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FEDERAL REGISTER

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Title 3—THE PRESIDENT

Executive Order 11179

PROVIDING FOR THE NATIONAL DEFENSE EXECUTIVE RESERVE

By virtue of the authority vested in me by the Constitution and statutes of the United States, including Sections 703(a) and 710(e) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2153 (a); 2160(e)), and as President of the United States, it is hereby ordered as follows:

SECTION 1. There shall be in the Executive Branch of the Government a National Defense Executive Reserve composed of persons selected from various segments of the civilian economy and from goevrnment for training for employment in executive positions in the Federal Government in the event of the occurrence of an emergency that requires such employment.

SEC. 2. The Director of the Office of Emergency Planning (hereinafter referred to as the Director) shall administer the Executive Reserve program; coordinate the activities of other agencies in establishing units of the Reserve; provide for appropriate standards of recruitment and training; approve prospective members of the Executive Reserve; and issue necessary rules and regulations in connection with the program.

SEC. 3. The Director, in carrying out his responsibilities under this order, may utilize the services of other departments and agencies in the maintenance of agency and centralized rosters and in the development of training programs and materials.

SEC. 4. (a) The head of any department or agency of the Government (hereinafter referred to as a Secretary), designated by the Director after appropriate consultation, may establish a unit of the Executive Reserve (hereinafter referred to as Executive Reserve Units) in his respective department or agency.

(b) Executive Reserve Units existing under Executive Order No. 10660 of February 15, 1956, as amended, on the date of this order shall henceforth be deemed to be Executive Reserve Units under this order.

SEC. 5. Membership in Executive Reserve Units shall be subject to the following:

(1) Subject to the provisions of this order, particularly paragraph (4) of this section, an individual who on the date of this order was a member of an Executive Reserve Unit under Executive Order No. 10660 may continue to serve therein without further designation.

(2) A Secretary desiring to designate an individual to serve as a member of an Executive Reserve Unit of his department or agency shall submit the name of the prospective designee to the Director for approval. Upon approval of the prospective designee by the Director, the Secretary concerned may designate the individual as a member of the Executive Reserve Unit of his department or agency.

(3) An individual whose membership in an Executive Reserve Unit has at any time expired, or is at any time about to expire, under the terms of this order may be redesignated as a member under the procedure set forth in paragraph (2) of this section.

(4) Without limiting the authority of the respective Secretaries to terminate the membership of any individual in an Executive Reserve Unit at any time, it is directed that continued service of a member under paragraph (1) of this section, and the designation or redesignation of a member under paragraph (2) or (3) of this section, respectively (including any designation of an individual occurring at the

expiration of his continued service under paragraph (1)), shall be for a period not to exceed three years.

SEC. 6. Activities of any person by reason of his continuance, designation, or redesignation as an Executive Reservist under this order shall not include acting or advising on any matter pending before any department or agency but shall be limited to receiving training for mobilization assignments under the Reserve program.

SEC. 7. The Director shall report to the President annually, and at such other times as may be appropriate, on the status and operation of the Executive Reserve program.

SEC. 8. Executive Order No. 10660 of February 15, 1956, entitled "Providing for the Establishment of a National Defense Executive Reserve," as amended, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 22, 1964.

[F.R. Doc. 64-9759; Filed, Sept. 23, 1964; 11:24 a.m.]

Rules and Regulations

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

1. The headnote, paragraph (a), and subparagraph (1) of paragraph (b) of § 103.2 are amended to read as follows:

§ 103.2 Applications, petitions, and other documents.

(a) *General.* Every application, petition, or other document submitted on a form prescribed by this chapter shall be executed and filed in accordance with the instructions contained on the form, such instructions being hereby incorporated into the particular section of the regulations requiring its submission. A parent, guardian, or other adult having a legitimate interest in a person who is under 14 years of age may file on such a person's behalf, and a guardian of a mentally incompetent person may file on such a person's behalf. Any required oath may be administered by an immigration officer or person generally authorized to administer oaths. Applications or petitions received in any Service office shall be stamped to show the time and date of their actual receipt and shall be regarded as filed when so stamped unless returned because they are improperly executed. An application or petition which is presented at an office of this Service by a travel agent, a notary public, or by any individual other than the applicant, petitioner, or an attorney or representative authorized and qualified to represent the applicant or petitioner pursuant to § 292.1 of this chapter, shall be disposed of in the same manner as an application or petition received through the mail. The person submitting the application or petition shall be advised that, since he is not regarded as the authorized representative of the applicant or petitioner, the applicant or petitioner will be notified directly regarding the action taken.

(b) *Evidence*—(1) *Requirements.* Each application or petition shall be accompanied by the documents required by the particular section of the regulations under which submitted. All accompanying documents must be submitted in the original and will not be returned unless accompanied by a copy. A copy unaccompanied by the original will be accepted only if the accuracy of the copy has been certified by an immigration or consular officer who has examined the original. A foreign document must be accompanied by an English translation. The translator must certify that he is competent to translate, and that the translation is accurate. The translator's certification must be notarized. If any required documents are unavailable, church or school records, or other evidence pertinent to the facts in issue, may be submitted. If such documents are unavailable, affidavits may be submitted. The Service may require proof of unsuccessful efforts to obtain documents claimed to be unavailable. The Service may also require the submission of additional evidence, including blood tests, may require the taking of testimony, and may direct the making of any necessary investigation. Any allegations made in addition to, or in substitution for, those originally made shall be under oath and filed in the same manner as the original application, petition, or other document or noted on the original application, petition, or document and acknowledged under oath thereon.

* * * * *

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

2. Section 211.1 is amended to read as follows:

§ 211.1 Visas.

A valid unexpired immigrant visa shall be presented by each arriving immigrant alien except an immigrant who (a) is a child born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa, or (b) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States, provided the child's application for admission to the United States is made within two years of his birth, the child is accompanied by his parent who is applying for readmission as a permanent resident upon the first return of the parent to the United States after the birth of the child, and the accompanying parent is found to be admissible to the United States, or (c) is returning to an unrelinquished lawful permanent residence after a temporary absence abroad in any place except Albania, Cuba, Outer Mongolia, and Communist portions of China, Korea, and Viet-Nam (1) not exceeding one year and presents a Form I–151, alien registration receipt card, duly issued to him, or (2) and presents a valid unexpired reentry permit duly issued to him, or (3) and is the spouse or child of and has been residing abroad with, a member of the Armed Forces of the United States stationed abroad pursuant to official orders, or (4) and satisfies the district director in charge of the port of entry that there is good cause for the failure to present the required document, in which case an application for waiver should be made on Form I–193. A reentry permit or Form I–151 shall be invalid under this section when presented by an alien who during his temporary absence abroad traveled to, in, or through Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), the Union of Soviet Socialist Republics, or Yugoslavia, except when the holder of a reentry permit duly issued to him presents evidence in the form of an endorsement in that document, or a letter issued by an officer of the Service, stating that the restriction with respect to any such country or countries has been waived, or except when the alien has passed in direct, restricted, and continuous transit through: The Soviet Zone of Germany to Berlin from West Germany by automobile, rail, or plane, and returned to West Germany; or Yugoslavia to or from Austria or Greece.

An immigrant visa, reentry permit, or Form I–151 shall also be invalid under this section when presented by an alien who has an occupational status which would entitle him to a nonimmigrant status under section 101(a)(15) (A), (E), or (G), of the Act, unless he has previously submitted, or submits at the time he applies for admission to the United States, the written waiver required by section 247(b) of the Act and Part 247 of this chapter.

PART 212—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

3. Paragraph (c) and paragraph (d) of § 212.6 are amended to read as follows:

§ 212.6 Nonresident alien border crossing cards.

* * * * *

(c) *Validity.* Forms I–185 and I–186 are valid until revoked. Violations of the immigration laws or subsequent developments indicating inadmissibility shall be grounds, though not exclusive, for voidance of the forms. Either form may be declared void, without notice, by an officer authorized to issue such form and, upon voidance, shall be surrendered immediately. An appeal shall not lie from a decision voiding a nonresident alien border crossing card, but such voidance shall be without prejudice to a subsequent application for a visa or admission to the United States.

(d) *Replacement.* If a nonresident alien border crossing card has been lost, mutilated, or destroyed the person to whom such card was issued may apply for a new card in accordance with the provisions of this section. The holder

of a Form I–185 or I–186 which is in poor condition because of improper lamination may be issued a new one without submitting a fee or application upon surrender of the original card.

4. Paragraph (a) of § 212.7 is amended to read as follows:

§ 212.7 Waiver of certain grounds of excludability.

(a) *Section 212 (g) or (h).* An alien who is excludable and seeks a waiver under section 212 (g) or (h) of the Act shall file an application on Form I–601 at the consular office considering the application for a visa for transmittal to the Service for decision. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. An applicant may withdraw his application at any time prior to final decision, whereupon the case will be closed and the consulate notified. If he fails to prosecute his application within a reasonable time either before or after interview he shall be notified that if he fails to prosecute his application within 30 days his case will be closed subject to being reopened at his request. If no action has been taken within the 30-day period immediately thereafter, the case will be closed and the appropriate consul notified.

* * * * *

PART 214—NONIMMIGRANT CLASSES

5. Paragraph (f) of § 214.2 is amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Students*—(1) *General.* A student seeking admission to the United States under section 101(a)(15)(F)(i) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless he presents Form I–20 properly filled out by himself and the school to which he is destined. The student's spouse and minor children following to join him shall not be eligible for admission into the United States unless they present Form I–20 from the school in which the student is enrolled stating that he is taking a full course of study and noted by the school to indicate the date of expiration of his authorized stay in the United States as shown on the student's Form I–94. The initial period of admission of an alien who has a nonimmigrant status under section 101(a)(15)(F) of the Act shall not exceed one year. Form I–20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within one year of the date of its issuance. A student shall not be eligible for transfer to another school unless he presents a valid Form I–20 completed by the school to which he desires to transfer.

(2) *Extension.* A nonimmigrant who has a classification under section 101(a)(15)(F) of the Act may be granted extensions of stay in increments not to exceed one year each if he establishes that he is currently maintaining student status and is able and in good faith intends to continue to maintain such status for the period for which the extension is requested. Form I–538 will be accepted as an application for extension of stay in lieu of Form I–539 when an applicant is concurrently applying for permission to engage in or continue employment and extension of temporary stay. A student's spouse or child shall not be eligible for an extension of stay unless the student is eligible for an extension of stay.

(3) *Employment.* An application by a student for permission to accept or continue employment shall be filed on Form I–538. The applicant shall be notified of the decision, and if the application is denied, of the reasons therefor. No appeal shall lie from the decision of the district director. If a student requests permission to accept part-time employment because of economic necessity, he must establish that the necessity is due to unforeseen circumstances arising subsequent to entry, or subsequent to change to student classification, and an authorized school official must certify that part-time employment will not interfere with the student's ability to carry successfully a full course of study. Permission to accept or continue employment because of economic necessity may be granted in increments of not more than 12 months each. If a student requests permission to accept or continue employment in order to obtain practical training, an authorized school official must certify that the employment is recommended for that purpose and will provide the student with practical training in his field of study which would not be available to him in the country of his foreign residence. Permission to accept or continue temporary employment to obtain practical training may be granted in increments of not more than six months each for a maximum of not more than 18 months in the aggregate. The application for the first period of practical training shall be submitted to the office of the Service having jurisdiction over the school recommending practical training. Subsequent applications to continue practical training must contain the recommendation of that school and may be submitted to the office of the Service having jurisdiction over the actual place of training.

A student enrolled in a college or university having alternate work-study courses as a part of its regular prescribed curriculum may participate in such courses without obtaining a change of status and without filing an application for permission to accept employment; however, such periods of actual employment shall be considered as practical training. If in connection with an alien's acceptance by a school his Form I–20 bears an endorsement stating that he has been offered on-campus employment which will not displace a United States resident, the Service officer admitting the alien on his first application for admission as a nonimmigrant may authorize such employment without requiring an application on Form I–538.

An application for permission to engage in or continue on-campus employment after admission to the United States shall be submitted on Form I–538 and may be granted if it bears a certification by an authorized school official that a United States resident will not be displaced. An applicant for permission to engage in on-campus employment is not required to establish economic necessity. Permission to accept such employment shall be valid for the period of time the applicant is permitted to remain in the United States in nonimmigrant student status. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study, if related thereto, and permission from the Service to accept such employment shall not be required. Permission which is granted to a student to engage in any employment shall not exceed the date of expiration of his authorized stay and is automatically suspended during the period when a strike or other labor dispute involving a work stoppage or layoff of regular employees occurs at his place of employment.

* * * * *

PART 236—EXCLUSION OF ALIENS

6. Existing paragraph (d) *Record* of § 236.2 is redesignated as paragraph (e) and new paragraph (d) is added to read as follows:

§ 236.2 Hearing.

* * * * *

(d) *Depositions.* The procedures specified in § 242.14(e) of this chapter shall apply.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

7. Paragraph (b) of § 242.5 is amended to read as follows:

§ 242.5 Voluntary departure prior to commencement of hearing.

* * * * *

(b) *Application.* Any alien who believes himself to be eligible for voluntary departure under section 242(b) of the Act may apply therefor at any office of the Service any time prior to the commencement of deportation proceedings against him or, if deportation proceedings have been commenced, any time prior to the commencement of his hearing. The officers designated in paragraph (a) of this section may deny or grant the application and determine the conditions under which the alien's departure shall be effected. An appeal shall not lie from a denial of an application for voluntary departure under this section, but the denial shall be without prejudice to the alien's right to apply for relief from deportation under any provision of law.

* * * * *

8. Section 242.14 is amended by adding paragraph (e) to read as follows:

* * * * *

(e) *Depositions.* Either at his own instance or on application of the trial attorney or the respondent, after due notice to all parties, a special inquiry officer may, if satisfied that a witness is not reasonably available at the place of hearing and that his testimony or other evidence is essential, order the taking of a deposition. Such order may prescribe and limit the content, scope, or manner of taking the deposition, may direct the production of documentary evidence, and may authorize the issuance of a subpoena by the officer designated to take the deposition in the event of the refusal or willful failure of a witness within the United States, after due notice, to appear, give testimony, or produce documentary evidence. Testimony shall be given under oath or affirmation and shall be recorded verbatim. The order of the special inquiry officer to take a deposition shall identify the witness and shall specify the title of the officer before whom the deposition is to be taken, shall set forth the immigration district having administrative jurisdiction over the place where the witness is situated but not the time, date, or place for the taking of the deposition, and shall state whether direct and cross-examination shall be by oral examination or written interrogatories or in combination. The Federal Rules of Civil Procedure shall be used as a guide to the extent practicable. In the United States, examination of the witness should take place before a special inquiry officer; abroad, preferably before a Unied States consular official. The witness shall be notified on Form I–260 to appear for examination. Copies of such notice shall be furnished to the parties to the proceeding. Both the respondent's copy and the record of hearing shall reflect advice as to his privilege to examine the witness and to be represented by counsel at such time. The officer presiding at the taking of the deposition shall note but not rule upon objections and he shall not comment on the admissibility of evidence or on the credibility and demeaner of the witness.

9. Paragraphs (a) and (b) of § 242.16 are amended to read as follows:

§ 242.16 Hearing.

(a) *Opening.* The special inquiry officer shall advise the respondent of his right to representation, at no expense to the Government, by counsel of his own choice authorized to practice in the proceedings and require him to state then and there whether he desires representation; advise the respondent that he will have a reasonable opportunity to examine and object to the evidence against him, to present evidence in his own behalf, and to cross-examine witnesses presented by the Government; place the respondent under oath; read the factual allegations and the charges in the order to show cause to the respondent and explain them in nontechnical language, and enter the order to show cause as an exhibit in the record. Deportation hearings shall be open to the public, except that the special inquiry officer may, in his discretion and for the purpose of protecting witnesses, respondents, or the public interest, direct that the general public or particular individuals shall be excluded from the hearing in any specific case.

(b) *Pleading by respondent.* The special inquiry officer shall require the respondent to plead to the order to show cause by stating whether he admits or denies the factual allegations and his deportability under the charges contained therein. If the respondent admits the factual allegations and admits his deportability under the charges and the special inquiry officer is satisfied that no issues of law or fact remain, the special inquiry officer may determine that deportability as charged has been established by the admissions of the respondent. The special inquiry officer shall not accept an admission of deportability from an unrepresented respondent who is incompetent or under age 16 and is not accompanied by a guardian, relative, or friend; nor from an officer of an institution in which a respondent is an inmate or patient.

* * * * *

PART 246—RESCISSION OF ADJUSTMENT OF STATUS

10. Section 246.3 is amended to read as follows:

§ 246.3 Allegations contested or denied; hearing requested.

If, within the prescribed time following service of the notice pursuant to § 246.1, the respondent has filed an answer which contests or denies any allegation in the notice, or a hearing is requested, a hearing pursuant to § 246.5 shall be conducted by a special inquiry officer and the procedures specified in §§ 242.10, 242.11, 242.12, 242.13, 242.14(c), (d), and (e), and 242.15 of this chapter shall apply.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

11. Section 248.2 is amended to read as follows:

§ 248.2 Application.

Application for change of nonimmigrant classification shall be made on Form I–506. The application shall be accompanied by documentary evidence establishing that the applicant has been maintaining his nonimmigrant status and that he is eligible for the change of classification being requested. The original of any Form I–94 issued to the applicant and his passport, unless he is exempted from the passport requirement, shall also be submitted with the application. If the application is granted, the alien's nonimmigrant status under his new classification shall be subject to the terms and conditions applicable generally to such classification and to such other additional terms and conditions, including exaction of bond which the district director deems appropriate to the case, and the district director shall cause a new set of Forms I–94 to be prepared, the original of which shall be delivered to the applicant.

When a change of nonimmigrant classification is granted, the alien shall also be granted a new period of time to remain in the United States without the requirement of filing a separate application and paying a separate fee for an extension of stay. The applicant shall be notified of the decision and if the application is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. Neither an application nor fee is required of an alien who seeks reclassification from that of a visitor for pleasure under section 101(a)(15)(B) of the Act to that of a visitor for business under the same section; from classification as a student under section 101(a)(15)(F)(i) of the Act to classification as an accompanying spouse or minor child under (F) (ii) or vice versa; or from classification as a participant under section 101(a)(15)(J) of the Act to classification as an accompanying spouse or minor child under that section, or vice versa. A request for such a change shall be made in writing to the district director having jurisdiction over the alien's place of temporary sojourn in the United States and shall be accompanied by the documents usually required in support of an application for the classification sought. If the request is granted, a new set of Forms I–94 shall be prepared, the original of which shall be delivered to the alien. An alien classified as a visitor for business under section 101(a)(15)(B) of the Act need not request a change of classification to remain in the United States temporarily as a visitor for pleasure.

PART 252—LANDING OF ALIEN CREWMEN

12. Paragraph (f) of § 252.1 is amended to read as follows:

§ 252.1 Examination of crewmen.

* * * * *

(f) *Change of status.* An alien nonimmigrant crewman landed pursuant to the provisions of this part shall be ineligible for any extension of stay or for a change of nonimmigrant classification under Part 248 of this chapter. A crewman admitted under paragraph (d)(1) of this section may, if still maintaining status, apply for a conditional landing permit under paragraph (d)(2) of this section. The application shall not be approved unless the master or agent of the vessel on which the crewman arrived consents in writing to his discharge and evidence is presented by the agent or the master of the vessel to which he will transfer that a specific position on that vessel has been authorized for him or that arrangements have been completed for his repatriation. If the application is approved, the crewman shall be given a copy of a new Form I–95 endorsed to show landing authorized under paragraph (d)(2) of this section for the period necessary to accomplish his scheduled reshipment, which shall not exceed 29 days from the date of his landing, upon surrendering any conditional land-

ing permit previously issued to him on Form I–95.

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

13. Paragraph (c) of § 264.1 is amended to read as follows:

§ 264.1 Registration and fingerprinting.

* * * * *

(c) *Replacement of registration.* Any alien whose evidence of registration has been lost, mutilated, or destroyed, shall immediately apply for new evidence thereof. Except for nonimmigrant crewmen who shall apply on Form I–174, and nonimmigrant agricultural workers, including aliens embraced within the provisions of § 214.2(k) of this chapter, who shall apply on Form I–102, such application shall be made on Form I–90. Any alien lawfully admitted for permanent residence whose name has been legally changed after registration may also apply on Form I–90, provided appropriate documentary evidence of such change is submitted. Each applicant who files Form I–90, except a child under 14 years of age, shall appear in person before an immigration officer prior to the adjudication of his application and be interrogated under oath concerning his eligibility for issuance of Form I–151 as evidence of his registration. If the applicant is outside the United States, such interrogation may be conducted by an immigration officer or a consular officer. Evidence of registration surrendered by a lawful permanent resident alien on other than Form I–151 will be replaced with Form I–151 without fee or application. No appeal shall lie from the decision of the district director denying the application. When an alien establishes that Form I–151 was not received by him and the form has not been returned to the issuing office, a new Form I–151 shall be issued without requiring the submission of an application or fee. The holder of a Form I–151 which is in poor condition because of improper lamination will be issued a new Form I–151 without requiring the submission of an application or fee upon surrender of the original form. An alien lawfully admitted for permanent residence who is outside the United States shall submit his application for a new Form I–151 in person to the appropriate Service officer or consular officer abroad. The decision on such application shall be made by the district director having jurisdiction over the alien's place of residence in the United States. Form I–151, if issued, will be forwarded to the appropriate Service officer or consular officer abroad for delivery.

