:

1. The speculative aspects and risk features of issuer's business and securities, including:

(a) The nature and extent of exploration, development and production in Arizona and in the general area where issuer's leaseholds are located,

(b) The interests of and benefits to be derived by one who is the dominant officer, director and promoter of issuer, in other leaseholds in the immediate vicinity and adjacent to issuer's leaseholds,

(c) The location of issuer's leaseholds in relation to the location of test wells recommended by issuer's geologist,

(d) The nature and extent of the investment and risk to be assumed by the public in relation to the interests of officers, directors and promoters,

(e) The dilution aspects of the offering in light of the fact that there is no provision for return of funds if less than all shares offered are sold,

(f) The inexperience of management in the oil and gas business, and issuer's need for experienced persons to commence and operate its business.

2. The fact that electronic devices used in locating potential sites for drilling for oil and gas are not accepted in the industry as bona fide devices for locating oil.

B. The offering circular omits information required by Rule 255 in the following particulars:

1. The purposes, reasonably itemized, for which some $80,000 of the proceeds of the offering are to be used, are not disclosed.

2. The amount of money paid for leases transferred to issuer for 300,000 shares, and the services rendered by officers, directors and promoters for which they received these shares are not disclosed.

3. The geological map and geologist's report appended to and part of the offering circular are incomplete and unclear as to location of nearest production, distances thereto, elevations and contours on the map, development drilling and the results thereof.

C. The offering, if made with the offering circular proposed to be used by the issuer in the offer and sale of its securities, would be made in violation of section 17 of the Act.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended;

It is ordered, Pursuant to Rule 261(a)(1), (2) and (3) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

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

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-846; Filed, Jan. 28, 1964; 8:49 a.m.]

[File No. 70-4183]

SOUTHWESTERN ELECTRIC POWER CO. AND PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Intrasystem Sale and Acquisition of Utility Assets

JANUARY 23, 1964.

Notice is hereby given that Southwestern Electric Power Company ("Southwestern"), 428 Travis Street, Shreveport 2, Louisiana, and Public Service Company of Oklahoma ("Public Service"), 600 South Main Street, Tulsa 2, Oklahoma, both public-utility subsidiary companies of Central and South West Corporation, a registered holding company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9, 10, and 12 of the Act and Rule 43 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the joint application-declaration, on file in the office of the Commission, for a statement of the proposed transaction which is summarized below.

Southwestern proposes to sell and Public Service proposes to acquire a portion (127.54 miles) of a 138 Kv transmission line, and all rights appurtenant thereto, located in Oklahoma. The proposed consideration is $548,151, equal to the original cost of the property ($944,565) less the related reserve for depreciation ($396,414) reflected on Southwestern's books at December 31, 1963. Public Service intends to record the acquired property and rights at these same amounts, as of that date. Among other things, Public Service contemplates the construction on the acquired line of a substation which will enable it to make an interconnection with the proposed Broken Bow Dam Hydro plant to be constructed by the U.S. Army Engineers. The filing states that such expenditures and the proposed use of the line by Public Service make it appropriate and desirable that Public Service acquire and own said portion of the 138 Kv line.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Total fees and expenses to be incurred in connection with the proposed transaction are estimated in the filing at $3,050 ($1,975 to be paid by Southwestern and $1,075 to be paid by Public Service), including $1,800 for legal fees and $350 as the fee of Middle West Service Company.

Notice is further given that any interested person may, not later than February 19, 1964, request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon each applicant-declarant at the above-stated addresses, and proof of service (by affidavit, or in the case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-847; Filed, Jan. 28, 1964; 8:49 a.m.]

[File No. 24W-2579]

TRANSPORT INDUSTRIES, INC.

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

JANUARY 23, 1964.

I. Transport Industries, Incorporated (issuer), a Pennsylvania corporation, incorporated on April 26, 1948, as "Hoppenstand Motors, Incorporated", whose name was changed to Transport Industries, Incorporated, on May 9, 1960, by amendment to the certificate of incorporation, with principal office and plant located at 126 Pearl Street, Albion, Pennsylvania, filed with the Commission on February 16, 1962, a notification on Form 1-A and an offering circular relating to an offering of 75,000 shares of $.10 par value common stock at $4.00 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering commenced on April 18, 1962, and was terminated on June 21, 1962, with the sale of 18,843 shares.

II. The Commission has reasonable cause to believe that:

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

1. The Form 2-A report reflected the disbursement of $1,500 under the category of "Accounting" when in fact none of the $1,500 had been paid.

2. The Form 2-A report reflected the disbursement of $2,255.87 under the category of "Printing and Advertising" when in fact only $585.33 of this expense had been paid and the balance of $1,670.54 was still owed.

3. The Form 2-A report reflected the disbursement of $7,596.91 under the category of "Legal (including Organizational)" when in fact only $4,834.45 of this expense had been paid and the balance of $2,762.46 was still owed.

4. The Form 2-A report reflected the disbursement of $31,870.79 under the category of "Purchase of raw materials, inventories, supplies, etc." when in fact the purchase actually made totaled only approximately $15,000.

B. The offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, concerning among other things:

1. The failure to disclose that there is no reasonable accounting basis for reflecting the inventory raw material in the amount of $7,922.48.

2. The failure to disclose that there is no reasonable accounting basis for reflecting "shop machinery and equipment" $19,401.10; "tools and molds" $1,429.65; and "office furniture and fixtures" $1,425.30.

3. The representation that the company had a cash asset of $1,000.70 as of December 31, 1961, when in fact the cash asset was $.70.

4. The failure to disclose that the company had not filed Federal or State corporate income tax returns for the years of 1960 and 1961.

5. The failure to disclose that the corporation did not maintain proper accounting records, specifically, a general ledger, general journal, accounts receivable ledger, accounts payable ledger, inventory records, purchase journal, and a sales journal.

6. The failure to disclose that most, if not all, orders for future delivery were from an affiliated company.

7. The representation that "inventory is maintained on the basis of first-in, first-out; and has been priced at the lower of cost or market" when in fact no recognized inventory pricing basis is followed.

C. The offering was made in violation of section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended:

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

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

is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-848; Filed, Jan. 28, 1964; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

Specific Approval and of Withdrawal of Specific Approval

On September 19, 1962, February 1, 1963, March 19, 1963, April 26, 1963, May 28, 1963, July 11, 1963, July 26, 1963, August 15, 1963, October 4, 1963, and December 3, 1963, notices were published in the FEDERAL REGISTER (27 F.R. 9266; 28 F.R. 990, 2690, 4146, 5276, 7102, 7615, 8380, 10721, and 12835), which contained lists of all stockyards and slaughtering establishments approved under §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125).

I. Pursuant to such authority, notice is hereby given that the following additional stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

Specifically approved stockyards. The following additional stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ARKANSAS

*Beebe Auction Company—Beebe.

COLORADO

*Alamosa Auction—Alamosa.

ILLINOIS

Sullivan Livestock Market—Sullivan.

IOWA

Haviland Bros—Sergeant Bluff.

KANSAS

*Clay Center Sales Company, Inc.—Clay Center.
*Minneapolis Sales Pavilion—Minneapolis.
*Farmers Livestock Exchange, Inc.—Wakarusa.
*Waverly Livestock Sale Barn—Waverly.

LOUISIANA

*J. D. Lacy Stockyard—Alexandria.

MARYLAND

*Friend's Stock Yard, Inc.—Accident.

MISSISSIPPI

Batesville Sales Company, Inc.—Batesville.

MISSOURI

Producers Livestock Market—Marshall Junction.

NORTH DAKOTA

*Lorinz Livestock Sales—Hazen.

OHIO

*Zanesville Community Sales Company, Inc.—Zanesville.

OKLAHOMA

*Buffalo Livestock Commission—Buffalo.
*Clinton Cattle Commission Company—Clinton.
*Big Pasture Auction—Frederick.
*Hollis Livestock Commission Company—Hollis.
*Mountain View Community Sale—Mountain View.
Mangum Livestock Company—Oklahoma City.

TEXAS

*Groesbeck Commission Company—Groesbeck.
*Palestine Livestock Auction—Palestine.
*Swift & Company—San Antonio.
*Seymour Stockyards Company—Seymour.

VERMONT

Westminster Commission Sales—Westminster.

Specifically approved slaughtering establishments. The following additional slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

KANSAS

*Hinman Packing Company—South Wichita.

LOUISIANA

*Swifty Meat Packing Company, Inc.—Opelousas.

MARYLAND

Heinzerling's Meats, Inc.—Baltimore.

MICHIGAN

*Tamaren Beef Company, Inc.—Detroit.

NEVADA

*Horlacher Meat Company—Fallon.

OHIO

Henderson Meats—Waterloo.
Zimmerman Packing Company—Youngstown.

OKLAHOMA

John Bittings Slaughtering Establishment—Tulsa.

PENNSYLVANIA

Wilkes-Barre City Abattoir—Wilkes-Barre.

WISCONSIN

Osseo Lockers—Osseo.

II. Notice is hereby given also that the following stockyards and slaughtering establishments have been deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

STOCKYARDS

ILLINOIS

Charleston Livestock Auction—Charleston.
Feller Livestock Sales—Cissna Park.
Illinois Producers Livestock Market Assn.—Dieterich.
Ruder Feeder Pig Sales—Manteno.
Artie Worrell Cattle Company—Milledgeville.
Champaign Company Livestock Market Assn., Inc.—Urbana.

MICHIGAN

Isaac Tamaren Beef Company—Detroit.
Foster's Market—Quincy.

MISSISSIPPI

Batesville Sales Company—Batesville.
Owen Brothers Stockyard—Meridian.

MISSOURI

Cassville Auction Company—Cassville.
Crocker Sales Barn—Crocker.
Lamar Community Sale—Lamar.
"E" 66 Auction Company—Springfield.

NEW YORK

Horseheads Livestock Market, Inc.—Horseheads.
Warwick Auction Market, Inc.—Warwick.

OKLAHOMA

Pawhuska Auction—Pawhuska.
Perry Auction Sale—Perry.

TEXAS

Perryton Livestock Auction Company—Perryton.
Seymour Livestock Commission Company—Seymour.

VERMONT

Chickering Commission Sales—Westminster.

SLAUGHTERING ESTABLISHMENTS

IOWA

Kane's Dressed Beef—Hawarden.
Karzlarich Pack—Rathbun.
Sergeant Bluff Produce Company—Sergeant Bluff.

LOUISIANA

Jagneaux's Quality Meats—Opelousas.

MICHIGAN

Hillsdale Packing Company—Hillsdale.

MISSISSIPPI

Orman's Sausage Company—Ellisville.
Barmett Sausage Company—North Biloxi.
Cochran Frozen Food Locker—Waynesboro.

NEVADA

Mori Slaughterhouse—Fallon

OKLAHOMA

Southeastern Slaughtering Establishment—Durant.
O.K. Packing Company—Tecumseh.
C. L. Van Cleave Slaughtering Establishment—Tulsa.
John Ward Slaughtering Establishment—Woodard.

WEST VIRGINIA

N. J. Bell Slaughtering Establishment—Blackville.

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

Certain additional stockyards and slaughtering establishments have been added to the lists of those heretofore specifically approved under the regulations in 9 CFR Part 73. It has been determined that the inspections and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments have been removed from the lists of those heretofore specifically ap-

proved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved thereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of January 1964.

E. E. SAULMON,
\cting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 64-899; Filed, Jan. 28, 1964; 8:55 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9093 et al.]

SERVICE TO SPOKANE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on February 19, 1964, at 10:00 a.m. (e.s.t.) in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 24, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-889; Filed, Jan. 28, 1964; 8:54 a.m.]

[Docket 13415 et. al.]

WEST COAST AIRLINES, INC., "USE IT OR LOSE IT" INVESTIGATION AND ROUTE REALIGNMENT

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on February 20, 1964, at 10:00 a.m. (e.s.t.) in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 24, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-890; Filed, Jan. 28, 1964; 8:54 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14154, 15011; FCC 64M-75]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 14154, regulations and charges for developmental line switched service; American Telephone and Telegraph Company, Docket No. 15011, charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service.

An informal conference among counsel for the parties having been held on January 23, 1964, which conference resulted in the informal presentation to the Hearing Examiner of proposed procedural dates to govern this hearing;

It is ordered, This 23d day of January 1964, that copies of the direct written case of American Telephone and Telegraph Company will be served on all other parties hereto and the Hearing Examiner on or before July 6, 1964;

It is further ordered, That hearing herein shall convene on September 14, 1964, at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 24, 1964.

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

[F.R. Doc. 64-891; Filed, Jan. 28, 1964; 8:54 a.m.]

[Docket Nos. 15163, 15164; FCC 64R-41]

CLEVELAND BROADCASTING, INC., AND COMMUNITY TELECASTERS OF CLEVELAND, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Cleveland Broadcasting, Inc., Cleveland, Ohio, Docket No. 15163, File No. BPCT-3117; Community Telecasters of Cleveland, Inc., Cleveland, Ohio, Docket No. 15164, File No. BPCT-3176; for construction permits for new television broadcast stations.

1. The Review Board has before it for consideration a petition to enlarge issues filed by Community Telecasters of Cleveland, Inc. (Community) on November 19, 1963, seeking to add comparative coverage issues to the instant proceeding.[1]

2. By Commission Order (FCC 63-831) released September 16, 1963, the applications of Cleveland Broadcasting, Inc. (Cleveland); Community; and the Station View Realty Company[2] for a new television broadcast station to operate on Channel 19, Cleveland, Ohio, were designated for consolidated hearing on various issues including the standard comparative issue. The hearing has been rescheduled to commence on March 30, 1964.

3. In its petition Community admits that its request is late filed and thereby does not conform to the provisions of § 1.229 of the Rules. However, it contends that good cause is shown in its allegations and that the public interest requires the enlargement of issues as requested. Petitioner contends that the Commission would have included a comparative coverage issue in the Order of Designation had it observed the differences in location of the City Grade, Grade A and Grade B contours contained in the exhibits in the applications. Attached to Community's petition is an engineering study which shows the differences in the coverage areas and populations included within the City Grade, Grade A and Grade B contours as reflected by the two applications. Within the Grade B contour there is said to exist a difference of 482,029 persons and 1,759 square miles with an urban difference in population of 293,492; within the Grade A contour a difference of 486,610 persons and 1,088 square miles with an urban difference in population of 364,022; and in the City Grade contour a difference of 539,971 persons and 723 square miles with an urban difference in population of 459,674. Community further contends that the Commission has in the past, on its own motion, enlarged the issues to include an issue of comparative coverage even where good cause has not been shown for late filing, when it was in the public interest to take such action.

4. Cleveland argues in its opposition that the petition should be denied because good cause has not been shown for late filing and because petitioner's arguments lack merit. It maintains that the cases on which petitioner relies are distinguishable and that the Commission under similar circumstances has added such issues only where more significant differences in coverage between the proposals were found to exist. Cleveland contends that in the instant situation only 15 percent more population will receive Grade B service from Community than from Cleveland and that the differences in the Grade A and City Grade contours are irrelevant since the people located in these areas will receive adequate service from both proposals. Also, Cleveland claims that the area of difference between the two proposals is served by a minimum of three other television stations, thus minimizing the signifi-

---

[1] Under consideration are (1) Petition to enlarge issues, filed November 19, 1963, by Community Telecasters of Cleveland, Inc.; (2) Opposition to petition to enlarge issues, filed December 4, 1963, by Cleveland Broadcasting, Inc.; (3) Comments, filed December 2, 1963, by the Broadcast Bureau; (4) Reply to comments, filed December 12, 1963, by Cleveland Broadcasting, Inc.; (5) Reply to opposition, filed December 16, 1963, by Community Telecasters of Cleveland, Inc. On December 16, 1963, Community filed a motion to strike reply to the Bureau's comments on the petition to enlarge issues. On December 20, 1963, Cleveland filed an opposition to this motion. In view of the disposition of the petition to enlarge issues, it is unnecessary to pass on Community's motion to strike Cleveland's reply pleading.

[2] The application of the Station View Realty Company was subsequently dismissed with prejudice (FCC 63M-1101, released October 4, 1963).

cance of the population difference between them.

5. The Bureau supports the enlargement of issues and submits that petitioner has made a threshold showing of a substantial difference between the coverage of the two proposals. The Bureau agrees with petitioner that while this petition is not timely filed, the public interest factor would require the enlargement of issues on the Board's own motion. However, the Bureau believes that all references to the City Grade signal should be deleted from the proposed issues as the relevancy of this signal has not been shown in the instant petition. Community, in its reply to Cleveland's opposition, contends that questions relating to the significance of the degree of difference in coverage and the availability of other services in the area of difference between the two proposals are determinations to be made on the record under the proposed issues and not on the basis of the pleadings before the Board.

6. Petitioner has not shown good cause for late filing of its petition to enlarge the issues within the meaning of § 1.229 of the rules. The issues in this proceeding were designated for hearing on September 16, 1963, but the instant petition was not filed until November 19, 1963. Petitioner admits that its petition is late filed, and offers no excuse for the delay. Therefore, this petition will be denied for late filing. However, with the exception of the proposed City Grade coverage issue, the issues requested by petioner should be added on the Board's own motion. Petitioner has shown in its attached appendix that there is a sufficient difference in relative coverage areas and populations of the Grade A and Grade B contours to warrant inclusion of these issues. The Commission has held under similar circumstances that the inclusion of these issues serves the public interest and that the relative needs of the respective coverage areas cannot properly be determined without a showing as to what other stations serve the areas concerned. See Publix Television Corp., FCC 59–646, 18 RR 771 (1959). Cleveland's objection that the availability of other services within the proposed Grade A and Grade B contours minimizes the significance of the population difference between the two proposals goes to the weight of Community's showing on the record as to the differences in coverage under this issue, and not as to whether these issues should be added. However, we do agree with Cleveland that the showing made with respect to the differences in coverage in the City Grade contour is irrelevant and therefore this aspect of the requested issues will be deleted.

Accordingly, it is ordered, This 22d day of January 1964, that the Motion to Strike Reply to the Broadcast Bureau's Comments on the Petition to Enlarge Issues, filed by Community Telecasters of Cleveland, Inc. on December 16, 1963, is dismissed; and

It is further ordered, That the Petition to Enlarge Issues, filed by Community Telecasters of Cleveland, Inc. on November 19, 1963, is denied; and that the issues in this proceeding are enlarged on the Board's own motion by the addition of the following issues;

(a) To determine the location of the proposed Grade A and Grade B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations of the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed operations.

(c) In the event the proof under issues (a) and (b) above shall establish that either applicant will bring actual service to areas and populations not served by its competitor, to determine the number of services, if any, presently available to such areas and populations.

Released: January 24, 1964.

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

[F.R. Doc. 64–892; Filed, Jan. 28, 1964; 8:54 a.m.]

[Docket Nos. 15190, 15191; FCC 64R–21]

BOARDMAN BROADCASTING CO., INC. AND DANIEL ENTERPRISES, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Boardman Broadcasting Company, Inc., Boardman, Ohio, Docket No. 15190, File No. BP–14305; Daniel Enterprises, Inc., Warren, Ohio, Docket No. 15191, File No. BP–14886; for construction permits.

1. This proceeding involves the mutually exclusive applications of Boardman Broadcasting Company, Inc. (Boardman) and Daniel Enterprises, Inc. (Daniel). These applications were designated for a comparative hearing in an Order released October 14, 1963 (FCC 63–921).

2. Daniel alleges [1] that there is no town of Boardman, Ohio; that Boardman's proposed 5 mv/m contour covers the entire city of Youngstown, Ohio; that part of Boardman Township is located within the Youngstown-Warren Urbanized Area; and that Youngstown has many more other broadcast services. Daniel attaches two verified letters and an affidavit which state that certain Youngstown and nearby stations provide public service and local sports broadcasts to Boardman and that these stations carry advertising by many Boardman merchants. Daniel therefore requests that two issues be added as to Boardman:

(a) To determine the type and character of program service now available to the Boardman, Ohio, area from radio stations operating in Youngstown, Ohio, and nearby cities.

(b) To determine whether the application of Boardman Broadcasting Company, Inc. is in reality an application for a station in Youngstown, Ohio.

Daniel's request is contingent upon a ruling by the Hearing Examiner as to whether evidence on the above matters can be adduced under the existing issues. The Examiner has since ruled that evidence relevant to proposed issue (b) would be relevant to designated Issues 4 or 5 (FCC 63M–1262, released November 22, 1963).[2]

3. Proposed issue (b) will not be added in light of the Examiner's ruling, supra, that evidence relevant to issue (b) can be admitted under existing issues 4 or 5. The Board would note, however, that the question as to what specific evidence is admissible under these existing issues is one to be resolved by the Examiner in the first instance.

4. Turning to proposed issue (a), Boardman opposes Daniel's petition on two grounds. Boardman contends that the petition is defective because the allegations of fact are not supported by affidavits of persons with personal knowledge thereof (citing § 1.229 of the Commission's rules), and because the petition does not contain allegations of fact sufficient to make the necessary threshold showing in support of its request. These objections are not well founded. The two letters attached to Daniel's petition are notarized and are from officers of two area radio stations. They attest to the programming which their respective stations broadcast of interest to Boardman, Ohio, and list the Boardman merchants who advertise on their stations. The affidavit is from an officer of Daniel who attests to programs of interest to Boardman, Ohio, which he has heard in the past year on various stations. Thus, Boardman's assertion that these attestations do not reflect personal knowledge is without substance Certainly a station official has personal knowledge of his station's programming and advertising. A sworn statement that affiant heard certain specified programs is also based on personal knowledge. Moreover, Boardman's argument that no threshold showing has been made by Daniel is equally without merit. The two letters and the affidavit sufficiently raise the question of whether the programming needs of Boardman are now being satisfied to some extent by Youngstown and other nearby stations. However, existing issues 4 and 5 (see footnote 2, supra) must be resolved favorably to Boardman before this question can be reached.[3] Accordingly, the Board will adapt the Broadcast Bureau's suggested phrasing of the issue.

Accordingly, it is ordered, This 14th day of January 1964, That the Petition to Enlarge Issues, filed November 1, 1963, by Daniel Enterprises, Inc., is granted to the extent indicated herein, and the issues in this proceeding are enlarged by the addition of the following issue:

---

[1] The Review Board has before it the following pleadings: petition to enlarge issues, filed November 1, 1963, by Daniel; opposition, filed November 13, 1963, by Boardman; and Broadcast Bureau's comments, filed November 14, 1963.

[2] Issue 4 is a § 73.30(a) of the Rules question. Issue 5 is a standard section 307(b) issue.

[3] Thus, if Warren is preferred over Boardman on the standard 307(b) criteria other than programming, there would be no need to reach this issue.

In the event that Issues 4 and 5 are resolved favorably to Boardman Broadcasting Company, Inc., to determine the extent to which the programming of existing stations in Youngstown, Ohio, and nearby cities meets the local needs and interests of Boardman, Ohio.

Released: January 15, 1964.

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

[F.R. Doc. 64-893; Filed, Jan. 28, 1964; 8:54 a.m.]

[Docket No. 15295]

FLOWERS SUPPLY CO.

Order To Show Cause

In the matter of Vernon Flowers d/b as Flowers Supply Co., Port Arthur, Texas, order to show cause why there should not be revoked the license for radio station 9W1577 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 formerly § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 11, 1963, alleging violation of § 19.25(c) (now § 95.37(c)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 28, 1963, also mailed to the licensee at his address of record; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 24th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 630 7th Street, Port Arthur, Texas.

Released: January 24, 1964.

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

[F.R. Doc. 64-894; Filed, Jan. 28, 1964; 8:54 a.m.]

[Docket No. 15294]

RONALD B. SMITH

Order To Show Cause

In the matter of Ronald B. Smith, Miami, Florida, order to show cause why there should not be revoked the license for radio station KDI-1452 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official notice of violation dated October 10, 1963, alleging violation of § 95.81(a), formerly § 19.61 (a), and violation of § 95.87, formerly § 19.62, of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 16, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules;

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 24th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 2920 SW. 16th Street, Miami 45, Florida.

Released: January 24, 1964.

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

[F.R. Doc. 64-895; Filed, Jan. 28, 1964; 8:55 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1155]

PACIFIC NAVIGATION SYSTEM, INC.

Imposition of Surcharge on Cargo to Manila, Republic of the Philippines

The Pacific Navigation System, Inc., has imposed a surcharge upon cargoes moving from the United States to Manila, Republic of the Philippines, which may violate sections 15, 16, 17 and/or 18(b)(5) of the Shipping Act, 1916, as amended. For the reasons stated in the original order in this matter;

It is ordered, That Pacific Navigation System, Inc., be made a respondent in this proceeding; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy of this order together with a copy of the original order in this proceeding and notice of hearing be served upon this respondent;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission, January 17, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-875; Filed, Jan. 28, 1964; 8:52 a.m.]

AMERICAN AND AUSTRALIAN STEAMSHIP LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7787-3, between the member lines of the American and Australian Steamship Line, modifies the approved joint cargo and passenger service Agreement No. 7787, as amended, by expanding the range covered by such agreement to include Great Lakes and St. Lawrence River ports of the United States in addition to United States Atlantic and Gulf ports.

Also, the present Article 7 of the approved agreement is renumbered "Article 8" and a new Article 7 is added to the

agreement providing for a self-policing system.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-876; Filed, Jan. 28, 1964; 8:52 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND PACIFIC FAR EAST LINE, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8454-1, between American President Lines, Ltd. and Pacific Far East Line, Inc., modifies their approved rate agreement in the trade between the United States and Guam, Midway Island, Wake Island, Eniwetok and Kwajalein, Agreement 8454, to provide for policing of the obligations of the parties, pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-877; Filed, Jan. 28, 1964; 8:52 a.m.]

ATLANTIC AND GULF-INDONESIA CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8080-6, between the member lines of the Atlantic and Gulf-Indonesia Conference, modifies the basic agreement of this conference, No. 8080 as amended, to provide for the posting of security deposits by the members and for the adoption of a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-878; Filed, Jan. 28, 1964; 8:52 a.m.]

CALIFORNIA/JAPAN COTTON POOL

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8882-2 between the members of the California/Japan Cotton Pool, provides for changes in the percentage participation and minimum sailings as stated in the basic agreement for the Japanese flag carriers, due to certain mergers or consolidations of the Japanese flag members of the pool.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-879; Filed, Jan. 28, 1964; 8:52 a.m.]

NOUVELLE COMPAGNIE HAVRAISE PENINSULAIRE DE NAVIGATION AND ROBIN LINE, A DIVISION OF MOORE-McCORMACK LINES, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9296, between Robin Line Division of Moore-McCormack Lines, Inc., and Nouvelle Compagnie Havraise Peninsulaire De Navigation provides for a through billing arrangement for general cargo transported in the trade between United States Atlantic Coast ports and ports in Madagascar, Mauritius, Reunion and the Comores Islands with transhipment at Tamatave or at a port in South or East Africa, in the Cape Town/Mombasa range (both included), as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-880; Filed, Jan. 28, 1964; 8:52 a.m.]

RIVER PLATE AND BRAZIL CONFERENCES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 59-39, between the member lines of the River Plate and Brazil Conferences, modifies the basic agreement of these conferences, No. 59 as amended, in the following essential respects:

1. Revision of security deposit requirements to provide for use of letters of credit as an alternative to cash deposits or bonds;

2. Revision of provisions governing the amount of liquidated damages assessable for breach of the agreement; and

3. Adoption of a detailed self-policing system to supersede the present arbitration of disputes clause, pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Franscisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-881; Filed, Jan. 28, 1964; 8:53 a.m.]

SCINDIA STEAM NAVIGATION CO., LTD., AND SEATRAIN LINES, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9297 between The Scindia Steam Navigation Co., Ltd., and Seatrain Lines, Inc. provides for a through billing arrangement for general cargo transported in the trade from India and East Pakistan to Puerto Rico with transhipment at New York in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-882; Filed, Jan. 28, 1964; 8:53 a.m.]

TARIFF COMMISSION

[AA1921-36]

TITANIUM DIOXIDE FROM JAPAN

Notice of Investigation

Having received advice from the Treasury Department on January 21, 1964 that titanium dioxide from Japan is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Interested parties are also referred to § 208.5 of the Commission's rules regarding the submission of written statements of pertinent information. Written statements must be filed not later than February 26, 1964.

Issued: January 24, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-849; Filed, Jan. 28, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Approval of Applications, October 1963

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 28 F.R. 6377), notice is given of the following new drugs for which applications have been approved during the month of October 1963:

Established name (if any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed [1]
DRUGS FOR HUMAN USE					
Polythiazide, reserpine.	Renese-R Tablets.	Diuretic, antihypertensive.	Chas. Pfizer and Co., Inc., New York, N.Y.	Oct. 15, 1963	R_x
Cyclothiazide, reserpine, potassium chloride.	Anhydron KR Tablets.	Diuretic, antihypertensive, replacement agent.	Eli Lilly and Co., Box 618, Indianapolis, Ind.	Oct. 18, 1963	R_x
Pseudoephedrine sulfate, dexbrompheniramine maleate.	Disophrol Chronotab Tablets.	Sympathommimetic, antihistamine.	White Labs. Inc., Kenilworth, N.J.	do	R_x
Cyclothiazide, potassium chloride.	Anhydron K Tablets.	Diuretic, replacement agent.	Eli Lilly and Co., Box 618, Indianapolis, Ind.	do	R_x
DRUGS FOR VETERINARY USE					
Salicylic acid	Surgets Teat Dilators.	Keratolytic agent.	Drs. Irvin Jorgensen, Olaf Borre, Spring Valley, Minn.	Oct. 1, 1963	R_x
Hexetidine	Hexederm Ointment, Pet's Best Fun Jex.	Antiinfective	Phillips Roxane, Inc., 2400 Frederick Ave., St. Joseph, Mo.	Oct. 11, 1963	OTC
Pentapiperide methylsulfate.	Hycholin Injectable.	Anticholinergic, antisecretory agent.	Ayerst Labs., 685 Third Ave., New York, N.Y.	Oct. 18, 1963	R_x

[1] The abbreviation "R_x" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.

Dated: January 23, 1964.

GEO P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-873; Filed, Jan. 28, 1964; 8:52 a.m.]

MARGARINE, MAYONNAISE, AND FRENCH DRESSING DEVIATING FROM STANDARDS

Notice of Extension of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations, concerning permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that an extension of the temporary permit issued to Corn Products Company, 717 Fifth Avenue, New York 22, New York, has been granted.

This permit covers interstate marketing tests of margarine, mayonnaise, and french dressing with not more than 64 parts per million of calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) added to retard flavor deterioration. The fact that the foods contain the additive ingredient is shown by label declaration naming the additive and stating that it is added as a preservative.

This extension expires June 30, 1964.

Dated: January 22, 1964.

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

[F.R. Doc. 64-832; Filed, Jan. 28, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 594]

MOTOR CARRIER APPLICATIONS

JANUARY 24, 1964.

Important Notice. The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 72), filed January 6, 1964. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: M. T. Schumacher, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures for glass containers, and fibreboard boxes* when moving in mixed shipments with glass containers and closures, from Alton and Streator, Ill., and Fairmont and Huntington, W. Va., to points in that part of Florida south of a line beginning at Fort Pierce and extending west along Florida Highway 70 to junction of Florida Highway 72, at or near Arcadia, Fla., and thence along Florida Highway 72 to Sarasota, (2) *wooden boxes and wooden box parts*, when moving in connection with glass containers and closures, from Alton, Ill., to points in that part of Florida south of a line beginning at Fort Pierce and extending west along Florida Highway 70 to junction of Florida Highway 72, at or near Arcadia, Fla., and thence along Florida Highway 72 to Sarasota, and (3) *glass containers, closures for glass containers, corrugated boxes*, knocked down, *plastic bottles and plastic vials*, when moving in connection with glass containers and closures, and closures for plastic bottles and plastic vials, from Gas City, Ind., to points in that part of Florida south of a line beginning at Fort Pierce and extending west along Florida Highway 70 to junction of Florida Highway 72, at or near Arcadia, Fla., and thence along Florida Highway 72 to Sarasota.

NOTE: Applicant states that it is presently authorized to transport the above named commodities from the named origins to all points in Georgia and to all points in Florida not embraced in this application.

No. MC 1585 (Sub-No. 5), filed January 10, 1964. Applicant: BARNES TRUCK LINE, a corporation, Columbia, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, Jackson 5, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Mississippi within ten (10) miles of Columbia, Miss., as off-route points in connection with applicant's authorized regular-route operations.

No. MC 3581 (Sub-No. 9), filed January 15, 1964. Applicant: THE MOTOR CONVOY, INC., P.O. Box 432, Hapeville, Ga. Applicant's attorney: Paul M. Daniell, Suite, 214 Standard Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks*, and *tractors* from the plant site of the Ford Motor Company located at Hapeville, Ga., to points in that part of Michigan on and east of U.S. Highway 27 and on and south of Michigan Highway 21.

No. MC 3581 (Sub-No. 10), filed January 15, 1964. Applicant: THE MOTOR CONVOY, INC., P.O. Box 432, Hapeville, Ga. Applicant's attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, (except crawler type), moving in mixed loads with automobiles and trucks, in secondary movements in truckaway service from Winston-Salem, N.C., to points in Tennessee, Virginia, and West Virginia.

No. MC 3581 (Sub-No. 11), filed January 15, 1964. Applicant: THE MOTOR CONVOY, INC., P.O. Box 432, Hapeville, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and tractors*, (except crawler type), in secondary movements, from Nashville, Tenn., to points in Kentucky, Virginia, and West Virginia.

No. MC 4883 (Sub-No. 33), filed January 13, 1964. Applicant: THE GUYOTT COMPANY, a corporation, 176 Forbes Avenue, New Haven, Conn. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk in tank and hopper type vehicles, from Rocky Hill, Conn., to points in Berkshire, Franklin, Hampden, and Hampshire Counties, Mass., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *damaged and rejected shipments* thereof, on return.

No. MC 6461 (Sub-No. 6), filed January 16, 1964. Applicant: B-LINE TRANSPORT CO., INC., 7100 East Broadway, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore concentrates*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Pend Oreille, Stevens, and Ferry Counties, Wash.

No. MC 13235 (Sub-No. 13), filed January 2, 1964. Applicant: CENTRALIA CARTAGE CO., a corporation, 650 West Noleman Street, Centralia, Ill. Applicant's attorney: Charles W. Singer, 33 N. La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Chicago, Ill., and Kankakee, Ill., over U.S. Highway 54, as an alternate route in connection with applicant's presently authorized route, serving no intermediate points and serving Kankakee only for the purpose of joinder, (2) between the junction of U.S. Highway 45 and Illinois Highway 37 south of Effingham, Ill., and the junction of U.S. Highways 45 and 50 west of Flora, Ill., over U.S. Highway 45, as a connecting route in connection with applicant's presently authorized routes, serving no intermediate points, (3) between Wayne City and McLeansboro, Ill., over Illinois Highway 142, as a connecting route in connection with applicant's presently authorized routes, serving no intermediate points, (4) between the

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

junction of U.S. Highway 51 and Illinois Highway 14 south Du Quoin, Ill., and Carbondale, Ill., over U.S. Highway 51, as a connecting route in connection with applicant's presently authorized routes, serving no intermediate points and (5) service to all intermediate points on applicant's presently authorized route U.S. Highway 51 between Sandoval and Vandalia, Ill., not including Sandoval and Vandalia.