* * * * *

PART 287—FIELD OFFICERS; POWERS AND DUTIES

14. Paragraphs (a) and (c) of § 287.1 are amended to read as follows:

§287.1 Definitions.

(a) (1) *External boundary.* The term "external boundary," as used in section 287(a)(3) of the Act, means the land boundaries and the coast line of the United States, including the ports, harbors, bays and other enclosed arms of the sea along the coast, and a marginal belt of the sea extending three geographic miles from the outer limits of the land that encloses an arm of the sea.

(2) *Reasonable distance.* The term "reasonable distance," as used in section 287(a)(3) of the Act, means within 100 air miles from any external boundary of the United States or any shorter distance which may be fixed by the district director, or, so far as the power to board and search aircraft is concerned, any distance fixed pursuant to paragraph (b) of this section.

* * * * *

(c) *Exercise of power by immigration officers.* Any immigration officer is hereby authorized to exercise anywhere in the United States all the powers conferred by section 287 of the Act.

* * * * *

15. Subparagraph (2) of paragraph (a) of § 287.4 is amended to read as follows:

§ 287.4 Subpoena.

(a) *Who may issue.* * * *

(2) *Subsequent to commencement of proceedings.* In any proceeding under this chapter, other than under Part 335 of this chapter, and in any proceeding ancillary thereto, a district director or a special inquiry officer having jurisdiction over the matter may, upon his own volition or upon application of a trial attorney, the alien, or other party affected, issue subpoenas requiring the attendance of witnesses or for the production of books, papers and other documentary evidence, or both. A party applying for a subpoena shall be required, as a condition precedent to its issuance, to state in writing or at the proceeding what he expects to prove by such witnesses or documentary evidence, and to show affirmatively that he has made diligent effort without success to produce the same. Upon being satisfied that a witness will not appear and testify or produce documentary evidence and that his evidence is essential, the district director or special inquiry officer shall issue a subpoena. If the witness is at a distance of more than 100 miles from the place of hearing, the subpoena shall provide for the witness' appearance at the field office nearest to him to respond to oral or written interrogatories, unless the Service indicates that there is no objection to bringing the witness the distance required to enable him to testify in person in the proceeding.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

16. The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in numerical sequence:

Form No.	*Title and Description*
I–260	Notice to Take Testimony of Witness.

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

17. Section 336.16a is added to Part 336 to read as follows:

§ 336.16a Final hearing; execution of questionnaire.

Immediately prior to the commencement of the final hearing, each person filing a petition for naturalization in his own behalf shall execute the questionnaire on Form N–445 or Form N–445A.

PART 499—NATIONALITY FORMS

§ 499.1 [Amended]

18. The list of forms in § 499.1 *Prescribed forms* is amended by adding the following forms and references thereto in numerical sequence:

Form No.	*Title and description*
N–445	Notice to petitioner to appear in court for final hearing of petition for naturalization, and questionnaire to be submitted by petitioner at the final hearing.
N–455A	Questionnaire to be submitted by petitioner at the final hearing of the petition for naturalization in court.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure, are interpretative in nature, and confer benefits upon persons affected thereby.

Dated: September 21, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64–9700; Filed, Sept. 23, 1964; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart U—United States Standards for Instant Nonfat Dry Milk

RECODIFICATION

The section numbers assigned to these standards are being changed to eliminate a duplication of numbers with those appearing in Subpart T, United States Sediment Standards for Milk and Milk Products. The amendment is for codification purposes only and does not in any way

change the standards as published in the FEDERAL REGISTER, March 26, 1963.

The amendment is as follows:

In Subpart U—United States Standards for Instant Nonfat Dry Milk:

Section 58.2730 is renumbered as § 58.2750.
Section 58.2731 is renumbered as § 58.2751.
Section 58.2732 is renumbered as § 58.2752.
Section 58.2733 is renumbered as § 58.2753.
Section 58.2734 is renumbered as § 58.2754.
Section 58.2736 is renumbered as § 58.2756.
Section 58.2739 is renumbered as § 58.2759.

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

Since the amendment is for codification purposes only and the standards are not changed it is impractical and unnecessary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER in that:

(1) Promulgation of this amendment is necessary to eliminate a duplication in the numbering system; and

(2) No preparation on the part of the public, or interest therein, is involved.

Done at Washington, D.C., this 21st day of September 1964 to become effective immediately upon publication in the FEDERAL REGISTER.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64–9712; Filed, Sept. 23, 1964; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 15]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

RELEASE OF WHEAT HELD UNDER FEED WHEAT EXEMPTION

Basis and purpose. The purpose of this amendment is to release all producers from compliance after June 30, 1964, with the conditions applicable to the feed wheat exemption provisions of § 728.1183(b) and to permit the marketing or other disposition, without penalty, of any wheat held on the farm under such provision after such date. It is based upon applicable provisions of the Agricultural Adjustment Act of 1938, as amended.

Marketing quotas on the 1963 and previous crops of wheat were terminated, effective July 1, 1964, and all quantities of wheat of those crops stored in accordance with § 728.1169 to avoid or postpone the penalty were released from storage on that date. In order that producers who are holding on their farms wheat in compliance with the provisions of § 728.1183(b) may be relieved from further storage requirements and afforded treatment comparable to that given producers who stored their wheat under § 728.1169, it is hereby found that with respect to this amendment compliance with the notice, public procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Section 728.1183(e) is hereby amended by adding a new subparagraph (5) to read as follows:

§ 728.1183 Feed wheat farms

* * * * *

(e) * * *

(5) *Authorized release of wheat on feed wheat exemption farms.* Producers who have fully complied with the feed wheat provisions of this section until July 1, 1964, may market or otherwise dispose of, without penalty, any quantity of wheat remaining on the farm on that date that was covered by a feed wheat exemption under this section. This revision shall not abate any penalty paid or determined to be due under this section prior to July 1, 1964.

(Sec. 335, 375, 52 Stat. 54, as amended, 66, as amended, sec. 1, 55 Stat. 203; 7 U.S.C. 1335, 1375, 1340)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 21, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64–9710; Filed, Sept. 23, 1964; 8:48 a.m.]

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

[947.322 Amdt. 1]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1964 crop potatoes grown in the production area are now being made, (2) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, (3) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of potatoes in the production area.

Order, as amended.

Amend the introductory paragraph and paragraph (a) of § 947.322 (29 F.R. 9527) to read as follows:

§ 947.322 Limitation of shipments.

During the period September 18, 1964, through June 30, 1965, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum quality requirements—*

(1) *Grade:* All varieties—U.S. No. 2, or better grade.

(2) *Size:* (i) Round varieties—1⅞ inches minimum diameter.

(ii) All other varieties—1⅞ inches minimum diameter or 4 ounces minimum weight.

* * * * *

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

Dated September 18, 1964, to become effective September 18, 1964.

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

[F.R. Doc. 64–9694; Filed, Sept. 23, 1964; 8:47 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 137]

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

Order Amending Order

Correction

The text of F.R. Doc. 64–9650, appearing at page 13163 of the issue for Wednesday, September 23, 1964, should read as follows:

§ 1137.0 Findings and determinations.

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was issued August 13, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued September 4, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1964, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determination.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

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

In § 1137.10 paragraph (b)(1) is revised to read as follows:

§ 1137.10 Producer.

* * * * *

(b) * * *

(1) A cooperative association may divert for its account the milk of any member-producer whose milk is received at a distributing pool plant for at least three days during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July and December and 20 percent in other months of its member-producer milk received at all distributing pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member-producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning over-diverted milk to the producer members of each cooperative according to a method approved by the market administrator.

* * * * *

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

Effective date: October 1, 1964.

Signed at Washington, D.C., on September 18, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–419]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of September 1964.

On November 13, 1962, 27 F.R. 11322, the Board issued a notice of proposed rule making under Docket 14148, inviting comments on various questions relating to the Board's regulation of charter services. The questions pertained to issues raised by the enactment of PL 87–528, 76 Stat. 143, which provided, among other things, for the certification of supplemental air carriers with unlimited charter authority and authorized all-cargo carriers to perform passenger charters subject to regulations prescribed by the Board. After having given consideration to the comments filed, the Board issued a supplemental notice of proposed rule making, EDR–48B and PSDR–8, dated January 23, 1964, 29 F.R. 1476, proposing specific amendments to Part 207, the Board's regulations pertaining to off-route charters by certificated air carriers, and Part 399, the Board's Statements of General Policy. All interested parties were invited to comment on the proposals set forth in the aforementioned notice. In addition, replies to the initial round of comments were invited and the Board also heard oral argument on the issues presented. By PS–24, 29 F.R. 11589, the Board issued its decision with respect to the Part 399 issues. Full consideration has now been given to all of the comments, arguments, and exhibits relating to the Part 207 issues, and the Board stands ready to issue its decision thereon and the final rules implementing that decision.

As set forth in more detail below, we have determined to reduce the volume of off-route charters of certificated combination route carriers from the present maximum of 10 percent of their annual on-route revenue plane miles to two percent per annum, but without the further quarterly limitation as proposed in EDR–48B. The two percent limit shall be applicable only to civil charters; charters for the military establishment may be operated without restriction. We have also determined to eliminate the existing first refusal right of certificated air carriers with respect to charters operated over their foreign and overseas routes by other carriers, and to eliminate the present restriction against regular and frequent operation of charters over the certificated routes of another air carrier. We will continue to consider passenger charters by all-cargo carriers to be off-route, and we will restrict the volume of those carriers' civil off-route charters to two percent of their annual on-route revenue plane miles, except that we will allow each all-cargo carrier to perform cargo charters without any restrictions within the geographical area of its operations. Finally, we have determined not to adopt first refusal rights in favor of supplemental and all-cargo carriers as proposed in EDR–48B.

Volume limitations on combination carriers. As presently cast, § 207.5 limits the volume of off-route charters of route carriers in any calendar quarter to 2½ percent of the revenue plane miles flown in scheduled service during the previous 12-month period. This 2½ percent quarterly limitation results in a maxi-

mum limitation of approximately ten percent on an annual basis.[1]

Thus, while it is not quite accurate to refer to the present restriction on the volume of off-route charters as a "ten percent limitation," most of the participants in this rule making proceeding have so referred to it and we will therefore similarly characterize the present limitation hereafter.

In EDR–48B, we proposed to lower the allowable limit of combination carrier off-route charters from ten percent to two percent of their annual on-route miles, subject to a quarterly ceiling of one-third of the annual allowance. This proposed two percent allowance would have covered all charters, both civil and military. The combination carriers are generally opposed to the proposal to lower the allowable limit of their off-route charter volume from ten percent to two percent of their annual on-route miles. However, many of the carriers do not appear to object to a two percent limit applicable to civil charters, with military charters exempted from any volume restrictions. The supplemental air carriers, on the other hand, argue for even more stringent restrictions. They suggest that the combination carriers should be limited to off-route charters equal to either their present volume or two percent of their on-route miles, whichever is less, and that no special consideration should be given to military charters. They also take the position that instead of revenue plane miles the amount of off-route charter work performed by the combination carriers should be measured in terms of revenue alone.

We have decided to adopt the two percent limitation on off-route charters by combination carriers. However, the proposed quarterly limitation will not be adopted, we will not count military charters as off-route, and we will continue to measure the volume of off-route charters on the basis of plane miles rather than revenue.

The present so-called "ten percent limitation" was adopted in order to assure that the certificated carriers do not place undue emphasis on charter operations in derogation of their obligation to perform adequate scheduled service. It thus reflects the fact that the primary role of these carriers is to serve their authorized routes with scheduled service.

As a practical matter, the present "ten percent" provision does not serve to restrict the off-route charter operations of the certificated carriers, except in the case of two carriers with rather unique route systems. In 1963 their total off-route charters, excluding military charters, accounted for less than one percent of their on-route revenue miles, and with the exception of two carriers, no combination carrier had a volume higher than 1½ percent of its on-route miles. It is obvious, then, that the existing ten percent allowance is substantially in excess of the industry requirements.

A restriction on the volume of civil off-route charters at a level of two percent of the annual on-route miles will be low enough to guard against a dislocation in the historical balance between the route carriers' route services and off-route charters. However, it is still high enough to permit sufficient leeway for these carriers to continue to vigorously promote their charter business. Moreover, the two percent limitation will be applied to a continually growing volume of on-route miles thereby allowing ample room for the off-route charter business of the combination carriers to grow.

It is important, however, to assure the supplementals, their suppliers and financiers, that if the supplementals efforts bring about a substantial increase in the charter market, as they contend they will, they will not be faced by redoubled efforts by carriers with much larger resources to take away the market they have developed. The two percent limitation should accomplish this. In other words, it will permit vigorous competition for charters between the combination carriers and the supplementals while prohibiting the larger carriers from pirating business developed by the smaller carriers.

Our original proposal contemplated no special treatment for military charters. This proposal is supported by the supplemental carriers. On the other hand, the Department of Defense requests that all military charters be exempted from the restrictions of Part 207. The Department points out that the military establishment requires a great deal of flexibility in meeting its civil airlift needs. All of the combination carriers and all-cargo carriers similarly argue that military charters should be exempted. It appears that the needs of the military establishment for civil airlift vary considerably with events affecting the national defense and that the civil augmentation program must take account of a number of contingencies. We are convinced that the Department of Defense should be allowed a maximum of flexibility in meeting its needs so as to be able to maintain the best possible national defense posture. Accordingly, military charters will not be counted in the off-route mileage.

The local service carriers have requested that, if a two percent limitation is adopted, it should be made inapplicable to them. Essentially they base this request on the fact that charters reduce their subsidy need. None of the local service carriers is currently operating civil charters in excess of the two percent ceiling. Moreover, the permissible operations under the two percent ceiling will expand with the growth in the carrier's certificated services which form the base mileage upon which the two percent allowance is computed. And while we recognize the public interest in favor of enabling local service carriers to reduce their subsidy requirements, in this instance the overriding consideration is the necessity of preventing undue impairment of the opportunity of the supplementals to develop the charter market, which is for all practical purposes their sole source of business.

Many of the combination carriers contend the Board cannot adopt the two percent limitation without affording them a hearing. They argue that such a restriction of their off-route charter authority amounts to a modification or partial termination of their certificate authority for which section 401(g) of the Act requires notice and hearing. They also aver that a hearing is required to supply a factual basis for the two percent limitation.

We believe these arguments are without merit. Our authority for the action taken herein is not section 401(g), but rather section 401(e)(6). This latter provision makes the authority of carriers to perform off-route charters expressly subject to regulations prescribed by the Board. The authority to prescribe regulations governing off-route charters includes the authority to limit the allowable volume of off-route charters by regulation as the Board has already done. The Board may also reduce the allowed volume of off-route charters in a rule making proceeding pursuant to section 401(e)(6).

The two percent limitation will in fact restrict the operations of only two carriers. Indeed, the level of the restriction on off-route charters has been set largely with reference to the historical relationship between off-route charters and on-route operations. This relationship is, of course, never constant. However, the fact that a two percent limitation on all off-route charters, except those for the military establishment, will be significantly above the off-route volume presently being experienced by all of the combination carriers but two is not controverted. Those carriers contending that a hearing is required to produce a satisfactory factual basis for the limitation refer only to the need for more refined data on base and charter mileage, and for data showing the financial impact of the more severe restrictions proposed in the notice but not adopted here. Such facts are not sufficiently material to the issue posed and would not affect our decision herein. The contention that a hearing is required is thus one of form rather than substance.

With respect to the supposed severity of the reduction in the allowable volume from ten percent to two percent, it should be pointed out that the reduction will not, as a practical matter, equal eighty percent as the combination carriers contend. It has been previously noted that the existing restriction applies on a quarterly rather than an annual basis. The combination carriers have made much of the fact that the charter business is a highly seasonal one. In view of the seasonality, it is extremely doubtful that a carrier could achieve the maximum allowed off-route charter volume in four successive quarters. While we also proposed a quarterly limitation in the Notice herein, we have decided not to adopt such a restriction so that the carriers may have the flexibility to meet seasonal demands. Thus, the reduction in authorized charter vol-

[1] In computing the allowed quarterly volume, a different base 12-month period would be used in each case, and thus the 2½ percent quarterly restriction would not translate exactly into an annual limitation of ten percent.

ume is considerably more modest than would superficially appear.[2]

The supplementals argue that the allowable volume of off-route charters should be computed on the basis of dollar revenues rather than revenue plane miles. It is their opinion that the plane mile standard fails to take account of the tendency toward using larger capacity aircraft in charter operations. However, there has been no showing of any significant distortion, and we are not persuaded that the proposed refinement in our established method for computing charter limits is needed.

As indicated previously, two of the combination carriers, Trans Caribbean Airlines, Inc. (Trans Caribbean) and Mackey Airlines, Inc. (Mackey) have very limited route systems and, in the past, have generally performed a volume of civil off-route charters in excess of two percent of their on-route miles. These carriers have requested special consideration in the event a two percent limitation is adopted. However, we do not believe that a general regulation such as this is the proper vehicle for handling such limited and exceptional situations. Rather, any special treatment warranted by these carriers' situations should be handled independently of Part 207 through individual exemption applications.

Volume limitations on all-cargo carriers. The all-cargo carriers again contend that the Engle Amendment prohibits the Board from placing volume restrictions on passenger charters performed by those carriers over their certificated cargo routes. We have, however, addressed ourselves to this contention on three previous occasions. ER–375, March 26, 1963, 28 F.R. 3078; Order E–19602, May 22, 1963; Transatlantic Charter Investigation, Orders E–20530 and E–20531, March 3, 1964. The all-cargo carriers have not presented any new matters here, and we see no reason to add anything to what we have already said on this question. Accordingly, we will treat such charters as "off-route" for the purposes of Part 207.

We will place a volume restriction on the off-route charters of the all-cargo carriers equal to two percent of their annual on-route mileage, subject to two exceptions. As in the case of the combination carriers, charters for the Department of Defense, including military passenger charters, will not be counted as off-route. We will also permit unlimited off-route cargo charters performed within the carrier's designated geographic area of service.

The purpose of the two percent restriction is essentially the same as that behind the restriction imposed upon the combination carriers. We find that the cargo carriers should be required to concentrate on their cargo services within the general geographic area of their certificated route operations. Their other operations should be restricted to a volume that will be clearly ancillary to their primary services but will allow them some flexibility in obtaining better equipment usage and some extra revenue. A volume limitation of two percent should accomplish this result. With one exception, none of the all-cargo carriers are currently performing a volume of civilian off-route charters equal to two percent of their on-route mileage since the great bulk of their charters are for the military establishment.[3] Accordingly, the two percent limitation, as in the case of the combination carriers, gives the all-cargo carriers ample leeway to continue to promote off-route charter work.

As indicated above, the all-cargo carriers will be permitted an unlimited volume of off-route cargo charters in the general geographic area of their certificated route operations, as designated in the rule.[4] Such unlimited authority is necessary to give them the flexibility they require to meet the needs of the freight distribution system. Several of the all-cargo carriers have, however, requested that they be granted unlimited cargo charter authority without any geographical restriction. Such requests will be denied. The all-cargo carriers' primary responsibility, as previously indicated, is to serve the area within which they have been designated to provide scheduled service. To give them worldwide unlimited cargo charter authority would be contrary to our purpose of requiring the carriers to so concentrate their efforts.

The combination carriers contend that, if the all-cargo carriers are given unlimited cargo charter authority within their designated areas of service, similar authority must be given to them. However, in PS–24 supra, we effected a delineation in the respective roles of the combination and all-cargo carriers. The carriage of bulk freight pursuant to blocked-space tariffs was thereby designated as an exclusive area of operation for the all-cargo carriers. Cargo charters are clearly analogous to blocked-space services, and it is, of course, only bulk freight which moves on cargo charters. Thus, in line with the delineation of roles effected in PS–24 making the cargo carriers specialists in the carriage of bulk freight and for the same reasons stated therein, we will deny the combination carriers' request for unlimited cargo charter authority similar to that given the all-cargo carriers.

Elimination of existing restrictions. Part 207 as presently constituted contains in § 207.7 a restriction on the performance of charters over the certificated routes of other carriers on a regular or frequent basis. In addition, pursuant to § 207.8, carriers having certificated routes in foreign or overseas air transportation have a right of first refusal with respect to charters over such routes by carriers not having competitive authority.

We have decided to eliminate the restrictions just mentioned. As pointed out in the notice, the frequency and regularity limitation of § 207.7 has only rarely come into play, and, to the extent that the § 207.8 first refusal right has been exercised, the Board has almost always granted an exemption so as to take into account the chartering public's carrier preference. No substantial objections have been raised to the elimination of these restrictions and there has been no showing of a need for a continuance of the protection afforded thereby.

Northwest Airlines, Inc. (Northwest) has noted that the all-cargo carriers perform a substantial number of one-way charters in the Pacific for the Military Air Transportation Service (MATS). Since these carriers are compensated for both their live mileage and the return ferry mileage on such charters, Northwest suggests that these carriers may attempt to obtain additional revenue by quoting extremely low rates for backhaul charters. It is averred that such a practice will have a seriously detrimental effect on the development of scheduled cargo services in the Pacific.

The situation to which Northwest refers is, however, a very limited and specialized one. In order for these backhaul charters to pose a significant threat to scheduled cargo service, it must be assumed that the equipment used on the outbound MATS flight, and the timing of such flights, are appropriate to backhauls meeting the needs of shippers that would otherwise use scheduled air cargo service. Northwest has made no showing that this is the case, and we are not persuaded that substantial diversion to MATS backhaul flights will result from the elimination of the first refusal right.

Finally, it is argued that the lifting of the restrictions under § 207.7, combined with the grant of expanded cargo charter authority to the all-cargo carriers, will enable those carriers to attract cargo charters from freight forwarders and other large shippers and compete with the route carriers on almost equal terms. However, we are not persuaded that these amendments will produce any substantial diversion from the regularly scheduled cargo services. The fear that air freight forwarders would utilize charter services to conduct route type operations has been raised before. See, for example, Large Irregular Carrier Investigation, 22 C.A.B.

[2] It should also be pointed out that the two percent limitation will be applied to a broader base mileage than the ten percent limitation. The existing limitation of ten percent applies only to scheduled miles while the two percent adopted here will be applied to all on-route miles including on-route charters.

[3] We recognize that Flying Tiger has historically exceeded the two percent limitation by virtue of its participation in the transatlantic charter market. However, that carrier's transatlantic business has been conducted pursuant to special authorizations from the Board and has not been operated within the confines of the currently effective 10 percent limitation in Part 207 but has substantially exceeded that limitation. For the reasons set forth in our opinion in the Transatlantic Charter Investigation, supra, we see no warrant for making special provision in Part 207 to enable Flying Tiger to engage in large-scale transatlantic charter operations.

[4] The area designated for Slick Airways, Inc., and The Flying Tiger Line, Inc., is the 48 contiguous States; for Airlift International, Inc., the 48 contiguous States and Puerto Rico; for Seaboard World Airlines, Inc., between the 48 contiguous States and Europe; and for Aerovias Sud Americana, Inc., between the 48 contiguous States and the Caribbean, Central and South America.

838, 848 (1955); Air Freight Forwarder Investigation, 23 C.A.B. 376, 378 (1956). Notwithstanding such contentions, the Board has authorized domestic air freight forwarders to utilize charter services of all classes of air carriers, and has permitted supplemental air carriers to provide such charters with no limitations as to frequency and regularity. We are not aware of any significant diversion of traffic from the scheduled route carrier services to cargo charter services of supplemental and other carriers. It is apparent that various factors, including the limitations on the amount of traffic available even between major traffic points, and the lack of scheduling and service flexibility inherent in a forwarder-charter operation, have rendered such operations generally unfeasible from an economic standpoint. Nor, in view of the foregoing, is there any reason to believe that other large shippers now utilizing scheduled services would divert their traffic to charter services if the proposed amendments are adopted. Accordingly, we cannot find that the authority we are here granting to the all-cargo carriers will have an adverse impact on the certificated route carriers. On the other hand, the lifting of restrictions which have not proven to be needed may enable the carriers to tap new markets.

Proposed first refusal rights. EDR–48B proposed the establishment of two rights of first refusal. First, combination carriers would have been prohibited from performing off-route passenger charters unless consent had been obtained from supplemental carriers able and willing to provide comparable service, or a special Board authorization had been obtained. Second, in the case of cargo charters, combination carriers would have been required to obtain the consent of the all-cargo carrier designated to serve the area in which the proposed charter was to take place.

These proposals were undoubtedly the most controversial put forth in EDR–48B. A major portion of the comments filed were concerned with such proposals, and, except for the filings of the supplementals, almost all interested parties participating in the rule making proceeding, including the public parties, indicated their opposition to the adoption of first refusal requirements.

The supplemental carriers take the position that a first refusal right in their favor is compatible with the intent of Congress in establishing them as charter specialists in PL 87–528. They point out that first refusal rights are not novel, and note the existing first refusal rights in favor of route carriers over their foreign and overseas routes. The supplementals also argue that they are able to serve the chartering public as well as other carriers. They recognize that their right of first refusal would interfere with the public's right of choice, but assert that this factor is outweighed by the Board's responsibility for developing a sound transportation system.

Those opposed to a first refusal right for the supplemental air carriers refer to the fact that in enacting PL 87–528, Congress rejected such a provision, and argue that the Board therefore lacks authority to give the supplementals such preferential treatment. The opponents also contend that it would be illegal for the Board to establish a priority status for the supplementals prior to deciding the public convenience and necessity issues raised by the applications for supplemental certification now pending in the Supplemental Air Service Case, Docket 13795 et al. Finally, the combination carriers contend that the first refusal provision will effectively drive them out of the charter business. This, they argue, the Board may not do since section 401(e)(6) merely authorizes it to regulate the charter activities of the combination carriers, not proscribe them.

Numerous policy objections are also raised. Thus, the opponents of a first refusal for the supplementals argue that the Board should not interfere with the public's freedom of choice in the selection of carriers. They contend that the overall charter business would suffer under such a rule, since many segments of the public would prefer not to charter at all rather than to have to charter with a supplemental. They also allege that supplemental charters would generally involve more ferry mileage and thus be more expensive. Finally, they take the position that the first refusal policy would be difficult to administer and place a heavy administrative burden on the combination carriers.

Essentially the same arguments are asserted against the first refusal right proposed for the all-cargo carriers. The all-cargo carriers have not been unanimous, however, in their support of the proposed first refusal right in their favor. In fact, only one of the all-cargo carriers has expended much effort in defense of the proposal.

There is no question but that establishment of first refusal rights on the broad scale contemplated by the Notice would significantly restrict the freedom of choice of the chartering public, and would create substantial administrative burdens for the carriers and the Board as well as a measure of confusion to the public. In view of these factors and having in mind the measures adopted herein benefiting the supplemental and cargo carriers, we have concluded that we should not at this time also take the drastic step of imposing the first refusal rights proposed in the Notice.

Pan American's motion to consolidate. Pan American has filed a petition for rule making, Docket 15070, requesting that Part 212 of the Board's Economic Regulations, which regulates off-route charter trips by foreign air carriers, be amended in the light of the proposed amendments to Part 207. In addition, Pan American has filed a motion to consolidate Docket 15070 with the instant Part 207 proceeding (Docket 14148). Essentially, Pan American contends that the two proceedings should be consolidated in order to avoid giving foreign air carriers a competitive advantage over U.S. air carriers in the operation of off-route charter trips. Such a competitive advantage would allegedly result if the permissible volume limitation applicable to U.S. carriers is reduced without a concomitant adjustment in the authority of foreign air carriers.

We will not consolidate Pan American's Part 212 rule-making petition with the instant proceeding. We have consistently administered Part 212 in the light of its objective of assuring comparable treatment of U.S. and foreign air carriers in operating off-route charters (Order E–15412, June 17, 1960). In this connection, we wish to make it abundantly clear that in processing pursuant to Part 212 individual applications by foreign air carriers for off-route charter authority we will, in applying the public interest standard in Part 212, be guided by the volume limitations contained in amended Part 207.

Conclusion. Finally, it must be stressed that these amendments to Part 207 are not immutable. They have been made in the light of the present and reasonable foreseeable facts known to the Board. It may well be that as experience is gained under the amended regulation further amendments will be desirable. Thus, in the event that the regulation has an unforeseen impact on particular classes of carriers or creates hardship to individual carriers, the Board retains its power to make such changes in the regulation or to issue waivers thereof, as may be appropriate.

These amendments will be made effective 30 days after publication. However, the reduction in the off-route charter authority from ten to two percent per annum will take effect on January 1, 1965, in order to avoid interference with possible charter commitments of individual carriers. In addition, the two percent limitation is to apply on a calendar year basis without the further quarterly limitations such as are contained in the existing ten percent provision, and it will therefore be more practical to make the revised provision effective at the beginning of the next calendar year.

Since the adoption of Part 207 in May 1951, it has been amended three times and at the present time we are making further extensive amendments. It therefore appears to the Board that Part 207 should be reissued at this time to incorporate the outstanding amendments as well as those issued herein. Certain minor editorial changes have of necessity also been made. Therefore, in consideration of the foregoing, the Board hereby amends and reissues Part 207 of the Board's Economic Regulations (14 CFR Part 207) effective October 26, 1964, as set forth below:

Sec.
207.1 Definitions.
207.2 Applicability of part.
207.3 Scope of authorization.
207.4 Tariffs to be filed for charter trips and special services.
207.5 Limitation on amount of charter trips which may be performed by combination carriers.
207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.
207.7 Charter trips and other special services within the State of Alaska.
207.8 Notice of proposed special services.
207.9 Passenger names and addresses.

AUTHORITY: The provisions of this Part 207 issued under sec. 204(a), 72 Stat. 743; 49

U.S.C. 1324. Interpret or apply sec. 401, 72 Stat. 754, as amended by 76 Stat. 143; 49 U.S.C. 1371; sec. 403, 72 Stat. 758, as amended by 74 Stat. 445; 49 U.S.C. 1373; sec. 407, 72 Stat 766; 49 U.S.C. 1377.

§ 207.1 Definitions.

As used in this part, unless the context otherwise requires:

"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.

"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.

"Charter trip" means air transportation performed by an air carrier holding a certificate of public convenience and necessity where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage or for the movement of property, on a time, mileage or trip basis:

(1) By a person for his own use,

(2) By a person (no part of whose business is the formation of groups for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group.

(3) By two or more persons acting jointly for the transportation of such group of persons, or their property,

(4) By an air freight forwarder holding a currently effective letter of registration issued under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation.

Within the meaning of this part, a charter trip shall not be deemed to include transportation services offered by an air carrier to individual members of the general public or performed by an air carrier under an arrangement with a person (other than an air freight forwarder defined in subparagraph (4) of this paragraph) who provides or offers to provide transportation to the general public or transportation services engaged by persons paying for such services an amount aggregating in excess of the transporting carrier's duly published charter rate or fare.

"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.

"Mixed charter" means a charter trip in which passengers and cargo are carried on the same flight.

"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 except those performed for the Department of Defense which is not on-route.

"Point" means any airport or place where an aircraft may be landed or taken off, including the area within a 50-mile radius of such airport or place.

"Special services" are all services rendered in air transportation which are authorized by section 401(f) of the act by an air carrier holding a certificate of public convenience and necessity other than (1) services rendered in air transportation over the route or routes designated in its certificate(s), (2) charter services as defined in this section, and (3) services authorized by special exemption under section 416(b) of the act.

§ 207.2 Applicability of part.

This part shall apply to all air carriers (other than Alaskan air carriers and air carriers certificated for supplemental air service) who hold currently effective certificates of public convenience and necessity issued by the Board pursuant to section 401 of the act.

§ 207.3 Scope of authorization.

Charter trips and other special services may be performed by air carriers, subject, however, to the limitations and regulations set forth in the part. Apart from such trips and services, an air carrier shall not perform any air transportation except in conformity with its certificate of public convenience and necessity or with a special or general exemption issued by the Board.

§ 207.4 Tariffs to be filed for charter trips and special services.

No air carrier shall perform any charter trips or other special services unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and other special services, and showing the rules, regulations, practices, and services in connection with such transportation.

§ 207.5 Limitation on amount of charter trips which may be performed by combination carriers.

(a) Prior to January 1, 1965, a combination carrier shall not during any calendar quarter perform off-route charters which in the aggregate, on a revenue plane-mile basis, exceed 2½ percent of the revenue plane miles flown by it in scheduled air transportation during the preceding 12-month period.

(b) Effective January 1, 1965, 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 two percent of the base revenue plane miles flown by it during the preceding calendar year.

§ 207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.

(a) Prior to January 1, 1965, an all-cargo carrier shall not during any calendar quarter perform off-route charters which in the aggregate, on a revenue plane-mile basis, exceed 2½ percent of the revenue plane miles flown by it in scheduled air transportation during the preceding 12-month period: *Provided, however,* That an all-cargo carrier shall be permitted to perform off-route cargo charters within its area of operations without any limitation as to volume of service.

(b) Effective January 1, 1965, an all-cargo carrier shall not during any calendar quarter perform off-route charters which in the aggregate, on a revenue plane-mile basis, exceed two percent of the base revenue plane miles flown by it during the preceding calendar year: *Provided, however,* That an all-cargo carrier shall be permitted to perform off-route cargo charters within its area of operations without any limitation as to volume of service.

(c) Within the meaning of paragraphs (a) and (b) 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 Airlift International, Inc.

(2) Between the 48 contiguous States and Europe—Seaboard World Airlines, Inc.

(3) Between the 48 contiguous States and Puerto Rico—Airlift International, 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.

§ 207.7 Charter trips and other special services within the State of Alaska.

An air carrier shall not perform any charter trip or other special service in interstate air commerce within the State of Alaska.

§ 207.8 Notice of proposed special services.

No air carrier shall perform any special service in interstate, overseas or foreign air transportation unless at the time of filing of a tariff applicable to such special service or at the time of filing of an application for a special tariff permission, such air carrier shall have submitted to the Board a statement setting forth a full description of the proposed service and shall have mailed copies thereof to the air carriers authorized by certificates of public convenience and necessity to render service to any point designated to receive the proposed special service. The proposed special service shall not be inaugurated if prior to the effective date of the tariff applicable to such special service, or at the time of action on the application for special tariff permission, the Board shall have notified such air carrier that the per-

formance of such special service does not appear to be consistent with the public interest.

§ 207.9 **Passenger names and addresses.**

Each air carrier shall maintain a record of the names and addresses of all passengers transported by it on each pro rata charter trip operated on-route or off-route, and in interstate or overseas air transportation. Such record shall be retained in accordance with Part 249 of this subchapter.

By the Civil Aeronautics Board.[5]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-9716; Filed, Sept. 23, 1964; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6207; Amdt. 816]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707, 720 and 727 Series Aircraft

There have been cases of overheating of the cove light ballast units on Boeing Models 707, 720 and 727 Series aircraft, causing smoke in the cabin. These failures occurred when the fluorescent light bulbs ceased to conduct in both directions due to failure of one of the light bulb filaments. To correct this condition, an airworthiness directive is being issued to require replacement of the cove light ballast units with new units.

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

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

BOEING. Applies to Models 707, 720 and 727 Series aircraft having fluorescent cabin cove lights with Day-Ray ballasts type 62-37 with Serial Numbers below 5639, or Servo Mechanism ballast type 562859.

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

To prevent overheating of the cove light ballast units, accomplish the following:

(a) Deactivate all cabin fluorescent cove light systems by securing the circuit breakers for the cove light systems in the off position with a clip-on guard.

(b) The cove light systems may be reactivated upon installation of Day-Ray ballasts type 62-37, Serial Numbers 5639 and above, or servomechanism ballasts type 563116, or by an equivalent approved by the Aircraft Engineering Division, FAA Western Region.

This amendment shall become effective September 24, 1964.

[5] Gilliland's, Member, concurrence and dissent and Gurney's, Member, dissent filed as part of the original document.

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

Issued in Washington, D.C., on September 18, 1964.

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

[F.R. Doc. 64-9660; Filed, Sept. 23, 1964; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

[Dept. Reg. 108.513]

Chapter I—Department of State

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Registration Priority of First Preference Nonimmigrants

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to indicate that an alien who is the beneficiary of two or more first preference petitions should be accorded a priority date as of the filing date of the petition filed by the employer by whom he actually intends to be employed.

Section 2.62(b) is being amended as follows:

§ 42.62 **Quota waiting lists.**

* * * * *

(b) *Registration of first preference quota immigrants.* (1) The registration priority of a first preference quota immigrant shall be determined by the date on which the approved petition granting first preference quota status was filed with the Immigration and Naturalization Service by the prospective employer. An appropriate entry on the quota waiting list shall be made of the filing date of an approved first preference petition if the preference portion of the quota is oversubscribed.

(2) If an alien is the beneficiary of two or more first preference petitions, he shall be accorded a priority date as of the filing date of the petition filed by the employer by whom he actually intends to be employed, if that petition is still valid or is revalidated.

* * * * *

Effective date. The amendments to the regulations contained in this order shall become effective on publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: September 15, 1964.

ABBA P. SCHWARTZ, *Administrator, Bureau of Security and Consular Affairs.*

[F.R. Doc. 64-9673; Filed, Sept. 23, 1964; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Title 41 of the Code of Federal Regulations is amended by changing the heading to read "Title 41—Public Contracts and Property Management" and by adding new Subtitles C and D so that the structure of the title is as follows:

Subtitle A—Federal Procurement Regulations System (Chapters 1-49).
Subtitle B—Other Provisions Relating to Public Contracts (Chapter 50 et seq.).
Subtitle C—Federal Property Management Regulations System (Chapters 101-149).
Subtitle D—Other Provisions Relating to Property Management (Chapter 150 et seq.).

Chapter 9—Atomic Energy Commission

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.52—Unsolicited Proposals for Research and Development Contracts Submitted by Individuals and Commercial and Not-for-Profit Organizations Other Than Educational Institutions

The following subpart is added:

Sec.
9-4.5201 Definitions.
9-4.5202 Policy.
9-4.5203 Procedure.

AUTHORITY: The provisions of this Subpart 9-4.52 issued under sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9-4.5201 **Definitions.**

(a) An "unsolicited proposal" is a written offer to perform research and development work (including feasibility studies) submitted by an organization or individual solely on its own initiative and not in response to a specific request made by AEC solely to the proposer.

(b) The "responsible program official" is the Headquarters Director of the Program Division of AEC within whose area of programmatic responsibility falls the research and development work contemplated by the unsolicited proposal.

§ 9-4.5202 **Policy.**

(a) It is the policy of AEC to encourage organizations and individuals to originate valuable ideas for research and development work that is in furtherance of AEC's mission, and to submit such ideas in unsolicited proposals.

(b) An unsolicited proposal may be accepted upon a determination by the responsible program official or his designee that award of a contract to the proposer without going through procedures for further competition is justified on the ground that (1) the purpose of the contract is to explore an idea or carry out an initial development which (i) is submitted by the proposer on his own initiative, (ii) does not unnecessarily duplicate research work already under way or contemplated by AEC, and (iii)

is not already known by AEC or has previously unrecognized merit or value; or (2) there is no substantial question as to the choice of the source (for example, where only the proposer is found fully qualified as a result of thorough technical evaluation); or (3) acceptance is otherwise specially authorized by statute.

(c) The responsible program official or his designee shall appoint a panel which shall evaluate and make a recommendation on each unsolicited proposal with respect to the criteria in paragraph (b) of this section.

§ 9–4.5203 Procedure.

Prior to negotiating a contract on the basis of an unsolicited proposal, the responsible program official or his designee shall:

(a) Determine that the work proposed is expected to be of benefit to AEC programs and the proposer is considered to be technically well-qualified to undertake the work;

(b) Make the findings and determination required to support the procurement by negotiation (see AECPR 9–3.301); and

(c) Determine that the selection of the particular organization or individual for award of the contract without competition meets the criteria in § 9–4.5202.

Effective date. These regulations are effective thirty days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md. this 16th day of September 1964.

For the U.S. Atomic Energy Commission.

R. J. HART,
Acting Director,
Division of Contracts.

[F.R. Doc. 64–9674; Filed, Sept. 23, 1964; 8:46 a.m.]

PART 9–56—SELECTION OF CONTRACTORS BY BOARD PROCESS

Part 9–56 Selection of Contractors by Board Process is revised to read as follows:

Sec.
9–56.000 Scope of part.
9–56.001 Applicability.

Subpart 9–56.1—Contractor Selection Boards

9–56.100 Scope of subpart.
9–56.101 Use of Contractor Selection Boards.
9–56.102 Purpose of Contractor Selection Boards.
9–56.103 Designation of Selection Boards.
9–56.104 Composition of Selection Boards.
9–56.105 Duties of the Board.

Subpart 9–56.2—Contractor Selection

9–56.200 Scope of subpart.
9–56.201 List of firms to be invited to submit proposals.
9–56.202 Selection criteria.
9–56.203 Visit to contractor's offices.
9–56.204 Proprietary information.

Subpart 9–56.3—Review and Approval of Selection Actions

9–56.301 Approval of proposed selection actions.
9–56.302 Selections by field offices and cost-type prime contractors requiring Headquarters review and approval.
9–56.303 Selection actions requiring the approval or attention of the Commission.
9–56.304 Supporting data for selection requiring Headquarters approval.

Subpart 9–56.4—Policy Governing Particular Types of Contracts

9–56.401 Replacement of contractors operating AEC-owned plants or laboratories.
9–56.402 Replacement of service-type contractors performing services of a continuing nature for the AEC at AEC-owned locations.
9–56.403 Selection of new on-site service contractors.
9–56.404 Selection of research and development contracts for work in commercial facilities.
9–56.405 Selection of contractors for engineering and construction work.