No. MC 15394 (Sub-No. 5), filed January 13, 1964. Applicant: KUHLMAN TRUCK LINE, INC., 117 Clinton Street, Elmore, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Redwood furniture*, from Elmore, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

No. MC 19416 (Sub-No. 12), filed January 13, 1964. Applicant: DUNN BROS., INC., P.O. Box 5771, Dallas, Tex. Applicant's attorney: John F. Edell, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment, between points in California, Idaho, Nevada, Oregon, Washington, and Arizona.

No. MC 19595 (Sub-No. 2), filed January 6, 1964. Applicant: RALPH BRUMM and GLEN G. CANNY, doing business as BRUMM & CANNY, 217 North 2d Street, Osage, Iowa. Applicant's attorney: Erwin Larson, Ellis Block, Charles City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal blood*, from Albert Lea, Minn., to Osage, Iowa.

No. MC 23251 (Sub-No. 3), filed January 10, 1964. Applicant: WM. J. RUPP and WM. L. RUPP, doing business as WM. J. RUPP & SON, Adrian, Minn., 56110. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bags and in bulk, from Sheldon, Iowa, to Adrian, Minn., and points within 15 miles of Adrian, and *exempt commodities*, on return.

No. MC 25798 (Sub-No. 110), filed January 3, 1964. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Dade City, Fla. Applicant's attorney: Daniel B. Johnson, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Atkinson, Wis., to points in Kentucky, Tennessee, West Virginia, Virginia, Pennsylvania, New York, Ohio, Georgia, Florida, Maryland, and the District of Columbia.

No. MC 27817 (Sub-No. 54), filed January 10, 1964. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* and *fertilizer ingredients* and *materials*, between points in Frederick County, Va., on the one hand, and, on the other, points in Pennsylvania, Maryland, West Virginia, and the District of Columbia, (2) *lime* and *limestone*, from points in Frederick and Clarke Counties, Va., to points in Pennsylvania, Maryland, West Virginia, and the District of Columbia, and (3) *labels, bags, cartons, drums* and *other containers*, from points in Pennsylvania, Maryland, West Virginia, and the District of Columbia, to points in Frederick and Clarke Counties, Va.

No. MC 29643 (Sub-No. 4), filed January 17, 1964. Applicant: WALSH TRUCKING SERVICE, INC., 2 Talcott Street, Massena, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products*, from the town of Massena, N.Y., and points within five (5) miles thereof, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Delaware, New Hampshire, and Vermont, and those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highway 15 to the Pennsylvania-Maryland State line, and (2) *commodities used in the manufacture, packing, and shipping of aluminum and aluminum products*, from points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, those in New York (except Albany and New York, N.Y.), and those in that part of Pennsylvania as above-specified, to the town of Massena, N.Y., and points within five (5) miles thereof.

NOTE: Applicant states no duplicating authority is sought.

No. MC 30837 (Sub-No. 298), filed January 3, 1964. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Musical acoustic shells*, from Warminster, Pa., to points in the United States (except Hawaii).

No. MC 28573 (Sub-No. 24), filed January 13, 1964. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: Elmer B. Trousdale (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's equipment, materials and supplies*, (1) between Great Northern Railway Company stations located in Cavalier, Pembina, Ramsey, Walsh, Nelson, Grand Forks, Eddy, Griggs, Steele, Barnes, and Cass Counties, N. Dak., on the one hand, and on the other, intercontinental ballistic launching sites and control centers located in Cavalier, Pembina, Ramsey, Walsh, Nelson, Grand Forks, Eddy, Griggs, Steele, Barnes, and Cass Counties, N. Dak., (2) between such launching sites and control centers, and (3) to or from such stations, sites and control centers, on the one hand, and, on the other, to or from points between such stations, sites and control centers.

NOTE: Applicant states the proposed operations will be limited to service which is auxiliary to or supplemental of the rail service of Great Northern Railway Company and to the handling of traffic having a prior or subsequent movement by rail to or from points outside North Dakota. Common control may be involved. Applicant also holds common carrier authority in MC 28572 and Subs thereto to transport passengers.

No. MC 30844 (Sub-No. 135), filed January 8, 1964. 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: *Frozen foods*, from Deerfield, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

No. MC 30844 (Sub-No. 136), filed January 13, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese spreads, prepared dough, gelatine salads, and sterilized milk*, in bundles and cartons, from Plymouth, Wis., to Denver, Colo.

No. MC 30900 (Sub-No. 15), filed January 13, 1964. Applicant: FILKINS TRANSPORTATION COMPANY, INC., Crane Avenue, Pittsfield, Mass. Applicant's representative: William L. Mobley, Rooms 311–315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet blue cowhide splits* (flesh side of cowhides), loose, in bulk, from Pownal, Vt., to Pittsfield, N.H.

No. MC 32775 (Sub-No. 11), filed January 12, 1964. Applicant: HERMANN FORWARDING COMPANY, a corporation, Hermann Road, North Brunswick, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chrome ore*, in bulk, in hopper-type vehicles, from Conshohocken, Pa., to Old Bridge and Sayreville, N.J., and *rejected shipments* on return.

No. MC 33597 (Sub-No. 2), filed January 8, 1964. Applicant: C & A TRANSPORT, INC., P.O. Box 1105, 1119 Elliott Avenue, Charlottesville, Va. Applicant's attorney: John Douglas Clark, P.O. Box 608, Washington 44, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Cumberland, Md., to Charlottesville, Va., and *empty containers or other such inci-*

dental facilities, used in transporting the above described commodities on return.

No. MC 38478 (Sub-No. 1), filed January 2, 1964. Applicant: FRANK RUMSEY AND BERNARD RUMSEY, RUMSEY TRANSFER COMPANY, West of 16th on Walnut, Wheatland, Wyo. Applicant's attorney: A. Fred Miller, R. M. Straw Building, Wheatland, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, (1) from points in Platte County, Wyo., to Fort Collins, Loveland, Golden, Greeley, and Denver, Colo., and (2) from points in Platte County to those facilities within Platte County owned and operated by the CB&Q Railroad, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 40817 (Sub-No. 9), filed January 9, 1964. Applicant: MERRITT E. CAGWIN, Route 1, Lockport, 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: *Animal and poultry feed and feed ingredients*, dry, in bulk, and in bags, between Janesville, Wis., on the one hand, and, on the other, points in Illinois, on and north of Illinois Highway 9.

No. MC 42614 (Sub-No. 39), filed January 3, 1964. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a corporation, 400 West Madison Street, Chicago, Ill. Applicant's attorney: Eugene D. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Brandon, Valley Springs, and Sioux Falls, S. Dak., and Hawarden, Sioux City, Hinton, Ireton, McNalley, Craig, Burnsville, and Merrill, Iowa, on the one hand, and on the other, construction sites of transmission lines and transmission sub stations located in Minnehaha County, S. Dak. and Lyon, Sioux, and Plymouth Counties, Iowa.

NOTE: Applicant states the proposed operation will be restricted to prior or subsequent rail haul. Common control may be involved. Applicant also holds common carrier authority to transport passengers in MC 84655 and Subs thereunder.

No. MC 43251 (Sub-No. 10), filed January 10, 1964. Applicant: H. MAYNARD GOULD, CO., Union Street, East Walpole, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic flower pots, peat flower pots, and siding*, from Norwood and Walpole, Mass., and Phillipsdale, R.I., to points in Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, York, Cumberland, Oxford, Androscoggin, Sagadahoc, Franklin, Kennebec, Waldo, Lincoln, Knox, Penobscot, Hancock, and Somerset Counties, Maine, and Saratoga, Rensselaer, Washington, Albany, Schenectady, Columbia, Dutchess, Putnam, Westchester, Greene, Ulster, and Orange Counties, N.Y.

NOTE: Applicant states that the proposed operations will be limited to a transportation service to be performed under a continuing contract or contracts with Bird & Son, East Walpole, Mass. It is further noted that applicant is also authorized to conduct operations as a common carrier in Certificate MC 34689 and subs thereunder; therefore dual operations may be involved.

No. MC 43251 (Sub-No. 11), filed January 13, 1964. Applicant: H. MAYNARD GOULD, CO., Union Street, East Walpole, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, roofing, floor covering, wallboard, fiberboard, and materials and supplies* (except commodities in bulk, in tank vehicles) used in the installation thereof, from Walpole and Norwood, Mass., to points in York, Cumberland, Oxford, Androscoggin, Sagadahoc, Franklin, Kennebec, Waldo, Lincoln, Knox, Penobscot, Hancock, and Somerset Counties, Maine, (2) *roofing, and materials and supplies* (except commodities in bulk, in tank vehicles) used in the installation thereof, from Phillipsdale, R.I., to points in York, Cumberland, Oxford, Androscoggin, Sagadahoc, Franklin, Kennebec, Waldo, Lincoln, Knox, Penobscot, Hancock, and Somerset Counties, Maine, and (3) *paper products, waste paper, and plastic flower pots*, from Waterville, Maine to Norwood and Walpole, Mass. and Phillipsdale, R.I.

NOTE: Applicant states that the proposed operation is to be limited to a transportation service to be performed under a continuing contract or contracts with Bird & Son, East Walpole, Mass. It is further noted that the applicant is also authorized to conduct operations as a common carrier in Certificate MC 34689, therefore dual operations may be involved.

No. MC 47583 (Sub-No. 6), filed January 9, 1964. Applicant: ED HOLESTINE, 41 Lyons Avenue, Kansas City, Kans. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, explosives, household goods as defined in Practices of motor common carrier of household goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Kansas City, Mo., and Tulsa and Oklahoma City, Okla.

NOTE: The purpose of this application is to eliminate the gateway point of Independence, Kans., in applicant's present operation between Kansas City, Mo., on the one hand, and, on the other, Tulsa and Oklahoma City, Okla.

No. MC 49304 (Sub-No. 11), filed January 14, 1964. Applicant: JAMES L. BOWMAN, doing business as BOWMAN TRUCKING CO., Stephens City, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizers, and materials and supplies normally used in the manufacture of fertilizer*, between points in Frederick County, Va., on the one hand, and, on the other, points in Maryland, Pennsylvania, and West Virginia, and (2) *lime and limestone products* (except open hearth limestone), from points in Clarke and Frederick Counties, Va. (except Middletown and points within 6 miles of Middletown, Va.), to points in Delaware, Maryland, Pennsylvania, and West Virginia.

No. MC 52110 (Sub-No. 80), filed January 13, 1964. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat-packinghouses*, as defined in Sections A, B and C of Appendix I to the Report in *Descriptions in Motor Carriers Certificates* 61 M.C.C. 209, 766 (except commodities in bulk, in tank vehicles and except hides), (1) from Austin and Albert Lea, Minn., Sioux Falls, S. Dak., St. Joseph, and Kansas City, Mo., Kansas City, Kans., Omaha, Nebr., and points in Saunders County, Nebr., and points in Iowa, to Louisville, Ky., points in Indiana and Ohio, points in Michigan on and south and west of U.S. Highway 10 between and including Ludington, and Flint, Mich., and on and south of Michigan Highway 21 between Flint, Mich., and Port Huron, Mich., including Port Huron, Mich., (2) from Spencer, Iowa, to Kankakee, Ill., and (3) from Storm Lake, Iowa, to Bushnell, Ill.

NOTE: Common control may be involved.

No. MC 52460 (Sub-No. 68), filed January 2, 1964. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, in government-owned and shipper-owned trailers, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified, between all helium production plants and storage facilities located at points in Arizona, Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii).

NOTE: Common control may be involved.

No. MC 52657 (Sub-No. 632), filed January 6, 1964. 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: (A) *Trailers, semi-trailers, trailer chassis, and semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Hazelton, Pa., to points in the United States (except Hawaii); (B) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial drive-

away service, from Hazelton, 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; (C) *cargo and shipping containers*, from Hazelton, Pa., to points in the United States (except Hawaii).

No. MC 54567 (Sub-No. 4), filed January 2, 1964. Applicant: RELIANCE TRUCK CO., a corporation, 2500 North 24th Avenue, Phoenix, Ariz. Applicant's attorney: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix 12, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight, require the use of special equipment, between points in Nevada and Arizona, and (2) (a) *construction materials, equipment and supplies, including explosives*, (b) *machinery and machinery parts and engines* of all types and *parts thereof*, and *aircraft and missiles and parts thereof*, (c) *iron and steel*, and *iron and steel products*, (d) *buildings*, portable or prefabricated, (e) *electrical equipment and parts thereof*, (f) *boiler and boiler parts*, (g) *commodities*, which because of size or weight, require the use of special equipment, and (h) *paper and fibre board and products thereof; cartons and boxes*, between points in Arizona.

No. MC 55236 (Sub-No. 79), filed January 12, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities, dry commodities*, and *empty containers or other such incidental facilities* (not specified) used in transporting said commodities, between points in Wisconsin.

No. MC 61592 (Sub-No. 15), filed January 2, 1964. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements* (other than hand), (2) *attachments for agricultural machinery implements* (other than hand), (3) *equipment* designed for use in conjunction with tractors, (4) *industrial attachments*, and (5) *parts* of the commodities described in 1, 2, 3, and 4 above when incidental to and moving in the same vehicle with said commodities, from Horicon, Wis., to points in Illinois and Iowa.

No. MC 61592 (Sub-No. 16), filed January 15, 1964. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental and show-display tractors and farm and industrial machinery and equipment*, which, at the time of movement are being transported for purposes of display or experiment, and not for sale, and incidental paraphernalia, moving in the same vehicles, and at the same time, between points in the United States and (excluding points in Alaska, and Hawaii), and *rejected shipments*, of the commodities specified above, on return.

No. MC 61592 (Sub-No. 17), filed January 16, 1964. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements*, other than hand, (2) *farm machinery*, (3) *tractor attachments*, (4) *automatic feeding systems*, and (5) *parts and accessories*, when moving in mixed loads with the articles described in items 1, 2, 3, and 4, above, from Vinton, Dubuque, and Sac City, Iowa, Omaha and Columbus, Nebr., Glencoe and Minneapolis, Minn., Olathe, Kans., Kansas City and Independence, Mo., Bloomington and Harvard, Ill., Chattanooga, Tenn., Columbia City, Ind., and Burr Oak, Mich., to points in Wisconsin, Illinois, and the upper peninsula of Michigan.

NOTE: Applicant states that the proposed operation is to be restricted against the transportation of commodities requiring the use of special equipment and handling.

No. MC 69833 (Sub-No. 72), filed January 8, 1964. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, 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, between Saginaw, Mich., and Vassar, Mich.; from Saginaw over Michigan Highway 46 to the junction of Michigan Highway 15, thence over Michigan Highway 15 to Vassar, and return over the same route, serving no intermediate points.

No. MC 71530 (Sub-No. 14), filed January 8, 1964. Applicant: W. EARL APPLEGATE, Station Road, Cranbury, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and fertilizer ingredients* (except in tank or hopper type vehicles), and *insecticides, herbicides, fungicides, sprayers, applicators and distributors and parts thereof* for applying fertilizers, insecticides, herbicides and fungicides, *advertising paraphernalia and displays* used in promoting the sale of these commodities and *extra empty containers or bags* to be used in the event of damage to any container or bag of such commodities, limited to shipments transported simultaneously with fertilizers or fertilizer materials and ingredients, from Cranbury and Prospect Plains, N.J., to points in Connecticut; New Castle County, Del.; Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass.; Ann, Baltimore, Cecil, Harford, Howard and Montgomery Counties, Md.; Albany, Columbia, Dutchess, Nassau, Orange, Putnam, Rensselaer, Rockland, Saratoga, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y.; Bucks, Berks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, and Northampton Counties, Pa.; Providence County, R.I.; Fairfax County, Va.; the District of Columbia; Portland, Maine; Concord and Manchester, N.H.; Bennington, Burlington and White River Junction, Vt., and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

No. MC 83539 (Sub-No. 109), filed January 6, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Towers, water cooling with blowers*, thicker than 20 gauge, or steel and wood combined with hardware packaged, (2) *machine, cooling of freezing*, with winter control, and (3) *accessories, attachments or fittings therefor* when moving in connection with the commodities named in (1) and (2) above, from the plant site of the Marley Company, Louisville, Ky., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC 83539 (Sub-No. 110), filed January 14, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Transformers, switches, or circuit breakers*, (2) *accessories, attachments, and parts*, for the commodities in (1) above, when moving in connection therewith, from the plant site of General Electric Company located at or near Rome, Ga., to points in the United States (except points in Hawaii).

No. MC 83539 (Sub-No. 111), filed January 13, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, plate (not framed, bent, or leaded); glass, rolled, plain, figured, or wired (not bent); glazing units, glass (not in sash); glass doors, with and without fittings; glass, automobile, cut to*

shape, from Toledo, Ohio, to points in Arizona, Arkansas, Kansas, Louisiana, Colorado, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Montana, Oklahoma, South Dakota, Texas, Wyoming, Oregon, and Washington.

No. MC 103880 (Sub-No. 302), filed January 2, 1964. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. 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: *Chemicals, fertilizer, and fertilizer ingredients*, dry in bulk, from Louisiana, Mo., to points in Illinois, Indiana, Kentucky, Tennessee, Iowa, Wisconsin, Kansas, Nebraska, and South Dakota.

No. MC 105457 (Sub-No. 52), filed January 6, 1964. Applicant: THURSTON MOTOR LINES, INC., 601 Johnson Road, Charlotte, N.C. Applicant's attorney: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Charlotte, N.C., and Greenville, S.C.; (a) from Charlotte over Interstate Highway 85 to Greenville, and return over the same route, and (b) from Charlotte over U.S. Highway 29 to Greenville, and return over the same route, (2) between Charlotte, N.C., and Columbia, S.C.; from Charlotte over U.S. Highway 21 to Columbia, and return over the same route, (3) between Charlotte, N.C., and Charleston, S.C.; from Charlotte over U.S. Highway 21 to Pineville, N.C., thence over U.S. Highway 521 to Greeleyville, S.C., thence over South Carolina Highway 375 to junction US. Highway 52, thence over U.S. Highway 52 to Charleston, and return over the same route, (4) between Charlotte, N.C., and Florence, S.C.; from Charlotte over U.S. Highway 74 to Wadesboro, N.C., thence over U.S. Highway 52 to Florence, and return over the same route, (5) between Charleston, S.C., and Greenville, S.C.; from Charleston over Interstate Highway 26 to junction U.S. Highway 276, approximately four (4) miles north of Clinton, S.C., thence over U.S. Highway 276 to Greenville, and return over the same route, (6) between Charleston, S.C., and Fayetteville, N.C.; (a) from Charleston over U.S. Highway 52 to Florence, S.C., thence over U.S. Highway 301 to Fayetteville, and return over the same route; and (b) over the above route to Florence, S.C., thence over U.S. Highway 52 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 301 approximately four (4) miles south of Hope Mills, N.C., thence over U.S. Highway 301 to Fayetteville, and return over the same route, (7) between Columbia, S.C., and Florence, S.C.; from Columbia over U.S. Highway 76 to Florence, and return over the same route, (8) between Charlotte, N.C., and Florence, S.C.; from Charlotte over U.S. Highway 74 to Monroe, N.C., thence over U.S. Highway 601 to Pageland, S.C., thence over South Carolina Highway 151 to Darlington, S.C., thence over U.S. Highway 52 to Florence, and return over the same route, (9) between Fayetteville, N.C., and Florence, S.C.; from Fayetteville over U.S. Highway 401 to Darlington, S.C., thence over U.S. Highway 52 to Florence, and return over the same route, and (10) between Peedee, S.C., and Lumberton, N.C.; from Peedee over U.S. Highway 76 to Marion, S.C., thence over South Carolina Highway 41A to Fork, S.C., thence over South Carolina Highway 41 to South Carolina-North Carolina State line, thence over North Carolina Highway 41 to Lumberton, and return over the same route serving all intermediate points on the above routes and all off-route points in South Carolina. RESTRICTION: Service in South Carolina over the above-described routes is restricted against the handling of shipments tendered to the carrier for transportation by it from a point in South Carolina to a point in South Carolina.

NOTE: Applicant states that in Docket No. MC 105457 Sub 45, under date of January 21, 1958, it was granted authority to transport general commodities with certain exceptions between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina. Applicant is willing to accept as a condition precedent to a grant of the instant application the cancellation of the Sub 45 certificate.

No. MC 105813 (Sub-No. 110), filed January 17, 1964. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's representative: H. R. Marlane, 2020 Biscayne Boulevard, Miami 37, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209 and 766, in mechanically refrigerated vehicles, from Danville, Ill., to points in Florida.

No. MC 105946 (Sub-No. 9), filed January 7, 1964. Applicant: SUPERIOR CARRIERS, a corporation, Kenvil, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, in dump vehicles, from points in Nassau, Suffolk, Orange, Westchester, and Rockland Counties, N.Y., to points in Sussex, Passaic, Bergen, Union, Essex, Hudson, Morris, and Somerset Counties, N.J., and (2) *Magnetite ore*, in bulk, and in bags from Mount Hope, N.J., to points in Pennsylvania, Virginia, West Virginia, and Kentucky.

NOTE: Common control may be involved. It is further noted that applicant is also authorized to conduct operations as a contract carrier in Permit MC 103363 and Subs thereunder; therefore dual operations may be involved.

No. MC 106194 (Sub-No. 11), filed January 9, 1964. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. Applicant's attorney: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo., 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe coupling, and fittings therefor, iron and steel articles, machinery and agricultural implements and parts therefor, materials, equipment, and supplies*, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, *contractor's equipment, materials, and supplies, livestock, and petroleum products*, other than in bulk, in tank vehicles, (1) between points in Kansas, Oklahoma, Colorado, Nebraska, and Council Bluffs, Iowa, and its commercial zone, and (2) between Kansas City, Mo., and its commercial zone, and points in Nebraska, Colorado, and Oklahoma.

No. MC 106657 (Sub-No. 24), filed January 16, 1964. Applicant: MACHINERY & MATERIALS CORPORATION, 3200 Gibson Transfer Road, Hammond, Ind. 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: *High-calcium limestone*, in bulk, in dump vehicles, from Milwaukee, Wis., to points in Illinois and Indiana.

No. MC 107403 (Sub-No. 524), filed January 9, 1964. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa., 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of soda*, dry, in bulk, from Skaneateles Falls, N.Y., to Euclid, Ohio.

NOTE: Common control may be involved.

No. MC 107496 (Sub-No. 305), filed January 15, 1964. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P. O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax and lube oils*, in bulk, in tank vehicles, from Casper, Wyo., to points in Kansas, Missouri, Illinois, Wisconsin, Minnesota, and Iowa.

NOTE: Common control may be involved.

No. MC 107496 (Sub-No. 306), filed January 15, 1964. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P. O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Idaho, to points in Wyoming.

NOTE: Common control may be involved.

No. MC 107515 (Sub-No. 466), filed January 8, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214, Standard Federal Building, Atlanta, Ga. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products* as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Dallam and Hartley Counties, Tex., to points in North Carolina, South Carolina, Georgia, Alabama, Florida, and Tennessee (except Memphis).

No. MC 107515 (Sub-No. 467), filed January 9, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214, Standard Federal Building, Atlanta, Ga., Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese spreads and salad dressings*, from Dallas and Forth Worth, Tex., to points in North Carolina, South Carolina, Georgia, Alabama, Florida, and Tennessee (except Memphis).

No. MC 107839 (Sub-No. 57), filed January 13, 1964. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Leslie R. Kehl, Suite 526, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soup ingredients* (soup mix), from the plant site of Corn Products Co., Dallas, Tex., to Denver, Pueblo, and Colorado Springs, Colo.

No. MC 108329 (Sub-No. 6), filed January 16, 1964. Applicant: KATO THEATRE SERVICE, INC., Route No. 3, Elizabethtown, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hardin County, Ky., and Louisville, Ky., restricted to the transportation of those shipments which will have a prior or subsequent movement by air.

No. MC 108449 (Sub-No. 175), filed January 13, 1964. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn., 55113. 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: *Coal tar, coal tar products, coal, and coke*, in bulk, from points in Hennepin, Ramsey and Dakota Counties, Minn., to points in Minnesota, Iowa, Illinois, Wisconsin, and the upper peninsula of Michigan.

No. MC 109346 (Sub-No. 8), filed January 15, 1964. Applicant: J. L. COX & SON, INC., Raytown, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials, and supplies, used in or in connection with the construction, operations, maintenance, servicing, repair or dismantling of pipelines*, between points in the United States (except California).

No. MC 109478 (Sub-No. 72), filed January 10, 1964. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia.

NOTE: Common control may be involved.

No. MC 109584 (Sub-No. 121), filed January 15, 1964. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, granulated and liquid, in bulk, in tank and hopper vehicles, and *syrup*, in bulk, in tank vehicles from points in Arizona, to points in California, New Mexico, Nevada, Colorado, Texas, and Utah.

NOTE: Common control may be involved.

No. MC 109891 (Sub-No. 4), filed January 6, 1964. Applicant: INFINGER TRANSPORTATION COMPANY, INC., 2811 Carner Avenue, Charleston Heights, S.C. Applicant's attorney: Ernest F. Hollings, 38 Broad Street, Charleston, S.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, including *blended gasoline, diesel and kerosene*, in tank vehicles, from Belton and Camp Croff, S.C., to points in Georgia, and *returned and rejected shipments*, on return.

NOTE: Applicant states the proposed operations will be performed for the account of Humble Oil and Refining Co.

No. MC 111181 (Sub-No. 3), filed January 13, 1964. Applicant: NUCERA BEVERAGE TRANSPORTATION CO., a corporation, 51 Carmen Avenue (Bordentown Township), Trenton 10, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Brooklyn, N.Y., to points in New Jersey, and Philadelphia, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states that the proposed operations will be performed under contract with the Joseph Schlitz Brewing Co.

No. MC 111401 (Sub-No. 149), filed January 6, 1964. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard (P.O. Box 632), Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Alamosa and Rio Grande Counties, Colo., and points in Arizona, New Mexico, and Utah.

NOTE: Applicant states that no duplicating authority is requested. It is further noted that the applicant has a pending contract application MC 125020, therefore dual operations may be involved.

No. MC 111625 (Sub-No. 11), filed January 17, 1964. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 781, Binghamton, N.Y. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. 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, commodities requiring special equipment, and those injurious or contaminating to other lading), between the junction of U.S. Highway 20 and Massachusetts Highway 146 near Worcester, Mass., and Providence, R.I., from junction U.S. Highway 20 and Massachusetts Highway 146 over Massachusetts Highway 146 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 146 to Providence, and return over the same route, serving no intermediate points. RESTRICTION: The authority sought herein to transport general commodities shall not include the authority to transport chemicals, including acids, to points in Massachusetts.

No. MC 111812 (Sub-No. 236), filed January 15, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs (other than frozen), bird and fish foods (pet foods), and pet supplies, pressed wood pulp, impregnated (fire starters), buffing and polishing compounds*, from Rochester, N.Y., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Milan, Ill.

NOTE: Applicant states "no duplicating authority is sought by this application." Common control may be involved.

No. MC 111812 (Sub-No. 237), filed January 17, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building (P.O. Box 747), Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), from Milton, Pa., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE: Applicant states that no duplicating authority is sought by this application. It is further noted that common control may be involved.

No. MC 112184 (Sub-No. 17), filed January 13, 1964. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Newbury, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *con-*

tract carrier, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Newark, N.J., to Cleveland, Ohio.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Benjamin Moore & Co.

No. MC 112520 (Sub-No. 98), filed January 8, 1964. 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: *Acids and chemicals*, in bulk, in tank and hopper type vehicles, from points in Florida, to points in Kanawha County, W. Va.

NOTE: Common control may be involved.

No. MC 112595 (Sub-No. 21), filed January 6, 1964. Applicant: FORD BROTHERS, INC., 2940 South Third Street, Ironton, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk and in containers, from Ironton, Ohio, to points in Indiana, Kentucky, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 112750 (Sub-No. 175), filed January 9, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude J. Jasper, Suite 301, 111 South Fairchild Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks, business papers, records and audit, and accounting media of all kinds* (excluding plant removals), (1) between River Grove (Cook County), Ill., on the one hand, and, on the other, Davenport, Waterloo, and Webster City, Iowa, under a continuing contract or contracts with Continental Baking Co., and (2) between Davenport, Iowa, on the one hand, and, on the other, Melrose Park (Cook County), Ill., under a continuing contract or contracts with Graybar Electric Co., Inc.

NOTE: Common control may be involved.

No. MC 112750 (Sub-No. 177), filed January 14, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Imprinted checks, fillers and check books and orders for the described commodities*, between Louisville, Ky., on the one hand, and, on the other, Charleston, W. Va., (2) *checks, business papers, records and audit, and accounting media of all kinds* (except plant removals), (a) between Columbus, Ohio, on the one hand, and, on the other, Huntington, W. Va., (b) between Cleveland, Ohio, on the one hand, and, on the other, Erie, Pa., (c) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and (d) between Akron, Ohio, on the one hand, and, on the other, Boyers, Pa., (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packaging materials, and advertising literature moving therewith* (except motion picture film used primarily for commercial theater and television exhibition), between Findlay and Columbus, Ohio, on the one hand, and, on the other, points in Cabell, Kanawha and Wood Counties, W. Va., (4) *impressions, models and bites, articulators, dentures and products relating to restorative dentistry*, (a) between Charleston, W. Va., on the one hand, and, on the other, Ashland, Ky., and, (b) between Charleston, W. Va., on the one hand, and, on the other, points in Ohio on and east of U.S. Highway 23 and on and south of U.S. Highway 40, and, (5) *ophthalmic goods and commercial papers* (except supplies and plant removals), (a) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, Richmond, Jeffersonville and Indianapolis, Ind., Lexington, Ky., and Huntington, Charleston and Parkersburg, W. Va.

NOTE: Applicant states the above proposed operations will be performed under continuing contract or contracts with Herald Printery, Louisville, Ky., in (1), with Service Bureau Corporation and Ohio Fuel Gas Co., Columbus, Ohio, in (2)(a), with Service Bureau Corporation, in (2)(b), with The Peoples Natural Gas Co., in (2)(c), with Firestone Tire and Rubber Co. of Akron, Ohio, in (2)(d), with Eastman Kodak Co., in (3), and with Schuron Optical Co., in (5) (a) and (b). Further, it is noted that common control may be involved.

No. MC 113271 (Sub-No. 17), filed January 13, 1964. Applicant: CHEMICAL TRANSPORT, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk and in sacks, from Tooele County, Utah, to points in Montana, and *rejected shipments*, on return.

NOTE: Common control may be involved.

No. MC 113678 (Sub-No. 69), filed January 2, 1964. Applicant: CURTIS, INC., 770 East 51st Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* not requiring refrigeration, from points in Adams County, Pa., and Inwood, W. Va., to points in Colorado, Nebraska, Wyoming, Minnesota, North Dakota, and South Dakota.

No. MC 114004 (Sub-No. 46), filed January 16, 1964. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service from points in California to points in the United States (except Hawaii).

No. MC 114045 (Sub-No. 127), filed January 9, 1964. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Louisville, Ky., to points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

No. MC 114115 (Sub-No. 8), filed January 2, 1964. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, (1) between points in Kentucky, Illinois, Indiana, and Michigan, and (2) between points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant states that the proposed service is to be limited to salt that has had a prior water or rail movement.

No. MC 114115 (Sub-No. 9), filed January 16, 1964. Applicant: TRUCKWAY SERVICE, INC., 1099 South Oakwood Boulevard, Detroit, Mich. Applicant's attorney: Rex Eames, 1600 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, in mixed shipments with salt*, from St. Clair, Mich., to points in Ohio, Indiana, and Illinois.

NOTE: Applicant states it is presently authorized to transport salt from St. Clair, Mich., to points in Ohio, Indiana, and Illinois.

No. MC 114126 (Sub-No. 5), filed January 6, 1964. Applicant: ASSOCIATED ENTERPRISES, LTD., Box 139, Salmo, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, between the port of entry on the International Boundary line between the United States and Canada located at or near Metaline Falls, Wash., and Metaline Falls, Wash.

NOTE: Applicant states the proposed service will include service to the railhead of the Milwaukee railroad located at or near Metaline Falls, Wash.

No. MC 114194 (Sub-No. 62), filed January 3, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid yeast*, in bulk from St. Louis, Mo., to points in Iowa and Illinois, and *rejected shipments*, on return.

No. MC 114533 (Sub-No. 83), filed January 17, 1964. Applicant: B. D. C. CORPORATION, 4970 South Archer 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: *Papers*, used in the processing of data by computing machines, *punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports, and documents* and *office records*, (1) between Chicago, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40, points in Brown, Calumet, Dane, Fond du Lac, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygen, Washington, Waukesha, and Winnebago Counties, Wis., and points in Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Macomb, Mecosta, Midland, Monroe, Montcalm, Muskegon, Newaygo, Oakland, Oceana, Ottawa, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, and Wayne Counties, Mich., (2) between Detroit, Mich., and Indianapolis, Ind., (3) between Toledo, Ohio, and Alma, Mich., and (4) between Kansas City, Mo., on the one hand, and, on the other, points in that part of Kansas east of a line beginning at the Oklahoma-Kansas State line and extending along the western boundary of Harper County, Kans., to the southern boundary of Kingman County, Kans., thence along the southern boundary of Kingman County to the western boundary of Kingman County, and thence along the western boundaries of Kingman, Reno, Rice, Ellsworth, Lincoln, Mitchell and Jewell Counties, Kans., to the Kansas-Nebraska State line, and points in Nuckolls and Richardson Counties, Nebr. RESTRICTION: The service authorized herein is subject to the following conditions: (1) The service shall be limited to the transportation of packages each weighing 100 pounds or less, and (2) the carrier shall not transport more than one package from one consignor at one location to one consignee at one location on any one day.

NOTE: Applicant is presently authorized under MC 114533 Sub-No. 24, to transport the commodities involved herein within the territory sought to be served herein, limited to shipments of packages each weighing 25 pounds or less. The purpose of this application is to increase the weight of the packages sought to be transported to 100 pounds or less.

No. MC 114718 (Sub-No. 9), filed January 8, 1964. Applicant: OHIO VALLEY MOTOR FREIGHT, INC., Moore's Junction, Marietta, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tricalcium phosphate* (bone ash), dry, in bulk, in dump vehicles, from Riverview, Ohio, to points in Illinois, Missouri, North Carolina, Pennsylvania, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 115180 (Sub-No. 7), filed January 2, 1964. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th 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: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766 (except liquid commodities in bulk, in tank vehicles) in less than truckload quantities, from New York, N.Y., to points in Illinois, Iowa, Indiana, Ohio, Pennsylvania, and Wisconsin.

No. MC 115841 (Sub-No. 161), filed January 8, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West (P.O. Box 2169), Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lake City, Pa., to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi.

No. MC 116063 (Sub-No. 34), filed January 3, 1964. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, P.O. Box 7346, Fort Worth, Tex., 76111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, mineral and protein mixtures*, from points in Eddy County, N. Mex., to points in Oklahoma and Colorado, points in Texas on and west of U.S. Highway 75, and points in Kansas on and south of U.S. Highway 40, and *rejected and damaged shipments*, on return.