AUTHORITY: The provisions of this Part 9–56 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9–56.000 Scope of part.

This part sets forth AEC policies and procedures for the use of Contractor Selection Boards and for the review and approval of certain contractor selections.

§ 9–56.001 Applicability.

(a) The policies and requirements of this part are to be used in the selection of:

(1) Operating contractors; and

(2) Participants under the Power Demonstration Program.

(b) Also, they are to be used for contracts estimated to exceed $500,000 in the selection of:

(1) Research and development contractors;

(2) Architect-engineer contractors, including those for advance engineering;

(3) Cost-type construction contractors; and

(4) Any other contractor where a judgment of relative technical and managerial capabilities of a group of firms must be made in which the primary objective is the selection of the best qualified firm.

(c) The policies and requirements of this part shall be used for the selection of the contractors for contracts referred to in paragraph (b) of this section estimated to cost less than $500,000 whenever it is considered likely that later phases of the same project will cause the contract to exceed $500,000.

(d) The policies and principles of this part are also applicable to the selection of contractors for contracts estimated to cost less than $500,000, however, less formal procedures and practices than those described in this part may be followed, depending on the circumstances in each particular selection, at the discretion of the designating official.

(e) Contracting officers, to the extent practicable and consistent with provisions of the contracts, shall require cost-type contractors to adhere to the policies of this part in the selection of subcontractors for work of the types covered in paragraphs (a), (b), (c) and (d) of this section.

(f) The policies and requirements of this part do not apply to the following:

(1) Extensions of contracts where it has been appropriately determined that formal selection procedures need not be followed;

(2) Formally advertised contracts or fixed-price negotiated contracts in which price is the primary consideration;

(3) Research and development contracts entered into under the criteria in AECPR 9–4.51 or AECPR 9–4.52;

(4) Determination as to whether a given scope of work should be performed in AEC-owned or in commercial facilities; and

(5) Determination as to which existing AEC operating contractor should perform a given scope of work.

NOTE: In paragraphs (b), (c), and (d) of this section, the $500,000 limit applies to the related construction costs for A–E contracts. For A–E contracts, including selections for advance engineering work, where a related construction cost cannot be determined, the limit in the provisions applies to estimated contract cost of $50,000.

Subpart 9–56.1—Contractor Selection Boards

§ 9–56.100 Scope of subpart.

This subpart sets forth AEC policy and procedures concerning the use, designation and duties of Contractor Selection Boards.

§ 9–56.101 Use of Contractor Selection Boards.

It is the policy of AEC to use Contractor Selection Boards in the selection of contractors for contracts of the type referred to in AECPR 9–56.001 (a), (b) and (c).

§ 9–56.102 Purpose of Contractor Selection Boards.

The use of Contractor Selection Boards is designed to:

(1) Facilitate the selection of contractors;

(2) Provide for selection of the best contractor for a given job;

(3) Insure consistent treatment of firms under consideration; and

(4) Help promote mutual understanding between AEC and its prospective contractors.

§ 9–56.103 Designation of Selection Boards.

(a) Headquarters Division Directors and Managers of Field Offices designate or authorize the designation of Contractor Selection Boards. Officials who designate Selection Boards are hereinafter referred to as designating officials.

(b) Designating officials ordinarily should arrange for a new Contractor Selection Board for each selection in order to tailor each Board to the needs of the particular selection. In order to provide continuity in dealings with the contractor during both the selection and negotiation periods, at least one member

of the Selection Board shall participate in negotiating the contract.

§ 9–56.104 Composition of Selection Boards.

To achieve maximum effectiveness, Contractor Selection Boards shall be composed of the best-qualified technical and administrative individuals available, consistent with the type of project and its magnitude, complexity, and importance. An appropriate Headquarters employee or an employee of another field office shall be included on all Contractor Selection Boards, for selections requiring Headquarters approval, established by Managers of Field Offices. The individual members and the chairman shall be appointed by the designating official after appropriate consultation with other interested officials.

§ 9–56.105 Duties of the Board.

The Contractor Selection Board's duties will ordinarily include the following:

(a) development of the list of firms to be invited to submit proposals;

(b) development of the request for proposals to be sent to prospective firms;

(c) development of the criteria and weightings to be used in the evaluation of the proposals;

(d) evaluation of proposals and a recommendation of the contractor to be selected to the designating official, supported by a Contractor Selection Board report; and

(e) performance of such other functions as may be assigned to the Board by the designating official.

Subpart 9–56.2—Contractor Selection

§ 9–56.200 Scope of subpart.

This subpart sets forth general AEC policy and administrative requirements concerning the selection of contractors by Board process.

§ 9–56.201 List of firms to be invited to submit proposals.

(a) It is the policy of AEC to consider as many firms within practical limits, as may be well-qualified to perform the desired work. This policy is consistent with AEC's statutory responsibility to encourage widespread use of atomic energy in such a manner as to strengthen free competition in private enterprise. The objective is to develop an adequate panel of well-qualified firms from which a selection may be made.

(b) This objective is attained by an analysis of the requirements of the work, and the qualifications of the firms, considering such factors as:

(1) Nature of the work;

(2) Magnitude of the job;

(3) Time of performance;

(4) Conditions under which the work is to be performed, such as location, local labor conditions, and relationship with other contracts;

(5) Reputation and standing of the firm, and its principal members, in performance of the type of work contemplated;

(6) Past record in performing work for the AEC, other Government agencies, and private industry, including performance from the standpoint of costs, quality of work and ability to meet schedules; and

(7) Geographic location of the home office and familiarity with the locality in which the project is located.

(c) Information concerning firms which may meet AEC requirements may be derived from:

(1) General experience of those making the selection;

(2) Information available at field offices or Headquarters;

(3) Previous performances on AEC contract work; and

(4) Other sources, such as trade journals, professional societies, other Government agencies, and other contractors.

(d) Firms obviously not qualified for selection should not be invited to submit a proposal, since any proposal involves a considerable amount of effort and expense on the part of the proposer.

§ 9–56.202 Selection criteria.

(a) *List of suggested criteria.* The Contractor Selection Board shall develop a list of suggested criteria for use in each individual selection, and secure approval of such criteria from the designating official.

(b) *Weight of criteria.* The Contractor Selection Board shall recommend the relative weight to be used for each criterion, prior to receipt of proposals, and obtain the approval of such weightings from the designating official. While it is desirable to attain a reasonable degree of uniformity in the numerical weightings used, the weighting for the various specific criteria shall be determined on the basis of the nature and requirements of the individual project under consideration. The weight to be given in applying criteria to specific cases cannot be arbitrarily assigned, nor can they so precisely reflect their relative importance that the arithmetical total of the weightings automatically points to the best selection, thereby making further subjective evaluation unnecessary.

(c) *Personnel criterion.* In the selection of a contractor under AECPR 9–56, a primary objective is to buy the skill and know-how of a group of thoroughly experienced people. In most cases, 50 percent of the total criteria weight should be afforded the criteria dealing with the technical and administrative capabilities of the personnel and supporting organization to be assigned to the work. For certain kinds of engineering and other highly technical work, the percentage of weight may be higher than 50 percent, and in cases where the availability of facilities is an essential item, the percentage may be lower.

(d) *Prior AEC performance.* Prior AEC performance records on the contractor shall be obtained for consideration by the Board in evaluating proposals, wherever such information is available. The same considerations should be afforded previous experience on private work as is afforded comparable previous AEC work.

(e) Willingness to grant the Government principal or exclusive rights in resulting inventions shall be a factor considered in the evaluation of proposals when two or more potential contractors are judged to have submitted proposals of equivalent merit.

§ 9–56.203 Visit to contractor's offices.

When the number of firms has been reduced to those to be considered for final selection, it is generally advantageous to visit the firm's home offices, discuss the job with the firm's officials, interview the personnel proposed for assignment to the work, and inspect the facilities of the firm. It should be recognized that one conclusion may be drawn from the written proposal and an entirely different conclusion obtained after the firm has been visited and discussions have been held with the personnel. The firms to be visited should be notified, in advance, of the procedure or agenda that the Board expects to follow so that each firm will be given equal opportunity to prepare its presentation to the Board. The same two or more members of the Board should visit all of the firms under final consideration. However, in many cases, in lieu of visiting the contractor's offices, the same objectives can be obtained by inviting the contractor to visit and make his presentation at the AEC installation.

§ 9–56.204 Proprietary information.

Proprietary information furnished to the Contractor Selection Board in confidence, as members of the AEC staff, shall not be made available to contractors or consultants without the consent of the proposer.

Subpart 9–56.3—Review and Approval of Selection Actions

§ 9–56.301 Approval of proposed selection actions.

(a) Unless approval of higher authority is required (for field offices, see AECPR 9–56.302, and for Headquarters divisions, see AECPR 9–56.303), the final decision on selection actions is the responsibility of the designating official. These actions include the establishment of the Selection Board, criteria and weighting, proposed list of invitees, requests for proposals, the Board's recommendation of firms to be given final consideration, and approval of the final selection.

(b) Field selection actions requiring Headquarters review and approval shall be transmitted to the Director, Division of Contracts for review and appropriate handling and submission by the Director, Division of Contracts to the appropriate Headquarters Division Director for his approval or for recommendation to higher authority where required (Note A).

(c) To facilitate action on final field selections of architect-engineer and construction contractors that require Headquarters review and approval, the designating official shall inform both the Director, Contracts Division, Headquarters, and the Director, Construction Division, Headquarters, of the list of firms which submitted proposals and the list of firms under final consideration.

NOTE A: Selection actions of Pittsburgh Naval Reactors Office and Schenectady Naval Reactors Office will be transmitted through

Manager, Naval Reactors, Division of Reactor Development; and selection actions from field offices of the Space Nuclear Propulsion Office shall be transmitted through the Manager, Space Nuclear Propulsion Office, Division of Reactor Development.

§ 9–56.302 Selections by field offices and cost-type prime contractors requiring Headquarters review and approval.

(a) Managers of Field Offices will submit the following selections for advance Headquarters approval:

(1) Selection of a contractor where it is estimated that the resulting definitive contract or subcontract will exceed the delegated authority of the Manager of the Field Office;

(2) Selection of an architect-engineer contractor or subcontractor where the related construction costs are estimated to exceed $5,000,000 or where the A–E contract is estimated to exceed $500,000, if related construction costs cannot be determined, including selections for advance engineering work where it is anticipated that the later phases of the same project will cause the estimated construction or A–E costs to exceed the above amounts;

(3) Selection of a contractor to operate a Government-owned facility;

(4) Selection of a contractor or subcontractor for a new or unusual contractual arrangement;

(5) Selection of a contractor or subcontractor for a type of undertaking likely to provoke unusual interest, including Power Demonstration Program; and

(6) Selections which Headquarters specifically requests be submitted.

(b) If a proposed contractor selection will require Headquarters approval in accordance with paragraph (a) of this section, the following proposed Contractor Selection Board actions will be submitted in advance of sending the request for proposals to prospective firms:

(1) Requests for proposals, list of proposed invitees, and the criteria and weighting recommended for use in evaluating proposals;

(2) Requests to include on the initial list of firms an architect-engineer or construction firm which is excluded by AECPR 9–56.405; and

(3) Utilization as a factor in the selection of contractors the availability to a prospective firm of personnel possessing active AEC access authorizations.

§ 9–56.303 Selection actions requiring the approval or attention of the Commission.

Actions which are subject to Commission approval, or which are to be brought to the attention of the Commission, include:

(a) Cooperative Power Demonstration Program contracts, which must be submitted to the Joint Committee on Atomic Energy;

(b) Contract actions involving estimated costs for the contract period in excess of $10,000,000;

(c) The selection of a new contractor to operate a Government-owned facility;

(d) The selection of a new on-site service-type contractor or extension of an on-site service contract where the estimated cost of the work to be performed for the prospective contract period exceeds $10,000,000;

(e) All contractual matters of a new or unusual nature, or matters likely to provoke unusual public interest, and all prime contracts with foreign parties in excess of $300,000; and

(f) Any other action which the Commission specifically designates in advance in accordance with existing reporting procedures.

§ 9–56.304 Supporting data for selection requiring Headquarters approval.

Final recommended selections for Headquarters approval shall be submitted in six copies and include:

(a) Copies of the request for proposals, including a brief statement of scope of work;

(b) Estimated amount of contract;

(c) Name of firms under final consideration;

(d) Short summary of basis for selection, including copy of the Contractor Selection Board report; and

(e) Recommendation statement by the designating official, including the name of the firm recommended for selection.

Subpart 9–56.4—Policy Governing Particular Types of Contracts

§ 9–56.401 Replacement of contractors operating AEC-owned plants or laboratories.

(a) Where any of the following conditions exist, contractors operating AEC-owned plants or laboratories at AEC-owned locations are subject to replacement at the time their contracts are proposed for extension, and they will not be considered for selection to continue to operate such plants or laboratories, unless that action would be contrary to the Government's interest and if other qualified firms are available:

(1) Marginal performance;

(2) Conflict of interests between commercial and contract activities when found to outweigh the advantages of using contractors who are demonstrating a sufficient interest in the field of atomic energy to have maintained their own commercial program and thus are assisting in establishing a private, competitive nuclear industry; or

(3) Overconcentration of the firm's activities in the Atomic Energy Commission's program.

(b) Where any of the following conditions apply, the normal selection process (i.e., requesting proposals from industry and others) will be considered for the selection of contractors described in paragraph (a) of this section at the time such existing contracts are proposed for extension, if qualified firms are available:

(1) Where the existing operating contractor's performance is considered not better than average; or

(2) Where the circumstances underscore the high desirability of giving adequate opportunity to other organizations to compete for the business of supplying services to the AEC.

§ 9–56.402 Replacement of service-type contractors performing services of a continuing nature for the AEC at AEC-owned locations.

The policy set forth in § 9–56.401 above is applicable to the replacement of on-site service-type contractors.

§ 9–56.403 Selection of new on-site service contractors.

Normally a firm will not be considered for selection for an on-site service contract where the work to be performed under the AEC contract, together with work being performed for other Government agencies and others, would place the firm in a predominant position in a field of industrial activity germane to the contract work, unless that action would be contrary to the Government's interest and if other qualified firms are available.

§ 9–56.404 Selection of research and development contracts for work in commercial facilities.

In selecting recipients of research and development work, it is basic AEC policy to assign the work where it can be done most effectively and efficiently. Where it is otherwise appropriate to assign the work to a commercial concern, it is also the policy of the AEC to make such wide distribution of contract awards as will encourage broad participation by qualified research and development contractors performing work in their own facilities in order to:

(a) Maintain a competitive industrial bases; and

(b) Prevent firms from attaining a predominant position in a major segment of the atomic energy industry.

§ 9–56.405 Selection of contractors for engineering and construction work.

(a) It is the policy of the AEC to encourage broad participation by qualified architect-engineers and constructors in the atomic energy programs to the fullest extent practicable in order to:

(1) Avoid undue concentration of work with any firm or group of firms in a particular field of work (architect-engineer or construction); and

(2) Develop and maintain a broad base of contractors with atomic energy experience and/or nuclear capability which may be used for AEC or commercial requirements (Note A).

(b) A firm currently under contract to AEC or to a cost-type AEC contractor shall not be invited to submit a proposal for work in the same field if the proposed project would be performed concurrently with the existing contract and if the estimated cost of the new construction work involved is in excess of $10,000,000, or the estimated cost of the architect-engineer services is in excess of $1,000,000 where a construction cost estimate cannot be determined. If, for cogent reasons, the designating official believes that such a firm should be invited, approval shall be obtained from the Division of Contracts in accordance with Subpart 9–56.3. This requirement shall not apply to:

(1) Firms currently engaged only on AEC fixed-price construction contracts

awarded as a result of formal advertising or invited bids;

(2) Any firm currently engaged on AEC contracts in the same field, the total of which involves construction costs of less than $10,000,000; or

(3) Any architect-engineer firm after it has completed Title II work, exclusive of checking shop drawings, even though it still has Title III inspection services to perform.

NOTE A: Normally, only those firms which are compatible with the size and complexity of the job requirements should be invited; that is for a small relatively simple job, firms whose resources and qualifications are far in excess of the job requirements should not be solicited, and where size and simplicity of the job permit, invitees should be limited to the geographic area of the job.

Effective date. These regulations are effective thirty days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md. this 16th day of September 1964.

For the U.S. Atomic Energy Commission.

R. J. HART,
Acting Director,
Division of Contracts.

[F.R. Doc. 64-9675; Filed, Sept. 23, 1964; 8:46 a.m.]

Chapter 11—U.S. Coast Guard

[CGFR 64-53]

PART 11-8—TERMINATION OF CONTRACTS

Subpart 11-8.2—General Principles Applicable to the Termination for Convenience and Settlement of Fixed-Price Type and Cost-Reimbursement Type Contracts

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), the following sections are hereby established under authority of 14 U.S.C. 633 and Chapter 37 of Title 10 U.S.C.

Sec.
11-8.201 General.
11-8.206 Fraud or other criminal conduct.
11-8.207 Accounting review of prime contract settlement proposals and of subcontract settlements.

AUTHORITY: The provisions of this Subpart 11-8.2 issued under authority of 14 U.S.C. 633, 10 U.S.C. Ch. 137.

§ 11-8.201 General.

A decision to terminate for default, for convenience, or a no-cost settlement shall be made only after a review by cognizant experienced procurement and technical personnel, and counsel available to the particular procuring activity. Under no circumstances should any notice of termination be furnished the contractor until this review has been made. A copy of all decisions to terminate for default with all pertinent information will be forwarded to the Commandant (F) for approval prior to issuing a notice to the contractor.

§ 11-8.206 Fraud or other criminal conduct.

In cases of suspected fraud or criminal conduct, the contracting officer will document and forward all the pertinent information to the Commandant (CL) for review and processing as required.

§ 11-8.207 Accounting review of prime contract settlement proposals and of subcontract settlements.

Settlement proposals shall be forwarded to the Commandant (FS) for examination and recommendation when the amount of the claim is $2500 or more.

Dated: September 14, 1964.

W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64-9708; Filed, Sept. 23, 1964; 8:48 a.m.]

SUBTITLE C—FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM

Chapter 101—Federal Property Management Regulations

ESTABLISHMENT OF FPMR

The Federal Property Management Regulations System is hereby established by the Administrator of General Services. Hereafter, General Services Administration regulations will appear in two series—Federal Procurement Regulations (FPR) and Federal Property Management Regulations (FPMR). Both will be published in the FEDERAL REGISTER in Title 41, Subtitles A and C, respectively, except temporary classes of documents which will appear in the Notices section. The first regulatory material under the new Subtitle C, concerning supply management, quality control, public utilities, and interagency motor pools, is set forth below.

Subchapter A—General

Part
101-1 Introduction.
101-2—101-6 [Reserved]

Subchapter B—Archives and Records

101-7—101-13 [Reserved]

Subchapter C—Defense Materials

101-14—101-16 [Reserved]

Subchapter D—Public Buildings and Space

101-17—101-24 [Reserved]

Subchapter E—Supply and Procurement

101-25 General.
101-26—101-30 [Reserved]
101-31 Inspection and quality control.
101-32—101-34 [Reserved]

Subchapter F—Telecommunications and Public Utilities

101-35 [Reserved]
101-36 Public utilities.
101-37 [Reserved]

Subchapter G—Transportation and Motor Vehicles

Sec.
101-38 [Reserved]
101-39 Interagency motor vehicle pools.
101-40—101-41 [Reserved]

Subchapter H—Utilization and Disposal

101-42—101-49 [Reserved]

SUBCHAPTER A—GENERAL

PART 101-1—INTRODUCTION

Subpart 101-1.1—Regulation System

Sec.
101-1.100 Scope of subpart.
101-1.101 Federal Property Management Regulations System.
101-1.102 Federal Property Management Regulations.
101-1.103 Temporary-type FPMR.
101-1.104 Publication of FPMR.
101-1.105 Authority for FPMR System.
101-1.106 Applicability of FPMR.
101-1.107 Agency consultation regarding FPMR.
101-1.108 Agency implementation and supplementation of FPMR.
101-1.109 Numbering in FPMR System.
101-1.110 Deviation.

AUTHORITY: The provisions of this Part 101-1 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-1.1—Regulation System

§ 101-1.100 Scope of subpart.

This subpart sets forth introductory material concerning the Federal Property Management Regulations System: its content, types, publication, authority, applicability, numbering, deviation procedure, as well as agency consultation, implementation, and supplementation.

§ 101-1.101 Federal Property Management Regulations System.

The Federal Property Management Regulations System described in this subpart is established and shall be used by General Services Administration (GSA) officials and, as provided in this subpart, by other executive agency officials, in prescribing regulations, policies, procedures, and delegations of authority pertaining to the management of property and records, and other programs and activities of the type administered by GSA, except procurement and contract matters contained in the Federal Procurement Regulations (FPR), Subtitle A of this title.

§ 101-1.102 Federal Property Management Regulations.

The Federal Property Management Regulations (FPMR) are regulations, as described by § 101-1.101, prescribed by the Administrator of General Services to govern and guide Federal agencies.

§ 101-1.103 Temporary-type FPMR.

FPMR include a temporary type for use under the following circumstances:

(a) Where the effective period is to be not more than six months.

(b) When time will not permit preparation in final codified form. (These will be converted to permanent form within 90 days after publication.)

(c) Where delegation of authority to other agencies for a specific one-time

purpose is required, as in public utility representation cases.

§ 101–1.104 Publication of FPMR.

FPMR will be published in the FEDERAL REGISTER and in looseleaf form. Temporary-type FPMR will appear in the Notices section of the FEDERAL REGISTER.

§ 101–1.105 Authority for FPMR System.

The FPMR System is prescribed by the Administrator of General Services under authority of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and other laws and authorities specifically cited in the text.

§ 101–1.106 Applicability of FPMR.

The FPMR apply to all Federal agencies to the extent specified in the Federal Property and Administrative Services Act of 1949 or other applicable law.

§ 101–1.107 Agency consultation regarding FPMR.

FPMR are developed and prescribed in consultation with affected Federal agencies.

§ 101–1.108 Agency implementation and supplementation of FPMR.

Chapters 102 through 149 of this title are available for agency implementation and supplementation of FPMR contained in Chapter 101 of this title. Supplementation pertains to agency regulations in the subject matter area of FPMR but not yet issued in Chapter 101.

§ 101–1.109 Numbering in FPMR System.

(a) Numbering in the FPMR System will conform with that of the FPR System (§ 1–1.007–2 of this title). Chapter assignments in Title 41, CFR to agencies in the FPMR System will correspond to their chapter assignments in the FPR System except that the number "100" will be added. For example, the Post Office Department has Chapter 39 in the FPR System and in the FPMR System will have Chapter 139.

(b) Agency implementing regulations should conform to the FPMR section numbers, except for the substitution of the chapter designation of the agency. Agency supplementing regulations should be numbered "50" or higher for section, subpart, or part as may be involved.

§ 101–1.110 Deviation.

Insofar as practicable the FPR deviation procedure (§ 1–1.009 of this title) shall be applied with respect to FPMR.

PART 101–2—PART 101–6 [RESERVED]

SUBCHAPTER B—SUBCHAPTER D [RESERVED]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–25—GENERAL

Sec.

AUTHORITY: The provisions of this Part 101–25 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–25.000 Scope of subchapter.

This subchapter provides policies and guidelines pertaining to the general area of supply management designed to support the logistical programs of the Federal Government. It consists of Parts 101–25 through 101–34 and provides for applicability of coverage within each of these several parts.

§ 101–25.001 Scope of part.

This part provides policies and guidelines pertaining to subject matter in the general area of supply management which is not appropriate for coverage in other parts of this Subchapter E.

Subpart 101–25.1—General Policies

§ 101–25.101 Criteria for determining method of supply.

§ 101–25.101–1 General.

(a) This § 101–25.101 prescribes general criteria governing selection of the appropriate methods of supply to be utilized in meeting the planned requirements of the Government. It is directly applicable to executive agencies, and other Federal agencies are requested to observe these criteria in conducting their supply operations.

(b) As used in this § 101–25.101, the term "use point" means a storeroom or other redistribution point where supplies, materials, or equipment representing more than a 30-day supply are maintained primarily for issue directly to consumers within the local area, as distinguished from storage points where supplies and equipment are issued to redistribution points.

§ 101–25.101–2 Supply through storage and issue.

The following criteria shall govern in determining whether an item can be most advantageously supplied through storage and issue to use points:

(a) The item shall be physically adaptable to storage and issue and of such a character that it is feasible to forecast overall requirements of the use points served with reasonable accuracy;

(b) Rate of use and frequency of ordering at use points shall be sufficient to warrant storage and issue;

(c) The rate of deterioration or obsolescence shall be sufficiently low to avoid unnecessary loss; and

(d) Conditions exist where any of the following factors require supply through storage and issue (except that dangerous commodities of high weight and density, or commodities highly susceptible to damage normally should not be considered for supply through storage and issue unless one or more of such factors are determined to be of overriding importance)—

(1) Where price advantage through bulk buying is sufficient to render storage and issue more economical, all costs, both direct and indirect, considered.

(2) Where close inspection or testing is necessary to secure quality, or where repetitive inspection and test of small lots are prohibitive from the standpoint of cost or potential urgency of need.

(3) Where advance purchase and storage are necessitated by long procurement leadtime.

(4) Where an item is of special manufacture or design and is not readily available from commercial sources.

(5) Where an adequate industry distribution system does not exist to assure availability at use point.

(6) Where volume purchases are necessary to secure timely deliveries and advantageous prices.

(7) Where market conditions are such that supply through storage and issue is required to assure adequate supply.

(8) Where stocking of supplies and equipment necessary for implementation of emergency plans is required for an indefinite period.

§ 101–25.101–3 Supply through consolidated purchase for direct delivery to use points.

The following criteria shall govern in determining whether an item can be most advantageously supplied through consolidated purchase for direct delivery to use points:

(a) The items shall be equipment or supply items of such a character that it is feasible to forecast requirements for delivery to specific use points; and

(b) Conditions exist where any of the following factors requires consolidated purchasing of such items for direct delivery to use points—

(1) Where greatest price advantage, both direct and indirect costs considered, is obtainable through large definite quantity purchasing.

(2) Where an item is of special manufacture or design and is not readily available from commercial sources.

(3) Where market conditions are such that central procurement is required to assure adequate supply.

(4) Where contracts for production quantities are necessary to secure timely deliveries and advantageous prices.

(5) Where the quantity is large enough to assure lowest transportation costs or, conversely, where transportation costs for small quantity redistribution are so excessive that it is not feasible to store and issue the items.

§ 101–25.101–4 Supply through indefinite quantity requirement contracts.

The following criteria shall govern in determining whether an item can be most advantageously supplied through the medium of indefinite quantity requirement contracts covering specific periods and providing for delivery to use points as needs arise:

(a) The item shall be such a character that—

(1) Handling on a storage and issue basis is not economically sound, under the criteria prescribed in § 101–25.101–2;

(2) Rate of use and frequency of ordering at use points is estimated to be sufficient to warrant the making of indefinite quantity requirement contracts;

(3) It is either not feasible to forecast definite requirements for delivery to specific use points (as in the case of new items initially being introduced into a supply system), or no advantage accrues from doing so; and

(b) Industry distribution facilities are adequate properly to serve the use points involved; and

(c) Conditions exist where any of the following factors requires the maintaining of indefinite quantity requirements contracts—

(1) Advantage to the Government is greater than would be secured by definite quantity procurements by individual officers or agencies (the determining consideration being one of overall economy to the Government, rather than one of direct comparison of unit prices of individual items obtainable through other methods of supply); or no known procurement economies would be effected but the requirements of officers or agencies can best be served by indefinite quantity requirements contracts.

(2) Acute competitive bidding problems exist because of highly technical matters which can best be met on a centralized contracting basis.

(3) The item is proprietary or so complex in design, function, or operation as to be noncompetitive and procurement can best be performed on a centralized contracting basis.

§ 101–25.101–5 Supply through local purchase.

The following criteria shall govern in determining whether an item should be supplied through local purchase:

(a) Urgency of need requires local purchase to assure prompt delivery;

(b) The items are perishable or subject to rapid deterioration which will not permit delay incident to shipment from distant points;

(c) The local purchase is within applicable limitation established by the agency head; or

(d) Local purchase will produce the greatest economy to the Government.

PART 101–26—PART 101–30 [RESERVED]

PART 101–31—INSPECTION AND QUALITY CONTROL

Sec.

AUTHORITY: The provisions of this Part 101–31 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(a)(c).

§ 101–31.000 Scope of part.

This part prescribes policy, guidelines, and procedures related to inspection, testing, and grading of supplies or services.

Subpart 101–31.1 [Reserved]

Subpart 101–31.2—Use of Private Inspection, Testing, and Grading Services

§ 101–31.200 Scope of subpart.

(a) This subpart prescribes policies and procedures governing use by executive agencies of private organizations in discharging their responsibility as set forth in § 1–14.102 of this title to inspect or arrange for the inspection of purchased supplies and services. For the type and extent of inspection required, see § 1–14.101(b) of this title.

(b) Where an agency has explicit statutory authority to procure services of this nature, it may do so without adhering to the requirements set forth in this subpart.

§ 101–31.201 Definition of private organizations.

As used in this subpart, "private organizations" includes all facilities devoted to rendering inspection, testing, and grading services which are not a part of an agency of the Federal Government.

§ 101–31.202 Testing services.

Testing services required to determine compliance of purchased supplies or services with contract requirements may be procured from private organizations if the situation meets all of the following conditions:

(a) It has been determined by an executive agency that its personnel or another Federal agency cannot perform the required testing as efficiently or economically as a qualified private organization;

(b) The testing services required are of a technical nature involving the application of scientific principles and the use of test equipment, gages, or special apparatus; and

(c) The testing may be performed without direct Government supervision.

§ 101–31.203 Inspection and grading services.

(a) Inspection or grading, limited to an examination or careful scrutiny to determine from outward appearances or mechanical operation whether supplies or services offered by suppliers comply with contract requirements, is a service in which personal judgment is of major importance and as such shall be performed exclusively by regular employees of the Government under Government supervision.

(b) Technical inspections or grading, the results of which are more dependent on the application of scientific principles or specialized techniques than the element of personal judgment, shall also be performed by Government employees under Government supervision except that a private organization may be retained to render the technical inspection or grading service when an executive agency determines that one of the following conditions exists:

(1) The technical inspection or grading services required are of a specialized nature, and the agency is unable to employ the personnel qualified to perform the services properly or to locate another Federal agency capable of providing the services; or

(2) The inspection or grading results issued by a private organization are essential to verify the acceptance or rejection of a special commodity.

§ 101–31.204 Arranging for inspection, testing, or grading by private organizations.

(a) Inspection, testing, or grading services to be procured from a private organization shall be obtained in accordance with the agency's procurement policies and procedures subject to the following conditions:

(1) The Government agency shall determine that the organization to be retained is qualified to perform expertly the required inspection, testing, or grading services and is professionally responsible;

(2) Remuneration for performance of services shall be based on accomplishing units of work such as submission of reports on inspection, test, or grading results and shall not be based on time required to perform the services; and

(3) The organization shall be permitted to select personnel for performing the services without agency direction. An agency should specify the type of qualifications personnel performing the services should possess.

(b) When a private organization has been retained by an agency to perform technical inspection, testing, or grading services, information developed and reports issued by the organization must be evaluated and considered by the Government official or employee responsible for determining acceptability of the supplies or services.

§ 101–31.205 Referral to Comptroller General.

If an executive agency, after reviewing the requirements set forth in §§ 101–31.203 and 101–31.204 has a question regarding the propriety of utilizing a private organization's services, a complete statement of the circumstances should be forwarded to the Comptroller General of the United States for decision prior to entering into any binding arrangement with a private organization for rendering the services.

PART 101–32—PART 101–34 [RESERVED]

Subchapter F—Telecommunications and Public Utilities

PART 101–35 [RESERVED]

PART 101–36—PUBLIC UTILITIES

Sec.

Subpart 101–36.0—General Provisions

Sec.
101–36.001 Definitions.
101–36.002 Applicability.
101–36.003 Submission of information.

Subpart 101–36.1—Utilization and Conservation of Utility Services

101–36.101 Surveys and recommendations.
101–36.102 Advice and assistance.

Subpart 101–36.2—Negotiation and Representation Involving Utility Services

101–36.201 Negotiations with utility suppliers.
101–36.202 Proceedings before regulatory bodies.

Subpart 101–36.3—36.48 [Reserved]

Subpart 101–36.49—Forms and Reports [Reserved]

AUTHORITY: The provisions of this Part 101–36 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–36.000 Scope of part.

This part prescribes policies and methods governing the economical and efficient management of public utility services by executive agencies within the United States and its insular possessions.

Subpart 101–36.0—General Provisions

§ 101–36.001 Definitions.

As used in this part:

(a) "Public utility services" includes without limitation all utility services (except telecommunications services), such as electricity, gas, steam, water, and sewerage procured from a public utility supplier, and facilities for the supply of such services.

(b) Other terms which are defined in the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, hereinafter sometimes referred to as the "Property Act," shall have the meanings given to them in such Act.

§ 101–36.002 Applicability.

The provisions of this Part 101–36 apply to all Federal agencies to the extent specified in the Property Act, or other law, except in those instances where specific exemptions are approved by GSA, and except as hereinafter provided:

(a) The "Statement of Areas of Understanding between the Department of Defense and the General Services Administration in the Matter of Procurement of Utility Services," as amended (15 F.R. 8227 and 22 F.R. 871), shall govern the applicability of this Part 101–36 to the Department of Defense.

(b) The provisions of this Part 101–36 do not apply to the production, distribution, or sale of utility services by a Federal agency.

(c) GSA will, upon request, furnish the services provided for in this Part 101–36 to any other Federal agency, mixed-ownership corporation, the District of Columbia, the Senate, the House of Representatives, and the Architect of the Capitol and any activity under his direction.

§ 101–36.003 Submission of information.

All information required under this Part 101–36, except where otherwise specified, shall be addressed to the General Service Administration, Transportaeral Services Administration, Transportation and Communications Service, Public Utilities Division, Washington, D.C., 20405.

Subpart 101–36.1—Utilization and Conservation of Utility Services

§ 101–36.101 Surveys and recommendations.

GSA, in coordination with the agency involved, will from time to time survey executive agency requirements for, and utilization and conservation of, utility services and facilities and, with due regard to the program activities of the agency involved, will make such recommendations for improvements as may be deemed advantageous to the Government in terms of economy, efficiency, or service. Executive agencies shall carry out such recommendations.

§ 101–36.102 Advice and assistance.

GSA, upon request of the agency involved, will provide advice and assistance to executive agencies regarding utilization and conservation of utility services and facilities.

Subpart 101–36.2—Negotiation and Representation Involving Utility Services

§ 101–36.201 Negotiations with utility suppliers.

GSA, in behalf of executive agencies as utility consumers, will conduct negotiations with utility suppliers; and, where prior negotiation has failed or is not feasible and where circumstances warrant, will institute such formal or informal action, as may be deemed advisable, before Federal and State regulatory bodies to contest the level, structure, or applicability of rates or service terms of utility suppliers.

§ 101–36.203 Proceedings before regulatory bodies.

Pursuant to the provisions of section 201(a)(4) of the Property Act, with respect to proceedings involving public utility rates or service before Federal and State regulatory bodies, executive agencies shall refer to GSA for consideration all complaints and petitions proposed to be brought before such regulatory bodies. Executive agencies shall submit full information concerning the proposed action. GSA will determine, on the basis of the information so submitted and the then existing arrangements, whether it will handle the proceedings, in cooperation with other interested agencies, or delegate the handling of the proceedings to the referring agency, depending on which course of action is deemed to be in the best interest of the Government.

Subparts 101–36.3—36.48 [Reserved]

Subpart 101–36.49—Forms and Reports [Reserved]

PART 101–37 [RESERVED]

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–48 [RESERVED]

PART 101–39—INTERAGENCY MOTOR VEHICLE POOLS

Sec.
101–39.000 Scope of part.

Subpart 101–39.0—General Provisions

101–39.001 Authority.
101–39.002 Applicability.
101–39.003 Financing.
101–39.004 Optional operations.
101–39.005 Agency compliance.

Subpart 101–39.1—Conduct of Studies

101–39.101 General.
101–39.102 Notice of intention to begin a study.
101–39.103 Agency cooperation.
101–39.103–1 Information and assistance.
101–39.103–2 Estimates in lieu of recorded information.

Subpart 101–39.2—Determinations

101–39.201 General.
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101–39.503 Means of obtaining service.

AUTHORITY: The provisions of this Part 101-39 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101-39.000 Scope of part.

This part prescribes policies and procedures governing the establishment and operation of interagency motor vehicle pools and systems (hereinafter referred to in this part as motor pool systems). It also provides for the curtailment or discontinuance of any motor pool system which does not show an actual saving.

Subpart 101-39.0—General Provisions

§ 101-39.001 Authority.

Public Law 766, 83d Congress, requires that the Administrator of General Services will, to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, after consultation with, and with due regard to the program activities of the agencies concerned, (a) consolidate, take over, acquire, or arrange for the operation by any executive agency of, motor vehicles and other related equipment and supplies for the purpose of establishing motor pool systems to serve the needs of executive agencies; and (b) provide for the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pool systems for transportation of property or passengers, and for furnishing such motor vehicle and related services to executive agencies. The exercise of this authority is subject to regulations issued by the President, which are set forth in Executive Order 10579, November 30, 1954.

§ 101-39.002 Applicability.

The regulations in this part apply to all agencies of the Federal Government to the extent provided in the Act.

§ 101-39.003 Financing.

(a) Public Law 766, 83d Congress, provides that the General Supply Fund, provided for in section 109 of the Act, shall be available for use by or under the direction and control of the Administrator of General Services for paying all elements of cost incident to the establishment, maintenance, and operation of motor pool systems.

(b) When an agency other than General Services Administration operates a motor pool system, the financing and accounting methods shall be developed by GSA in cooperation with the agencies concerned.

§ 101-39.004 Optional operations.

Nothing in this part shall preclude the establishment or operation of motor pool systems by GSA or by other agencies which are to be operated on the basis of optional use by executive or other agencies under arrangements worked out between the agencies concerned and GSA.

§ 101-39.005 Agency compliance.

Failure to comply with the regulations in this part or with the standard operating procedures issued in connection with the operation of a motor pool system will be reported by the Administrator of General Services to the head of the agency concerned, with a request for immediate correction.

Subpart 101-39.1—Conduct of Studies

§ 101-39.101 General.

GSA will conduct studies of the operation and costs of motor vehicles and motor vehicle services in selected areas to determine the advisability of establishing motor pool systems.

§ 101-39.102 Notice of intention to begin a study.

When the Administrator of General Services, after preliminary investigations, has ascertained that the possibilities of economies to be derived from establishing a motor pool system in a specific area warrant further investigation and study, he will notify the head of each agency concerned, or his designee, at least 30 days in advance, of the intent to make a study to develop data and justification as to the advisability of establishing such a motor pool system. The notification, in writing, will include:

(a) The approximate geographical area to be served by the system; and

(b) The date on which the study will begin.

§ 101-39.103 Agency cooperation.

§ 101-39.103-1 Information and assistance.

As provided by Executive Order 10579, the head of each executive agency receiving notice that a study is to be made will designate one or more officials in the field with whom members of the GSA staff may consult and who will furnish needed information and assistance to the GSA staff, including reasonable opportunities to observe motor vehicle operations and facilities and to examine pertinent cost and other records. Such information shall cover the inventory, management, operation, maintenance, and storage of motor vehicles, and motor vehicle facilities and services in the area, including location, use, need, and cost thereof, and personnel involved.

§ 101-39.103-2 Estimates in lieu of recorded information.

In the absence of record information, agencies shall prepare estimates. GSA will assist in preparing agency estimates, if requested. If the agency fails to make such estimates, GSA will prepare them.

Subpart 101-39.2—Determinations

§ 101-39.201 General.

(a) Based on the studies provided by Subpart 101-39.1, the Administrator of General Services, with the assistance of the affected agencies or subdivisions thereof, will develop necessary data and cost statistics for use in determining the feasibility of establishing a motor pool system in the area studied.

(b) If the Administrator determines that a motor pool system shall be established, he will prepare a formal determination to that effect.

(c) In the event the Administrator decides that the establishment of a motor pool system is not feasible, the head of each agency concerned will be so notified.

(d) In the making of determinations for the establishment of motor pool systems, the Administrator will, to the extent consistent with the provisions of section 1(b) of Executive Order 10579, observe the policies outlined in Bureau of the Budget Bulletin No. 55-4 for the utilization of commercial facilities.

§ 101–39.202 Content of determination.

Each determination to establish a motor pool system will include:

(a) A description of the proposed operation, including a statement of the types of service and of the geographic area, and the agencies or parts of agencies to be served;

(b) The name of the executive agency designated to be responsible for operating the motor pool system, and the reason for such designation; and

(c) A statement indicating the motor vehicles and related equipment and supplies to be transferred and the amount of reimbursement, if any, to be made therefor.

§ 101–39.203 Justification of determination.

Each determination will be accompanied by an analytical justification which will include a comparison of estimated costs of the present and proposed methods of operation, an estimate of the savings to be realized through the establishment of the proposed motor pool system, a description of the alternatives considered in making the determination, a statement concerning the availability of privately owned facilities and equipment, and the feasibility and estimated cost (immediate and long-term) of using such facilities and equipment.

§ 101–39.204 Records, facilities, personnel, and appropriations.

Whenever a determination is made to establish a motor pool system, GSA, with the assistance of the affected agencies, will prepare and present to the Director of the Bureau of the Budget a schedule of such records, facilities, personnel, and appropriations, if any, as are proposed for transfer to the motor pool system. The Director of the Bureau of the Budget will determine the records, facilities, personnel, and appropriations, if any, to be transferred.