No. MC 116564 (Sub-No. 14), filed January 14, 1964. Applicant: LEWIS W. AND MARGARET J. McCURDY, a partnership, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 17th Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Latrobe, Pa., to points in Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant holds common carrier authority in MC 119118 and Subs thereto; therefore dual operations may be involved.

No. MC 117250 (Sub-No. 4), filed January 6, 1964. Applicant: JAMES WILSON & SONS TRUCKING CORP, 200 King Street, Brooklyn 31, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufactures of paints, colors, chemicals, and pigments* (except in bulk) and *materials and supplies used in connection therewith* (except in bulk), from the site of the shipper's plant at Newark, N.J., to New York, N.Y.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Sherwin-Williams Company, Brooklyn, N.Y. It is further noted that the applicant presently holds authority to transport lacquers, paints, enamels, thinners, solvents and paint dryers from Newark, N.J., to New York. The purpose of this application is to enable the applicant to transport materials and supplies in connection therewith for the same shipper.

No. MC 117344 (Sub-No. 116), filed January 13, 1964. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in bulk, in tank vehicles, between points in Dearborn County, Ind., and Hamilton County, Ohio, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity, on return.

No. MC 117578 (Sub-No. 6), filed January 2, 1964. Applicant: PETROLEUM TRANSIT CORPORATION OF VIRGINIA, 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: *Mineral filler and dolomitic limestone*, in bulk, in tank and hopper type vehicles, from points in Russell County, Va., to points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, and West Virginia.

NOTE: Common control may be involved.

No. MC 117815 (Sub-No. 18), filed January 16, 1964. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines 17, Iowa. Applicant's representative: William A. Landau, 1307 E. Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts, dairy products*, and *commodities* distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Des Moines, Iowa, to La-Porte, Ind.

No. MC 117686 (Sub-No. 37), filed January 16, 1964. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pineapples and coconuts when moving in the same vehicle with bananas*, from New Orleans, La., Gulfport, Miss., Mobile, Ala., Houston and Galveston, Tex., to points in Iowa, Illinois (except Chicago commercial zone), Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, and South Dakota.

No. MC 118142 (Sub-No. 15), filed January 2, 1964. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. Applicant's attorney: James F. Miller, Suite N-13, Medical

and Professional Building, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Sedgwick County, Kans., to points in Florida, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, and Georgia, and *fresh fruits and vegetables*, on return.

No. MC 118529 (Sub-No. 2), filed January 14, 1964. Applicant: I & M, INC., 2525 Euclid Avenue, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone* and *phosphate feed supplements*, from Alden, Iowa, and points within 5 miles thereof to points in Minnesota, Nebraska, North Dakota, and South Dakota.

No. MC 119380 (Sub-No. 4), filed January 9, 1964. Applicant: RATLIFF BROS. AND CO., 701 Dewey Avenue, Kewanee, Ill., 61443. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rock salt*, in dump vehicles, from Davenport, Iowa, and points within 25 miles thereof, in Iowa, to points in that part of Illinois north and west of a line commencing at the Missouri-Illinois State line near Pike, Ill., and extending eastward along U.S. Highway 54 to Clinton, Ill., thence north along U.S. Highway 51 to the Illinois-Wisconsin State line at South Beloit, Ill., and (2) coal, in dump vehicles, from points in Henry, Stark, Knox, Mercer, and Rock Island Counties, Ill., to points in Muscatine, Scott, Clinton, Lee, Louisa, and Des Moines Counties, Iowa.

No. MC 119560 (Sub-No. 2), filed January 16, 1964. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 2095 Station A, Charleston, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) between points in Georgia, (2) between points in North Carolina, and (3) between points in South Carolina.

NOTE: Applicant states that the proposed operation is to be restricted to shipments having a prior movement by rail and/or water.

No. MC 119777 (Sub-No. 22), filed January 9, 1964. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box 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: *Iron and steel and iron and steel articles* (except those which require special equipment), from points in Allegheny, Beaver, Mercer, Venango, Washington, and Westmoreland Counties, Pa., and Cleveland, Canton, Youngstown, and Warren, Ohio, to points in Indiana and Illinois on and south of U.S. Highway 40, and *rejected shipments*, on return.

No. MC 119778 (Sub-No. 64), filed January 10, 1964. Applicant: REDWING CARRIERS, INC., P.O. Box 34 Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Alabama to points in Tennessee.

NOTE: Common control may be involved.

No. MC 120947 (Sub-No. 2), filed January 2, 1964. Applicant: HARRY C. REHM, JR., doing business as REHM TRUCKING SERVICE, Hebron, N. Dak. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Hebron, N. Dak., to points in Minnesota, Montana, South Dakota (except points on and west of South Dakota Highway 65 and on and north of U.S. Highway 212, and points within a 65-mile radius of Rapid City, S. Dak.), and points in Wyoming on and north of U.S. Highway 26, and *exempt commodities*, on return.

No. MC 121108 (Sub-No. 2), filed January 3, 1964. Applicant: M. G. BOSTWICK, doing business as BOSTWICK TRUCK LINES, 710 South Pacific Street, Dillon, Mont. Applicant's attorney: Carl M. Davis, 30 South Montana Street, Dillon, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Butte, Mont., and Monida, Mont., from Butte over U.S. Highway 91 and Interstate Highway 15 to Monida, and return over the same route, serving the intermediate points of Divide, Maiden Rock, Melrose, Glen, Dillon, Barrett's Station, Armstead, Dell, Lima, and Clark Canyon Dam.

No. MC 123048 (Sub-No. 32), filed January 13, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, agricultural implements, parts and attachments thereof, concrete mixing machines, internal combustion engines, snow plows and attachments for tractors, wagons, carts and sulkies, lawn mowers and engines combined, lawn vacuums and parts of machines being transported, charbroilers*, charcoal burning barbecue type (except those commodities requiring the use of special equipment or special handling), from Plymouth and Oostburg, Wis., to points in Iowa, Kansas, Missouri, Texas, Arkansas, Colorado, Nebraska, Oklahoma, Utah, Kentucky, Tennessee, Michigan, Mississippi, Illinois, and Minnesota, and *rejected shipments*, on return.

No. MC 123048 (Sub-No. 33), filed January 13, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, and tractor attachments* (except commodities requiring the use of special equipment or special handling), (1) from Racine, Wis., to points in Oklahoma, and (2) Burlington, Iowa, to points in Missouri.

NOTE: Applicant states it proposes to transport in (1) and (2) above, *rejected shipments*, on return.

No. MC 123048 (Sub-No. 34), filed January 13, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, agricultural implements, and parts thereof* that are intended for and that accompany the farm machinery and agricultural implements being transported (except those commodities which because of size or weight require the use of special equipment or handling), from Schoolcraft, Mich., to points in Indiana, Ohio, Illinois (except the Chicago commercial zone), and Wisconsin, and *rejected shipments* on return.

No. MC 123286 (Sub-No. 1), filed January 16, 1964. Applicant: JUNE A. JONES, doing business as JOHNSTON'S DELIVERY & MOVING, 1040 Hayden Street, Fort Wayne, Ind. Applicant's attorney: Philip W. Freiberger, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, between Fort Wayne, Ind., and points on the lines of the Wabash Railroad in Indiana.

NOTE: Applicant states that the proposed operation will substitute motor carrier service for railroad service.

No. MC 123383 (Sub-No. 11), filed January 2, 1964. Applicant: BOYLE BROTHER, INC., 256 River Road, Edgewater, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, in dump vehicles, from points in Nassau, Suffolk, Orange, Westchester, and Rockland Counties, N.Y., to points in Somerset, Morris, Essex, Passaic, Bergen, Union, Hudson, and Sussex Counties, N.J., and (2) *magnetite ore*, in bulk and in bags, from Mount Hope, N.J., to points in Pennsylvania, West Virginia, and Kentucky.

No. MC 124004 (Sub-No. 2), filed January 3, 1964, Applicant: RICHARD DAHN, INC., West Mountain Road, Sparta, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Sand and gravel*, in dump vehicles, from Nassau, Orange, Rockland, Westchester, and Suffolk Counties, N.Y., to Sussex, Bergen, Passaic, Morris, Essex, Union, Somerset, and Hudson Counties, N.J.

No. MC 124047 (Sub-No. 22), filed January 3, 1964. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers* and *fertilizer materials*, from Greenville, Ohio, to points in Indiana and Ohio. Common control may be involved.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 111623.

No. MC 124410 (Sub-No. 6), filed January 1, 1964. Applicant: ROBERT A. STATON, doing business as BOB STATON TRANSPORT CO., Junction U.S. Highways 36 and 65, Chillicothe, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Waverly, Mo., to points in Nebraska and Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 124511 (Sub-No. 3), filed January 6, 1964. Applicant: JOHN F. OLIVER, P.O. Box 233, Mexico, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, in specialized vehicles, from Mexico, Mo. (1) to Ivorydale, Ohio, Memphis, Tenn., and points in Illinois, including the Chicago, Ill. commercial zone, and (2) to barge terminals located in St. Louis, Mo., and its commercial zone, on traffic destined to out-of-State points.

No. MC 124939 (Sub-No. 3), filed January 13, 1964. Applicant: FOOD HAUL, INC., 888 West Goodale Boulevard, Columbus 12, Ohio. Applicant's attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Marlinton, W. Va., and extending west to Richwood, W. Va., thence in a northwesterly direction through Gassaway and Pennsboro to St. Marys, W. Va., thence north through Barnesville, Ohio, to Cadiz, Ohio, thence in a northwesterly direction through Uhrichsville and Dover to Orrville, Ohio, thence west to Plymouth, Ohio, thence in a southwesterly direction through Upper Sandusky, to St. Marys, Ohio, and thence in a southeasterly direction through Sidney, Piqua, Troy, Tipp City, Xenia, and Greenfield to Portsmouth, Ohio, thence in a westerly direction along the northern shores of the Ohio River through Cincinnati, Ohio, to the junction of the Ohio-Indiana State line, thence north along the Ohio-Indiana State line to the Ohio-Michigan State line, thence east along the Ohio-Michigan State line to Toledo, Ohio, thence easterly along the shores of Lake Erie to the New York-Pennsylvania State line, thence south and east along the New York-Pennsylvania State line to a point due north of Renovo, Pa., thence due south to Renovo, thence in a southeasterly direction through Jersey Shore, Pa., and Middleburg, Pa., to Millersburg, Pa., thence southwesterly through Duncannon, Pa., McConnellsburg, Pa. (including the Maryland points lying westerly), Moorefield, W. Va., Petersburg, W. Va., and Cass, W. Va., to Marlinton, W. Wa., including the points named.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with The Great Atlantic & Pacific Tea Co., Inc., located at Columbus, Ohio.

No. MC 125279 (Sub-No. 1), filed January 6, 1964. Applicant: A. C. BENNINGER, Newmansville, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Clarion County, Pa., to Medina, Westfield, and Jamestown, N.Y.

No. MC 125338 (Sub-No. 1), filed January 15, 1964. Applicant: SUPER SPEED TRANSPORT, INC., 415 Levis Street, St. Jean, Province of Quebec, Canada. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper type equipment, from points in New Hampshire, New York, and Vermont, on the International Boundary line between the United States and Canada, to points in New York and Vermont.

No. MC 125543 (Sub-No. 1), filed January 17, 1964. Applicant: PERISHABLE SERVICES, INC., P.O. Box 331, Waukesha, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail food business houses*, between Waukesha, Wis., on the one hand, and, on the other, points in Lake and McHenry Counties, Ill.

No. MC 125708 (Sub-No. 1), filed January 3, 1964. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, beams, pillars, lumber*, and *forest products*, (1) from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi (except Meridian), Missouri, Oklahoma, Tennessee, and Texas, to points in Illinois (except Chicago Heights and East St. Louis), Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska (except Omaha), Ohio, and Wisconsin, and (2) between East St. Louis, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116434.

No. MC 125916, filed January 3, 1964. Applicant: THERON E. COON, doing business as THERON E. COON TRUCKING CO., 7105 West 3500 South Street, Magna, Utah. Applicant's attorney: Macoy A. McMurray, Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, of a character for use, and to be used only in oil or gas well drilling operations, from Salt Lake City, Spray, and Lake Point, Utah, to points in Mesa, Delta, Montrose, Ouray, San Miguel, Dolores, San Juan, Montezuma, and La Plata Counties, Colo., and *rejected shipments* on return.

NOTE: Applicant states that the purpose of this application is to convert his Contract Authority to Common Carrier Authority.

No. MC 125918, filed January 2, 1964. Applicant: JOHN A. DI MEGLIO, Whitehorse Pike, Ancora, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, clay, cinder, and cement products*, other than in bulk, on flat bed trailers, (1) from Winslow, N.J., to points in Chester, Montgomery, Bucks, Delaware, Lancaster, Berks, and Lehigh Counties, Pa., and points in Delaware; (2) from Columbus and Alliance, Ohio, Washington, D.C., and Charleston and Martinsburg, W. Va., to points in Chester, Montgomery, Bucks, Delaware, Lancaster, Berks, and Lehigh Counties, Pa., and Mercer, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J., and points in Delaware; and, (3) from Pittsburgh, Harrisburg, Reading, York, and Ephrata, Pa. to points in Delaware, and Mercer, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Diener Brick Co., Collingswood, N.J.

No. MC 125919, filed January 2, 1964. Applicant: WILLIAM L. HALTER, doing business as HALTER'S DISTRIBUTING COMPANY, 1201a Collins, Lawrenceville, Ill. Applicant's attorney: Roscoe D. Cunningham, Court House, Borden Building, Lawrenceville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and alcoholic beverages*, from Milwaukee, Wis., St. Louis, Mo., Newport, Ky., South Bend, Ind., and Peoria, Ill., to points in Lawrence, Wabash, Crawford, Jasper, Richland, Edwards, Clark, Edgar, Marion, Wayne, Clay, Effingham, Jefferson, Cum-

berland, White, and Fayette Counties, Ill., and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states he proposes to transport the above commodities from source at indicated breweries to wholesalers located within the Illinois counties enumerated.

No. MC 125920, filed January 2, 1964. Applicant: MARCELLA SCHMITT, doing business as AMBRAW DISTRIBUTING COMPANY, 1216 State, Lawrenceville, Ill. Applicant's attorney: Roscoe D. Cunningham, Borden Building, Lawrenceville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, alcoholic beverages, and brewery products*, from St. Louis, Mo., Louisville, Ky., Cincinnati, Ohio, Evansville, Ind., and Milwaukee, Wis., to points in Lawrence, Wabash, Crawford, Jasper, Richland, Edwards, Clark, Edgar, Marion, Wayne, Clay, Effingham, Jefferson, Cumberland, White, and Fayette Counties, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 125921, filed January 5, 1964. Applicant: NEIL HUBBARD, RFD No. 1, Box 169, Leaf River, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Dairy products* and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between Leaf River, Ill., and Monroe, Wis., from Leaf River over unnumbered county highway to Mount Morris, Ill., thence over unnumbered county highway to junction unnumbered county highway, thence over unnumbered county highway to Polo, Ill., thence over Illinois Highway 26 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 69 to Monroe, and return over the same route, serving all intermediate points.

No. MC 125923, filed January 2, 1964. Applicant: LIND MOVING AND STORAGE COMPANY, INC., 3654 Marion Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, fixtures, and household goods*, in the conduct of a transfer, moving and general cartage business. In the City and County of Denver and in the Counties of Adams, Arapahoe and Jefferson, and also occasional service throughout the State of Colorado and each of the counties thereof.

No. MC 125930, filed January 10, 1964. Applicant: RARITAN TRUCKING CORP., Foot of Tillman Street, Raritan, N.J. Applicant's attorney: Joseph LeVow Steinberg, 744 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon steel coils* weighing 3,000 to 25,000 pounds, from the plant site of National Steel Corp., Weirton Steel Co. Division, located in Weirton, W. Va., to the plant site of Federal Steel Corp. (Pa.), located in Bristol, Pa.

No. MC 125932, filed January 9, 1964. Applicant: KENZIE BIDDLE and GENE FLAUGHER, doing business as BIDDLE & FLAUGHER R.R. 1, Foster, Ky. 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: *Milk products, milk byproducts, and fruit juices, fruit drinks, and fruit segments*, in containers, from the plant sites of Sealtest Foods Division, National Dairy Products Corp., at Cincinnati, Ohio, to points in Kentucky east of U.S. Highway 421 from the Kentucky-Indiana State line to its intersection with U.S. Highway 127, and east of U.S. Highway 127 to the Kentucky-Tennessee State line, including points on and within 3 miles from the above-named highways.

No. MC 125933, filed January 13, 1964. Applicant: J. CARL HUNT and A. J. White, doing business as H & W TRUCKING, 12016 North 112 Drive, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Livestock and poultry feeds, processed grains and grain mixtures, and protein concentrates* in sack and in bulk, and (2) *fertilizers and agricultural chemicals*, primarily calcium nitrate, 20 percent single super phosphate, inert clay and 45 percent urea, between Phoenix, Ariz., and San Diego and Los Angeles, Calif.

No. MC 125938, filed January 8, 1964. Applicant: JOHN BRADY AND WILLIS BRADY, doing business as BRADY BROTHERS, 440 Hill Street, Maniwaki, Province of Quebec, Canada. Applicant's attorney: Cyrille H. Goulet, 116 Lisgar Street, Ottawa 4, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from the port of entry on the International Boundary line between the United States and Canada, located at Ogdensburg, N.Y., to points in New York.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 45), filed January 8, 1964. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Oakland, and Wyckoff, N.J., from the junction of U.S. Highway 202 (Ramapo Valley Road), and West Oakland Avenue, in Oakland, over U.S. Highway 202 to its junction with Long Hill Road, thence over Long Hill Road to the Oakland-Franklin Lakes municipal boundary line, thence over Franklin Lake Road, in Franklin Lakes, N.J., to the Franklin Lakes-Wyckoff municipal boundary line, thence over Sicomac Avenue in Wyckoff, to its intersection with Cedarhill Avenue to its junction with Wyckoff, and return over the same route serving all intermediate points.

NOTE: Common control may be involved.

No. MC 5723 (Sub-No. 6), filed January 13, 1964. Applicant: MT. CARMEL BUS SERVICE, INC., 3227 Laconia Avenue, Bronx, New York, N.Y. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common* or *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* from Bronx and Brooklyn, N.Y., to the plant site of Foster Wheeler Corp., Livingston, N.J., and return. RESTRICTION: The proposed service will be limited to the transportation of employees of Foster Wheeler Corp.

NOTE: Applicant states if contract carrier authority is authorized, the service will be performed under a continuing contract or contracts with the Foster Wheeler Employees Club.

No. MC 7914 (Sub-No. 3), filed January 5, 1964. Applicant: UTICA ROME BUS CO., INC., Elizabeth Street, Utica, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and personal effects*, in charter and special operations, providing round trip and one-way sightseeing, pleasure, educational, and recreational tours, beginning and ending at points in Lewis, Oneida, Madison, and Herkimer Counties, N.Y., and extending to points in the United States (except Hawaii), including service to points on the International Boundary Lines between the United States and Canada and Mexico.

No. MC 66810 (Sub-No. 13), filed January 6, 1964. Applicant: PEORIA-ROCKFORD BUS COMPANY, a corporation, 1034 Seminary Street, Rockford, Ill. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between Rockford, Ill., and Beloit, Wis., from Rockford over Illinois Highway 2 to Beloit, and return over the same route, serving all intermediate points, and (2) between Milwaukee, Wis., and Beloit, Wis., from Milwaukee over Wisconsin Highway 59 to junction Wisconsin Highway 26, thence over Wisconsin Highway 26 to Beloit, and return over the same route, serving all intermediate points.

NOTE: Applicant states it holds certificated I.C.C. authority over both routes (1) and (2) as above described and is filing this application in order to eliminate restrictions which presently apply to each of them as follows: (1) Serving no intermediate points, restricted to traffic moving between Rockford, Ill., and points on carrier's authorized routes south and west of Rockford, on the one hand, and, on the other, points on its route north and east of Milton, Wis., and (2) serving all intermediate points, with service between Milton, Wis., and Beloit, Wis., inclusive, restricted to traffic moving to or from points east of Milton and south of Beloit, Wis. Applicant further states both single-line service and joint-line service is proposed with tacking of proposed routes with those presently authorized in carrier's Certificate No. MC 66810.

No. MC 94742 (Sub-No. 19), filed January 2, 1964. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between Peabody, Mass., and Exeter, N.H., from Peabody at the North Shore Shopping Center on Massachusetts Highway 114 to junction Massachusetts Highway 114 and U.S. Highway 1, thence over U.S. Highway 1 to junction of U.S. Highway 1 and Interstate Highway 95, thence over Interstate Highway 95 to junction of Interstate Highway 95 and Massachusetts Highway 133, thence on Massachusetts Highway 133 to junction of Massachusetts Highway 133 and Massachusetts Highway 97 in Georgetown, Mass., thence on Massachusetts Highway 97 to junction of Massachusetts Highway 97 and Massachusetts Highway 125 in Haverhill, Mass., thence on Massachusetts Highway 125 to the Massachusetts-New Hampshire State line, thence on New Hampshire Highway 125 in Plaistow, N.H., to the junction at New Hampshire Highway 111 in Kingston, N.H., thence on New Hampshire Highway 111 to junction of New Hampshire Highway 108 in Exeter, N.H., and return over the same routes, serving all intermediate points, and (2) between Peabody, Mass., and Nashua, N.H.; from Peabody at the North Shore Shopping Center on Massachusetts Highway 114 to the junction of Massachusetts Highway 114 and Massachusetts Highway 125 in North Andover, Mass., thence on Massachusetts Highway 125 to and over various streets in the municipalities of North Andover and Lawrence, Mass., thence on Massachusetts Highway 110 to junction of Massachusetts Highway 110 and Interstate Highway 93, thence on Interstate Highway 93 to junction of Interstate Highway 495, thence on Interstate Highway 495 to junction of Interstate Highway 495 and American Legion Connecting Highway (495 spur) in Lowell, Mass., thence on American Legion Connecting Highway to Rogers Square in Lowell, thence back to junction of Interstate Highway 495, thence on Interstate 495 to New U.S. Highway 3, thence on New U.S. Highway 3 to Railroad Square in Nashua, N.H., and return over the same route serving all intermediate points.

No. MC 94742 (Sub-No. 20), filed January 13, 1964. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Peabody, Mass., and Rochester, N.H.; from Peabody over Massachusetts Highway 114 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Interstate Highway 95 in Danvers, Mass., thence over Interstate Highway 95 in Byfield, Mass., to junction Massachusetts Highway 110 in Newburyport, Mass., thence over Massachusetts Highway 110 to junction Massachusetts Highway 150 in Amesbury, Mass., thence over Massachusetts Highway 150 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 150 to junction New Hampshire Highway 108, thence over New Hampshire 108 to Dover, N.H., thence over an unnumbered highway to junction New Hampshire Highway 16A, thence over New Hampshire Highway 16A to Somersworth, N.H., thence over New Hampshire Highway 16 to Rochester (also from Dover over an unnumbered highway to junction Spaulding Turnpike, thence over Spaulding Turnpike to junction New Hampshire Highway 125 at or near Gonic, N.H., and thence over New Hampshire Highway 125 to Rochester), and return over the same routes, serving all intermediate points.

No. MC 109148 (Sub-No. 18), filed January 15, 1964. Applicant LAS VEGAS-TONOPAH-RENO STAGE LINE, INC., 917 Stewart Street, Las Vegas, Nev. Applicant's attorney: Richard R. Hanna, Plaza Building, P.O. Box 648, Carson City, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Schurz, Nev., and Reno, Nev., from Schurz over U.S. Highway 95 to Fallon, Nev., thence over Alternate U.S. Highway 95 (formerly U.S. Highway 95) to junction U.S. Highway 40, thence over U.S. Highway 40 to Reno, and return over the same route, serving all intermediate points.

NOTE: Applicant states it holds above authority in Certificate No. MC 109148. The purpose of this application is to eliminate the following restriction: "Service shall not be provided between Reno and Fallon; and service at points on U.S. Highways 95 and 40 between Fallon and Reno shall be limited to traffic moving in said carrier's vehicles to or from points south of Fallon."

No. MC 110373 (Sub-No. 8), filed January 7, 1964. Applicant: NORTHEAST COACH LINES, a corporation, 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Sparta, N.J., and West Milford, N.J.; from junction Sussex County Highway 517 and Glen Road in Sparta, over Glen Road to junction Oak Ridge Road in Jefferson Township, N.J., thence over Oak Ridge Road to Junction New Jersey Highway 23 in West Milford, and return over the same route serving all intermediate points.

NOTE: Common control may be involved.

No. MC 125881, filed December 11, 1963. Applicant: JOHN ARCHAMBAULT, doing business as QUINN'S BUS LINE, Mt. Sinai Road, Coram, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, tranpsorting: *Passengers, their baggage and personal effects*. (1) Regular routes in the towns of Brookhaven, N.Y., Riverhead, N.Y., and Smithtown, N.Y. (a) In the town of Brookhaven, N.Y., as follows: From Surf Avenue over Main Street (Port Jefferson) to intersection Hallock Avenue (New York Highway 25A), thence over North Country Road to New York Avenue, thence over New York Avenue to Sound Beach Boulevard, thence over Sound Beach Boulevard to Hallock Avenue, thence over Hallock Avenue to the Brookhaven-Riverhead town line, thence over Echo Avenue to intersection North Rocky Point Road, thence over Rocky Point Landing Road to Hallock Avenue, thence over New York Highway 25A to Cedar Street, thence over Cedar Street to Christian Avenue, thence over Christian Avenue to New York Highway 25A, thence over New York Highway 25A to the Smithtown-Brookhaven town line. (b) In the town of Riverhead, N.Y., as follows: From the Brookhaven-Riverhead town line over New York Highway 25A to Manor Road (Wading River), thence over Manor Road to Parker Road, thence over Parker Road to New York Highway 25A, thence over New York Highway 25A to Hulse Avenue, thence over Hulse Avenue to North Wading River Road, thence over North Wading River Road to the entrance of Wildwood State Park. (c) In the town of Smithtown, N.Y., as follows: From the Smithtown-Brookhaven town line over New York Highway 25A (North Country Road) to Lake Avenue, thence over Lake Avenue to New York Highway 25, thence over New York Highway 25 (Jericho Turnpike) to intersection Commack Road, thence over New York Highway 25A to Indian Head Road, thence over Indian Head Road to intersection New York Highway 25, thence over Commack Road to a point approximately 200 feet south of New York Highway 25.

NOTE: Applicant states he intends to return to point of origin over the same routes, serving all intermediate points, as described in (1) above. Further, the above represents the same routes as described in applicant's intrastate certificate. In addition, authority is sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (2) *Passengers and their baggage and personal effects*, in one way or round-trip charter and special operations, beginning or ending at Port Jefferson, N.Y., and extending to points in Nassau and Suffolk Counties, N.Y., and (3) *Passengers and their baggage and personal effects*, in one way or round-trip charter operations, beginning or ending at the town of Brookhaven, N.Y., and extending to points in Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12520 (Sub-No. 2), filed January 16, 1964. Applicant: ROGER Q. WILLIAMS TOURS, INC., P.O. Box 9112, Knoxville 20, Tenn. Applicant's attorney: Joe D. Duncan, Suite 219, Journal Building, Knoxville, Tenn. For a license (BMC 5) to engage in operations as a *broker* at Knoxville, Tenn., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in round-trip tours, (a) beginning and ending at Norris, Tenn., and points within 75 miles thereof, and extending to points in the

United States (except Alaska and Hawaii), and (b) beginning and ending at points in Alabama, Florida, Louisiana, Mississippi, South Carolina, and West Virginia, and at points in Kentucky, Virginia, and North Carolina (except those within 75 miles of Norris, Tenn.), and extending to points in the United States (except Alaska and Hawaii).

NOTE: Applicant states the purpose of this application is to secure permission to operate as a broker at Knoxville, Tenn., rather than at its presently authorized point of Norris, Tenn.

No. MC 12891, filed January 7, 1964. Applicant: STANLEY BOLLMAN, R.D. No. 1, Everett, Pa. Applicant's attorney: Stanley G. Stroup, 8–10 Court House Square, Bedford, Pa. For a license (BMC 5) to engage in operations as a *broker* at Everett, Pa., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, as groups, in charter operations, beginning and ending at points in Bedford County, Pa., and extending to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia.

No. MC 75007 (Sub-No. 1), filed January 10, 1964. Applicant: COLPITTS TOURIST CO., INC., 262 Washington Street, Boston, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. For a license (BMC 5) to engage in operations as a *broker* at Boston, Mass., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in roundtrip tours, beginning and ending at Boston, Mass., and extending to points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 110), filed January 2, 1964. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. Applicant's attorney: Bates Block, First National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious to or contaminating to other lading), serving the plant site of E. T. Barwick Mills, located on Georgia Highway 341, as an off-route point, in connection with applicant's authorized regular route operations between Altanta, Ga., and Chattanooga, Tenn., and also between Chattanooga, Tenn., and Springville, Ala.

NOTE: Common control may be involved.

No. MC 2900 (Sub-No. 111), filed January 15, 1964. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. Applicant's attorney: Allen Post, First National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those which are injurious or contaminating to other lading), serving Damascus, Ga., as an off-route point in connection with applicant's regular-route operations.

No. MC 3009 (Sub-No. 53), filed January 2, 1964. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious and contaminating to other lading), between Mt. Vernon, Ala., and junction Alabama Highway 96 and Mississippi Highway 594, at the Alabama-Mississippi State line, from Mt. Vernon over Alabama Highway 96 through Citronelle, Ala., to Alabama-Mississippi State line, and return over the same route, serving no intermediate points and serving Mt. Vernon, Ala., and Citronelle, Ala., for the purpose of joinder only, as an alternate route, for operating convenience only, to be used in connection with applicant's authorized regular-route operations.

No. MC 8964 (Sub-No. 24), filed January 12, 1964. Applicant: WITTE TRANSPORTATION COMPANY, a corporation, 2481 North Cleveland Avenue, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk in shipper-owned tank trailers, from Saint Paul, Minn., to points in Wisconsin, and *shipper-owned tank trailers*, on return.

No. MC 23441 (Sub-No. 3), filed January 2, 1964. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. Applicant's attorney: Maxwell A. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between La Porte, Ind., and Kingsbury, Ind.; from La Porte over U.S. Highway 35 to Kingsbury, and return over the same route, serving the Indiana Ordnance Plant Site, at Kingsbury, as an off-route point.

No. MC 33753 (Sub-No. 1), filed January 14, 1964. Applicant: WEIRTON ICE & COAL SUPPLY COMPANY, a corporation, 401 Pennsylvania Avenue, Weirton, W. Va. Applicant's attorney: Howard R. Klostermeyer, Kanawha Banking & Trust Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water and liquid industrial wastes*, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Hancock, Brooke, and Ohio Counties, W. Va., Allegheny and Washington Counties, Pa., and Jefferson and Columbiana Counties, Ohio.

NOTE: Common control may be involved.

No. MC 42487 (Sub-No. 593), filed January 9, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 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, green hides, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Providence, R. I., and Worcester, Mass.; from Providence, over Rhode Island Highway 146 to Massachusetts Highway 146, and thence over Massachusetts Highway 146 to Worcester, and return over the same route, serving no intermediate points, to be used as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved.

No. MC 55236 (Sub-No. 80), filed January 13, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 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, and Classes A and B explosives), serving the Cleveland-Cliffs Iron Company mine sites of Humbolt Mine located at or near Humbolt, Mich., and Republic Mine located at or near Republic, Mich., and the Hanna Mining Co. mine site of Groveland Mine, located near Randville, Mich., as off-route points in connection with applicant's regular-route operations.

No. MC 59894 (Sub-No. 37), filed January 5, 1964. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street (P.O. Box 1034), El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities injurious or contaminating to other lading, and Classes A and B explosives), (1) between Tucson, and Nogales, Ariz., from Tucson, over Interstate Highway 19 to Nogales, and return over the same route, serving all intermediate points, and (2) between El Centro, Calif., and Junction Interstate Highway 10 near Casa Grande, Ariz., from El Centro, Calif., over Interstate Highway 8 to Junction of Interstate Highway 10 near Casa Grande, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 107403 (Sub-No. 523), filed January 9, 1964. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Isopropyl percarbonate*, unstabilized, from Barberton, Ohio, to ports of entry on the international boundary line between the United States and Canada, located in Montana, on traffic destined to Edmonton, Alberta, Canada.

NOTE: Common control may be involved.

No. MC 110525 (Sub-No. 632), filed January 15, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between the plant site of the American Cyanamid Co., located at Willow Island, W. Va., on the one hand, and, on the other, the plant site of the American Cyanamid Co., located at Marietta, Ohio.

No. MC 110525 (Sub-No. 633), filed January 21, 1964. Applicant: CHEMICAL LEAMAN TRUCK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote*, in bulk, in tank vehicles, from the plant site of Allied Chemical Corp., located at Philadelphia, Pa., to Warsaw, Va.

NOTE: Applicant states the proposed service is subject to the restriction that the authority sought shall not be tacked, joined or combined with any other authority presently held.

No. MC 114194 (Sub-No. 61), filed January 2, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steepwater and blends*, in bulk, from Granite City, Ill., to points in California, Arizona, New Mexico, Texas, Oklahoma, Colorado, Wyoming, Montana, South Dakota, North Dakota, and Minnesota, and *rejected shipments* on return.

No. MC 114194 (Sub-No. 63), filed January 6, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mothproofing liquids and blends*, in bulk, from St. Louis, Mo., to points in Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Delaware, Connecticut, Rhode Island, New Jersey, Maryland, Virginia, and West Virginia, and *rejected shipments*, on return.

No. MC 114194 (Sub-No. 64), filed January 9, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mothproofing liquids and blends*, in bulk, from St. Louis, Mo., to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and *rejected shipments*, on return.

No. MC 114194 (Sub-No. 65), filed January 13, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steepwater and blends*, in bulk, from Granite City, Ill., to points in Arkansas, Mississippi, Ohio, Pennsylvania, Kansas, Nebraska, Florida, Louisiana, Alabama, and Georgia, and *rejected shipments*, on return.

No. MC 115917 (Sub-No. 13), filed January 17, 1964. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 348, Crossnore, N.C. Applicant's attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures*, in packages, in mixed shipments with salt and salt products, from Weeks, La., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, and *exempt commodities* on return.

No. MC 124616 (Sub-No. 2), filed January 15, 1964. Applicant: S. RODMOND SMITH, JR., Box 131, Odessa, Del. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides* and *insecticides* (in mixed shipments with fertilizer), from Baltimore, Md., to New Castle County, Del., and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

NOTE: Applicant states that he holds authority under MC 124616 to transport fertilizer from Baltimore, Md., to New Castle County, Del.

No. MC 125926, filed January 6, 1964. Applicant: CLAUDE R. MYERS, doing business as CLAUDE'S, INC., 9805 Northwest Expressway, Oklahoma City, Okla. Applicant's representative: John D. Fitch, State Capital Station, P.O. Box 53441, Oklahoma City, Okla., 73105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Replacement vehicles* from terminals of Motor Carriers to points of breakdown and returning *disabled vehicles* as directed, and towing and transporting *other operable, disabled, and wrecked vehicles* (excluding the transport of new vehicles to dealers for resale), between points in Oklahoma, Arkansas, Colorado, Kansas, Missouri, New Mexico, and Texas.

No. MC 125931, filed January 13, 1964. Applicant: RITA T. PROCTOR, doing business as LEBOEUF TRANSIT SERVICE CO., 817 High Street, Waterford, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa., 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized agricultural limestone*, from Conneaut, Ohio, to points in the Townships of Summit, Greene, Washington, Waterford, LeBoeuf, Amity, Union, Wayne, and Concord, in Erie County, Pa., and Edinboro, Waterford, Mill Village, Elgin, Union City, and Corry, Pa.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub-No. 50), filed January 6, 1964. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, U.S. Route 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. 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 Palisades Park, N.J., and New York, N.Y., from junction of U.S. Highway 46 and Columbia Avenue, over U.S. Highway 46 to the George Washington Bridge, thence over the George Washington Bridge to New York, N.Y., and return over the same route, serving no intermediate points.

NOTE: Applicant proposes to join the proposed route with its existing route at the junction of U.S. Highway 46 and Columbia Avenue, Palisades Park, N.J. RESTRICTION: The proposed route is requested for operating convenience only, restricted to the duration of the World's Fair in New York, N.Y.

By the Commission.

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

[F.R. Doc. 64-864; Filed, Jan. 28, 1964; 8:51 a.m.]

[Notice 288]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 24, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only 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 35320 (Deviation No. 11), T.I.M.E. FREIGHT, INC., P.O. Box 1120,

Lubbock, Tex. Applicant's representative: John T. Coon, 2722 62d Street, Lubbock, Tex., filed January 15, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation route as follows: From interchange of the H. E. Bailey Turnpike near junction Oklahoma Highway 37 and U.S. Highway 277, near Oklahoma City, Okla., over the H. E. Bailey Turnpike to interchange of the said Turnpike near junction Oklahoma Highway 36 and U.S. Highway 277, near Lawton, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lubbock, Tex., over U.S. Highway 62 via Ralls, Tex., to Floydada, Tex., thence over U.S. Highway 70 to Oklaunion, Tex., thence over U.S. Highway 183 to Frederick, Okla., thence over Oklahoma Highway 5 to junction Oklahoma Highway 36, thence over Oklahoma Highway 36 to junction U.S. Highway 277, thence over U.S. Highway 277 to Lawton, thence over Oklahoma Highway 7 to junction U.S. Highway 81, thence over U.S. Highway 81 to Chickasha, Okla., thence over U.S. Highway 277 to Oklahoma City, and return over the same route.

No. MC 55843 (Deviation No. 3), SAGINAW TRANSFER COMPANY, INC., 2130 Midland Road, Saginaw, Mich., filed January 16, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Detroit, Mich., over Interstate Highway 96 to junction U.S. Highway 23, thence over U.S. Highway 23 to Flint, Mich., (B) from Detroit over Interstate Highway 75 to Flint, (C) from the Michigan-Indiana State line at junction Interstate Highway 94 and Indiana Highway 39 over Indiana Highway 39 to junction Interstate Highways 80 and 90 (Indiana Toll Road), thence over Interstate Highways 80 and 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., (D) from junction U.S. Highway 20 and Indiana Highway 149 over Indiana Highway 149 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Alternate U.S. Highway 30 and Illinois Highway 83, thence over Alternate U.S. Highway 30 to junction U.S. Highways 12 and 20 at Chicago, and (E) from junction Indiana Highway 212 and U.S. Highway 20 over U.S. Highway 20 to junction Indiana Highway 39, thence over Indiana Highway 39 to junction Interstate Highway 94 at the Michigan-Indiana State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 10 to Flint; from Kalamazoo, Mich., over U.S. Highway 12 to Chicago; and, from junction U.S. Highway 12 and Indiana Highway 212 over Indiana Highway 212 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, and return over the same routes.

By the Commission.

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

[F.R. Doc. 64-863; Filed, Jan. 28, 1964; 8:51 a.m.]

[Notice No. 592]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 24, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A MOTOR CARRIERS OF PROPERTY

No. MC 59583 (Sub-No. 101), filed January 16, 1964. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn., 37660. 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, those requiring special equipment, and those injurious or contaminating to other lading), serving Odenton, Md., as an off-route point in connection with applicant's regular-route operations between Washington, D.C., and Baltimore, Md.

NOTE: Common control may be involved.

HEARING: March 3, 1964, at Room 709, U.S. Appraisers' Stores Bldg., Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

No. MC 72444 (Sub-No. 15), filed January 20, 1964. Applicant: THE AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron, Ohio. Applicant's attorney: Rex Eames, 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, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Grabill, Ind., as an off-route point in connection with applicant's regular-route operations.

HEARING: February 6, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate before Examiner A. Lane Cricher.

No. MC 73165 (Sub-No. 180), filed January 13, 1964. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d, Birmingham, Ala. Applicant's attorney: Donald L. Morris, 937 Bank for Savings Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, pipe connections, and pipe couplings*, except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, from Lone Star and Bond, Tex., to points in Alabama, Mississippi and Tennessee, and *empty containers or other incidental facilities* (not specified) used in transporting the above describe commodities, on return.

HEARING: February 21, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Francis A. Welch.

No. MC 107403 (Sub-No. 525), filed January 14, 1964. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., and points within five (5) miles thereof, to points in the United States east of the Mississippi River, and to points in Louisiana and Texas.

NOTE: Common control may be involved.

HEARING: February 19, 1964, at the Federal Building, Lansing, Mich., before Examiner A. Lane Cricher.

No. MC 107403 (Sub-No. 526), filed January 16, 1964. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, in tank vehicles, from the plant site of the B. F. Goodrich Chemical Co., located at Avon Lake, Ohio, to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maine, Michigan, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 108068 (Sub-No. 49), filed January 13, 1964. Applicant: U.S.A.C. TRANSPORT, INC., 457 West Fort Street, Detroit 26, Mich. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 17th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and by-*

product materials, radioactive materials, and related reactor equipment, component parts, and associated materials, between points in Cattaraugus County, N.Y., on the one hand, and on the other, points in the United States except Hawaii and Alaska.

HEARING: February 14, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 110420 (Sub-No. 359), filed January 20, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calument, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and blends thereof, and yeast and blends thereof*, from St. Louis, Mo., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, 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, Vermont, Virginia, West Virginia, and Wisconsin, and *rejected and returned shipments* of the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: February 7, 1964, in Room 401, U.S. Court and Custom House Building, 1114 Market Street, St. Louis, Mo., before Examiner Gerald F. Colfer.

No. MC 112520 (Sub-No. 97), filed January 3, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Dan R. Schwartz, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from points in Mobile County, Ala. (except Mobile and the commercial zone thereof), to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

HEARING: February 10, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 113336 (Sub-No. 67), filed January 2, 1964. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, 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: *Acids and chemicals*, in bulk, in tank vehicles, (1) from points in Duval County, Fla., to points in Connecticut, Kentucky, Illinois, Indiana, Michigan, Mississippi, Missouri, New Jersey, Ohio, Tennessee, and Wisconsin, and (2) from points in Kanawha County, W. Va., to points in Florida.

HEARING: March 3, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 115331 (Sub-No. 66), filed January 22, 1964. Applicant: TRUCK TRANSPORT, INC., 719 Buder Building, 707 Market Street, St. Louis, Mo. Applicant's attorney: Daniel B. Johnson, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in St. Clair County, Ill., to points in Iowa, Missouri, and Indiana.

HEARING: February 5, 1964, in Room 401, U.S. Court and Custom House Building, 1114 Market Street, St. Louis, Mo., before Examiner Gerald F. Colfer.

No. MC 116063 (Sub-No. 36), filed January 17, 1964. Applicant: WESTERN TRANSPORT CO., INC., 1030 Stayton Street, P.O. Box 270, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid acids and chemicals*, (2) *liquid petroleum products*, in bulk, and (3) *compressed gases and cryogenics* in bulk, in manifolded tube trailers, and in truck trailers, from points in Harris County, Tex., to points in New Mexico, Oklahoma, Arkansas, Louisiana, Mississippi, Montana, Utah, and Texas.

NOTE: Common control may be involved.

HEARING: February 24, 1964, at the Federal Building and U.S. Court House, 515 Rusk Street, Houston, Tex., before Examiner Francis A. Welch.

No. MC 119767 (Sub-No. 18), filed January 10, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: E. R. Kershner, P.O. Box 339, Burlington, Wis. Applicant's attorney: Charles Singer, 33 North LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, one (1) gallon or less in capacity from Gas City, Ind., to points in Kentucky; Detroit, Holly, Alma, Lakeview, Newaygo, Fremont, Bailey, Fruitport, Bangor, Lowell, Harbert, Traverse City, Croswell, Bay City, Hart, Ypsilanti, Livonia, and Frankenmuth, Mich.; Pulaski, Manitowoc, Green Bay, Sheboygan, Oshkosh, New London, Stevens Point, Plymouth, Ripon, Lyons, Sturgeon Bay, and Wantoma, Wis.; and *pallets and skids* on return.

HEARING: February 13, 1964, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

SECTION B, MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 68), filed December 6, 1963. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over 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), from Altanta, Ga., to Albany, Ga.; from Atlanta, over U.S. Highway 19, to Albany, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations between Atlanta, Ga., and Albany, Ga.

HEARING: March 23, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga.; before Joint Board No. 101.

No. MC 504 (Sub-No. 69), filed December 6, 1963. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over 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 Jesup, Ga., and Brunswick, Ga.: From Jesup over U.S. Highways 25 and 341 to Brunswick, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations between Waycross, Ga., and Brunswick, Ga.

HEARING: March 23, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 504 (Sub-No. 70), filed December 6, 1963. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over 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 Macon, and Savannah, Ga., from Macon over Georgia Highway 57 to intersection of Georgia Highway 57 with U.S. Highway 80, approximately 1 mile east of Swainsboro, Ga., thence over U.S. Highway 80 to Savannah, and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Atlanta and Macon, Ga., on the one hand, and, on the other, Savannah, Ga.

HEARING: March 24, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 2542 (Sub-No. 8), filed November 6, 1963. Applicant: THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and

those injurious or contaminating to other lading), serving Odenton, Md., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: March 3, 1964, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

No. MC 4840 (Sub-No. 6), filed December 16, 1963. Applicant: H. & S. INC., 2911 St. Clair Street, Jacksonville, Fla. Applicant's attorney: Richard B. Austin, 695 Florida Title Building, Jacksonville 2, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, (1) between points in Duval County, Fla., and points in Florida and Georgia, and (2) between points in Duval County, Fla., on the one hand, and, on the other, points in Florida, and points in Decatur, Colquitt, Thomas, Lowndes, Coffee, Ben Hill, Wayne, Bulloch, Tift, and Ware Counties, Ga.

NOTE: Applicant states the proposed service is to be restricted to transportation services performed under contract with The Great Atlantic & Pacific Tea Company.

HEARING: March 4, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 20491 (Sub-No. 3) (CORRECTION), filed December 15, 1963, published FEDERAL REGISTER issue January 15, 1964, republished, as corrected, this issue. Applicant: SOL COHEN & SONS, INC., 1208 Channing Road, Far Rockaway, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage and personal effects*, (1) between New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., points in Fairfield County, Conn., and points in Hudson, Bergen, Union, Essex, Passaic, Morris, Somerset, Ocean, and Monmouth Counties, N.J., on the one hand, and, on the other, points in Delaware, Suffolk, Dutchess, Greene, Orange, Rockland, and Ulster Counties, N.Y., New London County, Conn., Hillsboro County N.H., Worcester County, Mass., and Pike County, Pa., and (2) between points in Ocean County, N.J., on the one hand, and, on the other, points in Sullivan County, N.Y., Middlesex and Litchfield Counties, Conn., Berkshire County, Mass., Wayne County, Pa., and Grafton County, N.H.

NOTE: The purpose of this republication is to include in (1) above, origin points in "Ocean County, N.J." inadvertently omitted from the previous publication.

HEARING: Remains as assigned, February 27, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner James A. McKiel.

No. MC 30887 (Sub-No. 133), filed December 16, 1963. Applicant: SHIPPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from the plant site of the B. F. Goodrich Chemical Co. at Avon Lake, Ohio, to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maine, Michigan, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 31389 (Sub-No. 60), published FEDERAL REGISTER, issue of January 15, 1964, in No. MC 42329 (Sub-No. 160), filed August 22, 1963. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except currency, bullion, articles of virtu, livestock, loose bulk commodities, and commodities requiring special equipment), serving the plant site of the Princeton Co., located approximately four (4) miles southeast of Princeton, Ky., as an off-route point in connection with its existing regular route operations between Elizabethtown, Ky. (over U.S. Highway 62) and Smithland, Ky.

NOTE: Common control may be involved. The purpose of this republication is to show that McLean Trucking Company has been substituted as applicant in lieu of Hayes Freight Lines, Inc., No. MC 42329 (Sub-No. 160) and also to show the new docket No. MC 31389 (Sub-No. 60), McLean Trucking Company.

HEARING: February 18, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 105.

No. MC 47142 (Sub-No. 82), filed September 20, 1963. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, 200 19th Street, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C, explosives*, between Gainesville, Va., and Duck, N.C., and points within twenty (20) miles of Duck.

HEARING: March 11, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 7.

No. MC 56388 (Sub-No. 29), filed December 4, 1963. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. 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: *Fertilizer, ingredients and chemicals, and fertilizer solutions, nitrate and nitrate solutions*, from points in Virginia, Maryland, and Delaware to points in Maryland, Virginia, West Virginia, Delaware, Pennsylvania, and New Jersey and *refused and rejected shipments* on return.

HEARING: March 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 59583 (Sub-No. 99), filed November 29, 1963. Applicant: THE MASON & DIXON LINES, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 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, those requiring special equipment, and those injurious or contaminating to other lading), serving the warehouse site of E. T. Barwick Mills, Inc., located on Georgia Highway 341, located approximately one-half mile north of Davis Crossroads and approximately 9 miles west of LaFayette, Ga., as an off-route point in connection with applicant's presently authorized regular route operations between Chattanooga, Tenn., and Rome, Ga., over U.S. Highway 27.

NOTE: Common control may be involved.

HEARING: March 26, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 60122 (Sub-No. 5), filed December 19, 1963. Applicant: JOHN VIANO AND EDWARD VIANO, doing business as VIANO BROTHERS, Harding Highway, Landisville, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt berevages* from Baltimore, Md., to Landisville, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *damaged and rejected shipments* thereof, on return.

HEARING: March 10, 1964, in Room 709, U.S. Appraisers' Stores Building, Bay and Lombard Streets, Baltimore, Md., before Joint Board No. 283.

No. MC 61403 (Sub-No. 96), filed August 27, 1963. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, including carbon powders and graphite*, in bulk, in tank and hopper vehicles, from Clarksburg, W. Va., to points in Virginia.

NOTE: Common control may be involved.

HEARING: March 12, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 245.

No. MC 64112 (Sub-No. 18), filed December 12, 1963. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C. Applicants' representative: W. D. Turner, P.O. Box 3661, Charlotte, N.C., 282–03. Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular route, transporting: *Pulp board and fiberboard* (not corrugated or indented), the fiber content of which is not less than 80 percent woodpulp, waste paper or straw pulp, or mixture thereof, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between the plant site of the Riegel Paper Corp., located at Riegelwood, N.C. (near Acme, N.C.), and Fayetteville, Laurinburg, Raleigh, and Rocky Mount, N.C.

NOTE: Applicant states the purpose of this instant application is for tacking on to present authority and offering through service at points served.

HEARING: March 20, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 66562 (Sub-No. 1895) (REPUBLICATION), filed June 22, 1962, published FEDERAL REGISTER, August 29, 1962, and republished this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). By application filed June 22, 1962, applicant seeks a certificate to operate as a common carrier, by motor vehicle, over regular routes, transporting general commodities, moving in express service, over four specified regular routes, between Harrisburg, Shamokin, and Bethelem (Allentown-Bethlehem), Minersville, Pa., and points in Muhlenberg Township, Berks County, Pa., subject to certain restrictions. A Decision and Order, by Division 1, served January 6, 1964, which sets forth, among other things, that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted, will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of publication, during which time any proper party in interest may file an appropriate protest or other pleading. The authority granted is as follows: "Operation, in interstate or foreign commerce, as a common carrier by motor vehicle of general commodities, moving in express service, (1) between Harrisburg and Shamokin, Pa., from Harrisburg, over U.S. Highway 11–15, to its junction with U.S. Highway 122, thence over U.S. Highway 122 to Shamokin, and return over the same route; (2) between Harrisburg, and Easton, Pa., from Harrisburg over U.S. Highway 22 to Easton, and return over the same route, serving the intermediate points of Allentown and Bethlehem, Pa., (3) between Harrisburg and Minersville, Pa., from Harrisburg over U.S. Highway 122, thence over U.S. Highway 122 to its junction with U.S. Highway 209, thence over U.S. Highway 209 to its junction with Pennsylvania Highway 901, thence over Pennsylvania Highway 901 to Minersville, and return over the same route, serving the intermediate point of Pottsville, Pa.; (4) between Harrisburg and Muhlenburg Township, Pa., from Harrisburg over U.S. Highway 322, to its junction with U.S. Highway 422, thence over U.S. Highway 422 to its junction with U.S. Highway 222, thence over U.S. Highway 222 to Muhlenberg Township, and return over the same route, serving the intermediate points of Reading, Lebanon, and Palmyra, Pa., subject to the following conditions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency. (2) Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts. (3) The authority granted herein, to the extent it authorizes the transportation of dangerous explosives, shall be limited, in point of time, to a period expiring 5 years from the date of this certificate. (4) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency.

No. MC 83539 (Sub-No. 106) (AMENDMENT), filed November 21, 1963, published in FEDERAL REGISTER issue, December 18, 1963, amended January 14, 1964, republished as amended, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street (P.O. Box 5976), Dallas, Tex., 75222. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron conduit and pipe*, from Gilmer, Tex., to points in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE: The purpose of this republication is to show the proposed operations as a "from and to" movement rather than a "between," as previously published.

HEARING: Remains as assigned February 12, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 95540 (Sub-No. 554), filed August 30, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Albany, Ga., and points in Glynn County, Ga., to points in Alabama, Arkansas, 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 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.

NOTE: Common control may be involved.

HEARING: March 9, 1964, at the Dupont Plaza Hotel, Miami, Fla., before Examiner C. Evans Brooks.

No. MC 102567 (Sub-No. 90), filed September 19, 1963. Applicant: EARL CLARENCE GIBSON, doing business as EARL GIBBON PETROLEUM, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except liquefied petroleum gases) in bulk, in tank vehicles, from points in Jefferson and Orange Counties, Tex., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: February 5, 1964, at the Texas State Hotel, Houston, Tex., before Examiner Richard A. White.

No. MC 102616 (Sub-No. 739), filed December 2, 1963. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil, and gasoline, and kerosene*, in bulk, in tank vehicles, from Changewater, Washington Township, Warren County, N.J., to points in Berks, Bucks, Carbon, Chester, Delaware, Lackawanna, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming Counties, Pa.

HEARING: February 4, 1964, at The Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Dallas B. Russell.

No. MC 103051 (Sub-No. 162), filed December 12, 1963. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 402–11 Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from points in Polk County, Fla. (except Brewster, and Nichols, Fla.) to points in Hillsborough County, Fla.

HEARING: March 5, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 103051 (Sub-No. 164), filed December 16, 1963. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403, Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium phosphate*, in bulk, in tank or hopper-type vehicles, from points in Bibb County, Ga., to points in Georgia.

HEARING: March 26, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 103051 (Sub-No. 165), filed December 24, 1963. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11, Healey Building,

Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk fertilizer*, in dump and hopper type vehicles, from points in Muscogee County, Ga., to points in Alabama.

HEARING: March 25, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 103378 (Sub-No. 276), filed September 26, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank, hopper, and dump type vehicles, from points in Colquitt County, Ga. (except Moultrie, Ga., and points within three (3) miles of Moultrie), to points in Alabama, Florida, and South Carolina.

HEARING: March 2, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 106223 (Sub-No. 66), filed November 29, 1963. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leander Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, in tank vehicles, from the plant site of B. F. Goodrich Chemical Co., at Avon Lake, Ohio, to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 107107 (Sub-No. 292), filed November 20, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station Miami 33142, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum building materials, glazed or unglazed, aluminum products, and component parts thereof*, from points in Dade County, Fla., and Colquitt County, Ga., to points in Arizona, California, and New Mexico.

HEARING: March 12, 1964, at the Dupont Plaza Hotel, Miami, Fla., before Examiner C. Evans Brooks.

No. MC 107544 (Sub-No. 62), filed September 6, 1963. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Swannanoa, N.C., to points in Virginia located on and west of a line extending from the Virginia-North Carolina State line along U.S. Highway 220 to junction U.S. Highway 220 and U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in MC 113959; therefore dual operations may be involved.

HEARING: March 11, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 7.

No. MC 109533 (Sub-No. 17), filed October 29, 1963. Applicant: OVERNITE TRANSPORTATION CO., a corporation, 1100 Ninth Street Road, Richmond, Va. Applicant's representative: C. H. Swanson, P.O. Box 1216, Richmond 9, Va. 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 Lynchburg, Va., and Covington, Va.: from Lynchburg, Va., over U.S. Highway 501 to Buena Vista, Va., thence over U.S. Highway 60 to Covington, Va., and return over the same route, serving all intermediate points.

HEARING: March 9, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 108.

No. MC 109649 (Sub-No. 6), filed November 26, 1963. Applicant: L. P. TRANSPORTATION, INC., Chester, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from points in New York (except New York City), to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE: Applicant states it presently holds authority to perform a substantial part of the proposed service by operating via specific gateways. All duplicating authority to be eliminated.

HEARING: March 4, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 110525 (Sub-No. 620), filed December 3, 1963. 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: *Liquid synthetic latex*, in bulk, in tank vehicles, from the plant site of B. F. Goodrich Chemical Co., at Avon Lake, Ohio, to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maine, Michigan, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 110683 (Sub-No. 24), filed November 14, 1963. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., P.O. Box 1000, Staunton, Va. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and cast iron pipe fittings*, from Radford, and Lynchburg, Va., and Bluefield, W. Va., to points in Lewis, Greenup, Fleming, Carter, Boyd, Elliott, Lawrence, Bath, Rowan, Menifee, Morgan, Johnson, Wolfe, Martin, Magoffin, Breathitt, Floyd, Pike, Knott, Leslie, Letcher, Harlan, Bell, Perry, Montgomery, Clark, Powell, Nicholas, Robertson, Braken, and Mason Counties, Ky.

NOTE: Common control may be involved.

HEARING: March 13, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 263.

No. MC 110878 (Sub-No. 27), filed December 12, 1963. Applicant: ARGO TRUCKING COMPANY, INC., Lower Heard Street, Elberton, Ga. Applicant's attorney: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel scrap*, from points in South Carolina to Elberton, Ga.

HEARING: March 24, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 111045 (Sub-No. 36), filed December 9, 1963. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Palm River Road, Tampa, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles (1) from points in Duval County, Fla., to points in Connecticut, Kentucky, Illinois, Indiana, Michigan, Mississippi, Missouri, New Jersey, Ohio, Tennessee, and Wisconsin, and (2) from points in Kanawha County, W. Va., to points in Florida.

HEARING: March 3, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 112520 (Sub-No. 95), filed November 18, 1963. 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: *Acids and chemicals*, in bulk, in tank vehicles, (1) from points in Duval County, Fla., to points in Connecticut, Kentucky, Illinois, Indiana, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Tennessee, and Wisconsin; and (2) from points in Kan-

awha County, W. Va., to points in Florida.

NOTE: Common control may be involved.

HEARING: March 3, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 113271 (Sub-No. 16), filed December 16, 1963. Applicant: CHEMICAL TRANSPORT, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from the International Boundary line between the United States and Canada located at the port of entry at or near Roosville, Mont. to points in Flathead County, Mont., and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: March 4, 1964, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 345.

No. MC 113336 (Sub-No. 64), filed December 6, 1963. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler and pulverized slate*, in bulk, in tank and hopper type vehicles, from points in Stanly County, N.C., to points in South Carolina, Georgia, and Virginia.

HEARING: March 9, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Reece Harrison.

No. MC 113678 (Sub-No. 65), filed December 6, 1963. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and exempt commodities* when moving in the same vehicle with regulated commodities from points within a 10-mile radius of Glenville, Pa., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: March 9, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 115018 (Sub-No. 10), filed November 27, 1963. Applicant: LEWIS W. OWEN, Lawrenceville, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Sawdust and shavings*, from Lawrenceville, Va., to Philadelphia, Pa., (2) *wooden crates* (partly assembled), from Lawrenceville, Va., to Cumberland, Md., (3) *wooden crate material*, from Lawrenceville, Va., to Creighton, Pa., (4) *wooden skids and wooden racks* (partly assembled), from Lawrenceville, Va., to Cumberland, Md., and Pennsauken, N.J., and (5) *wooden pallets*, from Lawrenceville, Va., to points in New Jersey, New York, and Pennsylvania, and *refused, rejected and damaged shipments*, on return.

HEARING: March 5, 1964, at the Offices of the Interstate Commerce Commision, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 115499 (Sub-No. 13), filed December 11, 1963. Applicant: LOWER LAKES CARRIER, INC., 1451 East 21st Street, Ashtabula, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed foundry additives*, from the plant site of International Minerals & Chemical Corp., located at Wadsworth, Ohio, to points in Pennsylvania, West Virginia, Michigan, and Indiana.

NOTE: Applicant states the proposed service will be under continuing contract with International Minerals and Chemical Corp., located at Old Orchard Road, Skokie, Ill.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 115831 (Sub-No. 5), filed November 1, 1963. Applicant: TIDEWATER TRANSIT COMPANY, INC., 114 North Queen Street, Kinston, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in seasonal operations between January 1 and August 1 inclusive of each year, transporting: *Liquid fertilizers, liquid fertilizer materials, and anhydrous ammonia*, in bulk, in tank trucks, from points in North Carolina, to points in South Carolina, and *refused or rejected shipments* thereof, on return.

HEARING: March 18, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 117119 (Sub-No. 133) (AMENDMENT), filed December 30, 1963, published in FEDERAL REGISTER, issue of January 15, 1964, amended January 16, 1964, and republished as amended this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in straight or mixed shipments with commodities exempt from economic regulations pursuant to the provisions of Section 203(b)(6) of the Interstate Commerce Act, in vehicles equipped with mechanical refrigeration, from points in Arizona and California, to points in Mississippi, Tennessee, Georgia, Florida, Alabama, North Carolina, and South Carolina.

NOTE: The purpose of this republication is to substitute the revised commodity and territorial descriptions as shown above in lieu of those previously published.

HEARING: Remains as assigned February 6, 1964, at the Federal Building, Los Angeles, Calif., before Examiner Bernard J. Hasson, Jr.

No. MC 117294 (Sub-No. 1) filed December 2, 1963. Applicant: W. B. STUCKEY, doing business as STUCKEY TRUCK LINE, P.O. Box 177, Rhine, Ga. 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: *Lumber and pallets, and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Georgia and points in Florida.

HEARING: March 27, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 118831 (Sub-No. 29), filed December 30, 1963. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. BOX 5044, Uwharrie Road, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cement and fly ash) in bulk, in tank and hopper type vehicles, between points in North Carolina, South Carolina, and Virginia.

NOTE: Common control may be involved.

HEARING: March 19, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 119778 (Sub-No. 62), filed December 24, 1963. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the plant site of Dixie Pipe Line Terminal, located at or near Opelika, Ala., to points in Georgia.

NOTE: Common control may be involved.

HEARING: March 25, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 119793 (Sub-No. 3), filed December 2, 1963. Applicant: DEWEY L. WILFONG, doing business as D & W TRUCK LINES, 209 First Street, Parsons, W. Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, in bags, and boxes, and wood chips, lighter fluid and barbeque base material* (vermiculite other than crude), in mixed shipments in the same vehicle with charcoal, from Parsons, W. Va., to points in Pennsylvania, Ohio, Maryland, Virginia, and the District of Columbia.

NOTE: The proposed service is restricted to transportation performed under a continuing contract or contracts with the Kingsford Company.

HEARING: March 5, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 120543 (Sub-No. 17), filed December 2, 1963. Applicant: FLORIDA REFRIGERATED SERVICE, INC.,

U.S. 301, North, Dade City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cream*, sterilized, in hermetically sealed containers, and (2) *cream*, aerated, not frozen, in gas charged dispenser cans, in vehicles equipped with mechanical refrigeration, from Gustine, Calif., to points in Alabama, Mississippi, Georgia, South Carolina, North Carolina, Florida, and Tennessee.

HEARING: March 9, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 123314 (Sub-No. 1), filed November 27, 1963. Applicant: JOHN F. WALTER, P.O. Box 175, Newville, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from points in Fayette County and the Borough of Scottsdale, Westmoreland County, Pa., to points in Ohio, Indiana and Michigan.

HEARING: March 4, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 124078 (Sub-No. 91), filed December 16, 1963. Applicant: SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spodumene ore*, in bulk, from Kings Mountain, N.C., to points in Scott County, Va. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832.

HEARING: March 18, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 124896 (Sub-No. 1), filed December 11, 1963. Applicant: WILLIAMSON TRUCK LINES, INC., Route 2, Wilson, N.C. Applicant's attorney: John Hill Paylor, 108 East Wilson Street, Farmville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit, canned vegetables, and other canned products*, from points in Maryland and Virginia to points in North Carolina.

HEARING: March 16, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 338.

No. MC 125774, filed October 25, 1963. Applicant: W. E. BOYD, doing business as W. E. BOYD & SONS, Arapahoe, N.C. Applicant's attorney: Thomas W. Steed, Jr., Superior Building, P.O. Box 2058, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats*, wood and metal, uncrated, between points in Virginia on and east of U.S. Highway 301 and points in North Carolina on and east of U.S. Highway 17, and (2) *materials, commodities, equipment and parts used in cleaning, painting, repair, and construction of boats*, from points in Virginia on and east of U.S. Highway 301, to points in North Carolina on and east of U.S. Highway 17, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return, in (2).

HEARING: March 17, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 125779 (Sub-No. 1), filed October 28, 1963. Applicant: DAVID E. SNELL, doing business as COASTAL TRANSPORT CO., Box 425, Columbia, N.C. Applicant's attorney: Vaughn S. Winborne, Capital Club Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* (except liquid fertilizer and liquid fertilizer materials), from Norfolk, Chesapeake, and Suffolk, Va., to points in North Carolina.

HEARING: March 17, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 125862, filed December 4, 1963. Applicant: PARKER TRANSFER COMPANY, a corporation, R.D. 1, Amherst, Ohio. Applicant's attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers, heat transfer equipment, fintubes, preheaters, heaters, coolers, boilers, recuperators, and other heat exchange equipment* that is manufactured by Brown Fintube Co., from Elyria, Ohio, to 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, and Wyoming, and (2) *pipe and tubing*, from Rosenberg, Tex. to Elyria, Ohio.

NOTE: Applicant states that the proposed operation is to be performed under continuing contract with Brown Fintube Co. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 109448; therefore dual operations may be involved.

HEARING: March 5, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 125867, filed December 5, 1963. Applicant: CHAIR CITY TRUCKING, INC., 535 West Broadway, Gardner, Mass. Applicant's attorney: John F. Bohman, Bohman Building, 335 East Broadway, Gardner, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and pulpboard products, articles manufactured therefrom, return shipments thereof*, and *raw materials and supplies used in* the manufacture thereof (except for all shipment of such commodities in bulk in tank vehicles), and *pallets and skids* used in the shipment of any of the foregoing, (1) between Gardner, Mass., and points in Massachusetts, Maine, Vermont, Connecticut, Rhode Island, and New Hampshire, (2) between Gardner, Mass., and points in New York on and east of a line beginning at Pulaski, N.Y., and thence south on U.S. Highway 11 and Interstate Highway 81, to the New York-Pennsylvania State line, (3) between Gardner, Mass., and points in New Jersey east and north of a line beginning at the Pennsylvania-New Jersey State line (near Milford, Pa.), and thence south on U.S. Highway 206 to New Jersey Highway 514, thence along New Jersey Highway 514 to New Jersey Highway 18, thence along New Jersey Highway 18 to New Jersey Highway 535, thence along New Jersey Highway 535 to the Atlantic Ocean, and (4) between Gardner, Mass., and Camillus, N.Y.

HEARING: March 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 125907, filed December 27, 1963. Applicant: HUGHES HAULING COMPANY, a corporation, 1601 South Avenue, West, Missoula, Mont. Applicant's attorney: Karl R. Karlberg, Room 344, Higgins Block, Missoula, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy equipment, machinery, and supplies used in the construction, mining, manufacturing and logging businesses*, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between points in Flathead, Lincoln, Lake, Missoula, Sanders, Mineral, Ravalli, Granite and Deer Lodge Counties, Mont., and points in Idaho.

HEARING: March 3, 1964, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 83.

MOTOR CARRIERS OF PASSENGERS

No. MC 115156 (Sub-No. 2), filed July 8, 1963. Applicant: PHILIP R. PRICE, doing business as PRICE'S CHARTER SERVICE, Chance, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Waterview and Salisbury, Md., (1) from Waterview over Maryland Highway 349 to junction unnumbered highway, thence over unnumbered highway to Jesterville, Md., thence return over unnumbered highway to junction Maryland Highway 349, thence over Maryland Highway 349 to junction unnumbered highway, thence over unnumbered highway to Tyaskin, Md., thence return over unnumbered highway to junction Maryland Highway 349, thence over Maryland Highway 349 to junction Maryland Highway 347 (Quantico Road), thence over Maryland Highway 347 to Quantico, Md., thence return over Maryland Highway 347 to junction Maryland Highway 349, thence over Maryland Highway 349 to Salisbury, and (2) from Waterview as specified above to junction Maryland Highways 349 and 385, thence over Maryland Highway 385 to junction unnumbered highway, thence

over unnumbered highway to Whitehaven, Md., thence return over unnumbered highway to junction Maryland Highways 385 and 352, thence over Maryland Highway 352 to junction Maryland Highway 349, thence to Salisbury as specified above, and return over the same routes, serving all intermediate points.

HEARING: March 5, 1964, in Room 709, U.S. Appraisers' Stores Building, Bay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12886, filed November 14, 1963. Applicant: HAROLD B. CRAFTS, doing business as PLEASURE CRAFT TOURS, 1600 Wentbridge Road, Richmond 27, Va. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Richmond, Va., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in roundtrip tours, beginning and ending at points in Virginia, and extending to points in the United States, including Alaska.

HEARING: March 10, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 108.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 124034 (Sub-No. 22) (CORRECTION), filed December 30, 1963, published FEDERAL REGISTER, issue of January 15, 1964, and republished as corrected this issue. Applicant: SCHWERMAN TRUCKING CO., of N.Y. Inc., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in packages, from the plant site of the Lone Star Cement Corporation at Hudson, N.Y., to the plant site of the Lone Star Cement Corporation at Nazareth, Pa.