§ 101–39.205 Issuance of determination.

The Administrator will furnish a copy of each determination, with a copy of the schedule of proposed transfer of records, facilities, personnel, and appropriations, to the Director of the Bureau of the Budget, and to each agency affected.

§ 101–39.206 Effective date of determination.

Unless a longer time is allowed therein, any determination made by the Administrator shall become binding on all affected executive agencies 45 days after the issuance thereof except with respect to any agency which appeals or requests an exemption from any such determination in accordance with § 101–39.207.

§ 101–39.207 Review of contested determinations.

§ 101–39.207–1 Appeals to the Bureau of the Budget.

Any executive agency may appeal or request exemption from any or all proposals affecting it which are contained in a determination. Appeals shall be submitted in writing within 45 days from the date of the determination to the Director of the Bureau of the Budget, with a copy to the Administrator. Such appeals shall be accompanied by factual and objective supporting data and justification.

§ 101–39.207–2 Notification of appeal decision.

The Director of the Bureau of the Budget will review any determination from which an executive agency has appealed and will make a final decision on such appeal. The Director of the Bureau of the Budget will make such decisions within 75 days after he receives the appeal, or as soon thereafter as practicable, on the basis of information contained in the Administrator's determination, the executive agencies' appeals therefrom, and any supplementary data submitted by the Administrator and the contesting agencies. The Director of the Bureau of the Budget will send copies of decisions to the Administrator and to the heads of other executive agencies concerned.

§ 101–39.207–3 Effect of the Bureau of the Budget decision.

The decision of the Director of the Bureau of the Budget upon each appeal, if he holds that the determination shall apply in whole or in part to the appealing agency, will state the extent to which the determination applies and the effective date of its application. To the extent that the decision on an appeal does not uphold the Administrator's determination, such determination will be of no force and effect.

Subpart 101–39.3—Motor Vehicle Exemptions

§ 101–39.301 General.

Except as provided in this subpart, all Government motor vehicles acquired for official purposes which are stored, garaged, or operated within the boundaries of a motor pool system shall be consolidated into and operated under the control of such system.

§ 101–39.302 Unlimited exemptions.

Unlimited exemptions from inclusion in a motor pool system are granted to the specific organizational units or activities of the Federal agencies listed below:

(a) Any motor vehicles regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of such agency determines, in writing, a copy of which shall be forwarded to the Administrator of General Services, that the exclusive control of such vehicle is essential to the effective performance of such duties: *Provided*, That vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties shall not, because of such use, be exempt from such inclusion.

(b) Motor vehicles designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot.

(c) Any motor vehicle, the conspicuous identification of which as a Government vehicle would interfere with the purpose for which it is acquired and used, when such motor vehicle has been exempted from the display of conspicuous identification by the Administrator.

(d) Unless inclusion is mutually agreed upon by the Administrator and the head of the agency concerned:

(1) Motor vehicles for the use of the heads of the executive agencies, ambassadors, ministers, chargés d'affaires, and other principal diplomatic and consular officials.

(2) Motor vehicles regularly and principally used for the transportation of diplomats and representatives of foreign countries or by officers of the Department of State for the conduct of official business with representatives of foreign countries.

(3) Motor vehicles regularly used by the Post Office Department for the distribution and transportation of mails.

§ 101–39.303 Limited exemptions.

The Administrator may exempt those vehicles which, because of their design or the special purposes for which they are used, or for other reasons, cannot advantageously be incorporated in a motor pool system if the exemption thereof has been mutually agreed upon by the Administrator and the head of the executive agency concerned. Such limited exemption will normally be restricted to:

(a) Special-purpose or special-use motor equipment. Motor vehicles acquired for special purposes and which, because of special design, use, or fixed special equipment, cannot advantageously be included in a consolidated operation. Such vehicles may include fire trucks, transit mix trucks, pole trailers, dollies, cable reels, trailer coaches; trucks with mounted equipment, such as air compressors, cranes, line maintenance equipment, snow removal equipment, and bituminous carrying equipment; and other similar equipment.

(b) Motor vehicles operated outside the pool area. Motor vehicles which are operated almost entirely outside the geographical area of an established motor pool system, which are occasionally operated within the area for trips of field employees to and from headquarters located within the area, but are not used for other transportation purposes within such area.

Subpart 101–39.4—Establishment, Modification, and Discontinuance of Motor Pools

§ 101–39.401 General.

Motor pool systems established under this subpart will provide for furnishing motor vehicles or motor vehicle services for the transportation of personnel and property, and for furnishing services related thereto, to executive agencies. So far as practicable, such services will be furnished also to any Federal agency, mixed-ownership corporation, or the District of Columbia, upon its request. Such services may be furnished, as determined by the Administrator of General Services, through the use, under rental or other arrangements, of motor vehicles of private fleet operators,

taxicab companies, local or interstate common carriers, or Government-owned motor vehicles, or combinations thereof.

§ 101–39.402 Notice of establishment of a motor pool system.

GSA will inform each affected agency of the time schedule for establishment of a motor pool system and of the agency's responsibility for transferring personnel, motor vehicles, maintenance, storage, and service facilities, and other involved property. Provision will be made for meetings at the local level between the agencies concerned and the agency responsible for operating the motor pool system in order to work out any problems pertaining to establishing and operating the motor pool system.

§ 101–39.403 Transfers to a motor pool system.

§ 101–39.403–1 Provision for transfer.

All Government-owned motor vehicles acquired by executive agencies for official purposes which are operated, stored, or garaged within the designated area of a motor pool system (except those specifically exempt by Subpart 101–39.3, or by the determination of the Administrator, or by the decision of the Director of the Bureau of the Budget), and other related equipment and supplies shall, when requested by the Administrator in accordance with a determination, be transferred to the control and responsibility of the motor pool system. Facilities, personnel, records, and appropriations, as determined by the Director of the Bureau of the Budget pursuant to § 101–39.204, shall be included in the transfer.

§ 101–39.403–2 Documentation of transfer.

All transfers of Government-owned motor vehicles to the control and responsibility of a motor pool system shall be accomplished with transfer documents prepared on property transfer forms of the transferring agency or forms furnished by GSA. Each transferring agency shall:

(a) Prepare a transfer document listing each vehicle to be transferred;

(b) Forward a signed copy to the General Services Administration Office of Regional Finance and Administration concerned;

(c) Furnish two copies of the transfer document to the motor pool system receiving the vehicles; and

(d) Forward an additional copy of the transfer document to the motor pool system for signature, if a signed receipt is desired by the transferring agency.

§ 101–39.403–3 Reimbursement.

Reimbursement for the motor vehicles and related equipment and supplies acquired by agencies through expenditure made from, and not theretofore reimbursed to, any revolving or trust fund authorized by law, shall be made by GSA by an amount equal to the fair market value of the vehicle, equipment, or supplies so taken over, as required by law (40 U.S.C. 491(g)).

§ 101–39.404 Discontinuance or curtailment of service.

§ 101–39.404–1 Basis for discontinuance of a motor pool system.

If, during any reasonable period, not exceeding two successive fiscal years, no actual savings are realized from the operation of any motor pool system established hereunder, the Administrator will discontinue the motor pool system concerned.

§ 101–39.404–2 Notification of discontinuance or curtailment of service.

The Administrator may discontinue or curtail a motor pool system when he determines that it is not the most economical method of rendering required motor vehicle service; but he shall give at least 60 days' notice of such intention to executive agencies affected and to the Director of the Bureau of the Budget before taking such action.

§ 101–39.404–3 Problems involving service or cost.

Executive agencies affected by a motor pool system for which the Administrator is responsible (including motor pool systems operated by another executive agency designated by the Administrator) may bring problems of service and cost to the attention of the Administrator, who will assure that such problems receive proper attention.

§ 101–39.404–4 Agency requests to withdraw participation.

(a) Executive agencies receiving motor vehicle services from a motor pool system under this part may request discontinuance or curtailment of their participation in such system after at least one year of participation or in the event that the need for the services from the motor pool system ceases. Such requests shall be submitted to the Administrator with pertinent factual justification.

(b) If the Administrator does not agree with such request and is unable to make arrangements which are mutually acceptable to him and to the head of the executive agency concerned, the agency's request for discontinuance or modification and the Administrator's reasons for not agreeing with the request will be forwarded to the Director of the Bureau of the Budget, who will be responsible for making a final and binding decision.

§ 101–39.404–5 Transfers from discontinued or curtailed motor pool systems.

When a motor pool system is discontinued or curtailed, such transfers of vehicles and related equipment and supplies, personnel, records, facilities, and funds as may be appropriate will be made, subject to the approval of the Director of the Bureau of the Budget. Reimbursement for motor vehicles and related equipment and supplies acquired by GSA through expenditure made from, and not theretofore reimbursed to the General Supply Fund, or any revolving or trust fund authorized by law, shall be made by the agency receiving the motor vehicles and related equipment and supplies by an amount equal to the fair market value, as required by law (40 U.S.C. 491(g)).

Subpart 101–39.5—Services

§ 101–39.500 Scope of subpart.

This subpart defines the motor vehicles and related services which will be provided by interagency motor pool systems to meet efficiently the authorized requirements of the participating agencies for local transportation of Government personnel and property. Such services may be furnished through the use, under rental or other arrangements, of motor vehicles or facilities of private fleet operators, taxicab companies, local or interstate common carriers, the Government, or combinations thereof.

§ 101–39.501 Notification to agencies.

The agency responsible for the operation of the motor pool system shall advise all activities concerned of the services available, the methods and procedures to be followed in obtaining services, and shall give ample notice of any changes therein.

§ 101–39.502 Services available.

To the extent justified by the work requirements of using agencies, motor pool system services will be available as follows:

(a) Motor vehicles (1) on trip or daily assignment; (2) indefinite assignment; and (3) commercially rented for short-term use;

(b) Shuttle run or similar services;

(c) Taxicab service;

(d) Bus or transit service; and

(e) Other related services, including servicing and storage of motor vehicles.

§ 101–39.503 Means of obtaining service.

§ 101–39.503–1 General.

Any participating Federal agency, bureau, or activity may obtain service from a motor pool system by any of the following means:

(a) A written request such as a letter, memorandum, teletype, requisition, purchase order, or similar document: *Provided*, That such request furnishes a complete billing address;

(b) An oral request, placed in accordance with an authorization the agency employing the requester has furnished the motor pool system, such as the following:

(1) The presentation of a GSA Form 1313, Interagency Motor Pool Service Authorization;

(2) A list of the names of employees or officials who may request services; or

(3) Such other form of authorization an agency may have furnished the motor pool system, e.g., an agency may elect to authorize the pools to furnish service to employees presenting a Standard Form 46, U.S. Government Motor Vehicle Operator's Identification Card, issued by such agency;

(c) A travel order authorizing travel by a Government-owned or -controlled motor vehicle.

§ 101–39.503–2 Seasonal or unusual requirements.

Agencies or activities having seasonal or unusual requirements for motor vehicles or motor vehicle services shall inform the motor pool system thereof as far in advance as possible. Normally, such advice shall be given not less than three months in advance of the need.

§ 101–39.503–3 Indefinite assignment.

An agency requiring motor pool vehicles for indefinite assignment shall request the vehicles from the motor pool system serving the area in which the vehicles are to be used. If the vehicles are required in an area not served by a motor pool system, the agency shall direct its request to the GSA regional office having jurisdiction over the area concerned.

§ 101–39.503–4 Motor pool vehicles removed from defined areas.

(a) When an agency removes motor pool vehicles from the defined area of the motor pool system issuing the vehicles for a period exceeding 60 days, the agency shall advise the issuing motor pool system as follows:

(1) Location at which the vehicles are currently in use;

(2) Date vehicles were moved to this location; and

(3) Expected date the vehicles will be returned to original location.

(b) When motor pool vehicles have been removed from the defined area of the issuing motor pool system for a period exceeding 60 days, the issuing motor pool system may elect to arrange to transfer accountability for the vehicles to the nearest motor pool system.

§ 101–39.503–5 GSA Form 1313, Interagency Motor Pool Service Authorization.

Agencies finding it desirable may issue GSA Form 1313, Interagency Motor Pool Service Authorization (for illustration of form, see § 101–39.4901), to employees for the purpose of obtaining the services of an interagency motor pool system. This prenumbered form is provided primarily for use outside the geographical service area of the local interagency motor pool system although it will be honored at any GSA-operated or -controlled interagency motor pool system: *Provided,* That there is entered on such form the authorized user's name, the name and address of the agency issuing the authorization, the dates of issuance and expiration of the authorization, and the signatures of the authenticating agency official and the authorized user. The agency to which GSA Forms 1313 are issued shall pay for any services obtained through the use of such forms.

§ 101–39.503–6 Supplies of GSA Form 1313.

Agencies may obtain supplies of GSA Form 1313, upon request, from the Motor Equipment Division of the appropriate General Services Administration regional office.

§ 101–39.503–7 Lost or stolen GSA Form 1313.

In the event a GSA Form 1313 is lost or stolen, the agency issuing the GSA Form 1313 shall immediately notify the regional Motor Equipment Division from which the form was obtained. Such notification shall contain:

(a) The serial number of the GSA Form 1313;

(b) The name of the person to whom the authorization was issued;

(c) The name and address of the agency validating the authorization;

(d) The expiration date of the authorization; and

(e) Information relating to loss or theft which may assist in recovering the form.

§ 101–39.504 Reimbursement.

(a) The using agency will be billed for interagency motor pool services provided for under this part at rates fixed by GSA. Such rates are designed to recover applicable costs and to reflect equitably the differential in the operating cost of the various types and classes of vehicles. Rates will be reviewed annually to determine that reimbursement therefrom is sufficient to recover applicable costs, and that rates for types and classes of vehicles or services are equitable.

(b) Rates or revisions thereto will be published currently by the agency operating the motor pool system and made available to all using activities.

Subpart 101–39.6—Official Use of Government Motor Vehicles

§ 101–39.600 Scope of subpart.

This subpart prescribes the requirements governing the use of Government motor vehicles acquired for official purposes and operated by a motor pool system established in accordance with this part.

§ 101–39.601 General requirements.

(a) It is the responsibility of every official concerned with the use or control of a motor vehicle furnished by a motor pool system to assure that all employees under his supervision who operate or use such a vehicle are fully acquainted with the requirements of this subpart.

(b) Every civilian employee seeking to drive a motor vehicle controlled by a motor pool system shall be required to have a State, District of Columbia, or Commonwealth operator's permit for the type of vehicle to be operated, issued for the area in which the employee is principally employed or in which he lives; and such Federal operator's permit as may be required by regulations of the Civil Service Commission.

§ 101–39.602 Authorized use.

Officers and employees of the Government shall use Government-owned or -leased vehicles for official purposes only. In this respect, "official purposes" does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized by, and approved in writing by, the head of his agency in accordance with provisions of 5 U.S.C. 78(c)(2), or other applicable law. A copy of any such approval shall be furnished the motor pool system. Officers and employees entrusted with motor vehicles are responsible at all times for the proper care, operation, maintenance, and protection of the vehicle. Any officer or employee who willfully uses or authorizes the use of such vehicle for other than official purposes is subject to suspension or removal from office by the head of his agency.

§ 101–39.603 Violations.

§ 101–39.603–1 Notification of violation.

(a) When a violation of the provisions of § 101–39.602 comes to the attention of the agency operating the motor pool system, such agency shall advise the official in charge of the local office of the agency involved; and a report thereof shall be furnished the General Services Administration, Transportation and Communications Service, Motor Equipment Operations Division, Washington, D.C., 20405.

(b) If the violation is repeated or involves the official in charge of the local office of an agency, a full statement of all the known facts shall be forwarded to the General Services Administration, Transportation and Communications Service, Motor Equipment Operations Division, Washington, D.C., 20405, for transmission to the headquarters office of the agency concerned.

§ 101–39.603–2 Responsibility for investigation.

The head of each agency shall be responsible for investigating reports of unofficial use of motor vehicles used by such agency and for appropriate disciplinary action.

Subpart 101–39.7—Care of Vehicles

§ 101–39.701 General.

Any official or employee issued a motor vehicle from a motor pool system shall be responsible for exercising reasonable diligence in the care of the vehicle at all times. Failure to take proper care of a vehicle may be considered as justification for refusal of further vehicle issuance to such official or employee after reasonable notice to the head of the local activity concerned.

§ 101–39.702 Storage.

(a) Interagency motor pool vehicles shall be stored in facilities which provide protection from pilferage or damage. In the interest of economy, open storage shall be used wherever practicable and feasible.

(b) Whenever interagency motor pool vehicles are stored at other than a designated storage point of an interagency motor pool, the storage cost is the responsibility of the using agency.

§ 101–39.703 Maintenance.

In order to assure uninterrupted operation of interagency motor pool vehicles, safety and preventive maintenance inspections will be performed at regularly scheduled intervals. Users of interagency motor pool vehicles shall comply with the safety and preventive maintenance instructions of the agency operating the motor pool which issued the vehicle.

§ 101–39.704 Damage through abuse or negligence.

Whenever a motor vehicle is damaged through abuse, negligence, or misuse; or

whenever a vehicle is damaged while being operated by a driver under the influence of alcohol or narcotics, the agency employing the operator of the vehicle will be furnished a complete statement regarding the incident and shall be responsible for the damage. All costs resulting from such damage will be billed to the agency employing such operator.

§ 101–39.705 Operator's packet and instructions.

§ 101–39.705–1 Contents of packet.

The agency operating the motor pool system shall provide each vehicle with an operator's packet, containing information and instructions relative to:

(a) Driver's responsibilities;

(b) Requirement of use for official purposes only;

(c) Instructions for:

(1) Procuring routine supplies, services, and maintenance;

(2) Procuring emergency supplies, services, and repairs; and

(3) Reporting accidents.

(d) The telephone numbers of responsible motor pool system employees to be called in case of accident or emergency;

(e) Standard form 149, U.S. Government National Credit Card;

(f) List of contractors from which users of motor pool vehicles shall purchase items authorized by the U.S. Government National Credit Card. Such list will be limited to the number of contractors necessary to obtain service;

(g) List of contractors shown in Federal Supply Schedule, FSC Group 91;

(h) Name and address of each repair facility under GSA term contract;

(i) Accident reporting kit which contains:

(1) Standard Form 91, Operator's Report of Motor Vehicle Accident;

(2) Standard Form 94, Statement of Witness;

(3) Form C.A. 1, Employee's Notice of Injury or Occupational Disease; and

(4) Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator (for illustration of form, see § 101–39.4902).

(j) Lubrication and maintenance schedule.

§ 101–39.705–2 Maintenance of packet.

The operator's packet shall be kept in a durable container and retained in the vehicle. The vehicle operator or assignee shall be held responsible for the safekeeping of the packet and the U.S. Government National Credit Card.

Subpart 101–39.8—Accidents and Claims

§ 101–39.801 General.

Officials or employees responsible for the operation of a motor pool system vehicle shall exercise every precaution to prevent accidents. In case of an accident, the employee or official concerned shall comply with the procedures established by this subpart.

§ 101–39.802 Reporting of accidents.

(a) The operator of a motor pool system vehicle is responsible for notifying the following persons immediately, either in person, or by telephone or telegram, of any accident in which the vehicle may be involved:

(1) The chief of the motor pool assigning the vehicle;

(2) The employee's official supervisor; and

(3) State, county, or municipal authorities, as required by law.

(b) In addition, the vehicle operator shall obtain and record information pertaining to the accident on Standard Form 91, Operator's Report of Motor Vehicle Accident (for illustration of form, see § 101–39.4903). Only one copy of the Standard Form 91 is required and shall be furnished the vehicle operator's supervisor. The vehicle operator shall also obtain the names, addresses, and telephone numbers of any witnesses and wherever possible have witness complete Standard Form 94, Statement of Witness (for illustration of form, see § 101–39.4904), and submit the completed Standard Forms 94 and other related information to his supervisor. Standard Forms 91 and 94 will be found in the Vehicle Packet. The vehicle operator shall make no statements as to the responsibility for the accident except to his supervisor or to a Government investigating officer.

(c) Whenever a vehicle operator is injured and cannot comply with the above requirements, the agency to which the vehicle is assigned shall report the accident to the State, county, or municipal authorities as required by law, notify the chief of the motor pool assigning the vehicle as soon as possible after the accident, and complete and process Standard Forms 91 and 94.

§ 101–39.803 Recommendations for disciplinary action.

If a vehicle operator fails to report any accident involving a motor pool system vehicle, in accordance with § 101–39.802, or if he has a record showing a high accident frequency, or showing an abnormally high dollar accident cost, advice to such effect will be provided to the head of his agency, together with a statement that such failure, or poor performance record, is considered by GSA to be sufficient justification for the agency to suspend the right of the employee to operate, or use a motor pool system vehicle.

§ 101–39.804 Investigation.

§ 101–39.804–1 Investigation procedure.