NOTE: Common control may be involved. The purpose of this correction is to show applicant's correct name as shown above.

NOTICE OF FILING OF PETITIONS

No. MC 111545 (PETITION FOR MODIFICATION AND CLARIFICATION OF "GRANDFATHER" AUTHORITY ISSUED IN NO. MC-30349), filed December 16, 1963. Petitioner: HOME TRANSPORTATION COMPANY, INC., Marietta, Ga. Petitioner's attorney: Paul M. Daniell and Rogert E. Born, 214 Grant Building, Atlanta 3, Ga. Petitioner, as successor-in-interest, petitions this Commission to modify and clarify the portion of its certificate now held in No. MC 111545 reading as follows: "Heavy Machinery, from Atlanta and East Point, Ga., to points in Alabama, Tennessee, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized." By the instant petition, Petitioner requests that its Certificate in MC 111545 be modified to read: "Commodities, the transportation of which because of size or weight requires the use of special equipment, and of related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment,; and Road Building Type Machinery and Equipment, from Atlanta and East Point, Ga., to points in Alabama, Tennessee, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized." 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.

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-8654. Authority sought for purchase by BLANTON TRUCKING COMPANY, INCORPORATED, P.O. Box 201, Milford, Va., of a portion of the operating rights of C. DOUGLAS THOMAS, doing business as M. & G. TRANSPORTATION, Cobbs Creek, Va., and for acquisition by JULIAN J. BLANTON, also of Milford, Va., of control of such rights through the purchase. Applicants' attorney: John C. Bradley, 618 Perpetual Building, Washington 4, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Richmond, Va., on the one hand, and, on the other, points in those portions of King William and King and Queen Counties, Va., southeast of U.S. Highway 360, except points within one mile of U.S. Highway 360. Vendee is authorized to operate as as *common carrier* in Virginia, New York, Pennsylvania, Maryland, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-8655. Authority sought for merger into BRASWELL MOTOR FREIGHT LINES, INC., 301 Raynolds Street, P.O. Box 9518, El Paso, Tex., of the operating rights and property of BRASWELL FREIGHT LINES., INC., 301 Raynolds Street, P.O. Box 9518, El Paso, Tex., and for acquisition by J. V. BRASWELL, also of El Paso, Tex., of control of such rights and property through the transaction. Applicants' attorney: M. Ward Bailey, Continental Life Building, Fort Worth, Tex. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Fort Worth, Tex., and Dallas, Tex., serving intermediate and off-route points within the Dallas, Tex., and Fort Worth, Tex., Commercial Zones, as defined by the Commission, between Leland, Miss., and Memphis, Tenn., serving no intermediate points, between Jackson, Miss., and Monroe, La., serving the intermediate point of Vicksburg, Miss., between Sterlington, La., and junction Louisiana Highway 553, and U.S. Highway 165, serving all intermediate points, between Oklahoma City, Okla., and Midwest Air Depot, located approximately 4 miles from Oklahoma City, serving no intermediate points, between Tulsa, Okla., and Oklahoma City, Okla., serving points in the Oklahoma City, Okla., Commercial Zone, and those in the Tulsa, Okla., Commercial Zone, as defined by the Commission, as intermediate or off-route points various alternate routes for operating convenience only: *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (other than those requiring refrigeration), and those injurious or contaminating to other lading, between Oklahoma City, Okla., and Fort Worth, Tex., between Oklahoma City, Okla., and Dallas, Tex., serving all intermediate points and the off-route point of the site of the Ardmore Army Air Field, Okla., RESTRICTION: Service over the two routes specified immediately above is restricted against traffic moving between the junction of U.S. Highway 77 and Texas Highway 121, and Lake Dallas, Tex., and points intermediate thereto, and against traffic moving between Fort Worth and Dallas, Tex.; *class A and B explosives, and general commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Fort Worth, Tex., and New Orleans, La., serving certain intermediate and off-route points, with certain restrictions, between Hazelhurst, Miss., and Fayette, Miss., serving all intermediate points, between Baton Rouge, La., and Lobdell, La., between Memphis, Tenn., and Monroe, La., serving no intermediate points, between Shreveport, La., and Oklahoma City, Okla., serving intermediate and off-route points in the Oklahoma City, Okla., and Shreveport, La., Commercial Zones, as defined by the Commission, between Shreveport, La., and Tulsa, Okla., serving certain intermediate and off-route points with certain restrictions, between Jackson, Miss., and Memphis, Tenn., between Vicksburg, Miss., and Leland, Miss., serving all intermediate points, between Baton Rouge, La., and McComb, Miss., serving no intermediate points, between Jackson, Miss., and New Orleans, La., serving certain intermediate and off-route points, between Natchez, Miss., and Vicksburg, Miss., serving all intermediate points, between Shreveport, La., and Monroe, La., between Ruston, La., and Bernice, La., between Ruston, La., and Marion, La., between Bernice, La., and Sterlington, La., between Marion, La., and Monroe, La., between Fillmore, La., and

junction of unnumbered highway and U.S. Highway 80 just north of Doyline, La., between the United States Government reservation approximately 10 miles west of Minden, La., and junction unnumbered highways and U.S. Highway 80, serving all intermediate points, between Shreveport, La., and Jackson, Miss., serving certain intermediate and off-route points, two alternate routes for operating convenience only; *such commodities as require refrigeration* and *packinghouse food products which do not require refrigeration*, between Alexandria, La., and Camp Claiborne, La., between Alexandria, La., and Camp Beauregard, La., between Alexandria, La., and Camp Livingston, La., serving no intermediate points; *packinghouse products, poultry, butter, eggs*, and *cheese*, between Shreveport, La., and Camp Polk, La., between Camp Polk, La., and Alexandria, La., serving no intermediate points; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Fort Worth, Tex., on the one hand, and, on the other, the Consolidated Bomber Assembly Plant and Anchorage and Dock Space, near Fort Worth. BRASWELL MOTOR FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Texas, California, Arizona, and New Mexico. Application has not been filed for temporary authority under Section 210a(b).

NOTE: BRASWELL MOTOR FREIGHT LINES, INC., controls BRASWELL FREIGHT LINES, INC. (formerly in the name of D. C. HALL COMPANY), through ownership of capital stock pursuant to authority granted in Docket No. MC-F-6154.

No. MC-F-8657. Authority sought for purchase by DISTRIBUTORS SERVICE CO., 3535 South Normal Street, Chicago 9, Ill., of a portion of the operating rights of MID-AMERICA HIGHWAY EXPRESS, INC., 507 Stryker Street, Archbold, Ohio, and for acquisition by A. FRED BOGGS, 5500 Riverside Drive, Dublin, Ohio, of control of such rights through the purchase. Applicants' representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio. Operating rights sought to be transferred: *Meats, meat products and meat byproducts*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Fulton County, Ohio, on the one hand, and, on the other, New York, N.Y., and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island, within 150 miles of New York, N.Y.; and *meats, meat products* and *meat byproducts*, as described in appendix I(A), to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Archbold, Ohio, and points within three miles thereof, on the one hand, and, on the other, Boston, Mass., Buffalo, Rochester, Syracuse, and Utica, N.Y., and New Castle, Pa. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Missouri, Ohio, and Iowa. Application has been filed for temporary authority under section 210a (b).

By the Commission. Certified to be a true copy of the original.

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

[F.R. Doc. 64-815; Filed, Jan. 28, 1964; 8:51 a.m.]

[Notice No. 593]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 24, 1964.

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 passenger or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time or 9:30 a.m., local daylight saving time, if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

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 applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 30887 (Sub-No. 131), filed August 16, 1963. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Fairfax County, Va., to points in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 56388 (Sub-No. 28), filed November 13, 1963. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, National Press Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Maryland and Virginia, to points in Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 61506 (Sub-No. 17), filed April 3, 1963. Applicant: RUSSELL TRANSFER COMPANY, INC., P.O. Box 92, Washington, Ga. Applicant's attorney: Theodore M. Forbes, Jr., Suite 825, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as defined in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, including *naphtha*, but excluding all other acids and chemicals named in Appendix XV thereto, in bulk, in tank vehicles only, from Colonial Pipe Line Co. terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 102616 (Sub-No. 732), filed September 9, 1963. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Fairfax County, Va., to points in Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 103051 (Sub-No. 145) (AMENDMENT), filed May 22, 1963, published FEDERAL REGISTER issue June 12, 1963, amended September 5, 1963, and republished as amended this issue. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr.,

Suite 403, 411 Healey Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 265–6, in bulk, in tank vehicles, from the terminals of the Colonial Pipeline Co., located at points in Alabama, Georgia, Tennessee, and South Carolina, to points in Alabama, Tennessee, Georgia, Florida, and South Carolina, and Kentucky.

NOTE: Common control may be involved. The purpose of this republication is to add Kentucky as a destination state.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub-No. 471), filed May 29, 1963. 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: *Petroleum and petroleum products* as defined in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *including naphtha*, but excluding all other acids and chemicals named in Appendix XV thereto, in bulk, in tank vehicles, from Colonial Pipeline Co., terminals located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub-No. 474), filed June 7, 1963. 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: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Fairfax County, Va., to points in Maryland, Virginia, West Virginia, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub-No. 475), filed June 10, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's representative: C. W. Zook (same address as 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 points in Bedford County, Va., to points in the District of Columbia, Maryland, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107544 (Sub-No. 58), filed May 28, 1963. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (1) from the sites of pipeline terminals or outlets of the Colonial Pipeline located at points in North Carolina, to points in North Carolina, South Carolina, Tennessee, and Virginia, (2) from the sites of pipeline terminals or outlets of the Colonial Pipeline located at points in Tennessee, to points in Virginia, North Carolina, Kentucky, South Carolina, Georgia, and Alabama, and (3) from the sites of the pipeline terminals or outlets of the Colonial Pipeline located at points in Virginia, to points in North Carolina, Maryland, Virginia, Pennsylvania, and the District of Columbia.

NOTE: Applicant states "no duplicating rights are sought."

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 109497 (Sub-No. 8), filed June 7, 1963. Applicant: A. F. COMER TRANSPORT SERVICE, INC., Rocky Mount, 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 and petroleum products, including naphtha*, but excluding all other acids and chemicals, in bulk, in tank vehicles, from Colonial Pipe Line Co. terminals located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *returned and rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 109637 (Sub-No. 240), filed July 17, 1963. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products, including naphtha* (excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipe Line Co. terminals located in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 109891 (Sub-No. 3), filed June 24, 1963. Applicant: INFINGER TRANSPORTATION COMPANY, INC., 2811 Carner Avenue, Charleston Heights, S.C. Applicant's attorney: Ernest F. Hollings, 38 Broad Street, Charleston, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha*, (excluding acids and chemicals), in bulk, in tank trucks and trailers, from Colonial Pipeline Co. terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *refused and rejected shipments* on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110525 (Sub-No. 585), filed June 19, 1963. 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: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Colonial Pipeline facilities and terminals in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia, to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110698 (Sub-No. 250), filed June 18, 1963. Applicant: RYDER TANK LINE, INC., Winston-Salem Road, P.O. Box 457, Greensboro, N.C. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipeline Co. terminals located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Florida, South Carolina, North Carolina, Virginia, and Georgia, and *returned or rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 111302 (Sub-No. 27), filed June 12, 1963. Applicant: HIGHWAY TRANSPORT, INCORPORATED, P.O. Box 79, Powell, Tenn. 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: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Colonial Pipeline terminals and tank storage areas on or near the Colonial Pipeline or spurs thereof, located at points in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 112446 (Sub-No. 37), filed May 23, 1963. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue, North (P.O. Box 1164), Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as defined in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *including naphtha*, but excluding all other acids and chemicals named in Appendix XV thereto, in bulk, in tank vehicles only, from the terminals of the Colonial Pipe Line Co., located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 112520 (Sub-No. 90), filed June 3, 1963. 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: *Petroleum and petroleum products, including naphtha* (but excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipe Line Co. terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, North Carolina, South Carolina, and Virginia, and *returned and rejected shipments* on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113336 (Sub-No. 58), filed May 15, 1963. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, 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 and petroleum products, including naphtha*, but excluding all other acids and chemicals, in bulk, in tank vehicles, from Colonial Pipe Line Co. terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina and Virginia, and *returned and rejected shipments* on return.

NOTE: Common control may be involved.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113828 (Sub-No. 33), filed May 31, 1963. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (but excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipe Line Company terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *returned and rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113828 (Sub-No. 34), filed June 7, 1963. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 36, 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 the terminal of the Colonial Pipe Line Co., located at or near Fairfax, Va., to points in the District of Columbia, Maryland, Clarksburg, and Fairmont, W. Va., and to points in West Virginia, on and east of U.S. Highway 119, extending from the Pennsylvania-West Virginia State line to Philippi, W. Va., and thence on, east and north of U.S. Highway 250, extending from Philippi, W. Va., to the Virginia-West Virginia State line and to points in Adams, Franklin, Bedford, Cumberland, Fulton, Somerset, Cambria, Blair, and Huntingdon Counties, Pa., and *returned and rejected shipments*, of the commodities specified above, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113861 (Sub-No. 25), filed August 11, 1963. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston, Memphis, Tenn. Applicant's attorney: Dale Woodall, 150 East Court Avenue, Memphis 1, Tenn. 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 Colonial Pipe Line terminals located in Tennessee, Alabama, Georgia, South Carolina, North Carolina, and Virginia to points in Mississippi, Alabama, Tennessee, Kentucky, Florida, South Carolina, North Carolina, Virginia, and Georgia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 114091 (Sub-No. 52), filed June 10, 1963. Applicant: FLEET TRANSPORT CO. OF KY., INC., Fern Valley Road, Louisville 13, Ky. Applicant's attorney: Louis Reznek, 5009 Keokuk Street, Washington 16, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (but excluding all other acids and chemicals, in bulk), from the Colonial Pipe Line terminals, located at points in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in West Virginia, Maryland, Pennsylvania, Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *returned and rejected shipments*, of commodities specified above, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 114848 (Sub-No. 17), filed November 1, 1963. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. Applicant's attorney: Dale Woodall, 150 East Court Avenue, Memphis 1, Tenn. 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 Colonial Pipe Line terminals located in Tennessee, Alabama, Georgia, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Florida, South Carolina, North Carolina, Virginia, and Georgia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 116254 (Sub-No. 29), filed June 10, 1963. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. 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 terminals located on the pipe line of the Colonial Pipe Line Co. in Alabama, Georgia, Tennessee, and South Carolina, to points in Alabama, Georgia, Tennessee, Florida, and South Carolina.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 117578 (Sub-No. 5), filed September 30, 1963. Applicant: PETROLEUM TRANSIT CORPORATION OF VIRGINIA, P.O. Box 921, 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 and petroleum products*, in bulk, in tank vehicles, from points in Bedford and Fairfax Counties, Va., to points in West Virginia, North Carolina, Maryland, Pennsylvania, and Delaware.

NOTE: Common control may be involved.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 118899 (Sub-No. 1), filed September 16, 1963. Applicant: JOHN J. GERMENKO, GEORGE I. HALTER, AND LARRY GERMENKO, doing business as BALTIMORE TANK LINES, Catonsville Junction, Catonsville 28, Md. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. 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 the Colonial Pipe Line Terminals in Virginia and Maryland to points in Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 119496 (Sub-No. 4), filed June 17, 1963. Applicant: THE JAMES GIBBONS COMPANY, a corporation, Sutton Avenue (Relay), Baltimore 27, Md. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, 6, 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 all distribution points on the Colonial Pipe Line located in Maryland and Virginia, including all spur lines, to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 119496 (Sub-No. 5), filed August 7, 1963. Applicant: THE JAMES GIBBONS COMPANY, a corporation, Sutton Avenue (Relay), Baltimore 27, Md. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Fairfax County, Va., to points in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 119778 (Sub-No. 36), filed May 15, 1963. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. 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 and petroleum products, including naphtha* (but excluding all other acids and chemicals) in bulk, in tank vehicles, from Colonial Pipe Line Company terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *returned and rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 123156 (Sub-No. 1), filed December 5, 1963. Applicant: RAND'S TRANSPORT, INC., Hammonds Ferry Road, Linthicum, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from all distribution outlets of the Colonial Pipe Line maintained within Maryland, to points in Pennsylvania, District of Columbia, Virginia, West Virginia, and Delaware, and *returned and rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 124306 (Sub-No. 3), filed July 21, 1963. Applicant: KENAN TRANSPORT COMPANY, a corporation, P.O. Box 2933, West Durham Station, Durham, N.C. Applicant's attorney: W. T. Croft, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including specifically naphtha*, in bulk, in tank vehicles, from Colonial Pipe Line terminals or outlets in South Carolina, North Carolina, and Virginia, to points in South Carolina, North Carolina, Virginia and West Virginia, and *returned or rejected shipments of the above named commodities*, on return.

NOTE: Applicant has pending a contract carrier application in MC 124645; therefore, dual operations may be involved.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

By the Commission.

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

[F.R. Doc. 64-866; Filed, Jan. 28, 1964; 8:52 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 24, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3433, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-11501, filed December 16, 1963. Applicant: KRUSE TRANSPORTATION COMPANY, INC., Yutan, Nebr. Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those requiring special equipment), over irregular routes, (1) from points within a twenty-five (25) mile radius of Waterloo, Nebr., to and from Omaha, Nebr., and occasionally to various points within a 150-mile radius of Waterloo, Nebr., and (2) from Yutan, Nebr., and vicinity, to and from Omaha, Nebr., operations to be limited to and from various points within a fifty (50) mile radius of Yutan, Nebr.

HEARING: February 24, 1964, at 9:00 A.M., in the Railway Commission Hearing Rm., Capitol Building, Lincoln, Nebr.

Requests for procedural information, including time for filing protests, concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Bldg., Lincoln 9, Nebr., and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 64-867; Filed, Jan. 28, 1964; 8:52 a.m.]

[Notice No. 931]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 24, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66429. By order of January 23, 1964, the Transfer Board, on reconsideration, approved the transfer to Mollerup Van Service, Inc., Salt Lake City, Utah, of the operating rights in Certificate No. MC 1931, issued June 12, 1961 to Mollerup Van Lines, a corporation, doing business as Mollerup Van Lines and Mollerup Moving & Storage Co., Salt Lake City, Utah, authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, Wisconsin, Utah, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, and Wyo-

ming. Lon Rodney Kump, 716 Newhouse Building, Salt Lake City, Utah, attorney for applicants.

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

[F.R. Doc. 64-868; Filed, Jan. 28, 1964; 8:52 a.m.]

DONALD LEROY MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (27 F.R. 6811, 28 F.R. 1576, and 28 F.R. 7490) during the six months period ended January 18, 1964.

None.

D. L. MANION.

JANUARY 18, 1964.

[F.R. Doc. 64-869; Filed, Jan. 28, 1964; 8:52 a.m.]

[Section 5a; Application No. 86]

MOTOR CARRIERS TARIFF BUREAU, INC.

Agreement (4)

JANUARY 24, 1964.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed January 17, 1964, by Thomas F. Kilroy, 1250 Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006.

Agreement involved: Agreement between and among motor common carriers, members of Motor Carriers Tariff Bureau, Inc., relating to joint initiation, consideration, and establishment of rates, classifications, rules, regulations, and practices governing the transportation of property between points served by such carriers in Wisconsin, South Dakota, Nebraska, Missouri, Tennessee, North Carolina, and States east and north thereof, and the District of Columbia.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

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

[F.R. Doc. 64-870; Filed, Jan. 28, 1964; 8:52 a.m.]

[Section 5a; Application No. 2; Amdt. No. 14]

WESTERN TRAFFIC ASSOCIATION

JANUARY 24, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed January 20, 1964, by James M. Souby, Jr., attorney-in-fact and counsel for applicants, Room 514 Union Station, Chicago, Ill., 60606.

Amendments involved: Change Article XI, North Pacific Coast Freight Bureau, of the Articles of Organization and Procedure of the Western Railroad Traffic Association so as to provide that a quorum of the Executive Committee and the Freight Traffic Committee shall consist of representatives of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Great Northern Railway Company, Northern Pacific Railway Company, and Union Pacific Railroad Company, rather than representatives of five member lines.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

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

[F.R. Doc. 64-871; Filed, Jan. 28, 1964; 8:52 a.m.]

PLEADING COPIES

JANUARY 17, 1964.

In filing with the Commission the number of pleading copies required by the rules of practice, practitioners occasionally in addition transmit to each Commissioner a separate copy of such pleading. Every effort has been made to reduce the number of copies filed with the Commission in order to minimize the burden placed upon the parties and the Commission's staff. Accordingly, the practice of transmitting additional copies of pleadings directly to Commissioners is not favored and hereafter such copies will be returned to the sender by the Secretary.

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

[F.R. Doc. 64-872; Filed, Jan. 28, 1964; 8:52 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 24, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 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. 38777: *Crude petroleum oil from points in Montana and North Dakota.* Filed by Great Northern Railway Company (No. 1087), jointly with Northern Pacific Railway Company (No. 134), for themselves and interested rail carriers. Rates on crude petroleum oil, in tank car loads, subject to certificatory provisions described in the application, from points in Montana and North Dakota, to points in Minnesota, Montana, North Dakota, Washington, and Wisconsin.

Grounds for relief: Carrier competition.

Tariffs: Supplements 24, 53, and 55 to Great Northern Railway Company tariffs I.C.C. A-8918, A-8958 and A-8854, respectively, and supplement 27 to Northern Pacific Railway Company tariff I.C.C. 9977.

By the Commission.

HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-862; Filed, Jan. 28, 1964; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum

applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION V

Ulbrich's Super Market, 407 South Wayne Street, Piqua, Ohio; effective 1-2-64 to 9-2-64 (food store; 32 employees).

REGION VI

Roth Brothers Co., 1321-27 Tower Avenue, Superior, Wis.; effective 12-24-63 to 9-30-64 (department store; 139 employees).

REGION VII

The Beaver Co., Inc., Hinky Dinky Store, No. 58, 4415 Douglas, Des Moines, Iowa; effective 6-20-63 to 3-31-64 (food store; 27 employees).

11th and Chestnut Co., Inc., Hinky Dinky Store, No. 41, 11th and Chestnut Streets, Wahoo, Nebr.; effective 6-20-63 to 3-31-64 (food store; 22 employees).

The Elkhorn Co., Inc., Hinky Dinky Store, No. 56, 23d and Bell Street, Fremont, Nebr.; effective 6-20-63 to 3-31-64 (food store; 39 employees).

Hinky Dinky Store, No. 44, 211-15 West Broadway, Council Bluffs, Iowa; effective 6-20-63 to 3-31-64 (food store; 18 employees).

Hinky Dinky Store, No. 32, 1212 J Street, Auburn, Nebr.; effective 6-20-63 to 3-31-64 (food store; 8 employees).

Hinky Dinky Store, No. 27, 50 West Sixth Street, Fremont, Nebr.; effective 6-20-63 to 3-31-64 (food store; 10 employees).

Hinky Dinky Store, No. 51, 2535 O Street, Lincoln, Nebr.; effective 6-20-63 to 3-31-64 (food store; 23 employees).

Hinky Dinky Store, No. 47, 216 East B Street, McCook, Nebr.; effective 6-20-63 to 3-31-64 (food store; 11 employees).

Hinky Dinky Store, No. 50, 121 South Third Street, Norfolk, Nebr.; effective 6-20-63 to 3-31-64 (food store; 20 employees).

Hinky Dinky Store, No. 49, 514 North Vine Street, North Platte, Nebr.; effective 6-20-63 to 3-31-64 (food store; 13 employees).

Hinky Dinky Store, No. 24, 624 Avenue A, Plattsmouth, Nebr.; effective 6-20-63 to 3-31-64 (food store; 15 employees).

The Orchard Co., Inc., Hinky Dinky Store, No. 33, 1406 Central Avenue, Nebraska City, Nebr.; effective 6-20-63 to 3-31-64 (food store; 14 employees).

The Pottawattamie Co., Inc., Hinky Dinky Store, No. 57, 2801 West Broadway, Council Bluffs, Iowa; effective 6-20-63 to 3-31-64 (food store; 43 employees).

Sixtieth and Adams Co., Inc., Hinky Dinky Store, No. 59, 60th and Adams, Lincoln, Nebr.; effective 6-20-63 to 3-31-64 (food store; 33 employees).

REGION X

Teague's Shop-Rite Foods, Inc., 420 Madison Street, Clarksville, Tenn.; effective 2-14-64 to 3-31-64 (food store; 24 employees).

REGION XI

Rose Store, Inc., 116-118-120 South Broad Street, Thomasville, Ga.; effective 1-2-64 to 9-2-64 (variety store; 29 employees).

The following certificate was issued to an establishment coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificate permits the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Peebles Department Store, Inc., of Woodbridge, Va., Marumsco Plaza Shopping Center, Woodbridge, Va.; effective 1-7-64 to 9-2-64; sales clerks, office workers, stock clerks; between 8.0 percent and 10 percent (department store; 25 employees).

The following certificate was issued to an establishment under paragraph (k) of § 519.6 of 29 CFR, Part 519. This certificate supplements the certificate issued pursuant to other paragraphs of that section, but does not authorize the employment of full-time students at rates below $1.00 an hour in additional occupations. The certificate contains limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The additional allowance applies to the specified month.

J. J. Newberry Co., 815 Franklin Street, Tampa, Fla.; effective 12-16-63 to 12-31-63; 11.0 percent for the fiscal month ending in December (variety store; 59 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 17th day of January 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-850; Filed, Jan. 28, 1964; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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 January.

3 CFR

Page

PROCLAMATIONS:
- 3298 ... 247, 249
- 3566 ... 67
- 3567 ... 69
- 3568 ... 71
- 3569 ... 247
- 3570 ... 249
- 3571 ... 453

EXECUTIVE ORDERS:
- Sept. 10, 1913 ... 607
- Jan. 23, 1918 ... 1327
- 9721 ... 225
- 10000 ... 223
- 10103 ... 225
- 10903 ... 223
- 11007 ... 129
- 11135 ... 125
- 11136 ... 129
- 11137 ... 223
- 11138 ... 225
- 11139 ... 227

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Report of Determination, January 6, 1964 ... 427

5 CFR

- 213 ... 41, 229, 251, 340, 429, 474, 498, 525, 1379.
- 531 ... 251
- 534 ... 251
- 591 ... 429
- 752 ... 429

6 CFR

- 310 ... 339
- 519 ... 131

7 CFR

- 1 ... 339
- 26 ... 1309
- 210 ... 311, 1379
- 215 ... 1379
- 354 ... 83
- 401 ... 498, 499
- 719 ... 339
- 722 ... 251, 252
- 724 ... 1315
- 730 ... 252
- 750 ... 589
- 775 ... 589, 590
- 812 ... 84
- 831 ... 131
- 851 ... 397
- 905 ... 252, 253, 279, 553
- 907 ... 84, 131, 175, 280, 468, 1315
- 909 ... 469
- 910 ... 85, 280, 281, 311, 469, 1316
- 911 ... 470
- 916 ... 85
- 917 ... 1316
- 944 ... 311, 1316
- 959 ... 229, 600
- 970 ... 601, 1444
- 971 ... 470, 1444
- 980 ... 525
- 984 ... 175
- 999 ... 230
- 1137 ... 553
- 1474 ... 41

7 CFR—Continued

Page

PROPOSED RULES:
- 70 ... 146
- 81 ... 289, 530
- 362 ... 405
- 917 ... 266
- 919 ... 50
- 929 ... 1388
- 950 ... 1475
- 959 ... 107
- 970 ... 107
- 980 ... 50
- 1001 ... 146
- 1002 ... 146
- 1003 ... 146
- 1004 ... 146
- 1006 ... 146
- 1007 ... 146
- 1014 ... 146
- 1015 ... 146
- 1016 ... 146
- 1032 ... 1530
- 1035 ... 1389
- 1037 ... 289, 569
- 1041 ... 289, 569
- 1050 ... 1530
- 1063 ... 1530
- 1103 ... 1403
- 1105 ... 1403
- 1107 ... 1403
- 1131 ... 611

9 CFR

- 74 ... 175, 230, 525, 554
- 78 ... 43
- 97 ... 86
- 201 ... 231
- 203 ... 311

PROPOSED RULES:
- 16 ... 1413
- 17 ... 1413
- 18 ... 1413

12 CFR

- 1 ... 498
- 204 ... 398
- 208 ... 398
- 217 ... 398
- 522 ... 312
- 561 ... 44, 429
- 563 ... 45

PROPOSED RULES:
- 545 ... 355
- 563 ... 52

13 CFR

- 121 ... 86, 176

PROPOSED RULES:
- 107 ... 297
- 121 ... 233

14 CFR

- 1 [New] ... 601
- 42 ... 429, 601
- 71 [New] ... 3, 4, 73, 132, 133, 253, 254, 281, 282, 430, 555–557, 605, 606, 1003, 1445, 1446.
- 73 [New] ... 3, 4, 133, 176, 558, 1231
- 75 [New] ... 1286
- 91 [New] ... 45
- 95 [New] ... 455
- 97 [New] ... 5, 74, 83, 458, 487
- 101 [New] ... 45

14 CFR—Continued

Page

- 133 [New] ... 603
- 221 ... 177
- 298 ... 1317
- 399 ... 1446
- 507 ... 13, 47, 83, 134, 255, 430, 431, 558, 606, 1453.
- 1204 ... 177
- Ch. XV ... 526
- 1502 ... 526

PROPOSED RULES:
- 1 [New] ... 15
- 4b ... 352
- 8 ... 477
- 13 ... 15
- 33 [New] ... 15
- 40 ... 50, 266, 352
- 41 ... 50, 266, 352, 1348
- 42 ... 50, 266, 352
- 46 ... 50
- 71 [New] ... 21, 324, 325, 352, 433, 435, 569–575, 613, 614, 1479, 1480.
- 73 [New] ... 21, 325, 436, 615
- 75 [New] ... 436, 575
- 91 [New] ... 266, 477, 576
- 123 [New] ... 1348
- 159 [New] ... 576
- 207 ... 1476
- 231 ... 612
- 292 ... 612
- 298 ... 433
- 302 ... 612
- 399 ... 1476
- 507 ... 107, 108, 268, 437, 1481
- 514 ... 615, 1482

15 CFR

- 30 ... 312
- 203 ... 559
- 371 ... 312
- 373 ... 312
- 379 ... 312
- 385 ... 312
- 399 ... 340

16 CFR

- 13 ... 256, 257, 282, 284, 399–402, 1317, 1379, 1381–1383, 1451–1458.
- 14 ... 178
- 303 ... 48

PROPOSED RULES:
- 408 ... 530

17 CFR

- 241 ... 341

PROPOSED RULES:
- 240 ... 478
- 270 ... 616

18 CFR

- 3 ... 73

PROPOSED RULES:
- 157 ... 22
- 260 ... 21

19 CFR

- 1 ... 48
- 8 ... 14
- 14 ... 180
- 25 ... 313

PROPOSED RULES:
- 1 ... 1472

Pages 1529–1555

PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 20

Washington, Wednesday, January 29, 1964

Department of Agriculture

Agricultural Marketing Service

Revised Recommended Decision Regarding Milk in Central Illinois, Suburban St. Louis, and Quad Cities-Dubuque Marketing Areas

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1032, 1050, 1963]

[Docket Nos. AO–339, AO–313–A3, AO–105–A14]

MILK IN CENTRAL ILLINOIS, SUBURBAN ST. LOUIS AND QUAD CITIES-DUBUQUE MARKETING AREAS

Notice of Revised Recommended Decision and Opportunity To File Written Exceptions to Proposed Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in the Central Illinois marketing area and proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Suburban St. Louis and Quad Cities-Dubuque marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on November 13, 1962 (27 F.R. 11369) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

On the basis of the exceptions filed to the recommended decision, revisions have been made in certain provisions. Inasmuch as one of these changes involves redefinition of the proposed Central and Southern Illinois marketing areas, interested parties are being afforded further opportunity to file exceptions.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in sextuplet.

Preliminary statement. The hearing on the record of which the proposed marketing agreements and orders, as hereinafter set forth, were formulated, was conducted at Effingham and Peoria, Illinois, on January 3–12, 1962, pursuant to notice thereof which was issued December 14, 1961 (26 F.R. 12132). This hearing was reopened at a joint hearing held in St. Louis, Missouri, on January 8–11, 1963, and again reopened on June 4–11, 1963. This decision is limited to those matters considered at the January 3–12, 1962, hearing. The issues considered at the reopened hearing of January 8–11, 1963, are dealt with in a separate decision which is to be issued concurrently with this decision. A decision on the issues of the June 4–11, 1963, hearing is expected in the near future.

The hearing of January 3–12, 1962, gave consideration among other things to the alternative possibilities of (1) issuing a separate order to regulate the handling of milk in all or part of certain counties in Illinois to be known as the Central Illinois marketing area; (2) expanding the present Suburban St. Louis marketing area to regulate the handling of milk in all or part of such counties; and (3) expanding the present Quad Cities-Dubuque marketing area to include four counties in Illinois.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (27 F.R. 11369; F.R. Doc. 62–11465) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. The paragraph following subheading (3) of the "Findings and conclusions" is changed.

2. The first, second and third paragraphs after the subheading "Central Illinois marketing area" are changed.

3. The sixth paragraph following the subheading "Central Illinois marketing area" is deleted and three new paragraphs put in its place.

4. The paragraph immediately following the subheading "Suburban St. Louis marketing area" is changed.

5. The first and ninth paragraphs after subheading "(b) Northern zone" are changed and the fourth is deleted.

6. The single paragraph of the subheading "Supply plant" after subheading "1. (a) The scope of regulation" is deleted and four new paragraphs are inserted in its place.

7. The third, fourth, fifth and twelfth paragraphs of the subheading "Pool plant" after subheading "1. (a) The scope of regulation", are changed, and two new paragraphs are inserted following the seventh paragraph.

8. The ninth through the fourteenth paragraphs after subheading "1.(b) Classification and allocation of milk" are deleted and are replaced with two new paragraphs.

9. All of the paragraphs contained in subpart "(2) Transfers", after subheading "1.(b) Classification and allocation of milk", are deleted and replaced with two new paragraphs.

10. All of the paragraphs contained in subpart "(3) Allocation", after subheading "1.(b) Classification and allocation of milk", are deleted and a new paragraph is added.

11. Paragraph (6) of "(c) The determination and level of class prices" is deleted and three new paragraphs are added after paragraph (c)(5) to read as follows:

12. The last paragraph of subpart "(3) Payments to producers", of subheading "1.(d) Distribution of proceeds to producers", is revised into four new paragraphs.

13. The first, third and fourth paragraphs of the findings of issue No. 2 of the Suburban St. Louis order are changed and a new paragraph is added.

14. The fourth through the last paragraphs of the findings of issue No. 4 are deleted and two new paragraphs are added.

15. Four new paragraphs are added after the single paragraph in the preamble of issue No. 5, "The determination and level of class prices".

16. The fourth paragraph of subpart "(a) Class I price" of issue No. 5 is changed.

17. A new paragraph is added after the last paragraph of subpart "(c) Location differentials" of issue No. 5.

18. The single paragraph of issue number 6 is deleted and issue number 7 is renumbered as 6 and is changed.

General statement of issues. The general issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for regulation, and whether the issuance of a new marketing agreement or order or the expansion of existing orders or a combination of both, will best tend to effectuate the policy of the Act; and

3. The form of such regulation and the area to be included under each order.

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

(1) *Character of commerce.* All milk to be regulated by the proposed marketing agreement and order for Central Illinois and the tentative marketing agreements and orders as proposed to be amended for Suburban St. Louis and Quad Cities-Dubuque is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

Although all the area under consideration is located entirely within the State of Illinois, a substantial proportion of the fluid milk products disposed of in the areas to be regulated originates at sources outside the state. A number of farms and plants in the States of Wisconsin, Iowa, Indiana and Missouri have been and are supply sources of milk for the handlers to be regulated. Several Wisconsin plants supply large quantities of milk to handlers located throughout all the area proposed for regulation.

Handlers regulated by the Quad Cities-Dubuque and Rock River Valley orders distribute fluid milk products on routes to some extent in the Central Illinois area. Fluid milk products are also distributed on routes in the Central Illinois area by handlers regulated by the Chicago, Illinois, order. Several handlers regulated either by the Indianapolis, Indiana, or Louisville-Lexington-Evansville order have extensive sales throughout the counties proposed for regulation.

Fluid milk products are imported in packaged form by a handler located in Peoria, Illinois, from an affiliated plant at St. Louis, Missouri, where the milk used to produce such products is priced. Another handler located at Bloomington, Illinois, imports fluid milk products in packaged form from an affiliated plant at Kansasville, Wisconsin, which is regulated by the Milwaukee, Wisconsin, or-

der where the milk used to produce such products is priced. Handlers regulated by the St. Louis, Missouri, order distribute fluid milk products on routes throughout most of the counties in southern Illinois, including those adjacent to the Wabash River.

Fluid milk products received at plants from plants regulated by other orders have been determined to be in the current of interstate commerce or to directly burden, obstruct, or affect interstate commerce. Fluid milk products received from out-of-state sources by plants to be regulated are disposed of at wholesale and retail in direct and regular competition with fluid milk products derived from milk produced on farms within the state of Illinois. In many instances milk from out-of-state sources and milk produced on Illinois farms are commingled at the time of processing in such plant.

During several months of the year the handlers to be regulated must supplement their supplies of milk from dairy farmers by purchases from other handlers or from sources outside the state. This importation of milk is not confined to a few handlers but is a practice generally followed by most handlers throughout the entire area proposed for regulation. Relatively few plants rely entirely upon milk locally produced on farms to cover their complete need of milk for Class I purposes.

During the spring months, on the other hand, milk delivered by local dairy farmers to handlers to be regulated is generally in excess of the demand for fluid milk products and, therefore, it must be manufactured into various dairy products. These are distributed in other states as well as in Illinois.

(2) *Need for regulation.* The issuance of a marketing agreement and order for Central Illinois and the proposed amendments to the tentative marketing agreements and orders for Suburban St. Louis and Quad Cities-Dubuque will tend to effectuate the declared policy of the Act.

The area proposed for regulation generally lacks a full supply of milk from local dairy farmers who may be identified as a regular source of Grade A milk for the market. To a large extent handlers rely upon supplies from distant sources mainly in Wisconsin, to supplement milk received from nearby producers. These distant milk supplies, in large part, represent milk which is surplus to the fluid milk requirements of other markets and are only incidentally associated with the area proposed for regulation. Such milk is disposed of on an opportunity basis to fluid milk markets which return the highest price at the time. The suppliers, however, assume no obligation to make milk available when needed by these markets.

Often Grade A milk is purchased from distant but irregular sources at a price higher than that received by local dairy farmers.

Dairy farmers delivering to plants, other than those operated by cooperative associations of which they are members, have little or no opportunity to bargain for the price to be paid for their milk.

No uniform method of payment for milk now exists in the area proposed for regulation. Prices paid producers delivering to the Chicago, Quad Cities-Dubuque, Indianapolis, Suburban St. Louis and Louisville-Lexington-Evansville markets, as well as the cost of available supplies of milk from out-of-state sources, are used by handlers as a basis for paying dairy farmers. This results in various schemes and rates of payments to dairy farmers delivering to plants that would be regulated. Since most of the handlers that will be regulated are engaged primarily in the distribution of Class I milk and since prices paid to dairy farmers are not generally determined on the basis of a classified pricing plan, dairy farmers have no assurance that they are receiving the full utilization value for their milk. Without a classified pricing plan dairy farmers may be paid manufacturing prices for a portion of their milk which is actually disposed of for fluid consumption.

The majority of the dairy farmers on the market deliver their milk to plants operated by proprietary handlers. Most of these farmers, even those belonging to cooperative bargaining associations, have had little voice in the determination of prices paid for their milk. In most cases milk is purchased on a "flat price basis" without regard to the utilization of the milk. Since most of these plants have a high utilization, it results in producers receiving less than full utilization value for their milk.

Grade A milk from other markets which is in excess of the fluid requirements of such markets and which would otherwise be used for manufacturing purposes is available to handlers in the area proposed for regulation. During much of the year this milk may be purchased at a price only slightly in excess of its value for manufacturing uses. The competitive pressure of this supply has adversely affected the bargaining position of producers and has tended to reduce the price for milk used for fluid purposes to a level below the economic value of such milk when used for fluid purposes and below the level which is contemplated should be returned to producers under the Act.

The introduction of regulation will tend to effectuate the declared policy of the Act by assisting in the establishment and maintenance of orderly marketing conditions for all producers and thus provide the basis for insuring an adequate and dependable supply of milk for consumers. The principal measures to be employed for this purpose are:

(a) The determination of minimum prices to producers at levels contemplated under the Agricultural Marketing Agreement Act of 1937, as amended;

(b) The establishment of uniform pricing to handlers for milk received from producers according to a classified pricing plan based upon the utilization made of the milk;

(c) An impartial audit of handlers' records of receipts and utilization, to insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns from the sale of reserve milk; and

(f) Marketwide information on receipts and sales and other data relating to milk marketing in the area.

(3) The form of such regulation and the area to be included under each order.

It is concluded that there should be a separate order for 17 Illinois counties to be called the Central Illinois marketing area. In the recommended decision the proposed Central Illinois market was limited to 14 Illinois counties. As discussed elsewhere herein, three counties originally recommended for inclusion in the expanded Suburban St. Louis market are now recommended for inclusion in the Central Illinois marketing area. These counties are Champaign, Piatt, and Vermilion Counties. The Illinois counties of Mercer and Henry should be added to the Quad Cities-Dubuque marketing area and the Suburban St. Louis area should be expanded to include 22 additional Illinois counties instead of the 25 originally recommended.

Proposed marketing agreement and order for the Central Illinois marketing area—Central Illinois marketing area. The marketing area for Central Illinois should include all the territory within the Illinois counties of: Champaign, De Witt, Fulton, Knox, Logan, Marshall, Mason, McDonough, McLean, Menard, Peoria, Piatt, Stark, Tazewell, Vermilion, Warren, and Woodford, together with all local, State and Federal institutions located wholly or partially therein.

The sanitary requirements applicable for Grade A milk produced for fluid distribution throughout the marketing area are patterned according to a U.S. Public Health Ordinance and Code. Milk meeting the sanitary requirements of the State of Illinois is acceptable for distribution throughout the proposed marketing area. The state regulations provide a minimum standard which may be, but seldom is, modified by stricter requirements adopted by local health authorities. The high degree of similarity in the health standards and the reciprocity of approval practiced throughout the 17-county area readily adapt themselves to a single regulation for the handling of all milk produced in such area.

The Central Illinois marketing area as herein proposed includes all of the 12 counties which were proposed and supported by the three proponent cooperative associations. The other five counties were proposed and supported by various interested parties. The population of the recommended area is approximately 894,000.

Most of the fluid milk products disposed of on routes in the proposed marketing area are processed in plants located within the area which will be fully subject to the order. Handlers regulated by the Quad Cities-Dubuque, Rock River Valley, Chicago, Indianapolis, and Suburban St. Louis orders also distribute fluid milk products on routes in the marketing area. A small percentage of the total distribution of fluid milk products, less than 1 percent of the total, is distributed by other plants located outside the defined marketing area.

As the result of active competition in the distribution of fluid milk products, wholesale and retail, throughout the counties a complex criss-cross pattern of distribution routes has been established. Several of the largest plant operators maintain route distribution throughout most of the proposed marketing area although each such handler does not maintain routes in each and every county. Handlers with smaller operations tend to be more localized in their distribution, sometimes confining routes to the county within which the plant is located. They are, nevertheless, in active, day-to-day, wholesale and retail route competition with the largest handlers. Although some routes of handlers to be regulated extend into other counties which were proposed for regulation by interested parties and in certain instances even into counties not considered for regulation under this order, the great bulk of their fluid milk sales is made within the above named counties.

It was concluded in the original recommended decision that the counties of Champaign, Piatt, and Vermilion should be included in the expanded Suburban St. Louis marketing area. It is now concluded in view of the exceptions and a further review of the record evidence that these counties should properly be a part of the Central Illinois marketing area.

At the original hearing the operator of a plant at Galesburg, Illinois (Knox County), testified that they planned to close the plant and move the operations to a plant at Champaign operated by the same company. With the addition of the distribution formerly made from the Galesburg plant, the major portion of the sales of the Champaign plant would be in the counties previously recommended for inclusion in the Central Illinois area, rather than in the proposed Southern Illinois marketing area. In the exceptions filed to the original recommended decision the operator of the Galesburg plant stated that the plant was already in the process of closing and the operations were being transferred to Champaign.

A further review of the record indicates that the competition for sales in these counties will be greatest among handlers regulated by the Central Illinois order. Some handlers with plants located in the Central Illinois marketing area have sufficient sales in Champaign, Piatt, and Vermilion Counties that a small increase in the percentage of sales in these counties could shift their regulation from the Central Illinois to the Southern Illinois market, if these counties remained in the Southern Illinois market.

It is concluded that the addition of these counties to the Central Illinois market will provide a more appropriate marketing area for both orders and more accurately reflect the current distribution patterns of handlers to be regulated.

It was proposed that the counties of Mercer, Henry, Warren and Knox be included either in the expansion of the Quad Cities-Dubuque marketing area or in the Central Illinois marketing area. Most of the distribution of fluid milk products in the counties of Mercer and Henry is made by handlers regulated by the Quad Cities-Dubuque marketing order. Sales of fluid milk products by Central Illinois handlers in these two counties represent only a small percentage of the total distribution of such handlers. It has been concluded elsewhere in this decision that Mercer and Henry counties should be added to the Quad Cities-Dubuque marketing area. Distribution of fluid milk products by handlers regulated by the Quad Cities-Dubuque order in the counties of Warren and Knox is negligible. These two counties are served primarily by handlers to be regulated by the Central Illinois order. They should, therefore, be included in the proposed marketing area.

Bureau, Grundy, La Salle, Livingston, Putnam, Ford, Iroquois, and Kankakee Counties are served primarily by handlers with plants located therein or by plants regulated by other Federal orders. Distribution from Central Illinois area plants in these counties is minor, and they do not form a part of the major distribution area of handlers to be regulated. Accordingly, their inclusion in the proposed marketing area is not recommended.

It was proposed that the counties of Sangamon, Christian, Moultrie, Morgan, Coles and Shelby be added either to the expanded Suburban St. Louis marketing area or to the Central Illinois marketing area. As discussed elsewhere in this decision it is concluded that, except for Morgan County, these counties more appropriately should be added to the Suburban St. Louis marketing area.

The majority of the distribution of fluid milk products in Morgan County is made by local handlers and by a handler located in Adams County. The major portion of the distribution area of the Adams County handler was not proposed for regulation. Thus, this handler is not expected to be regulated by the order. Inclusion of Morgan County could result in regulation of handlers whose primary association is with other markets and who have little or no sales competition with handlers to be regulated.

Furthermore, it was not shown to be necessary to include Morgan County in either marketing area to maintain integrity of regulation. It is therefore concluded that Morgan County not be included in either marketing area.

Suburban St. Louis marketing area. The marketing area for Suburban St. Louis should be extended to include 22 additional counties. The name should be changed to Southern Illinois marketing area. The expanded marketing area should include all the territory within the following counties, all of which are in the State of Illinois, together with all municipal corporations therein and all institutions located wholly or partially within the marketing area which are owned or operated by Federal, State, county or local governments:

(a) *Base zone.* The counties of Clay, Clinton, Edwards, Franklin, Hamilton, Jackson, Jefferson, Lawrence, Madison, Marion, Monroe, Perry, Randolph, Richland, St. Clair (except that portion regulated by the St. Louis order), Saline, Wabash, Washington, Wayne, White, and Williamson.

(b) *Northern zone.* The counties of Bond, Calhoun, Christian, Clark, Coles, Crawford, Cumberland, Douglas, Edgar, Effingham, Fayette, Greene, Jasper, Jersey, Macon, Macoupin, Montgomery, Moultrie, Sangamon, and Shelby.

Most fluid milk products disposed of on routes in the marketing area as proposed herein are processed at plants located within the marketing area. In addition, handlers regulated by the Chicago, Indianapolis, St. Louis, Louisville-Lexington-Evansville and the proposed order for Central Illinois have route distribution in the marketing area as proposed. A very small percentage of the total fluid milk products distributed on routes originate at plants located outside the defined marketing area which would not be fully regulated under the proposed expanded order or other orders.

Handlers presently fully or partially regulated under the Suburban St. Louis market distribute fluid milk products throughout the proposed expanded area. A handler with plants located in Champaign, Macon and Coles Counties and with a distributing point in Sangamon County distributes fluid milk products throughout most of the area proposed for Southern Illinois. This handler also operates a plant at Vincennes, Indiana, which distributes fluid milk products on routes in the Southeastern portion of the proposed marketing area. The plant in Coles County is presently fully regulated under the Suburban St. Louis order but has approximately 37 percent of its total distribution of fluid milk products in the state of Indiana. The remainder of its route distribution would be in the proposed Southern Illinois marketing area. The distribution from the plant in Macon County and the distributing point in Sangamon County is almost entirely within the defined marketing area. At the time of the hearing the Champaign plant furnished some fluid milk products to the plant in Macon County and a full supply to the distributing point in Sangamon County. Considering these three operations as a single unit, approximately one-third of the distribution of fluid milk products from the Champaign operation would be in the Central Illinois area as proposed with minor distribution in the State of Indiana. The remaining two-thirds of the distribution of fluid milk products on routes would be within the area as defined for Southern Illinois.

Plants to be regulated by the expansion of the marketing area have extensive sales of fluid milk products on routes in the present Suburban St. Louis marketing area. Presently regulated handlers and handlers who would be fully regulated as a result of the expansion of the marketing area procure supplies from dairy farmers in the same general area. A plant operated by a cooperative association which is presently regulated by the St. Louis order also procures milk from dairy farmers from some of the same counties.

Two handlers that would be regulated by the Central Illinois order distribute approximately 13 percent and 20 percent, respectively, of their fluid milk products

in the area proposed for Southern Illinois. These two are the only handlers of the approximately twenty who would be regulated by the Central Illinois order that distribute any appreciable volume of milk in the Southern Illinois area.

The additional plants that would be regulated by the expansion of the marketing area are located in Sangamon, Christian, Macon, Moultrie, Coles, Crawford, and Richland Counties. There is active competition in the distribution of milk, wholesale and retail, between handlers located in the above counties and handlers now regulated by the Suburban St. Louis order.

The only plant known to be located in the remaining counties proposed for inclusion in the marketing area is one that is now regulated under the Suburban St. Louis order and is located in Saline County. Most of the milk distributed in each of these counties is handled by plants which are now regulated or would become regulated on the issuance of this amendment. Practically all of the remainder of the distribution in these counties is by handlers regulated under one of the Indiana orders.

The health regulations applicable to the production and handling of milk are so similar in all counties as to permit milk to move freely from one part of the area to another. State health regulations have been established which closely follow the standards of the milk ordinance and code of the U.S. Public Health Service. Because of the free movement of milk throughout the area and the extensive competition among handlers one order should be issued to regulate both the present Suburban St. Louis area and the additional 22 counties recommended herein.

Quad Cities-Dubuque marketing area. As noted previously in this decision handlers regulated by the Quad Cities-Dubuque order have the major portion of the distribution of fluid milk products on routes in the Illinois counties of Mercer and Henry. Two small handlers purchase milk from approximately a dozen dairy farmers located in Henry County. These handlers are engaged exclusively in the distribution of Class I milk, but purchase their milk on a flat price based on the uniform price announced under the Quad Cities-Dubuque order. There are no handlers located in Mercer County.

These two counties are adjacent to the present Quad Cities-Dubuque marketing area and will encompass more completely the general sales area of the handlers now regulated under this order and will accommodate more orderly marketing of milk in this general area.

Only a small percentage of the distribution in these counties is by handlers who would be regulated by the Central Illinois order. Proponents of its inclusion in Central Illinois indicated only that these counties should be included in one order or the other to promote orderly marketing therein. Because of their much closer relationship with the Quad Cities-Dubuque market, they should be added to that marketing area.

Proposed marketing agreement and order for Central Illinois Marketing Area—Statement of issues. The material issues of record relate to:

1. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

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

(a) *The scope of regulation.* The minimum class prices under the order should apply to that milk, which is produced in compliance with the Grade A inspection requirements of any duly constituted health authority, and which is regularly received at plants primarily engaged in processing fluid milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants. This milk may be identified by providing appropriate definitions of the terms "producer", "handler", "producer-handler", "distributing plant", "supply plant", "pool plant", "producer milk", "other source milk", and "fluid milk product".

Producer. The term "producer" should include dairy farmers who regularly provide Grade A milk to pool plants for fluid consumption in the marketing area. Accordingly, the definition of "producer" should distinguish between those farmers who produce milk in compliance with the sanitary requirements of a fluid market and other dairy farmers whose milk is qualified only for manufacturing purposes. Milk intended for fluid consumption in the proposed area is required to be produced in compliance with specific health standards. In addition to the milk which complies with Grade A requirements of a state or municipal health ordinance that which is approved by government authorities at installations under their supervision also would be considered as satisfying the health approval provision.

The qualification of a dairy farmer as a "producer" should be established primarily on receipt of his milk at a plant which is substantially supplying the marketing area, hereinafter defined as a "pool plant".

Handler. "Handler" is a term used to cover all persons operating plants or otherwise having responsibility with respect to the marketing of milk in the area. It would include (a) persons operating pool plants, (b) persons operating nonpool plants from which Grade A milk is supplied to the market, and (c) cooperative associations with respect to milk diverted to a nonpool plant or which is delivered to a pool plant in a bulk tank truck owned and operated by, or under contract to, the association, if the association gives prior notice to the market administrator and the plant operator of its intention to be the handler for such milk.

When a cooperative association is the handler for bulk tank milk delivered to the pool plant of another handler, the transaction constitutes an interhandler transfer and will be classified in the same manner as a transfer between pool plants. The pool plant operator will be required to pay the association the class prices for milk received. The association, in turn, will be required to settle with the pool through the producer-settlement fund.

Distributing plant. A "distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on routes in the marketing area during the month.

Supply plant and reload point. "Supply plant" means any plant at which Grade A milk is received from dairy farmers and cooperative associations as handlers and from which fluid milk products are moved to a distributing plant. This definition should not include facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which, milk moved from the farm in a tank truck, is commingled in another tank truck, with milk from other farms before entering a milk plant. These latter facilities should be designated a "reload point".

If such reloading operations are conducted on the premises of a plant at which equipment for the receiving, cooling, storing and processing of milk is currently being used to handle milk, such facilities should not be considered a reload point and the reloading of milk conducted on the premises of such a plant should be considered a part of the operation of the plant. This would not preclude a reload point from being operated on the premises of a plant which is not currently used for receiving, cooling, storing or processing milk.

In their exceptions, producers indicated that this definition is needed to accommodate reloading operations which presently function to assure the market of an adequate and dependable supply of milk. The facilities in question are used to assemble milk by transferring smaller loads of milk from farm pickup trucks to larger over-the-road tankers. Milk in these larger tankers can be transported to a plant for processing at much less cost than the same milk in a number of vehicles of smaller capacities. Such reloading operations are usually conducted at some distance from a pool plant and reloaded milk is held in a larger over-the-road truck for only a short time until a full load is assembled.

Provision should be made to exclude such an operation from the supply plant definition. Any milk received at a pool plant which passes through a reload point should be considered to be a direct receipt at the pool plant just as if it came directly from farms of producers. This provision will insure producers whose milk goes through a reload point that they will receive the uniform price applicable at the pool plant of receipt rather than the price which might apply at such

a reloading facility in the absence of a specific exclusion from the supply plant definition. In order to clearly distinguish between a supply plant and a reload point, it should be provided that any facility, with equipment for the receiving, cooling, storing and processing of milk which is in current use, not be considered a reload point as defined since it would be performing certain marketing functions other than assembling. Receiving, cooling, and storing of milk before moving it to distributing plants are clearly the functions of a supply plant. Any milk moved from farms to such a facility should, therefore, be considered to have been received at the plant at that location and not at a reload point.

Pool plant. Generally there are two categories of milk plants functioning in the Central Illinois market. In one category are plants from which packaged fluid milk products are distributed in the marketing area. Such plants are defined as "distributing plants". In the other category are plants at which milk is received from dairy farmers, commingled and shipped to other plants for further processing and distribution. Such plants are defined as "supply plants".

Distributing plants should be further divided into two categories—pool distributing plants, those having a significant association with the market and nonpool distributing plants, those with only an incidental association.

To qualify under the first category a distributing plant should have a total route distribution, both inside and outside the marketing area during the month, of an amount equal to 50 percent or more of its Grade A receipts from dairy farmers and from cooperative associations, in their capacity as handlers with respect to bulk tank milk, during each of the months of August through February and 40 percent during all other months.

In addition to the above standards such a plant should dispose of as fluid milk products on routes in the marketing area during the month, either a minimum of 10 percent or more of its Grade A receipts from dairy farmers and from cooperative associations, in their capacity as handlers with respect to bulk tank milk, or an average of not less than 7,000 pounds per day. A plant meeting either of these standards is sufficiently identified with the market to participate in the marketwide pool under the order on a regular basis. These are the same standards as provided in the present Suburban St. Louis (proposed Southern Illinois) order.

A plant which distributes on routes within the marketing area a volume of Class I milk equal to 7,000 pounds per day is an important competitive factor in the market and should be subject to full regulation, even though this volume represents less than 10 percent of its Grade A receipts from dairy farmers and cooperatives in their capacity as handlers.

Use of the fixed figure rather than of a percentage related to the total Class I sales by all handlers in the market will afford the operators of plants an opportunity to know beforehand whether they will be subject to regulation and will permit them to adjust their business accordingly. It will also eliminate the shifting in and out of the pool of plants whose distribution in the area might be fairly constant but might vary percentagewise to the total in the pool as total Class I sales change seasonally or for other causes.

It was proposed that during the spring months the requirement that a distributing plant dispose of through route distribution an amount equal to at least 50 percent of its total receipts be reduced to 35 percent. Certain distributing plants that have been regularly associated with the Central Illinois market have maintained supply and distribution patterns which indicate the need for a lower standard during the months of March through July. On the basis of this record a decrease in the standard during these flush months from 50 percent to 40 percent should be adequate during the initial period of the operation of the order. The lower standard during the March through July period will assure dairy farmers regularly associated with the market an opportunity to continue to participate in the marketwide pool. Receipts of milk for custom bottling would not be included in determining a plant's qualification.

A number of exceptions were filed to the recommendation that all Grade A milk received at a distributing plant be included in the computations to determine whether a distributing plant has met the pooling standards of the order. Exceptions pointed out that a number of pool handlers under the Suburan St. Louis order have at times received large volumes of excess Grade A milk from other pool plants which is manufactured into nonfluid products. These plants, which presently serve as surplus disposal outlets, can now handle such excess supplies without the danger of such supplies resulting in the loss of pool status because transfers from other plants are excluded in determining pool status.

The orderly disposition of reserve milk supplies for the Central Illinois market can best be achieved by permitting the efficient use of all available manufacturing outlets. The recommended orders are, therefore, revised so that only Grade A receipts from dairy farmers and cooperative associations as handlers would be compared to total Class I route distribution in determining the pool plant status of distributing plants. This provision is identical to the provision presently in the Suburban St. Louis order and will permit the continued use of regular outlets for the disposition of excess Grade A milk without the danger of the distributing plants which receive such milk losing their pool status.

The second category of distributing plants consists of those plants which distribute only a token share of their fluid milk products on routes in the marketing area. The primary sales territory of such plants is in another market which may be subject to substantially different marketing conditions. Such a plant might suffer undue hardship through becoming regulated as a result of minor sales in the marketing area.

The marketing performance provisions of the order should permit a distributing plant meeting the requirements for full regulation under this order and another order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent months, to retain pool status under this order until the third consecutive month in which a greater volume of Class I sales is made in the other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification.

A distributing plant meeting the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greatest proportion of its distribution. However, recognition should be given to the confusion that would result were a plant, with almost equal utilization in this and another market, to shift back and forth from one pool to the other with minor changes in its distribution pattern. A handler operating a pool distributing plant which has been subject to regulation under this order and continues to meet the pool standards provided herein, generally should not be subject to another order unless it has disposed of more milk on routes in such other marketing area than in the Central Illinois marketing area for three consecutive months. This will afford the handler reasonable notice that regulation is shifting from one order to another and will afford him the opportunity to make adjustments in his business if he desires to do so. Provision is made also for exempting from regulation under this order a plant which may, for one or two months, dispose of a greater portion of milk in the Central Illinois marketing area than in the area of the order to which it has been subject, if such other order contains a provision similar to the one provided herein.

There are several plants from which fluid milk products are distributed on routes that receive no milk directly from dairy farmers. Their total supply of milk is received either from supply plants or from cooperative associations as handlers of bulk tank milk. Other distributing plants operating in the market and receiving milk directly from dairy farmers find the volume of such milk is insufficient to meet their full demand for fluid milk products. Some of these plants purchase supplemental milk from supply plants seasonally, while others do so on a regular and continuing basis.

Supply plants from which 50 percent or more of the receipts of Grade A milk from dairy farmers and cooperative associations as handlers, is regularly delivered to pool distributing plants are clearly associated with the market. The dairy farmers supplying such plants should participate in the marketwide pool. Supply plants from which minor or incidental shipments of milk are made to pool distributing plants are not primarily associated with this market and should not participate in the pool.

It was proposed that a supply plant should be considered a regular source of supply for the market if shipments to pool distributing plants during the month are equal to 50 percent or more of its receipts of Grade A milk from dairy farmers during each of the months of September through November. Under the marketing conditions currently prevalent in this market, distributing plants rely on supply plants for a substantial volume of milk during each of the months of September through January. It is therefore concluded that supply plants which qualify as pool plants during each of the months of September through January should be allowed to maintain pool status if the operator so desires, during the following months of February through August, even though in such months the operator of such plant may ship to the market less than the standards herein provided. This will accommodate the economical handling of seasonal reserve supplies which normally would not be needed by distributing plants during the February through August period. This division of the year also conforms to the pattern in the Southern Illinois marketing order, with whose provisions, this order must maintain a high degree of uniformity.

Producer-handler. The term "producer-handler" would apply to any person who produces milk on his own farm(s) and operates a plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products from sources other than his own farm(s) or from pool plants.

The milk produced by a "producer-handler" would be exempt from pooling. In view of this it is necessary in the interest of orderly marketing that the term cover a particular type of operation. A handler whose milk supply is obtained entirely from his own production and from pool plants would qualify as a producer-handler.

The record does not disclose the number of producer-handlers but there would appear to be no more than two or three such handlers distributing fluid milk products on routes in the defined marketing area. Their competitive impact on other handlers and on other dairy farmers, under the present circumstances, is such that their full regulation is not necessary to insure orderly marketing throughout the area.

The order should provide that transfers of milk to producer-handlers from pool plants be a Class I disposition by the transferor handler. Receipts of milk at a pool plant from producer-handlers should be other source milk. This classification is appropriate, otherwise producer-handlers would share in the Class I sales of the market while not bearing a proper share of the reserve supplies associated with such Class I sales.

The exemption of producer-handlers from pooling might provide an incentive for individuals to attempt to adopt devices to circumvent the order's intent to regulate plants which receive milk from farmers. To preclude the use of such devices the order should provide that, to be a producer-handler, the maintenance, care and management of the dairy animals and all other resources used to produce the milk as well as the resources used in the processing, packaging and distribution of the milk be at the sole risk of the person who claims producer-handler status.

A producer-handler would be required to make such reports of his receipts and utilization as the market administrator deems necessary to verify the status of such person's operation and to facilitate verification of transactions with other handlers.

Producer milk. "Producer milk" should be defined as all skim milk and butterfat received at a pool plant directly from producers or from a cooperative association, and milk diverted by the operator of a pool plant or by a cooperative association under specific conditions. It was proposed that operators of pool plants should be permitted to divert milk production of a producer to the pool plant of another handler on an unlimited basis. There are many circumstances that arise when it is more practical and economical to move milk directly from the farm to the pool plant of another handler. Such movement of milk should be permitted but not on an unlimited basis. So that there may be proper accounting of milk received from dairy farmers while accommodating the economical movement of milk between pool plants, the operator of a pool plant should be limited to diverting the milk of not more than one-half of the days of production during the month of a producer to the pool plant of another handler.

Generally the purpose of the diversion privilege is to facilitate the movement of milk to nonpool plants when all of the supply of Grade A milk in the market is not needed for Class I purposes. Allowing for unlimited diversion to nonpool plants during those months when the reserve supplies of milk are heaviest will contribute to the economical movement of milk to nonpool plants. Unlimited diversion, however, is neither necessary nor desirable during the other months of the year when producer milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary even during the short supply season to permit handlers to divert milk on weekends or holidays or under unusual circumstances when the milk is not needed to fill the Class I needs of the market.

It is, therefore, provided that the operator of a pool plant may divert the milk production of a producer from a pool plant to a nonpool plant for any number of days during the months of February through August but during the months of September through January diversion to a nonpool plant should be limited to not more than one-half of the days of production of a producer during such month. A cooperative association would be similarly limited in the diversion of milk production of its producer-members from a pool plant or directly from the farm to a nonpool plant.

Likewise, diversion should be permitted on a limited basis between pool plants under this order and nonpool plants which are subject to full regulation under another order. Such milk designated as being diverted would thereby retain its association with the Central Illinois order as producer milk. It must be recognized, however, that the provisions of the other order may require that such milk be pooled under the other order. In that instance, such milk would not be producer milk under this order and would be excluded from the pricing and pooling provisions.

A handler should be permitted to divert producer milk equal to the number of days' production of any producer which is received at a Central Illinois pool plant during the month. Milk diverted in excess of this limt should be considered a part of the supply at the plant to which diverted and should not be producer milk under this Part. Permitting diversion of approximately 15 days' production of a producer during any month to a plant regulated under another order will significantly improve the orderly disposition of reserve milk not needed for fluid use by regulated handlers.

A correlative provision should be placed in the order to allow milk received by diversion from a plant at which such milk would be fully subject to pricing and pooling under another order issued pursuant to the Act to remain associated with the other order and not be producer milk under this Part on days when such milk was received at a Central Illinois pool plant. Such a provision would permit milk to be diverted from regulated plants under nearby markets such as the newly designated Southern Illinois order and yet allow producers to retain their association with the other orders.

Thus, a number of pool plants throughout the State of Illinois which presently serve as outlets for surplus milk would continue to be available to accommodate surplus milk diverted between orders without such diverted milk being considered a receipt at these plants for purposes of determining pool plant status. Dairy farmers who are regularly associated with a certain Federal order market and whose milk is generally pooled under such order would continue to participate in the pool with which they are normally associated on days when their milk is diverted to a Central Illinois pool plant. However, recognition must be given to the possibility that the other order may exclude milk so diverted to a Central Illinois pool plant from its pricing and pooling provisions. In this case, the milk would be a direct receipt of producer milk at a Central Illinois pool plant and would participate in the marketwide equalization of this order.

Milk diverted for the account of the operator of a pool plant, or a cooperative association, from a pool plant to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted.

Other source milk. "Other source milk" should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his plant(s) (except producer milk, inventory of fluid milk products at the beginning of the month, and fluid milk products received from pool plants), products other than fluid milk products from any

source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for. As noted above, receipts from a producer-handler would be other source milk.

Fluid milk product. "Fluid milk product" should be defined as milk, skim milk, buttermilk, flavored milk and flavored milk drinks, "unmodified" or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers; cream, sweet or sour; and mixtures of cream and milk or skim milk, but not including the following: frozen cream, aerated cream products, cultured sour cream mixtures, other than sour cream, eggnog, yogurt, ice cream and frozen dessert mixes, and cream or cream products in hermetically sealed containers.

Additional definitions. Additional definitions such as "Act", "Secretary", "Department", "person", "cooperative association", "nonpool plant", "route", and "Chicago butter price" should be included in the order for brevity and clarity in describing the operation of various order provisions. They are self explanatory.

(b) *Classification and allocation of milk.* Skim milk and butterfat are not used in most products in the same proportions as contained in producer milk, and, therefore, it is appropriate that they be classified as Class I or Class II separately according to use. Class prices, however, will apply to each hundredweight of milk and will be adjusted by butterfat differentials according to the butterfat content of the milk used in each class.

(1) *Classes of milk.* Class I milk should be all skim milk and butterfat disposed of in those fluid milk products which are required by health authorities having jurisdiction in the marketing area to be made from Grade A milk. The specific products included in Class I have already been specified in the definition of fluid milk product.

Fluid milk products which contain concentrated skim milk solids, such as skim milk drinks and buttermilk, to which extra solids are often added, or unsterilized concentrated whole milk disposed of for fluid use, should be included under the Class I definition. Products, such as evaporated or condensed milk which are either packaged in hermetically sealed containers or are used in the manufacture of other milk products, should not be considered concentrated milk and should not be classified as Class I.

Concentrated and reconstituted milk and skim milk should be classified as Class I including all water originally associated with the milk solids used. Concentrated milk to be restored to its original form in the home through the addition of water and reconstituted fluid milk products compete for the same Class I sales as whole milk and displace producer milk which is available for the same purpose. Therefore, accounting for these fluid milk products on the basis of original volume, including all the water originally associated with the solids, is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

It is also necessary that milk solids used to fortify Class I products be priced as Class I utilization. However, it is not necessary to price as Class I all the water originally associated with the solids. The addition of the solids used in fortification does not displace producer milk in Class I in this market and by making a more desirable product may actually result in increased sales of producer milk.

To maintain proper accounting for such items, however, the nonfat milk solids added to such fortified items should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of the fortified product and the actual weight of the product disposed of in fluid form should be classified as Class II. The skim milk equivalent of such nonfat solids would likewise be considered a receipt of other source milk by the handler. Through the allocation procedures any additional charge to handlers would be eliminated.

Class II should include skim milk and butterfat used to produce those less perishable products which are not required to be made from Grade A milk. These products would include butter, cheese, evaporated and condensed milk, nonfat dry milk, cottage cheese, ice cream mix, eggnog, and cultured sour cream mixtures other than sour cream. In addition to the skim milk equivalent of nonfat solids added to fortified fluid milk products, Class II should also include the skim milk component of any fluid milk product which is dumped after prior notification to and opportunity for verification by the market administrator; skim milk and butterfat used for livestock feed to the extent that appropriate records of such utilization are available; and skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises.