Every accident involving a motor pool system vehicle shall be investigated and a report furnished the chief of the motor pool which assigned the vehicle.

(a) Where property damage is less than $250 and no bodily injury is involved, a copy of Standard Form 91 and any other available supporting data shall be submitted.

(b) Where property damage is $250 or more or bodily injury is involved, the agency employing the vehicle operator shall investigate the accident within 48 hours after the actual time of occurrence thereof. If an agency has not established investigating procedures, GSA will investigate the accident. Also, GSA may investigate any accident involving a motor pool system vehicle, if deemed necessary. Should such investigation develop additional information, the additional data or facts will be furnished to the using agency for their information.

§ 101–39.804–2 Report of investigation.

Two copies of the complete report of the investigation, including Standard Form 91A, Investigation Report of Motor Vehicle Accident (for illustration of form, see § 101–39.4905), photographs, measurements, doctor's certificate of bodily injuries, police investigation reports, operator's statement, agency's findings and determinations, witnesses' statements, and any other pertinent data shall be furnished the chief of the motor pool assigning the vehicle.

§ 101–39.805 Claims in favor of the Government.

Whenever there is any indication that a party other than the operator of the motor pool system vehicle is at fault, the agency responsible for investigating the accident shall submit all original documents and data pertaining to the accident and its investigation to the GSA's Regional Counsel of the region that issued the vehicle. Such Regional Counsel will initiate the necessary action to effect recovery of the Government claim and will provide the using agency with copies of legal papers involved in the action. GSA's Regional Counsel will also notify the using agency of the introduction of the Government claim and keep said agency informed of the claim's progress and final settlement.

§ 101–39.806 Claims against the Government.

§ 101–39.806–1 Agency responsibility.

Whenever a motor pool system vehicle is involved in an accident, resulting in damage to the property of, or injury to the person of, a third party, and the third party asserts a claim against the Government based on the alleged negligence of the vehicle operator (acting within the scope of his duties), it shall be the responsibility of the agency employing the person who was operating the motor pool system vehicle at the time of the accident to make every effort to settle the claim administratively to the extent that such agency is empowered so to do under the provisions of 28 U.S.C. 2672. It shall be the further responsibility of such agency, in the event such administrative settlement cannot be effected, to prepare completely from an administrative standpoint the Government's defense of the claim and thereafter to transmit the complete case through appropriate agency channels to the Department of Justice.

§ 101–39.806–2 Cooperation of GSA Regional Counsel.

If a suit is filed against the using agency, such agency shall furnish GSA's Regional Counsel concerned with a copy

of all papers served in the action. If requested, GSA's Regional Counsel will cooperate with and assist the using agency and the Department of Justice in defense of any action against the United States, the using agency, or the operator of the vehicle, arising out of the use of a motor pool system vehicle.

§ 101–39.807 Agency liability.

(a) Whenever a motor pool system vehicle is damaged through the negligence or misconduct of the vehicle operator, or through the negligence or misconduct of any other official or employee of the agency employing the vehicle operator, all costs incurred in the removal and repair or, in the case of total loss, the replacement of the vehicle, including travel and other costs attributable to the accident, shall be chargeable to the agency employing the operator thereof.

(b) The basis for determining responsibility for the negligence or misconduct which caused or precipitated the damage to the motor pool vehicle shall be the findings of an investigation conducted by and in accordance with administrative regulations of the agency employing the vehicle operator. If such agency has not established investigating procedures, GSA will investigate the accident and affix responsibility in accordance with its established procedures and orders.

(c) If the investigation by GSA develops additional information or facts which would have a bearing on determining the negligence and misconduct of the operator, the additional data will be furnished to the using agency with a recommendation for its consideration.

§ 101–39.808 Accident records.

If GSA's records of vehicle accidents indicate that a particular activity has had an unusually high accident frequency rate or a high accident cost per mile, GSA will furnish the using activity with a report thereof. Corrective action to improve the situation will be requested and GSA will cooperate in any reasonable manner possible to bring about improved performance.

Subpart 101–39.9—Use and Rotation of Vehicles

§ 101–39.901 General.

The objective of each motor pool system is to provide efficient and economical motor vehicle and related services to participating agencies. To attain this objective, usage goals and rotation policy for motor pool vehicles assigned to an agency or activity on a continuing basis are prescribed in this subpart.

§ 101–39.902 Usage objectives for motor pool system vehicles.

To promote the program wherein motor pool system vehicles are used to the maximum extent feasible and only a minimum number of vehicles are retained in the inventory to provide necessary service, the following usage objectives are established:

(a) Passenger-carrying vehicles. The average usage objective for passenger-carrying vehicles is a minimum of 3,000 miles per quarter or 12,000 miles per year.

(b) Light trucks and general purpose vehicles. The average usage objective for light trucks and general purpose vehicles is as follows:

(1) Light trucks and general purpose vehicles, 1-ton (12,500 lbs. GVW and under)—10,000 miles per year.

(2) Trucks and general purpose vehicles, 1½-ton through 2½-ton (over 12,500 lbs. GVW to 17,000 lbs. GVW)—7,500 miles per year.

(c) Heavy trucks and truck tractors. The average usage objective for heavy trucks and truck tractors is as follows:

(1) Heavy trucks and general purpose vehicles over 3 tons (over 17,000 lbs. GVW)—7,500 miles per year.

(2) Truck tractors—10,000 miles per year.

(d) Other trucks and special purpose vehicles. No usage objective for other trucks and special purpose vehicles is established, but the head of the local office of the agency or his designee shall cooperate with interagency motor pool personnel in studying the use of this equipment and taking necessary action to insure that it is fully utilized or returned to the motor pool system.

§ 101–39.903 Rotation of motor pool system vehicles.

In order to attain the usage objectives outlined in § 101–39.902, motor pool system vehicles assigned on high mileage assignments will be rotated with those on low mileage assignments. In specific cases where the continuous use of a specific vehicle is essential but its usage does not meet objectives, the motor pool system issuing the vehicle will require the using agency to furnish a written explanation of the need for excluding the vehicle from the rotation program requirements, except in those instances where it is known that the usage requirements or installed equipment make it impractical to rotate the vehicle.

Subparts 101–39.10—101–39.48 [Reserved]

Subpart 101–39.49—Forms and Reports

§ 101–39.4900 Scope of subpart.

Sections 101–39.4901 through 101–39.4905 contain forms and reports used in connection with the regulations on interagency motor vehicle pools and systems prescribed in this Part 101–39.

§ 101–39.4901 GSA Form 1313: Interagency Motor Pool Service Authorization.

NOTE: Form filed as part of original document.

§ 101–39.4902 Optional Form 26: Data Bearing Upon Scope of Employment of Motor Vehicle Operator.

NOTE: Form filed as part of original document.

§ 101–39.4903 Standard Form 91: Operator's Report of Motor Vehicle Accident.

NOTE: Form filed as part of original document.

§ 101–39.4904 Standard Form 94: Statement of Witness.

NOTE: Form filed as part of original document.

§ 101–39.4905 Standard Form 91A: Investigation Report of Motor Vehicle Accident.

NOTE: Form filed as part of original document.

PART 101–40—PART 101–41 [RESERVED]

Effective date. These regulations are effective immediately.

Dated: September 14, 1964.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 64–9542; Filed, Sept. 23, 1964; 8:45 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

SUPERSEDURE OF REGULATIONS

NOTE: Provisions published under the new Chapter 101 of Title 41 (see F.R. Doc. 64–9542, supra) supersede corresponding provisions of Chapter I of Title 44 as published.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kern National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

KERN NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Kern National Wildlife Refuge, California, is permitted from October 24, 1964, through January 6, 1965; the hunting of geese is permitted from October 24, 1964, through

January 10, 1965, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,200 acres, is delineated on maps available at refuge headquarters, Kern National Wildlife Refuge, Delano, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Hunting will be limited to Wednesdays, Saturdays, Sundays, and all holidays except Christmas day.

(2) Boats—boats without motors may be used for hunting.

(3) A Federal permit is required to enter the public hunting area. Permits may be obtained at a checking station on the public shooting area. Hunters will be permitted on a first-come, first-served basis, and a limitation will be placed on the total number of hunters permitted at any one time.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 10, 1965.

PAUL T. QUICK,
Regional Director, Portland, Oregon.

SEPTEMBER 14, 1964.

[F.R. Doc. 64-9680; Filed, Sept. 23, 1964; 8:46 a.m.]

PART 32—HUNTING

Migratory Game Birds; Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chautauqua National Wildlife Refuge, Illinois, is permitted from October 31 through December 9, 1964, and the hunting of geese is permitted from November 4 through December 9, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 555 acres or 13 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Havana, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1964.

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Crab Orchard National Wildlife Refuge, Illinois, is permitted from October 31 through December 9, 1964, and the hunting of geese is permitted from November 16 to December 23, both inclusive, and from December 27, 1964, through January 15, 1965, but only on the area designated by signs as open to hunting. This open area, comprising 12,380 acres or 28 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Carterville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(2) Blinds—Temporary blinds of approved material may be constructed. Pits may be dug in areas approved and designated by the refuge manager.

(3) Boats—The use of boats for hunting on the water in the open area of the refuge is prescribed as follows:

(a) Crab Orchard Lake—boats with motors will be permitted.

(b) Little Grassy and Devils Kitchen Lakes—boats with motors up to 6 h.p. will be permitted.

(c) Shooting from motor boats is permitted only if they are anchored or otherwise fastened to a fixed blind or the shore.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1965.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of migratory game birds on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted during seasons specified for the respective States of Illinois, Iowa, Minnesota, and Wisconsin, but only on the areas designated by signs as open to hunting. These open areas, comprising 153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following condition:

(1) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 18, 1964.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Tamarac National Wildlife Refuge, Minnesota, is permitted from October 3 through November 11, 1964, and the hunting of geese is permitted from October 3 through December 11, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres or 26 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Rochert, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 11, 1964.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Swan Lake National Wildlife Refuge, Missouri, is permitted from October 30 through December 8, 1964, and the hunting of geese is permitted from October 20 through December 28, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Sumner, Missouri, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Blinds are as constructed, maintained, and allotted by the Missouri Conservation Commission. Applications for public hunting and the registration of hunters are handled by the Missouri Conservation Commission.

(2) A Federal permit is not required to enter the public hunting area, but a permit issued by the Missouri Conservation Commission is required. Hunters, upon entering or leaving the hunting areas, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information to their hunting as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through December 28, 1964.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Lower Souris National Wildlife Refuge, North Dakota, is permitted from October 9 through November 17, 1964, and the hunting of geese is permitted from sunrise until 12:00 noon from October 1 through October 31, and from sunrise to 1:00 p.m. from November 1 through December 14, 1964, but only on the areas designated by signs as open to hunting. These open areas, comprising 2,850 acres or 5 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(2) Retrieving Zones—Retrieving zones may be established by the Officer in Charge not to exceed 100 yards in width. Possession of firearms in retrieving zone is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1964.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Lacreek National Wildlife Refuge, South Dakota, is permitted from October 15 through November 23, 1964, and the hunting of geese is permitted from October 1 through December 14, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 310 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Martin, South Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1964.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Horicon National Wildlife Refuge, Wisconsin, is permitted during the period specified below, but only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres or 8 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters, Mayville, Wisconsin, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State and Federal regulations and subject to the following conditions:

(1) Open Season: The hunting of geese is permitted from 12 noon, October 10, 1964, until the quota of 11,000 birds is reached. Shooting hour will end at 2 p.m. each day. The opening time will start at 9:00 a.m. after opening day, but may be advanced to 8:00 a.m. or sunrise if the average daily kill is low.

(2) Blinds—Blinds are as constructed, maintained, and allotted by the Wisconsin Conservation Department. Applicants for public hunting and the registration of hunters are handled by the Wisconsin Conservation Department.

(3) A Federal permit is not required to enter the public hunting areas, but a permit issued by the Wisconsin Conservation Department is required. Hunters, upon entering or leaving the hunting area, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information to their hunting as requested.

(4) All geese killed in the managed hunting area must be registered at an authorized registration station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 18, 1964.

W. P. SCHAEFER,
Acting Regional Director.

SEPTEMBER 17, 1964.

[F.R. Doc. 64-9681; Filed, Sept. 23, 1964; 8:46 a.m.]

PART 32—HUNTING

Bowdoin National Wildlife Refuge, Montana; Correction

In F.R. Doc. 64-9208, appearing on page 12828 of the issue for Friday, September 11, 1964, the first paragraph should read as follows:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

BOWDOIN NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots and gallinules on the Bowdoin National Wildlife Refuge, Montana, is permitted from October 4 through November 12, 1964, and the hunting of geese is permitted from October 4 through December 17, 1964, inclusive, but only on the area designated by signs as open to hunting.

* * * * *

PAUL T. QUICK,
Regional Director,
Portland, Oregon.

SEPTEMBER 16, 1964.

[F.R. Doc. 64-9682; Filed, Sept. 23, 1964; 8:46 a.m.]

PART 32—HUNTING

Medicine Lake National Wildlife Refuge, Montana; Correction

In F.R. Doc. 64-9208, appearing on page 12828 of the issue for Friday, September 11, 1964, the first paragraph should read as follows:

§ 32.12 Special regulations; migrating game birds; for individual wildlife refuge areas.

* * * * *

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots and gallinules on the Medicine Lake National Wildlife Refuge, Montana, is permitted from October 4 through November 12, 1964, and the hunting of geese is permitted from October 4 through December 17, 1964, inclusive, but only on the area designated by signs as open to hunting.

* * * * *

PAUL T. QUICK,
Regional Director,
Portland, Oregon.

SEPTEMBER 16, 1964.

[F.R. Doc. 64-9683; Filed, Sept. 23, 1964; 8:46 a.m.]

PART 32—HUNTING

Red Rock Lakes National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

The public hunting of antelope on the Red Rock Lakes National Wildlife Refuge, Montana, is permitted from October 25 through November 22, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,900 acres, is delineated on a map available at refuge headquarters, Monida, Montana, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State regulations covering the hunting of antelope.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through November 22, 1964.

PAUL T. QUICK,
Regional Director,
Portland, Oregon.

SEPTEMBER 14, 1964.

[F.R. Doc. 64-9684; Filed, Sept. 23, 1964; 8:46 a.m.]

PART 32—HUNTING

Red Rock Lakes National Wildlife Refuge, Montana; Correction

In F.R. Doc. 64-9208, appearing on page 12828 of the issue for Friday, September 11, 1964, the first paragraph should read as follows:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

* * * * *

RED ROCK LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Red Rock Lakes National Wildlife Refuge, Montana, is permitted from October 4 through November 12, 1964, and the hunting of geese (except Ross', snow or blue geese) is permitted from October 4 through December 17, 1964, inclusive, but only on the area designated by signs as open to hunting.

* * * * *

PAUL T. QUICK,
Regional Director,
Portland, Oregon.

SEPTEMBER 16, 1964.

[F.R. Doc. 64-9685; Filed, Sept. 23, 1964; 8:46 a.m.]

PART 32—HUNTING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

The public hunting of wild turkeys on the Charles M. Russell National Wildlife Range, Montana, is permitted from September 27 through October 17, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 400,000 acres, is delineated on a map available at refuge headquarters, Lewistown, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State regulations governing the hunting of wild turkeys.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 17, 1964.

PAUL T. QUICK,
Regional Director,
Portland, Oregon.

SEPTEMBER 14, 1964.

[F.R. Doc. 64-9686; Filed, Sept. 23, 1964; 8:47 a.m.]

PART 32—HUNTING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

The public hunting of elk and deer on the Charles M. Russell National Wildlife Range, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 900,000 acres, is delineated on a map available at refuge headquarters, Lewistown, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting seasons are as follows:

(1) Elk archery—September 14 through October 17, 1964.

(2) Elk regular—October 25 through November 22, 1964.

(3) Deer—October 18 through November 22, 1964.

The opening and closing dates on the various State Management areas within the Game Range will be strictly in accordance with State Fish and Game regulations.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and elk.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 22, 1964.

PAUL T. QUICK,
Regional Director, Portland, Oregon.

SEPTEMBER 14, 1964.

[F.R. Doc. 64-9687; Filed, Sept. 23, 1964; 8:47 a.m.]

PART 32—HUNTING

Charles M. Russell National Wildlife Range, Montana; Correction

In F.R. Doc. 64-9208, appearing on page 12828 of the issue for Friday, September 11, 1964, the first paragraph should read as follows:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

* * * * *

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

The public hunting of ducks, coots, and gallinules on the Charles M. Russell National Wildlife Range, Montana, is permitted from October 4 through November 12, 1964, and the hunting of geese is permitted from October 4 through December 17, 1964, inclusive, but only on the area designated by signs as open to hunting.

* * * * *

PAUL T. QUICK,
Regional Director,
Portland, Oregon.

SEPTEMBER 16, 1964.

[F.R. Doc. 64-9688; Filed, Sept. 23, 1964; 8:47 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Columbia National Wildlife Refuge, Washington, is permitted from October 10 through November 8, 1964, and from November 21 through December 20, 1964; the hunting of quail, Hungarian and Chukar partridge, and cottontail rabbits is permitted from October 10, 1964, through January 24, 1965, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,554 acres, is delineated on maps available at refuge headquarters, Othello, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Camping will be permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 24, 1965.

PAUL T. QUICK,
Regional Director, Portland, Oregon

SEPTEMBER 14, 1964.

[F.R. Doc. 64-9689; Filed, Sept. 23, 1964; 8:47 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge et al., Washington

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Columbia National Wildlife Refuge, Washington, is permitted from October 10 through November 30, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,554 acres, is delineated on a map available at refuge headquarters, Columbia National Wildlife Refuge, Othello, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Camping will be permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1964.

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

The public hunting of bear on the Little Pend Oreille National Wildlife Refuge is permitted from September 14 through November 11, 1964; the hunting of deer is permitted from October 10 through November 8, 1964, and from November 21 through December 6, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 43,527 acres, is delineated on a map available at refuge headquarters, Little Pend Oreille National Wildlife Refuge, Colville, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations covering the hunting of bear and deer subject to the following special conditions:

(1) Camping will be permitted in designated areas only.

(2) Hunters will report at such checking stations as may be established upon entering or leaving the area.

(3) No firearms are permitted within the unit under jurisdiction of the Department of Institutions (Spruce Canyon Youth Group).

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

WILLAPA NATIONAL WILDLIFE REFUGE

The public hunting of deer and bear on the Willapa National Wildlife Refuge, Washington, is permitted from October 10 through November 1, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,127 acres, is delineated on a map available at refuge headquarters, Willapa National Wildlife Refuge, Ilwaco, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Hunting—Hunting is permitted by bow and arrow only.

(2) Camping—Camping is permitted in designated areas only.

(3) During the open season specified above, raccoons may be taken with bow and arrow without regard to limits.

(4) Motordriven vehicles are not permitted within the hunting area.

(5) Hunters will report at such checking stations as may be established upon entering or leaving the area.

(6) Dogs—Dogs are not permitted for hunting bears.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 1, 1964.

PAUL T. QUICK,
Regional Director,
Portland, Oregon.

SEPTEMBER 14, 1964.

[F.R. Doc. 64-9690; Filed, Sept. 23, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Proposed Limitation of Shipments Regulation

Correction

In F.R. Doc. 64–9545 appearing in the issue for Saturday, September 19, 1964, at page 13105, § 971.307(b)(2) should read as follows:

(2) Lettuce heads, if not wrapped, may be packed only 18, 24, or 30 heads per container.

[7 CFR Parts 1033, 1034]

[Docket Nos. AO–166–A29, AO–175–A20]

MILK IN GREATER CINCINNATI AND DAYTON-SPRINGFIELD, OHIO MARKETING AREAS

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Greater Cincinnati and Dayton-Springfield, Ohio, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in five copies.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Cincinnati, Ohio, on July 8–9, 1964, pursuant to notice thereof which was issued June 22, 1964 (29 F.R. 8146).

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

1. Adoption of a common supply-demand adjustor for both markets; and
2. Modification of Class I price differentials, including differential to adjust for butterfat content of Class I milk.

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. *Supply-demand formula.* A common supply-demand "adjustor" to Class I prices should be adopted for the Greater Cincinnati and Dayton-Springfield orders.

Producer cooperatives representing a large majority of the producers supplying both the Greater Cincinnati and Dayton-Springfield markets joined in proposing a common supply-demand adjustment formula by which Class I prices in the respective markets would increase or decrease in response to changing supply-demand relationships determined on an aggregate (two-market) basis. The formula would provide for norms, or standard utilization percentages, averaging 58–62 percent Class I on an annual basis. The monthly (current) utilization ratios would be obtained by dividing (1) the aggregate pounds of fluid milk products disposed of in the two marketing areas from pool plants and nonpool plants (including partially regulated distributing plants and other order plants, but not including producer-handler plants) as Class I milk for the second and third months preceding the pricing month, by (2) the aggregate pounds of producer receipts plus a quantity of milk equal to the amount of Class I disposition in the two markets from all such nonpool plant sources. It would provide further for price adjustments computed at the rate of three cents for each full percentage point that the "current utilization percentage" deviates from the monthly standard utilization percentage (range). The "contraseasonal" price provisions of the present Cincinnati order would be made applicable to both markets and the amount or supply demand adjustment in any month would be limited to not more than 50 cents plus or minus.