Butterfat and skim milk used to produce Class II products should be considered disposed of when so used. Handlers will need to maintain production records of such products, however, to permit audit of the utilization by the market administrator.

Inventories of fluid milk products on hand at the beginning and end of the month will enter into the detailed allocation sequence contained in the recommended decision based on the joint hearing dealing with compensatory payments and the integration of other source milk into the regulatory plan. Thus, findings and the mechanics of accounting for fluid milk inventories are contained in a separate document and are omitted from this decision.

Shrinkage provisions, since they are likewise integrated with the allocation procedure, are also omitted here and appear in the separate document.

(2) *Transfers.* Exceptions were filed to the recommended surplus disposal area of 400 miles from Peoria, Illinois. Exceptions pointed out that a number of plants which have historically served as outlets for handling reserve supplies of the market are located in Wisconsin at a distance greater than 400 miles from Peoria. It would not be conducive to orderly marketing to provide that any milk moved to such plants be classified as Class I, since it would interfere with the orderly disposal of seasonal surpluses.

A distance of 450 miles is needed to accommodate the continued use of these outlets for handling the market's reserve supplies and to accommodate the orderly disposition of reserve milk. The mileage provisions, since they are part of the transfer provisions, have been omitted from this order and are contained in the separate document based on the joint hearing dealing with compensatory payments.

(3) *Allocation.* The development of allocation provisions for the integration of receipts of other source milk into the regulatory plan was one of the issues considered at the joint hearing held in St. Louis, Missouri, on January 8–11, 1963. Findings relative to this issue are therefore contained in a separate document and are omitted from this document.

(c) *The determination and level of class prices.* In order to restore and maintain orderly marketing conditions in the Central Illinois marketing area, minimum Class I and Class II prices for producer milk must be established at levels which will reflect economic conditions affecting the market supply and demand for milk and its products and assure the maintenance of a supply of quality milk adequate for the needs of the market.

The Class I price should be established at a level which will bring forth the required supply of fluid milk for Class I needs plus a reasonable reserve supply. Too low a Class I price will result in the production of insufficient milk to meet the Class I needs of the market. On the other hand, a Class I price which is too high will attract more milk than is needed to supply the demand for Class I milk including the necessary reserve. Such oversupplies would tend to shift agricultural resources into the production of unnecessary and uneconomical surpluses which would depress the blend price to producers.

Class II prices should be established at a level which will assure a market for milk delivered by producers in excess of Class I needs in the market. Such prices should not, however, encourage the development of milk supplies for use in Class II products.

Class prices as well as uniform prices to producers should be computed and announced for milk of 3.5-percent butterfat content. Milk prices in this general area are now quoted for milk of 3.5 percent butterfat. Continuation of the practice of announcing prices at this butterfat content will facilitate comparison of prices with other markets throughout the country.

(1) *Class I price.* For the first 18 months beginning with the effective date

of the pricing sections of this order the Class I price for milk of 3.5-percent butterfat content at plants located within the marketing area should be the basic formula price for the preceding month plus $1.40 during each of the months of August through November; plus $1.00 during each of the months of March through June and plus $1.20 during all other months. Class I prices should be further adjusted by increasing or decreasing, respectively, such prices by 2 cents for each full percent that the adjusted supply demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter is greater or less than 72 percent. This price adjustment should be limited to increases or decreases of not more than 24 cents.

The basic formula price should be the Minnesota - Wisconsin manufacturing milk price series. This is now used as a basis for pricing Class I milk in the other Federal order markets located in the Midwest area. Official notice is taken of a final decision issued February 21, 1962 (27 F.R. 1802), in which that series is recommended for use as the basic formula in these markets.

The purpose of this basic formula price is to reflect the general economic factors underlying the price for milk used in manufactured dairy products. Because the market for manufactured dairy products is nationwide, prices for such products and the milk used in them reflect to a large extent changes in general economic conditions affecting the supply and demand for milk. By using manufacturing milk prices as a formula factor in determining Class I prices it is possible to reflect such general economic factors automatically in the Class I price.

The basic formula price would be used in establishing the Class I price and should be the average price paid for manufacturing grade milk in Minnesota and Wisconsin for the preceding month as reported by the Department. Prices paid by the large number of plants in these two states are reported to the Department on the basis of the actual butterfat tests of milk received. The average price should be adjusted to a 3.5-percent butterfat test by a differential obtained by multiplying the Chicago butter price by 0.120. This butterfat differential is reflective of the value of butterfat at plants in this two-state region.

This price series reflects about the same level of prices as those reported paid at selected midwest condenseries. It was proposed that a condensery price series should be used as an alternative factor in the basic formula. However, the number of plants reporting prices for condenseries has been reduced to seven. Three of these seven plants are operated by one business concern and a further reduction in the number of reporting plants could result in the discontinuance of this price series.

The Minnesota-Wisconsin price series reflects prices paid by a large number of plants in these two states, and, therefore, provides a more representative basic price. Moreover, this price series is now in general use in Federal order markets and its use here will facilitate alignment of prices in this market with prices in surrounding order markets. The differentials to be added to the basic formula price follow the same seasonal pattern as those added to the Chicago order basic formula. The differential of the Central Illinois area should be 30 cents above the differentials for Chicago. Adjusting the Class I price for the Central Illinois market by the supply-demand ratio provided for in the Chicago order will further provide alignment of class prices between the two markets as well as other surrounding order markets.

There is no uniform system of determining prices at the present time in the Central Illinois market. The three proponent cooperative associations, another cooperative association, and individual handlers all use various schemes in determining the blend price to be paid to dairy farmers. In some instances, but not uniformly, "base" and "excess" prices are paid producers.

The wide variation in pricing schemes in the market and the lack of a classified plan for pricing milk makes it difficult to properly appraise the existing price levels in this market in relation to the supply and demand for milk. With the issuance of a Federal milk order, it may reasonably be assumed that the level of the Class I price in the Central Illinois area must bear an appropriate relationship to Class I prices in surrounding other Federal order markets.

Various proposals were made to establish the Class I price. These proposals varied from the addition of $1.15 to the basic formula price each month to the addition to the Chicago price of amounts which would provide an average annual differential above the basic formula of $1.08 to $1.34. The annual average differential to be added to the basic formula price to determine the Class I price as recommended in this decision would be $1.20. All proposals would adjust the Class I price by the supply-demand ratio of the Chicago order. During the past year this supply-demand ratio has reduced the Class I price by 24 cents each month.

The Chicago, Illinois, market Class I price is currently reduced because of large milk supplies relative to sales. Since the Central Illinois market procures a portion of its regular supply and all of its reserve supplies from the same general area as the Chicago market, it is appropriate that class prices for this order be related to those in the Chicago market. This is best accomplished by adjusting the Class I price for this market in the same manner and to the same degree as the Class I prices are adjusted in Chicago by the supply-demand adjuster.

Class I prices in the Central Illinois market should reflect local milk supply and sales relationships as well as a reasonable alignment with other markets. However, complete data with respect to receipts and sales of milk in the Central Illinois area are not available. Therefore, this approach is not practical at this time. Moreover, the conditions of supply and sales are likely to be somewhat different under a program of orderly pricing than they have been in this unregulated market.

(2) *Class II price.* The Class II price should be based on the average price paid for manufacturing grade milk by plants in Minnesota and Wisconsin.

As noted above, this price series has been adopted as the basis for determining the Class I price. In this market it provides an equally satisfactory standard for pricing the reserve milk that must be manufactured into dairy products. It will reflect the competitive value of milk for manufacturing uses in the area from which this market draws a substantial portion of its milk supply.

Elsewhere in this decision the need for aligning Class I prices with those of other markets, particularly to the north, has been noted. It is equally important that prices for reserve milk be so aligned. Most of the plants on which this market relies for its reserve supply are located in northern Illinois or southern Wisconsin. Milk from this area is regularly furnished to the Chicago, Madison, and Rock River Valley marketing areas and handlers in these markets are in active competition with Central Illinois handlers for the available milk. Official notice is taken of the fact that these markets use the Minnesota-Wisconsin price series for pricing reserve supplies of milk. Use of the same price series in this order will maintain proper intermarket alignment of prices. Its feasibility in achieving the orderly disposition of reserve supplies in markets where it is now in use for this purpose indicates that it should also achieve the same result in this market. It will be high enough, however, so that it will not encourage handlers to procure milk supplies solely for the purpose of converting them into manufactured dairy products.

Proponents of the marketing order for this area proposed that the Class II price be the higher of either the Minnesota-Wisconsin price series or the price resulting from a butter-powder formula.

The butter-powder formula should not be used as an alternative price for Class II milk. In addition to the deficiencies which are inherent in the formula which must be based on an arbitrary allocation of manufacturing costs, its use only when it would return a higher price than the Minnesota-Wisconsin price could result in intermarket dislocation of reserve supplies at times when it was the effective Class II price in the Central Illinois order.

(3) *Butterfat differentials.* The class and uniform prices are established for milk containing 3.5 percent butterfat. Therefore, to reflect differences in the value of milk due to variation in butterfat content, it will be necessary to adjust Class I, Class II and uniform prices in accordance with the average butterfat test of milk in each class and of the milk delivered by each producer. The values obtained by multiplying the average price of 92-score butter at Chicago by 0.12 for Class I and 0.115 for Class II will provide an appropriate basis for adjusting the class prices for each one-tenth of one percent variation of butterfat content.

It was proposed that the Class II butterfat differential be at the same level as the Class I butterfat differential. On the basis of the record and a comparison

of butterfat differentials in surrounding markets it is concluded that a Class II differential determined by multiplying the Chicago butter price by 0.115 will price butterfat at a level that will facilitate its disposition while leaving the skim milk value at a level more appropriately aligned with today's market.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. This follows the principle of uniform pricing to producers and will reflect changes in the use of butterfat and skim milk in each class.

(4) *Location differentials.* Class I and uniform prices paid by handlers operating plants located at a considerable distance from the market should be subject to minus adjustments to reflect the cost of moving milk to the market. Adjustments to Class I prices at such plants are necessary to equalize the cost of milk to all handlers distributing in the marketing area. Adjustments to the producers' prices will recognize the lesser location value of milk which must be transported considerable distances to the major distribution centers within the marketing area.

No location adjustment should apply at plants located within the State of Illinois within 50 miles of the City Hall in Peoria, Illinois, or south of the northernmost boundaries of Henderson, Warren, Knox, Stark, Marshall, Woodford, Livingston, Ford, and Iroquois Counties. The area thus circumscribed constitutes a homogeneous supply-demand region in which the competitive procurement among handlers requires the same Class I price level.

Location adjustment rates should apply to plants located outside the State of Illinois or in the State but north of the counties of Henderson, Warren, Knox, Stark, Marshall, Woodford, Livingston, Ford and Iroquois and 50 miles or more from the City Hall in Peoria, Illinois. Plants located outside the State of Illinois or north of the specified counties in the State of Illinois and more than 50 miles from the City Hall in Peoria but not more than 60 miles should receive a location adjustment of 7.5 cents per hundredweight. A further adjustment at the rate of 1.5 cents for each additional 10 miles or fraction thereof should apply at such plants located in excess of 60 miles from the City Hall in Peoria.

The rates provided herein reflect the approximate cost of moving milk to the marketing area. Transportation costs per mile are normally greater for short hauls than for longer hauls. Exhibits indicated that milk could be hauled from anticipated supply sources at approximately the rates provided herein. The location differentials as proposed will establish prices at each pool plant which will not only permit such pool plants to compete among themselves on the basis of prices adjusted to reflect transportation costs but will also establish prices at such plants which are aligned with minimum prices effective at plants regulated under nearby Federal milk orders.

No location adjustment should apply to Class II milk. The cost involved in moving manufactured products is minor relative to the cost involved in moving whole milk. Manufactured dairy products are much less perishable and the components of manufactured products are usually in concentrated form. Accordingly, there is little value in the milk used for manufacturing purposes which can be equated to plant location.

Since the supply of Grade A milk at pool plants in the marketing area is not adequate at all times to supply the demand for fluid milk products, some tolerance should be allowed in the assignment to Class I of milk brought in from supply plants. In calculating the location adjustment, transfers may be assigned to Class I only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers and cooperative associations at such plant. Such assignment to transferor plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence beginning with the plants at which the lowest rate of such adjustment credit would apply.

(5) *Equivalent price.* If for any reason a price quotation required for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Experience has shown that quotations described in the order may not be available at all times. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of an equivalent price.

A number of exceptions were received to the recommended Class I price for the proposed Central Illinois market. These exceptions were mixed with respect to the appropriate differential to be applied in computing the Class I price. They ranged from a proposal to increase the recommended price ten cents to a similar proposal to reduce it ten cents. Other exceptions indicated that the Class I price in Champaign, Piatt, and Vermilion Counties should be the same as that in Central Illinois even though such counties were regulated under the Southern Illinois order. Except for this 3-county area, the exceptions failed to establish the need for a Class I price, for the market, other than that previously recommended.

As indicated elsewhere herein, the transfer of the three counties of Champaign, Piatt, and Vermilion from the proposed Southern Illinois market to that of the proposed Central Illinois market will result in the Central Illinois Class I price being effective at plants located in the three counties. This is the only modification of the previously recommended Class I pricing which is necessary.

Some exceptions to the Class II price indicated that the proposed Class II price should be reduced, others that it be retained at the recommended level. Still other exceptions suggested that it be at the same level as the Class II price in the St. Louis market. A hearing on the level of the Class II price in the St. Louis market was held on June 4–8, 1963. A decision on the record of that hearing has not yet been issued. No change in the recommended level of the Class II price would be appropriate at this time.

(d) *Distribution of proceeds to producers.* The order should contain provisions which describe the means whereby the payments made by handlers for milk at class prices are to be converted to uniform prices to be paid to producers. The provisions should specify also the terms under which such payments must be made.

(1) *Type of pool.* The order should provide for the distribution of returns to producers through a marketwide equalization pool requiring payments for milk by all handlers.

Payments by handlers to producers have been made in many instances without regard to the utilization of milk by the handler and prices paid by different handlers have varied considerably. When a handler did not need milk for fluid milk products he could reduce his supply by discontinuing purchases from certain producers.

A proposal was made to adopt the individual-handler type pool. The proposal was not supported at the hearing.

It should be pointed out, however, that under an individual-handler pooling system handlers in this market would be encouraged to buy from producers only enough milk to supply their Class I needs. Thus, a handler having 100 percent Class I utilization could add producers whenever he needed more milk and discontinue purchases from certain producers when he did not need the milk for Class I use. This adding and dropping of producers would create unstable marketing and would shift the burden of carrying the necessary reserve for the market to other handlers and to other producers.

The marketwide pool will insure that each producer supplying the market will receive a return based on his pro rata share of Class I and Class II utilization. Each producer will receive a "blend" price for his milk which will reflect the average utilization in the market. Each handler, however, will pay for milk according to the class prices. The utilization of all pool plants will be averaged to derive a uniform "blend" price for all producers.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area. The proposed marketing area encompasses a wide geographical area with the supply of milk readily available at some plants in much greater or lesser supply than at others. Some plants disposing of milk in the proposed marketing area have no manufacturing facilities. Such plants normally limit their receipts of producer milk to the quantity needed for Class I in the flush production season and procure supplemental supplies of milk for Class I during the short production. Other plants have some manufacturing facilities or outlets available to market

surplus supplies, and thus are able to carry adequate supplies of milk throughout the year.

The marketwide pool will enable a handler with manufacturing facilities or a cooperative association to handle the reserve supplies and to pay producers the same price as is paid by handlers who do not assume the responsibility of carrying the necessary reserve. The lower return for the reserve milk in the market will thereby be apportioned equally among all producers in the market. Under an individual-handler pool this burden would be carried by individual groups of producers.

A marketwide pool facilitates the sharing among all producers of the Class I utilization under contracts for large quantities of Class I products. There are several governmental institutions in the area which let contracts for fluid milk products on a bid basis. A marketwide pool permits a handler to bid on the contract business of military installations and other public institutions and to obtain supplies for such sales without upsetting the market when the business shifts from one handler to another.

Under the circumstances which exist in the Central Illinois market a system of marketwide pooling will promote and maintain more efficient and orderly marketing of milk than would an individual-handler pool.

(2) *Producer-settlement fund.* Because all producers will receive payment at the rate of the marketwide uniform price each month, and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to his producers, some method of balancing these differences is necessary. A handler who is required to pay more according to his utilization than he is required to pay his producers, shall pay such difference into the producer-settlement fund. A handler who is required to pay less according to his utilization than he is required to pay his producers shall receive such difference from the producer-settlement fund.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside each month. This fund is necessary to cover such contingencies as a failure of a handler to pay his monthly billing promptly to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the order by withholding from the pool computation each month an amount equal to not less than four cents nor more than five cents per hundredweight of producer milk.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers, the market administrator shall uniformly reduce payments per hundredweight to such handlers. The remaining amounts due such handlers should be paid as soon as the balance in the fund is sufficient to meet such payments, and producers in turn should receive full payment from handlers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments for the preceding month would not be included in the computation of the uniform price.

(3) *Payments to producers.* Each handler should pay each producer for milk received from him and for which payment is not made to a cooperative association, at the applicable uniform price no later than the 20th day after the end of each month.

Provision should be made for a cooperative association, if it so desires, to receive payment for the producer milk of its members which is received by a pool plant. The collection of payments for milk of its members will permit the cooperative association to reblend proceeds from the sale of such milk, will tend to facilitate the transfer of milk from handler to handler to maximize the use of producer milk in Class I as well as aid in the diversion of surplus milk to nonpool plants. Thus, a cooperative association will be assisted in discharging its responsibilities to its members and the market.

The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by their members and permits the reblending of all proceeds from the sale of member milk. Cooperative associations in the area have contracts with their members which allow the associations to collect payment for members' milk. Therefore, each handler, if so requested, should pay cooperative associations, in lieu of paying the producer, the full amount due for such producer's milk. The association's request should provide for reimbursement for any loss incurred because of an improper claim. Handlers should be required to pay the association two days before payment is required to be made to individual producers so that the cooperative will have time to reblend its receipts and pay its members on the same date nonmembers are required to be paid.

At the time final settlement is made by the handler he should submit to the producer (or his cooperative association) a supporting statement. Such statement should contain the identity of each producer, the total pounds and average butterfat content of milk, the rate used in making the payment, the rate and nature of each deduction claimed by the handler and the net amount of payment to each producer.

In the recommended decision, it was concluded that sufficient seasonal variation in producers' prices would result from the seasonality of the recommended Class I pricing without the necessity of adopting a "Louisville plan".

Exceptions pointed out that a fall incentive plan similar to that contained in the Suburban St. Louis order would be beneficial to the Central Illinois market by providing incentive for more seasonal production. For this reason, and because provisions of the two orders should be as nearly alike as possible for maximum effectiveness, a "Louisville plan" identical to that applicable in the Suburban St. Louis market is recommended for the Central Illinois market.

The recommended "Louisville plan" is a fall incentive plan which operates by subtracting during each of the months of April through July an amount equal to ten cents per hundred-weight on the total amount of producer milk in the pool. This money is then retained in the producer-settlement fund and disbursed during each of the months of October, November and December of the same year by adding one-third of the total amount subtracted during the previous flush months of April through July, to the uniform price computations.

The mechanics of computing the fall incentive payment plan appear in the separate document on compensatory payments. This is done since the method of computing such adjustment can best be expressed in the uniform price computations.

(e) *Administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which established the scope of regulation, certain other terms and definitions are desirable for the purpose of brevity and to assure that each usage of the term implies the same meaning. Several terms as defined in the proposed order are common to most other Federal orders.

(2) *Market administrator.* The order should provide for the appointment by the Secretary of a market administrator to administer the order and should set forth the powers and duties of the market administrator.

(3) *Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk.

It is essential that handlers' reports be submitted to the market administrator not later than the 8th day of each month. The market administrator should announce the uniform price for the previous month's milk by the 14th of each month. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weights, butterfat tests, payments for milk and authorized deductions.

Handlers should maintain and make available to the market administrator all records and accounts of their operations which are necessary to determine the accuracy of the information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the orders.

Detailed reports to the market administrator by all handlers would be used to determine whether the plants of such handlers qualify as pool plants.

The market administrator should report to each cooperative association, which so requests, the percentage of milk delivered by its members and uti-

lized in each class at each pool plant receiving such milk. For the purpose of this report the percentage of members' milk in each pool plant should be prorated in the proportion that producer milk was utilized by that handler. These reports are necessary for cooperative associations to market their member milk most efficiently so that available producer milk will be channeled to available Class I uses.

The order should also provide for a specific period of time that handlers are required to retain books and records and the time which such obligations expire. The provision made in this order is identical in principle to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). The decision covering the retention of records and claims is equally applicable in this situation and is adopted as a part of this decision.

It was proposed in regard to reports which handlers are required to file and the records and facilities which must be made available to the market administrator to verify such reports that the term "reasonably necessary" be inserted for the term "necessary". The testimony in support of the substitute language infers that the addition of the word "reasonably" would transfer the immediate responsibility for determining what records and reports are necessary from the market administrator to some unknown person. This would leave uncertainty in regard to such matters and, thus, hamper effective administration of the order. Hence, the proposal should not be adopted. The handler is not, of course precluded from seeking administrative correction of any demands of the market administrator which he deems are unreasonable.

(4) *Expense of administration.* The Act requires handlers to pay the cost of operating an order through an assessment on milk handled. Each handler operating a pool plant should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, four cents, or such lesser amount as the Secretary may prescribe, on all receipts within the month of milk from producers including milk of such handler's own production, and any other source milk allocated to Class I, except milk so assessed under another Federal order.

The market administrator must have funds sufficient to enable him to administer the order. The order is designed to share this cost equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication, an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

(5) *Marketing service.* Provisions should be made in the order for providing for producers marketing services, such as the verification of tests and weights of producer milk and furnishing them with market information. The services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own services.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producers' deliveries as reported by the handler are proved to be accurate.

An additional phase of this market service program is to furnish producers with current market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of six cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved, location of handlers' plants and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

(6) *Interest payments on overdue accounts.* Provision is made for the payment of interest on amounts due to or from accounts of the market administrator at the rate of one-half percent on the first day of the month following the date such obligation is due and on the first day of each succeeding month until such obligation is paid.

Prompt payment of amounts due to or from the market administrator is essential to the operation of order provisions. Interest charges will encourage payment of amounts due on or before the specified date. The rate provided herein is reasonable to compensate for the cost of borrowing money in accord with normal business practices.

Interest charges should not be assessed on payments due to cooperative associations. These payments are not within the immediate supervision of the market administrator and, therefore, he cannot positively determine that payments to cooperative associations have not been made on time.

Proposed amendments to the suburban St. Louis order statement of issues. The material issues of record relate to:

1. The rules governing the diversion of milk between pool plants and to nonpool plants;
2. Revision of pool plant provisions;
3. Type of pooling;
4. Revision of the classification, transfer and allocation provisions;
5. The determination and level of class prices and revision of handler and producer location adjustments;
6. Rate of payment on unpriced milk and the obligation of nonpool plants; and
7. The review of all provisions of the order and possible changes for administrative purposes.

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

1. The rules governing the diversion of milk should be modified to permit diversion between pool plants and during the months of February through August, unlimited diversion from pool plants or by a cooperative association directly from the farm to nonpool plants not regulated by another order. During the period of September through January it should be provided that milk may be diverted from a pool plant to a nonpool plant on not more than one-half of the days of production of a producer.

The order does not now permit diversion between pool plants. During the period March through July the order presently allows unlimited diversion from pool plants to nonpool plants not regulated by another order. A limitation on diversion of 10 days' production is now provided in the order during any month form August through February.

There are many circumstances that arise when it is more practical and economical to move milk directly from the farm to the pool plant of another handler. Such movement of milk should be permitted but not to exceed more than one-half of the days of production of a producer during the month. Permitting this limited diversion between pool plants will accommodate the economical movement of milk, particularly on weekends and holidays when many bottling plants do not operate, and further will provide proper accounting of milk received from dairy farmers.

Likewise, diversion should be permitted on a limited basis betwen pool plants under this order and nonpool plants which are subject to full regulation under another order. Such milk designated as being diverted would thereby retain its association with the Southern Illinois order as producer milk. It must be recognized, however, that the provisions of the other order may require that such milk be pooled under the other order. In that instance, such milk would not be producer milk under this order and would be excluded from the pricing and pooling provisions.

A handler should be permitted to divert producer milk equal to the number of days' production of any producer which is received at a Southern Illinois pool plant during the month. Milk diverted in excess of this limit should be considered a part of the supply at the

plant to which diverted and should not be producer milk under this Part. Permitting diversion of approximately 15 days' production of a producer during any month to a plant regulated under another order will significantly improve the orderly disposition of reserve milk not needed for fluid use by regulated handlers.

A correlative provision should be placed in the order to allow milk received by diversion from a plant at which such milk would be fully subject to pricing and pooling under another order issued pursuant to the Act to remain associated with the other order and not be producer milk under this Part on days when such milk was received at a Southern Illinois pool plant. Such a provision would permit milk to be diverted from regulated plants under nearby markets such as the St. Louis and newly designated Southern Illinois orders and yet allow producers to retain their association with the other orders.

Thus, a number of pool plants throughout the State of Illinois which presently serve as outlets for surplus milk would continue to be available to accommodate surplus milk diverted between orders without such diverted milk being considered a receipt at these plants for purposes of determining pool plant status. Dairy farmers who are regularly associated with a certain Federal order market and whose milk is generally pooled under such order would continue to participate in the pool with which they are normally associated on days when their milk is diverted to a Southern Illinois pool plant. However, recognition must be given to the possibility that the other order may exclude milk so diverted to a Southern Illinois pool plant from its pricing and pooling provisions. In this case, the milk would be a direct receipt of producer milk at a Southern Illinois pool plant and would participate in the marketwide equalization of this order.

Generally the purpose of the diversion privilege is to facilitate the movement of milk to nonpool plants when all of the supply of Grade A milk in the market is not needed for Class I purposes. Thus, in the present order unlimited diversion is permitted to nonpool plants during the period of March through July. As production has increased in this market at a greater rate than the increase in Class I sales it has become necessary to divert more milk during the months of February and August. The revised provision will accommodate changes in production and in the sale of fluid milk products and further align the provisions of this order with those of the proposed Central Illinois order. It is concluded that the period of unlimited diversion should be extended to include each of the months of February through August.

During the months of the year when producer milk regularly associated with the market is needed to supply the Class I needs there is no need for unlimited diversion. Under the revised provision, diversion by the operator of a pool plant to a nonpool plant is limited to not more than one-half of the days of production of such producer during all months of September through January. This limitation will further coordinate this order with the Central Illinois order and will enable handlers to divert milk on weekends and holidays or under unusual circumstances when the milk is not needed to fill the Class I needs of the market during this normally short production season. Cooperative associations would be similarly limited in the diversion of milk production of producer members.

It was proposed that the milk production of a producer diverted from a pool distributing plant to a nonpool plant located more than 150 airline miles from the United States post office in Carlyle, Illinois, be deemed to have been received at a pool plant at the same location as the nonpool plant to which diverted. The record, however, fails to show the need for such a provision in the light of the expanded marketing area previously recommended in this decision. It is, therefore, provided that milk diverted for the account of the operator of a pool plant or a cooperative association from a pool plant to a nonpool plant should be considered to have been received at the location of the pool plant from which diverted. Under the marketing conditions existing in the expanded marketing area such a provision should adequately accommodate the economical movement of milk without creating inequities in the prices paid to producers.

2. The standards under which a plant may qualify as a pool plant should be further revised. The original recommended decision provided that a distributing plant had to have route distribution in the marketing area of fluid milk products equal to ten percent or more of its total receipts of Grade A milk or an average of not less than 7,000 pounds per day of fluid milk products on routes in the marketing area in order to qualify as a pool plant. For the same reasons indicated on the findings for the Central Illinois market a distributing plant should be given pool plant status if it disposes of an amount equal to ten percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations, in their capacity as handlers with respect to bulk tank milk. This will permit plants presently serving as outlets for excess supplies of Grade A milk to continue to do so without endangering their pool status.

The present order requires that a plant dispose of 20 percent or more of its total Class I milk or an average of not less than 7,000 pounds per day of fluid milk products as fluid milk products on routes in the marketing area in order to qualify as a pool plant.

The Southern Illinois and the Central Illinois orders should have similar provisions wherever possible since the similarity of marketing conditions and intermarket movements of milk require similar standards. The enlargement of this marketing area also involves distributing plants that distribute fluid milk products on routes in adjoining marketing area. In the adjoining marketing areas, similar distribution of fluid milk products on routes is set up as a requirement for pooling. A plant meeting the standards as provided herein is sufficiently identified with the market to participate in the marketwide pool of the order on a regular basis. It is concluded, therefore, under the marketing conditions in the expanded marketing area, that the pool plant provisions should be modified as provided herein.

It was proposed that during the spring months the requirement that a distributing plant dispose of as Class I through route distribution, an amount equal to at least 50 percent of its total receipts of Grade A milk be reduced to 35 percent. Certain distributing plants that have been regularly associated with this market have maintained supply and distribution patterns which indicate the need for a lower standard in the months of March through July. On the basis of this record and exceptions filed to the recommended decision, a decrease in the standard during these flush months from 50 percent to 40 percent of the receipts of Grade A milk from dairy farmers and cooperative associations in their capacity as handlers should be adequate to accommodate such plants. The lower standard during the March through July period will assure dairy farmers regularly associated with the market an opportunity to continue to participate in the marketwide pool in the months of flush production whenever supplies are not needed for fluid use. This provision will also coordinate this order with the order proposed for the Central Illinois marketing area.

Supply plants from which 50 percent or more of the receipts of Grade A milk from dairy farmers and cooperative associations as handlers is regularly delivered to pool distributing plants are clearly associated with the market. The dairy farmers supplying such plants should participate in the marketwide pool. Supply plants from which minor or incidental shipments of milk are made to pool distributing plants are not primarily associated with this market and should not participate in the pool. For the same reasons stated in the findings for the Central Illinois order, a reload point is excluded from the supply plant definition of this order also.

The pooling provisions of the order should be further modified to permit a distributing plant meeting the requirements for full regulation under this order and another order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pool status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area.

If the provisions of the other order require such plant to be pooled under such other order it is provided herein that, except for requirements to file reports and permit verification of records, such plant would be exempt from regulation under this order.

A distributing plant meeting the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greatest proportion of its distribu-

tion. This marketing area, however, is surrounded by the Louisville-Lexington-Evansville, Indianapolis, Central Illinois and St. Louis marketing areas. With the wide areas of distribution from some distributing plants, it is entirely possible that inadvertent shifting between orders may occur from month to month. Therefore, it should be provided that a handler operating a pool distributing plant which has been subject to the regulation under this order and continues to meet the pool plant standards provided herein generally should not be subject to another order unless it has disposed of more milk on routes in such other marketing area for three consecutive months. This will afford the handler reasonable notice that the obligation of regulation is shifting from one order to another and will afford him the opportunity to make adjustments in his business, if he so desires. Provision is also made to exempt from regulation under this order a plant which may, for one or two months, dispose of a greater proportion of sales in the Southern Illinois marketing area than in the area of the order under which it has been regulated if such other order contains a provision similar to the one provided herein.

3. The order should continue to provide for the distribution of returns to producers through a marketwide equalization of the required payments for milk by all handlers.

The evidence in this record did not disclose that the findings and conclusions issued as a result of the promulgation proceedings (25 F.R. 3266) should be changed.

The Act specifies that an order must provide for (1) the payment of uniform prices for all milk delivered by producers to the same handler, or (2) the payment of uniform prices for all milk delivered by producers to all handlers based upon the marketwide use of such milk. The former method of payment is known as distribution by individual-handler pools, the latter by marketwide pool. Under either method, all handlers pay the same class prices for producer milk except as adjusted for location and butterfat content.

There is wide variation in the utilization of producer milk at the various pool plants in the marketing area as proposed herein. Some handlers are equipped to handle their own reserve supplies as well as the reserve of other plants. Other handlers have extremely limited manufacturing facilities or none at all. Thus, the adoption of an individual-handler pool as proposed could create such differences in prices paid producers as to cause disorderly marketing conditions. Under an individual-handler pool handlers would be encouraged to buy from producers only enough milk to supply their Class I needs. A handler with only Class I utilization could easily add producers whenever he needed more milk and discontinue purchases from certain producers when he did not need milk for Class I use. This adding and dropping of producers would create unstable marketing and shift the burden of carrying the necessary reserve to other producers in the market.

The continuation of the marketwide pool will promote stability by insuring that all producers supplying the market will share equally in the Class I and Class II utilization and will receive a blend price for milk which reflects the average utilization in the market.

4. The classification, transfer and allocation provisions of the order should be modified to reflect current marketing conditions and to conform more precisely with the provisions recommended herein for the Central Illinois marketing area.

Fluid milk products which contain concentrated skim milk solids such as skim milk drinks and buttermilk to which solids are often added should be included under the Class I definition. However, it is not necessary to price as Class I all the water originally associated with such solids. It is not demonstrative that the water associated with the solids used in fortification displaces producer milk in Class I in this market. The findings and conclusions under the heading "classification and allocation of milk" for the Central Illinois marketing area are equally applicable to the Southern Illinois marketing area with respect to the classification of milk solids used in the fortification of fluid milk products and are hereby adopted as part of the findings and conclusions relating to the amendment to the Southern Illinois order. Unsterilized concentrated whole milk should also be included in Class I. Since this product is intended to be reconstituted by the consumer to its original form, it displaces producer milk in an amount equivalent to its original volume and hence the water originally associated with it should be classified as Class I.

Skim milk and butterfat disposed of in bulk to commercial food processors and used in food products prepared for consumption off the premises should be classified as Class II. Grade A milk is not required by bakeries or by candy, soup or other commercial food manufacturing establishments. Skim milk and butterfat used to produce products not required to be made from Grade A milk are customarily defined as Class II. Therefore, skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises should be classified as Class II.

Exceptions to the recommended decision indicated that a surplus disposal area of up to 450 miles from Vandalia, Illinois, rather than 400 miles from this point is necessary to accommodate the orderly disposition of the market's reserve milk to manufacturing plants. They indicated that there are a number of plants located in Wisconsin which are more than 400 miles from Vandalia and which could become associated with the newly designated Southern Illinois market. An additional 50 miles is necessary to encompass the area within which are located the plants that might serve as outlets for the reserve supplies of the potential pool plants.

The area should be expanded to 450 miles to be certain that all available outlets for the manufacture of the market's reserve milk will be made available when needed for handling such milk. Since the mileage provisions are part of the transfer provisions, they are contained in the separate document dealing with compensatory payments rather than in the attached abbreviated order.

5. The determination and level of class prices and the handler and producer location adjustments are revised to reflect the changes resulting from the expanded marketing area and to maintain orderly marketing conditions in the Southern Illinois marketing area.

Numerous exceptions were filed to the recommended class prices. Producers as well as handlers under the Louisville-Lexington-Evansville order objected to the pricing pattern recommended for the proposed Southern Illinois market, particularly to the price applicable at locations in the southeastern sections of Illinois. They pointed out that they felt such prices were too low relative to the applicable prices at such points as Evansville and Vincennes, Indiana.

After a careful and thorough review of the entire pricing structure it is concluded that no change should be made in the recommended Class I price structure as previously set out. Based on the cost of transporting milk from alternative sources of supply, which in the past have been plants located in Southern Wisconsin, the recommended Class I price is proper for plants in Southern Illinois. The cost per hundredweight of moving milk from a plant near Chicago, to a plant at Olney, Illinois, would be approximately 38 cents for the 249 miles involved (hauling rate of 1.5 cents per hundredweight per 10 miles). On this basis, the recommended Class I price which would be applicable at a plant at Olney, Illinois, was set at 40 cents over the Chicago Class I price.

It was further contended that the recommended Class I prices at Southern Illinois plants, such as the one at Olney, are too low when considered relative to the Class I prices applicable at plants under the Louisville-Lexington-Evansville order. The mileage from Olney to Louisville, Kentucky, is 144 miles. Based on the hauling rate of 1.5 cents per hundredweight per 10 miles, the cost of moving milk from Olney, Illinois, to Louisville, Kentucky, is about 22½ cents. The resulting total cost of milk (Southern Illinois Class I price plus hauling costs) at a Louisville, Kentucky, plant would be greater on the average, than the Louisville Federal order Class I prices which are applicable at plants in that city. Since there are no location differentials applicable under the Louisville-Lexington-Evansville order at Evansville, Indiana, the Class I price at that location is higher than the Olney price plus transportation. It would not be proper, however, to adjust the Olney price to that at Evansville and thereby place the Olney price out of line with other markets in Illinois.

No change is therefore made in the recommended Class I price based on the above exceptions. As previously indicated under the findings dealing with the Class I price, the applicable Class I price at plants located in the three counties shifted from the northern zone to the Central Illinois market will provide more appropriate price alignment at plants lo-

cated in these areas and is the only revision in Class I pricing which is made herein.

(a) *Class I price.* For the first 18 months beginning with the effective date of the pricing provisions of this order, the Class I price for milk of 3.5 percent butterfat content at plants located within the base zone of the marketing area should be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months. The Class I price should be further adjusted by increasing or decreasing, respectively, such prices by two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter is greater or less than 72 percent. This price adjustment should be limited to increases or decreases of not more than 24 cents. The Class I price for milk of 3.5 percent butterfat content at plants located within the northern Zone of the marketing area should be five cents per hundredweight less than for the base zone.

For the same reasons as provided in the findings and conclusions under the subheading of "Class I price" for the Central Illinois marketing area, the basic formula price in this order should be the Minnesota-Wisconsin manufacturing price series.

The counties of Clay, Richland, Lawrence, Wayne, Edwards, Wabash, Hamilton, White, and Saline are added to the present "base zone". These counties lie directly east of the counties now designated as the "base zone" and by their addition make one contiguous area. Generally speaking, the base zone is distinguished from the northern zone by the fact that handlers regulated under the St. Louis and Louisville-Lexington-Evansville orders distribute rather generally throughout this area in competition with handlers regulated under this order, while there is little or no Class I distribution by such handlers in the northern zone. The addition of the above counties to the base zone area will thus align prices between this order and the St. Louis and Louisville-Lexington-Evansville orders. A handler located in Richland County, that is presently partially regulated, would become a fully regulated handler as a result of the expansion of the marketing area. This will be the only additional handler regulated by the addition of these counties.

The counties of Sangamon, Macon, Christian, Moultrie, Douglas, Edgar, Shelby, Coles, Cumberland, Clark, Effingham, Jasper, and Crawford should be added to the present northern zone for pricing purposes. In these counties there are located 12 distributing plants. The handlers operating these plants not only distribute fluid milk products on routes in the expanded area but also in the present northern zone and to a limited extent into other parts of the present marketing area. The distribution routes of these handlers also extend into Indiana in competition with handlers at Terre Haute and to some degree with handlers regulated under the Indianapolis order. There is further limited distribution of fluid milk products into counties not included in the marketing area and into the counties recommended as a part of the Central Illinois marketing area. As noted earlier, two large distributing plants in the Central Illinois marketing area have route distribution in the present and expanded portion of the northern zone of the proposed Southern Illinois marketing area.

Plants located in the northern zone are closer to alternative supply sources and thus can be expected to obtain Class I supplies at a somewhat lower cost than handlers located in the base zone. Although handlers with plants located in the northern zone distribute some fluid milk products in the base zone, the costs of moving milk from the northern zone counties to the base zone will offset any competitive advantage that might otherwise occur because of the difference in Class I prices. The lower rate of five cents per hundredweight for milk received at plants located in the northern zone will also provide a better alignment with Class I prices herein recommended for the Central Illinois marketing area.

A decision issued by the Under Secretary on November 16, 1961 (26 F.R. 10879) concluded that the level of Class I prices then in effect in the Suburban St. Louis order should be continued. The Class I prices have been primarily based on the Chicago Class I price adjusted by the supply-demand factor plus $.40 per hundredweight. Prices for Class I recommended herein are maintained at the same level. Presently, however, the Class I price under this order is further adjusted by the supply-demand factor for the St. Louis order.

The pricing provision of this order became effective June 1, 1960. During the first 12 months the Class I price in this market was adjusted upward by plus $.08 per hundredweight as a result of the supply-demand relationship of the St. Louis market. During the 12-month period, June 1, 1961, through May 1962, this adjustment amounted to fractionally over one cent per hundredweight. As a result of the expansion of this marketing area and the promulgation of an order for the Central Illinois marketing area it is imperative that prices be aligned more closely with those under the Central Illinois order than with St. Louis. The establishment of Class I prices for the Southern Illinois marketing area on a direct relationship to Chicago will aid materially in the alignment of order prices with surrounding markets. It is anticipated that the marketing conditions in the Southern Illinois marketing area for the first 18 months after the effective date of this order will provide the necessary factual information on which to base future price alignment and develop supply-demand standards based on actual market experience.

The Southern Illinois market, like the Central Illinois area, depends to a large extent on plants located in the general supply area of the Chicago market for its reserve supplies of milk. It is, thus, appropriate that Class I prices for this order should reflect price conditions in the Chicago market. This reflection is accomplished by adjusting the Class I price in the same manner and to the same degree as the Class I prices are adjusted in Chicago by the supply-demand ratio.

(b) *Class II price.* The Class II price per hundredweight for milk of 3.5 percent butterfat should be based on the average price paid for manufacturing grade milk by plants in Minnesota and Wisconsin.

The price for Class II milk under the present Suburban St. Louis marketing order is established at the same level as that in the St. Louis order. This price, during the months of August through February, is the higher of either the average price paid by a specified group of Midwestern condenseries or a price resulting from a butter-powder formula. For the months of March through July the Class II price is based on a butter-powder formula which results in a somewhat lower price than that used during the other months of the year. During the first 24 months that the Suburban St. Louis order was in effect, the Class II price has averaged 12 cents per hundredweight below the Minnesota-Wisconsin price series.

The supply of milk in excess of the market's needs for Class I use has increased substantially during that period. This is an indication that handlers may be adding producers to the market for the purpose of converting milk into manufactured dairy products.

A further reason for changing the Class II price in the amended order results from the extensive expansion of the marketing area which has been recommended. Much of this additional area overlaps the milkshed of the proposed Central Illinois marketing area as well as those of the Indianapolis, Indiana, and Louisville-Lexington-Evansville orders, the Class II price is based on the Minnesota-Wisconsin price series. This same price series has also been recommended as the basis for pricing Class II milk in the Central Illinois marketing area.

To continue in the expanded order a Class II price as low as that which has prevailed in the Suburban St. Louis marketing area could result in a disruption of intermarket relations where the above mentioned milksheds overlap and would undoubtedly result in the attraction of additional volumes of surplus milk to plants regulated under this order.

(c) *Location differentials.* No location adjustments should apply at plants located within either the base zone or northern pricing zone. Homogeneity of supply-demand conditions within each zone is such that the same price should be applicable at all plants located therein.

For that milk which is received from producers at a pool plant located outside the marketing area and which is transferred to another pool plant in the form of fluid milk products or is otherwise classified as Class I, the Class I price at the base zone will be reduced 7.5 cents plus an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 60 miles from the County Courthouse in Vandalia, Illinois. In calculating such adjustment, transfers may be assigned to Class I only to

the extent that 105 percent of Class I disposition at the transferee plant exceeds receipts from producers and cooperative associations at such plant. Such assignment to transferor plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence beginning with the plants at which the lowest rate of such adjustment credit would apply. At the present time there are two supply plants located outside the proposed expanded marketing area. The revised location rates will not substantially change the location adjustment of these two plants.

Since the supply of Grade A milk at some pool plants in the marketing area as herein proposed is not expected to be adequate at all times to supply the demand for fluid milk products, some tolerance should be allowed in the assignment to Class I of milk brought in from supply plants. For this reason it is provided that in calculating the location adjustment, transfers from supply plants located outside the marketing area may be assigned to Class I only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers and cooperative associations at such plant.

As provided in the present order, handlers, in making payments for milk to producers, may deduct from the uniform price the location adjustment which is applicable at the location of the pool plant at which the producer milk is received. This adjustment is computed at the same rate as the location adjustment to handlers.

No change is made in the recommended location adjustments for handlers and producers. However, since these adjustments are related to the proposed method for integrating other source milk into the regulatory scheme, the mechanics of computing location adjustments appears in the separate document based on the regional hearing.

6. *Miscellaneous and conforming changes.* The present Suburban St. Louis order contains compensatory payment provisions concerning other source milk from plants not regulated by another order issued pursuant to the Act. This proposed order does not contain such provisions. The hearing on which this order is based was held before the Supreme Court's decision in the Lehigh Valley case (No. 79, October 1961 term). The record was then reopened to receive additional evidence on the issue of substitutes for compensatory payments and related matters in St. Louis, Missouri, on January 8–11, 1963, and again reopened on June 4–11, 1963, for proposals to further expand the marketing area.

Since the matter of compensatory payments in the proposed orders for Central Illinois and Southern Illinois (presently the Suburban St. Louis order), was considered at this hearing on a regional basis, it is appropriate that amendment action be likewise accomplished in a regional frame of reference. The provisions dealing with substitutes for compensatory payments and related provisions are therefore included in a separate document and this order contains omissions where such provisions would otherwise appear.

A specific provision concerning transportation rates has been deleted since such information may be reported on handler payrolls submitted each month.

It is further provided for purposes of clarity and to conform with usual business practices that the payment of interest on overdue moneys due to or from the accounts of the market administrator shall be increased one-half of one percent on the first day of the month following the due date of such obligation and on the first day of each succeeding month until the obligation is paid. This is the same rate as is now provided in the order.

A proposal to give credit for compensatory payments on transfers of milk from a pool plant to a nonpool plant partially regulated under another order is not necessary with the enlargement of the marketing area and the revision of order provisions with respect to unpriced milk. The conditions cited by the proponent no longer exist. Therefore, the proposal is denied.

It was proposed that the butterfat differential to producers should be changed from the weighted average values of butterfat used for Class I and Class II purposes to an amount equal to the Class II butterfat differential. The use of the Class II butterfat differential would conform to the practice followed under the St. Louis order but should not be adopted because it would bring about a misalignment of prices with other markets which are more closely associated with much of the proposed expanded marketing area than is the St. Louis market.

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.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

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 orders (Parts 1063 and 1032) regulating the handling of milk in the Quad Cities-Dubuque and Suburban St. Louis marketing areas 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 proposed order for the Central Illinois marketing area and the tentative marketing agreements and the orders as hereby proposed to be amended for the Quad Cities-Dubuque and Suburban St. Louis marketing areas and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders 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 proposed order for the Central Illinois marketing area and the tentative marketing agreements and the orders as hereby proposed to be amended for the Quad Cities-Dubuque and Suburban St. Louis marketing areas will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders. The following order for the Central Illinois marketing area and the orders amending the orders regulating the handling of milk in the Quad Cities-Dubuque and Suburban St. Louis marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the respective orders as set forth herein.

Amendments to Part 1063 regulating the handling of milk in the Quad Cities-Dubuque marketing area. Section 1063.6 is revised to read as follows:

§ 1063.6 Quad Cities-Dubuque marketing area.

"Quad Cities-Dubuque marketing area" hereinafter called the marketing area, means the territory within the boundaries of the counties of Clinton, Dubuque, Jackson, Muscatine and Scott in the State of Iowa; the counties of Henry, Mercer and Rock Island, and the city of East Dubuque, in the State of Illinois, including territory within such boundaries that is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

Recommended order (Part 1050) regulating the handling of milk in the Central Illinois marketing area.

AUTHORITY: §§ 1050.1 to 1050.105 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

The provisions of the proposed order contained in the recommended decision issued by the Assistant Secretary on November 13, 1962 (27 F.R. 11369; F.R. Doc. 62–11465) are set forth in full herein subject to the following revisions:

Changes are made in §§ 1050.6, 1050.11, 1050.12, 1050.14(a) and 1050.35. A new § 1050.19 and a heading for § 1050.62 have been added. The following sections are not printed herein since they will appear in the recommended decision dealing with the integration of other source milk into the regulatory plan as a result of the joint hearings: §§ 1050.7, 1050.8(b), 1050.13, 1050.30, 1050.31(b), 1050.32, 1050.41(b) (7) and (8), 1050.42, 1050.44, 1050.46, 1050.53, 1050.62, 1050.70, 1050.71, 1050.73, 1050.81, 1050.82, 1050.83, and 1050.86. Sections 1050.47 and 1050.48 would be superfluous and are therefore revoked.

DEFINITIONS

§ 1050.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1050.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1050.3 Department.

"Department" means the United States Department of Agriculture.

§ 1050.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1050.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1050.6 Central Illinois marketing area.

"Central Illinois marketing area", hereinafter called the "marketing area" means all of the territory within the counties of Champaign, De Witt, Fulton, Knox, Logan, Marshall, Mason, MacDonough, McLean, Menard, Peoria, Piatt, Stark, Tazewell, Vermilion, Warren, and Woodford, all in the State of Illinois, together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county or municipal Government located wholly or partially within such counties.

§ 1050.7 Producer.

* * * * * *

§ 1050.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool distributing plants or supply plants, except that in the case of recognized divisions of the same company, which the market administrator determines are operated as separate and distinct business units, each such division shall be a handler with respect to the plant or plants which it operates;

(b) * * *

(c) A cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant; and

(d) A cooperative association with respect to producer milk which is delivered from the farm to the pool plant(s) of another handler for the account of a cooperative association in a tank truck owned or operated by such cooperative association, if the cooperative association, on or before the first day of the month in which such milk is received from producers, has notified, in writing, both the market administrator and the handler to whom the milk is delivered, that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk effective the first day of the month following receipt of such notice and milk so delivered shall be considered as having been received by the cooperative association at a pool plant at the location of the first plant to which it is delivered.

§ 1050.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a distributing plant at which no fluid milk or fluid milk products are received during the month except that of his own farm milk production or that which is transferred from a pool plant(s); and

(b) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

§ 1050.10 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

§ 1050.11 Supply plant.

"Supply plant" means any plant (except a reload point) at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1050.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1050.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.8(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.8(d) during the months of August through February and 40 percent during all other months: *Provided*, That in determining receipts at a plant which disposes of packaged fluid milk products to another distributing plant, receipts of milk in bulk from such plant shall be excluded in an amount equal to the volume returned to such plant in packaged form;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.8(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section.

Any supply plant that was a pool plant during each of the months of September through January shall continue to be a pool plant during the following months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in this paragraph: *Provided*, That for each month from the effective date of this order through August 1964, the supply plant may be a pool plant if the operator of such plant furnishes proof that 50 percent of such plant's receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.8(d) during the preceding period of September through January, inclusive, was shipped to distributing plants pursuant to paragraph (a) of this section.

§ 1050.13 Nonpool plant.

* * * * *

§ 1050.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk which is:

(a) Received during the month at a pool plant directly from producers (including milk which is commingled at a reload point) except that received by diversion pursuant to paragraph (b)(1) of this section: *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; or

(b) Diverted by the operator of a pool plant or by a cooperative association subject to the following conditions:

(1) Diverted during the month from a pool plant to another pool plant(s) for not more days of production of producer milk than is physically received at a pool plant or plants pursuant to paragraph (a) of this section;

(2) Diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of February through August and in any other month for not more days of production of producer milk than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(3) Diverted during the month from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk than is received at a pool plant(s) pursuant to paragraph (a) of this section: *Provided*, That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order;

(4) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted; and

(5) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which diverted.

§ 1050.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1050.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks unmodified or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers; cream, sweet or sour; and mixtures of cream and milk or skim milk, but not including the following: frozen cream, aerated cream products, cultured sour cream mixtures other than sour cream, eggnog, yogurt, ice cream and frozen dessert mixes, and sterile cream or mixtures in hermetically sealed containers.

§ 1050.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet other than a milk plant or a commercial food processing establishment.

§ 1050.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 1050.19 Reload point.

"Reload point" means a location at which facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing and processing of milk, which equipment is in current use, shall be considered a supply plant rather than a reload point.

MARKET ADMINISTRATOR

§ 1050.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1050.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1050.22 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful per-

formance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1050.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1050.85, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler by audit, or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public, general information as he deems necessary;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential for the preceding month;

(k) On or before the 14th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk received by each handler from members of the association. For the purpose of this report the milk caused to be delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

REPORTS, RECORDS AND FACILITIES

§ 1050.30 Reports of receipts and utilization.

* * * * *

§ 1050.31 Payroll reports.

(a) Each handler, except a producer-handler and a handler pursuant to § 1050.61, shall report to the market administrator on or before the 20th day after the end of each month, in the detail and on forms prescribed by the market administrator for each producer or cooperative association from whom milk was received during the preceding month the following:

(1) His name and address;

(2) The total pounds and butterfat content of milk received during the month;

(3) The amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered; and

(4) The prices paid and the net amount of the payment to each producer;

(b) * * *

§ 1050.32 Other reports.

* * * * *

§ 1050.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1050.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1050.35 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1050.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows: On or before the 7th day after the end of the month:

(1) Total pounds of milk received from each producer together with the butterfat content of such milk, and

(2) The amount or rate and nature of any deductions authorized by a cooperative association.

CLASSIFICATION

§ 1050.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1050.30 shall be classified each month by the market administrator pursuant to the provisions of § 1050.41 through § 1050.47.

§ 1050.41 Classes of utilization.

Subject to the conditions set forth in §§ 1050.42 to 1050.47 the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), (4), (5), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II.

(b) *Class II.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

* * * * *

§ 1050.42 Assignment of shrinkage.

* * * * *

§ 1050.43 Responsibility of handlers.

In establishing the classification of skim milk and butterfat as required by

this part, the burden rests upon the handler who first receives such skim milk or butterfat to establish to the satisfaction of the market administrator that such skim milk or butterfat should not be classified as Class I.

§ 1050.44 Transfers.

* * * * *

§ 1050.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to this part and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, or in the case of a cooperative association, for that milk received pursuant to § 1050.8 (c) and (d): *Provided,* That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all the water originally associated with such solids.

§ 1050.46 Allocation of skim milk classified.

* * * * *

MINIMUM PRICES

§ 1050.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1050.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* The Class I price for the first 18 months beginning with the effective date of this provision shall be the basic formula price for the preceding month plus $1.40 during each of the months of August through November; $1.00 during each of the months of March through June and plus $1.20 during all other months, and it shall be increased or decreased, respectively, 2 cents each month for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter for the same month is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio; and

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

§ 1050.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class price calculated pursuant to § 1050.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1050.53 Location differentials to handlers.

* * * * *

§ 1050.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 1050.60 Producer-handler.

Sections 1050.40 through 1050.54 and §§ 1050.61 through 1050.86 shall not apply to a producer-handler.

§ 1050.61 Handlers subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b) and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and which is fully subject to such other order: *Provided,* That a distributing plant which was a pool plant under this order in the immediately preceding months shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant meeting the requirements of § 1050.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which is nevertheless fully regulated under such other marketing area; and

(c) Any plant qualified pursuant to § 1050.12(b) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1050.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

DETERMINATION OF PRICES TO PRODUCERS

§ 1050.70 Computation of value of milk.

* * * * *

§ 1050.71 Computation of the uniform price.

* * * * *

§ 1050.72 Butterfat differential to producers.

In making payments pursuant to § 1050.80 there shall be added to, or subtracted from, the uniform price of milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat in such producer milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1050.52 weighted by the pounds of butterfat in producer milk in Class I and II, respectively, with the result rounded to the nearest tenth of a cent.

§ 1050.73 Location differential to producers.

* * * * *

§ 1050.74 Notification of handlers.

On or before the 14th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in §§ 1050.30 and 1050.31 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price computed pursuant to § 1050.71 and the butterfat differential computed pursuant to § 1050.72; and

(c) The amounts to be paid by such handler pursuant to §§ 1050.82, 1050.85, or 1050.86 and the amount due such handler pursuant to § 1050.83.

PAYMENTS

§ 1050.80 Time and method of payment.

Each handler shall make payment as follows:

(a) To each producer from whom milk is received during the month and to whom payment is not made pursuant to paragraph (b) of this section, on or before the 20th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 1050.85;

(2) Plus or minus adjustments for errors made in previous payments made to such producer; and

(3) Less proper deductions authorized in writing by such producer: *Provided,* That, if by such date, such handler has not received full payment from

the market administrator pursuant to § 1050.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall, on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association.

(c) On or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1050.8(d) at not less than the value of such milk at the applicable class prices.

§ 1050.81 Producer-settlement fund.

* * * * *

§ 1050.82 Payments to the producer-settlement fund.

* * * * *

§ 1050.83 Payments out of the producer-settlement fund.

* * * * *

§ 1050.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1050.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1050.80, shall deduct six cents per hundredweight, or such amount not exceeding six cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 20th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 20th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deduction and the amount of milk for which such deduction is computed for each producer.

§ 1050.86 Expense of administration.

* * * * *

§ 1050.87 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1050.82, 1050.83, 1050.84 (a) and (b), 1050.85(a), or 1050.86 shall be increased one-half of one percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first of the month shall be considered to have been received when postmarked.

§ 1050.88 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account of which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and record pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 608c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1050.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1050.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1050.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendments thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1050.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the mar-

ket administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1050.104 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1050.105 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Amendments to Part 1032 regulating the handling of milk in the Suburban St. Louis marketing area:

DEFINITIONS

Sec.
1032.1 Act.
1032.2 Secretary.
1032.3 Department.
1032.4 Person.
1032.5 Cooperative association.
1032.6 Southern Illinois marketing area.
1032.7 Producer.
1032.8 Handler.
1032.9 Producer-handler.
1032.10 Distributing plant.
1032.11 Supply plant.
1032.12 Pool plant.
1032.13 Nonpool plant.
1032.14 Producer milk.
1032.15 Other source milk.
1032.16 Fluid milk product.
1032.17 Route.
1032.18 Chicago butter price.
1032.19 Reload point.

MARKET ADMINISTRATOR

1032.20 Designation.
1032.21 Powers.
1032.22 Duties.

REPORTS, RECORDS AND FACILITIES

1032.30 Reports of receipts and utilization.
1032.31 Payroll reports.
1032.32 Other reports.
1032.33 Records and facilities.
1032.34 Retention of records.
1032.35 Reports to cooperative associations.

CLASSIFICATION

1032.40 Skim milk and butterfat to be classified.
1032.41 Classes of utilization.
1032.42 Assignment of shrinkage.
1032.43 Responsibility of handlers.
1032.44 Transfers.
1032.45 Computation of skim milk and butterfat in each class.
1032.46 Allocation of skim milk classified.

MINIMUM PRICES

1032.50 Basic formula price.
1032.51 Class prices.
1032.52 Butterfat differentials to handlers.
1032.53 Location differentials to handlers.
1032.54 Equivalent price provision.

APPLICATION OF PROVISIONS

1032.60 Producer-handler.
1032.61 Handlers subject to other Federal orders.
1032.62 Obligations of handler operating a partially regulated distributing plant.

DETERMINATION OF PRICES TO PRODUCERS

1032.70 Computation of value of milk.
1032.71 Computation of the uniform price.
1032.72 Butterfat differential to producers.
1032.73 Location differential to producers.
1032.74 Notification of handlers.

PAYMENTS

1032.80 Time and method of payment.
1032.81 Producer-settlement fund.
1032.82 Payments to the producer-settlement fund.
1032.83 Payments out of the producer-settlement fund.
1032.84 Adjustment of accounts.
1032.85 Marketing services.
1032.86 Expense of administration.
1032.87 Overdue accounts.
1032.88 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1032.100 Effective time.
1032.101 Suspension or termination.
1032.102 Continuing obligations.
1032.103 Liquidation.

MISCELLANEOUS PROVISIONS

1032.104 Agents.
1032.105 Separability of provisions.

AUTHORITY: §§ 1032.1 to 1032.105 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

The provisions of the proposed order contained in the recommended decision issued by the Assistant Secretary on November 13, 1962 (27 F.R. 11369; F.R. Doc. 62–11465) are set forth in full herein subject to the following revisions:

Changes are made in §§ 1032.6(b), 1032.11, 1032.12 and 1032.14(a). A new § 1032.19 and a heading for § 1032.62 have been added. The following sections are not printed herein since they will appear in the recommended decision dealing with the integration of other source milk into the regulatory plan as a result of the joint hearings: §§ 1032.7, 1032.8(b), 1032.13, 1032.30, 1032.31(b), 1032.32, 1032.41(b) (7) and (8), 1032.42, 1032.44, 1032.46, 1032.53, 1032.62, 1032.70, 1032.71, 1032.73, 1032.81, 1032.82, 1032.83, and 1032.86. Sections 1032.47 and 1032.48 would be superfluous and are therefore revoked.

DEFINITIONS

§ 1032.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1032.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1032.3 Department.

"Department" means the United States Department of Agriculture.

§ 1032.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1032.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1032.6 Southern Illinois marketing area.

"Southern Illinois marketing area", hereinafter called "marketing area", means all the territory within the following counties all of which are in the State of Illinois, together with all municipal corporations therein and all institutions owned or operated by the Federal, State, County or municipal government located wholly or partially within such counties:

(a) *Base zone.* The counties of Clay, Clinton, Edwards, Franklin, Hamilton, Jackson, Jefferson, Lawrence, Madison, Marion, Monroe, Perry, Randolph, Richland, St. Clair (except Scott Military Reservation, East St. Louis, Centerville, Canteen, and Stites Townships and the city of Belleville), Saline, Wabash, Washington, Wayne, White and Williamson.

(b) *Northern-zone.* The counties of Bond, Calhoun, Christian, Clark, Coles, Crawford, Cumberland, Douglas, Edgar, Effingham, Fayette, Green, Pasper, Jersey, Macon, Macoupin, Montgomery, Moultrie, Sangamon, and Shelby.

§ 1032.7 Producer.

* * * * *

§ 1032.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool distributing or supply plants, except that in the case of recognized divisions of the same company, which the market administrator determines are operated as separate and distinct business units, each such division shall be a handler with respect to the plant or plants which it operates;

(b) * * *

(c) A cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant; and

(d) A cooperative association with respect to producer milk which is delivered from the farm to the pool plant(s) of another handler for the account of a cooperative association in a tank truck owned or operated by such cooperative association, if the cooperative association, on or before the first day of the month in which such milk is received from producers, has notified, in writing, both the market administrator and the handler to whom the milk is delivered, that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk effective the first day of the month following receipt of such notice and milk so delivered shall be considered as having been received by the cooperative association at a pool plant at the location of the first plant to which it is delivered.

§ 1032.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a distributing plant at which no fluid milk or fluid milk products are received during the month except that of his own farm milk production or that which is transferred from a pool plant(s); and

(b) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

§ 1032.10 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

§ 1032.11 Supply plant.

"Supply plant" means any plant (except a reload point) at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1032.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1032.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.8(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.8(d) during the months of August through February and 40 percent during all other months: *Provided*, That in determining receipts at a plant which dispose of packaged fluid milk products to another distributing plant, receipts of milk in bulk from such plant shall be excluded in an amount equal to the volume returned to such plant in packaged form;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.8(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section.

Any supply plant that was a pool plant during each of the months of September through January shall continue to be a pool plant during the following months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in this paragraph: *Provided*, That for each month from the effective date of this order through August 1964, the supply plant may be a pool plant if the operator of such plant furnishes proof that 50 percent of such plant's receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.8(d), during the preceding period of September through January, inclusive, was shipped to distributing plants pursuant to paragraph (a) of this section.

§ 1032.13 Nonpool plant.

* * * * *

§ 1032.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk which is:

(a) Received during the month at a pool plant directly from producers (including milk which is commingled at a reload point) except that received by diversion pursuant to paragraph (b)(1) of this section: *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; or

(b) Diverted by the operator of a pool plant or by a cooperative association subject to the following conditions:

(1) Diverted during the month from a pool plant to another pool plant(s) for not more days of production of producer milk than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(2) Diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of February through August and in any other month for not more days of production of producer milk than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(3) Diverted during the month from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk than is received at a pool plant(s) pursuant to paragraph (a) of this section: *Provided*, That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order;

(4) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted; and

(5) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which diverted.

§ 1032.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1032.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks unmodified or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers; cream, sweet or sour; and mixtures of cream and milk or skim milk, but not including the following: frozen cream, aerated cream products, cultured sour cream mixtures other than sour cream, eggnog, yogurt, ice cream and frozen dessert mixes, and sterile cream or mixtures in hermetically sealed containers.

§ 1032.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet other than a milk plant or a commercial food processing establishment.

§ 1032.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 1032.19 Reload point.

"Reload point" means a location at which facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing and processing of milk, which equipment is in current use, shall be considered a supply plant rather than a reload point.

MARKET ADMINISTRATOR

§ 1032.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who

shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1032.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1032.22 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1032.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1032.85, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler by audit, or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public, general information as he deems necessary;

(j) On or before the dates specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential for the preceding month;

(k) On or before the 14th day after the end of each month, report to each cooperative association which so requests, the amount and class utilization of producer milk received by each handler. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

REPORTS, RECORDS AND FACILITIES

§ 1032.30 Reports of receipts and utilization.

* * * * *

§ 1032.31 Payroll reports.

(a) Each handler, except a producer-handler and a handler pursuant to § 1032.61, shall report to the market administrator on or before the 20th day after the end of each month in the detail and on forms prescribed by the market administrator for each producer or cooperative association from whom milk was received during the preceding month the following:

(1) His name and address;

(2) The total pounds and butterfat content of milk received during the month;

(3) The amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered; and

(4) The prices paid and the net amount of the payment to each producer;

* * * * *

§ 1032.32 Other reports.

* * * * *

§ 1032.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary to the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1032.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1032.35 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1032.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 25th days of the month the total pounds of milk received during the first 15 days of such month; and

(b) On or before the 7th day after the end of the month:

(1) The total pounds of milk received from each producer together with the butterfat content of such milk, and

(2) The amount or rate and nature of any deductions authorized by a cooperative association.

CLASSIFICATION

§ 1032.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1032.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1032.41 through 1032.47.

§ 1032.41 Classes of utilization.

Subject to the conditions set forth in §§ 1032.42 to 1032.47 the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), (4), (5), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II.

(b) *Class II.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

* * * * *

§ 1032.42 Assignment of shrinkage.

* * * * *

§ 1032.43 Responsibility of handlers.

In establishing the classification of skim milk and butterfat as required by this part, the burden rests upon the handler who first receives such skim milk or butterfat to establish to the satisfaction of the market administrator that such skim milk or butterfat should not be classified as Class I.

§ 1032.44 Transfers.

* * * * *

§ 1032.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to this part and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, or in the case of a cooperative association, for that milk received pursuant to § 1032.8 (c) and (d): *Provided,* That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all the water originally associated with such solids.

§ 1032.46 Allocation of skim milk classified.

* * * * *

MINIMUM PRICES

§ 1032.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1032.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* (1) The Class I price at plants located in the Base Zone for the first 18 months beginning with the effective date of this section shall be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months, and it shall be increased or decreased, respectively, two cents each month for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio; and

(2) The Class I price at plants located in the Northern Zone shall be 5 cents less than the price determined pursuant to subparagraph (1) of this paragraph; and

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

§ 1032.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1032.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1032.53 Location differentials to handlers.

* * * * *

§ 1032.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 1032.60 Producer-handler.

Sections 1032.40 through 1032.54 and §§ 1032.61 through 1032.86 shall not apply to a producer-handler.

§ 1032.61 Handlers subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b) and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and which is fully subject to such other order: *Provided,* That a distributing plant which was a pool plant under this order in the immediately preceding months shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant meeting the requirements of § 1032.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is so disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing area; and

(c) Any plant qualified pursuant to § 1032.12(b) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1032.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

DETERMINATION OF PRICES TO PRODUCERS

§ 1032.70 Computation of value of milk.

* * * * *

§ 1032.71 Computation of the uniform price.

* * * * *

§ 1032.72 Butterfat differential to producers.

In making payments pursuant to § 1032.70 there shall be added to, or subtracted from, the uniform price of milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat in such producer milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1032.52 weighted by the pounds of butterfat in producer milk in Class I and II, respectively, with the result rounded to the nearest tenth of a cent.

§ 1032.73 Location differential to producers.

* * * * *

§ 1032.74 Notification of handlers.

On or before the 14th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in §§ 1032.30 and 1032.31 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price computed pursuant to § 1032.71 and the butterfat differential computed pursuant to § 1032.72; and

(c) The amounts to be paid by such handler pursuant to §§ 1032.82, 1032.85 or 1032.86 and the amount due such handler pursuant to § 1032.83.

PAYMENTS

§ 1032.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) and (c) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 20th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1032.85;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer;

(iv) Less proper deductions authorized in writing by such producer; and

(v) Less 5 cents for each hundredweight of milk received from each producer at a plant located in the northern zone.

(b) In the case of a cooperative association which has so requested the handler in writing, such handler shall, on or before the second day prior to the date payments are due to individual producers pursuant to paragraph (a) of this section, pay the association for milk received during the month from the producer-members of such association an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) (1) and (2) (i), (ii), (iii), and (v) of this section less any deductions authorized in writing by such association: *Provided,* That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association; and

(c) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received by him from such association for which the association is the handler not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials.

§ 1032.81 Producer-settlement fund.

* * * * *

§ 1032.82 Payments to the producer-settlement fund.

* * * * *

§ 1032.83 Payments out of the producer-settlement fund.

* * * * *

§ 1032.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, accounts, or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1032.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1032.80, shall deduct six cents per hundredweight, or such amount not exceeding six cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 20th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 20th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deduction and the amount of milk for which such deduction is computed for each producer.

§ 1032.86 Expense of administration.

* * * * *

§ 1032.87 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1032.82, 1032.83, 1032.84 (a) and (b), 1032.85(a), or 1032.86 shall be increased one-half of one percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first day of the month shall be considered to have been received when postmarked.

§ 1032.88 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account of which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 608c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1032.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1032.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1032.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendments thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1032.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1032.104 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1032.105 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on January 20, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-781; Filed, Jan. 28, 1964; 8:45 a.m.]