In support of this proposal it was testified that since expansion of the Greater Cincinnati marketing area into the Hamilton-Middletown, Ohio area in 1959, competition between Dayton-Springfield regulated handlers and Greater Cincinnati regulated handlers has intensified greatly. Some Dayton-Springfield handlers have established substantial outlets for milk within the boundaries of the Greater Cincinnati marketing area as well as meeting Cincinnati competition in areas not under regulation.

Certain multiple-plant companies currently maintain bottling plants in both markets. Such operators may readily interchange milk and milk products between the plants. In one instance, a new plant is being built in Cincinnati for the express purpose of serving customers in both markets. In another case, a Dayton-Springfield regulated bottler is acquiring additional locations for its own dairy stores in the Cincinnati market which conceivably could result in regulation of the bottling plant under the Greater Cincinnati order as increased sales result. Plant shifts from one regulation to the other may occur also because large accounts such as supermarkets and chain dairy stores change plant suppliers from time to time. The cooperatives, representing producers in both markets, also testified that they can and do allocate milk supplies among handlers in both markets.

Proponents further pointed out that in 1959 when the order was amended to relate the Dayton-Springfield supply-demand adjustment to that in the Greater Cincinnati order, price coordination between the markets was recognized to be an important factor in establishing an appropriate formula for the Dayton-Springfield market. At that time it was determined that the Dayton-Springfield Class I price should be adjusted each month by averaging the supply-demand adjustment computed under such order (based upon Dayton-Springfield Class I sales and producer receipts) with the corresponding adjustment computed under the Greater Cincinnati order. By so doing an improved price relationship between the markets resulted.

Proponents contend, however, that, under today's competitive conditions in the distribution of milk, further integration of pricing provisions is needed to insure orderly marketing. They state that orderly marketing for producers will be promoted by a common price "mover" which would (1) eliminate short-term aberrations in prices between markets, (2) encourage improved allocation of milk supplies, and (3) preserve equitable competitive relationships among handlers in these markets.

Based upon the period beginning April 1961 and ending May 1964 the proposal of producers would have established "standard utilization percentages" in the formula at a level which would have resulted in an average 21 cents per hundredweight plus adjustment to be added to the Class I price differential in each market. This approximates the average of adjustments which have prevailed for the two markets over such three-year period. In relation to the separate Class I prices which prevailed in the two markets in the most recent two years, this proposal would have increased the Dayton-Springfield Class I price 10.6 cents and 10.9 cents per hundredweight, respectively, on an annual average for each of the years 1962 and 1963. The Greater Cincinnati Class I price contrariwise would have been reduced by 8.2 cents and 5.1 cents per hundredweight, respectively, for 1962 and 1963.

Handlers generally favored the elimination of the supply-demand formula from one or both of the two markets. Alternative formula proposals were recommended, however, in the event of a determination that the orders should continue to provide for a supply-demand adjustor.

In comparison with the proposal of producers, one such proposal would establish norms, or standard utilization percentages, with a 10-point range, or corridor. Such formula would provide further that any current deviation from the minimum or maximum figure of the range applicable for the pricing month would result in only a one-cent adjustment (in lieu of the present there cents) to the Class I price for each point of deviation. Another handler submitted a supply-demand formula quite similar to that of producers, differing therefrom mainly in the level of the standard utilization percentages. The annual level of norms proposed by this handler would be 11 percentage points higher than annual average reflected in the proposal of producers.

In support of their proposals, handlers pointed to elements of competition in the distribution of milk among the markets of Dayton-Springfield and Indianapolis, Fort Wayne and Greater Cincinnati, and between Dayton-Springfield and Columbus, and also alleged competition in procurement among handlers in the Dayton-Springfield, Greater Cincinnati, Columbus and Louisville-Lexington-Evansville markets. Handlers contended that there is need for appropriate alignment of prices between the Greater Cincinnati and Dayton-Springfield markets, on the one hand, and the named markets referred to above on the other.

Supply-demand formulas should be retained in both orders. Under the requirements of the Agricultural Marketing Agreement Act, authorizing Federal milk orders, minimum prices fixed by a milk marketing order must be established at a level which tends to equate milk supplies with the Class I milk requirements of the market and promotes orderly marketing. To achieve such objectives for these markets, it is concluded that the supply-demand adjustment for both the Greater Cincinnati and Dayton-Springfield markets should be based upon the relationship of producer milk supplies and Class I sales thereof in such markets in combination.

While prices in the two markets have been related since 1959 and have moved in like direction, there nevertheless have been significant differences in prices which have been the result of the separate price adjustors. For example, in 1963 the average difference in Class I prices was 25.6 cents per hundredweight, with the widest monthly difference amounting to 31 cents in May of that year. In 1962, the annual average difference was 28.7 cents, with the widest monthly difference amounting to 37.9 cents in the month of February. Only 10 cents of such differences may be accounted for by the respective stated Class I price differentials in the two orders. Under the intense competitive conditions described by proponent producers, it is necessary to insure that milk in both markets will be priced on a basis that will enable the producers of such milk to compete on reasonable terms for Class I outlets. This is a particularly pertinent consideration at this time in the Cincinnati market where Class I prices generally have been higher than those prevailing in the Dayton-Springfield market and other nearby competing Federal order markets but a similar problem could develop in the Dayton-Springfield market if the price there is not appropriately aligned also with those of other nearby markets.

Use of a common supply-demand adjustor (based upon the combined receipts of producer milk and Class I utilization of the two markets) to adjust Class I price differentials in both markets will bring about a close alignment of prices between the two markets by limiting the variation in prices each month to the 10 cents per hundredweight difference in the stated Class I differentials. These differentials are $1.34 and $1.24 respectively (this aspect of the Class I pricing formula is discussed further below).

Accordingly, a supply-demand formula applicable to both markets should be established which will provide for:

(1) The following schedule of standard utilization percentages (norms) which averages 64 percent (midpoint of range) pooled Class I use to producer receipts on an annual basis;

Month for which price is being computed	Preceding months used in computation	Standard utilization percentages	
		Minimum	Maximum
Jan.	Sept., Oct., Nov.	67	69
Feb.	Oct., Nov., Dec.	69	71
Mar.	Nov., Dec., Jan.	70	72
Apr.	Dec., Jan., Feb.	69	71
May	Jan., Feb., Mar.	69	71
June	Feb., Mar., Apr.	67	69
July	Mar., Apr., May	61	63
Aug.	Apr., May, June	55	57
Sept.	May, June, July	53	55
Oct.	June, July, Aug.	54	56
Nov.	July, Aug., Sept.	59	61
Dec.	Aug., Sept., Oct.	63	65

(2) "Current utilization percentages" to be based upon aggregate producer receipts in the two markets and Class I utilization thereof for a 3-month period ending with the second month preceding the pricing month;

(3) Adjustments to the Class I price for each market at the rate of three cents per full percentage point of deviation of the applicable current utilization percentage for the month from the norm (range) for such month;

(4) A limitation of plus or minus 50 cents on the amount of supply-demand adjustment for any month.

The supply-demand formula under the present Greater Cincinnati order contains a schedule of monthly norms. At the midpoint of the individual monthly (two-point) ranges the schedule reflects an annual average Class I utilization of 60.2 percent. The Class I price, therefore, changes at the rate of three cents for each full percentage point the current utilization percentage deviates beyond the minimum or maximum limit of the applicable monthly range.

The schedule of monthly standard utilization percentages under the formula of the Dayton-Springfield order reflects an annual average Class I utilization of 75.4 percent. Unlike the schedule of norms for the Greater Cincinnati order, the Dayton-Springfield order norms are single monthly figures rather than monthly ranges. The use of a range in the monthly norm tends to act as a "dampener" or random monthly price changes which, at times, might otherwise result by action of the adjustor. Under the Dayton-Springfield order this "dampening" is effected by "bracketing" the price adjustment rates to be applied when deviations of current utilization from the norm occur. A further provision of the Dayton-Springfield formula provides for averaging the adjustment computed thereunder with that computed under the Cincinnati formula to get the final adjustment figure.

Provision for a schedule of standard utilization percentages averaging 65 percent (top of range) on an annual basis, together with other aspects of the supply-demand formula, will provide an appropriate base against which to measure current changes in the supply-sales relationship of the two markets in combination.

The monthly standard utilization percentages proposed by producers reflect on an annual basis a 62 percent Class I utilization (top of range). This compares with an actual Class I sales-producer receipts relationship in recent years of 69 percent for the two markets in combination. Such adjustment from recent utilization experience made in proponents' formula is designed to allow fully for the value influence on the monthly rates of supply-demand adjustment of other source milk used in Class I over the most recent three-year period.

Utilization percentages adopted herein, as discussed in more detail below, are based on receipts of producer milk and their use in Class I for both markets. The producer groups proposed the inclusion in the receipts and sales figures of fluid milk products disposed of in the respective marketing areas from all nonpool plants, except plants of producer-handlers. The inclusion in the supply-demand formula of such sales in these markets from nonpool plants (and the equivalent quantity as receipts) as proposed by producers would not contribute, however, to the accuracy with which the supply-demand adjustor reflects meaningful changes in the supply-demand situation at plants which utilize the milk which it is designed to price. Sales of nonpool milk in the market as Class I are not necessarily reflective of the regular demand for, or the regular supply of, producer milk associated with these two markets.

In establishing a schedule of norms under a formula which is to be based upon the utilization of producer milk in Class I to producer receipts, as adopted herein, it would not be appropriate, through the mechanics of establishing norms at a lower level, to give reflection to the value of other source milk used in such class. Consequently, the norms proposed should be at a higher level which does not reflect such value. An upward adjustment of three points from the producers' schedule will accomplish this purpose.

The resulting standard utilization percentage would be 65 percent at top of range (or 64 percent at the midpoint of a two-point range) on an annual average basis. While this percentage figure also is somewhat below the combined utilization experience of the two markets in recent periods, it is a reasonable annual average level to reflect in the formula under present circumstances.

While the current norms in the Dayton-Springfield order average 75.4 percent and actual utilization has shown a persistent tendency to average 74 percent, actual adjustments to the Dayton-Springfield price have reflected, in effect, a somewhat lower level of norms. This is the result of the linking of the Dayton-Springfield and Greater Cincinnati formulas which took place in 1959, increasing the Dayton-Springfield price level above what it otherwise would have been based upon the norms stated in the order. For example, had the Dayton-Springfield formula operated in 1963 without benefit of linking with the Greater Cincinnati formula, it would have produced an adjustment averaging minus four cents for the year. The actual adjustment which prevailed was plus 12 cents, or a difference of 16 cents. Thus, whatever norms are adopted must be concerned mainly with future effects on prices rather than be grounded simply on historical considerations. The norms adopted herein would not have effected a reduction of prices in the Dayton-Springfield market below the level which prevailed in these markets in 1963 but would have held prices at approximately the prevailing level. This is reasonable under the supply-demand situation in this market and the relationship of prices in such market to those in surrounding markets. In the Greater Cincinnati market where the bulk of other source milk in Class I was used, the effect of the norms adopted is to eliminate the value influence of other source milk in the formula, but otherwise to produce an adjustment of prices at levels contemplated by the producers' proposal which likewise is reasonable in the circumstances.

In arriving at the above schedule of standard utilization percentages a range, or corridor, of utilization is established having a width of two percentage points each month. Such a range will minimize changes in the supply-demand adjustment which otherwise might result from minimal changes in the current utilization percentages. When adjustments to the price are effective, they would be computed on the basis of the full percentage points of deviation outside the top or bottom, as the case may be, of the monthly range.

The monthly percentages were derived by combining producer receipts for the two markets and also combining pooled Class I disposition by regulated handlers in the two markets, after adjusting to eliminate any duplications due to inter-handler and intermarket plant transfers. As under the present orders, Class I milk includes the aggregate pounds of milk in "overage" and inventory assigned to Class I during the month.

Three-month moving averages of such sales and receipts, respectively, were determined for each of the months covering the base years 1962 and 1963 used, and from the resulting monthly averages, a ratio of Class I milk to producer receipts was determined for each month of the two-year period. The 1962 and 1963 ratios were then averaged on a monthly basis.

Such average ratios, reflecting the general seasonal pattern of receipts in relation to Class I sales for 1962 and 1963, then were adjusted to reflect the annual relationship of 64 percent Class I utilization as discussed above. Some further modification to these monthly ratios also was made to lessen the possibility of contraseasonal supply-demand adjustments which might occur as a result of random seasonal shifting in the relationship of production and Class I disposition in the two markets from one year to the next. For example, in each market the months of high and low production in relation to Class I sales cannot be predicted accurately. Peaks and troughs of deliveries do not always occur in the same months from year to year or is there necessarily a change one year to the next from which a trend may be detected. During 1963, June was the month of greatest supply in relation to Class I disposition in each market. October marked the month of shortest supply for Dayton-Springfield and was also one of the shortest production months for the Greater Cincinnati market. In both markets the peaks and troughs in supply occurred, however, in May and November, respectively, during 1962. This 1962 pattern was not similarly reflected, however, during the preceding three years of 1959–1961. The monthly ratios so adjusted (expressed as percentages) are adopted as the schedule of norms or standard utilization percentages against which the deviation, if any, of current utilization percentage discussed below is measured.

The "current utilization percentage" reflects any recent change in the supply-demand relationship from the applicable norm for the month. In computing the current utilization percentage the combined receipts and Class I sales of producer milk for the most recent three-month period rather than for the most recent two-month period (as presently employed in the two orders) are used. Proponent producers suggested this procedure as one of two alternatives which might be employed to minimize the effects, month-to-month, of wide variations in market requirements on different days of the week. Heaviest purchases of milk by consumers in these markets tend to occur on Fridays and Saturdays of each week, when approximately half of their milk purchases are made. Plants therefore have their heaviest needs for raw milk supplies on Thursdays and Fridays. The extra days over four full weeks in a month may be Thursday, Friday and Saturday in certain months. In other months, on the other hand, these extra days will occur earlier in the week when milk needs are relatively low.

This difference in the make-up of individual months may have an erratic effect on the current utilization percentage which is unrelated to any real change in the supply-demand relationship in the two markets. Use of data for a three-month period therefore will reduce substantially the random changes in the Class I price which might otherwise be induced by variation in the number of heavy bottling days in the period used to compute the mover. Further, the three-month mover will tend to minimize other unwarranted changes in Class I price resulting from such occurrences as abnormal weather conditions.

The alternative proposal of the proponent producer associations to correct unwarranted changes in supply-demand adjustment resulting from an unequal distribution of heavy bottling days in the period covered by the mover was the use of an index reflecting intra-week fluctuations in sales. This proposal should not be adopted, however, since data relative to such a proposal presented on the record were not sufficient to permit full appraisal of the proposal at this time.

The producers' proposal also would combine a "two-month mover" with a four-point range (standard utilization percentage) in establishing the current utilization percentage. Inasmuch as the three-month mover provides the dampening effect intended by producers in proposing a four-point range in setting norms, a range of such width in the monthly standard utilization percentages under the formula adopted therefore would not be appropriate and is denied.

Also, the 10-point range for the monthly standard utilization percentage as proposed by one handler would tend to act sluggishly and would not respond to all meaningful changes in the supply-sales relationship of the two markets. Therefore, such proposal also is denied.

The proposal to include in the supply-demand formula a limitation on the direction of a change in supply-demand adjustment which may be effected by the adjustor during certain months (i.e. "contraseasonal" limit) should not be adopted.

Such a provision is now contained in the Greater Cincinnati order and provides that the January Class I price differential as adjusted by the supply-demand formula shall not be less than the adjusted differential for the preceding month of December and, contrariwise, the June Class I price differential shall not be higher as a result of the supply-demand adjustor than the differential for May preceding.

This device is intended generally to guard against a reduction in Class I price differential during a month of normally short production and also to avoid raising the Class I price differential during a month of normally flush production when additional supplies ordinarily should not be encouraged through the pricing mechanism.

In view of the general "updating" of the monthly standard utilization percentages (norms) which reflect the seasonal nature of production and supply for the two markets in combination, there appears to be no need for providing such a limitation on the direction of change which the adjustor may effect for any particular month of the year.

Moreover, the device as proposed by producers (and as contained in the supply-

demand formula of the present Greater Cincinnati order) is not, in any real sense, a contraseasonal check on the direction the Class I price may move one month to the next. In both the proposed formula and in the present Greater Cincinnati formula, the effect of such a "snubber" is on the stated Class I differential only. The Class I price therefore may still move in a so-called "contraseasonal" direction as a result of the basic formula price, which is the other principal component of Class I price.

Also, the incidence of adjustments in the Class I price differential which might result from random fluctuations in the supply-demand factors should be lessened through the "dampening effect" associated with the mover adopted herein which is based upon a three-month supply-demand relationship in lieu of the two-month period upon which the mover in the present formula provision is based.

In view of these considerations the inclusion of the contraseasonal limitation in the supply-demand formula is denied.

Producers proposed that the maximum plus or minus supply-demand adjustment be set at 50 cents per hundredweight as provided in the present Greater Cincinnati order. The corresponding maximum under the present Dayton-Springfield order is 38 cents per hundredweight. From January 1959 through July 1964 the monthly supply-demand adjustments for the Greater Cincinnati market exceeded 38 cents on eight occasions. The 50-cent limit is a reasonable maximum for the common formula and therefore should be adopted.

The revised supply-demand formula proposed by proponents would have effected a somewhat lower Class I price level for the Greater Cincinnati market by reducing the plus adjustments which have resulted from the present supply-demand formula. It would also have raised the Dayton-Springfield price by an offsetting amount (in dollar value). As previously stated, on a per hundredweight basis their proposal would have reduced the Class I price in the Greater Cincinnati market by 8.2 and 5.1 cents for 1962 and 1963, respectively, and would have increased the Class I price for the Dayton-Springfield market by 10.6 and 10.9 cents, respectively, in such years. The formula adopted herein for the Greater Cincinnati market would have reduced the Class I price during 1962 and 1963 by 17.0 and 13.5 cents per hundredweight, respectively. For the Dayton-Springfield market the Class I price would have been increased about 1.8 and 2.5 cents per hundredweight for the same two years.

The revised supply-demand formula together with the stated Class I price differentials, discussed below, will bring about a close alignment of Class I prices between the two markets and generally improve their alignment with other neighboring Federal order markets. The Class I prices for the two markets and nearby competing markets on an annual average basis (3.5 butterfat basis) for 1962 and 1963 are shown below. The table reflects both actual prices and estimated prices based upon Class I price differentials adjusted by the supply-demand adjustor proposed for adoption herein.

	1962	1963
Greater Cincinnati:		
Actual	$4.770	$4.727
Revised (est.)	4.600	4.592
Dayton-Springfield:		
Actual	4.482	4.467
Revised (est.)	4.500	4.492
Louisville-Lexington-Evansville	4.43	4.59
Indianapolis	4.41	4.38
Columbus	[1] 4.30	[1] 4.29
Fort Wayne	4.31	4.30

[1] If the amendment to the Class I pricing provisions of the Columbus, Ohio order (effective May 1964) had been in effect during the years 1962 and 1963, the annual level of Class I price would have been increased by approximately 12 cents per hundredweight, respectively, above the level shown.

2. The stated Class I price differentials (over basic formula price for Greater Cincinnati and Dayton-Springfield) should remain at the present levels of $1.34 and $1.24, respectively, for milk testing 3.5 percent butterfat. The Class I butterfat differential under the Cincinnati order should be modified.

(a) *Class I differential.* One handler proposed (1) adoption of identical Class I differentials for both markets to be fixed at $1.24 per hundredweight, and (2) elimination of the supply-demand adjustor from the Class I price formulas for both markets. The stated objectives of these proposals were to establish prices at exactly the same levels in both markets and to establish an improved alignment of prices with other nearby regulated markets.

The propriety of continuing supply-demand adjustment provisions, but on a common basis for both markets, has been discussed. There remains for consideration, however, the proposal as to whether a fixed, or stated, differential of $1.34 for the Cincinnati market should be reduced to $1.24 to equal the effective differential in the Dayton-Springfield market. Producers of both markets opposed the adoption of the $1.24 differential for the Greater Cincinnati market.

The Cincinnati procurement area or milkshed is more widely dispersed than that of Dayton-Springfield and surrounds, to a large degree, the milkshed of the latter market. The Dayton-Springfield marketing area also lies within the region from which the larger Cincinnati market draws much of its milk. Average hauling costs on milk moved from farms to Cincinnati are about 8 cents per hundredweight more than average hauling costs to Dayton-Springfield. The 10-cent higher price for Greater Cincinnati is appropriate to enable such market to compete for available milk supplies in the region. It is concluded that the $1.34 stated differential for the Greater Cincinnati market should be retained.

(b) *Butterfat differential.* Butterfat differentials are employed in the orders to adjust the Class I differential for Class I milk testing other than 3.5 percent butterfat. The butterfat differential per point (1/10 of one percent) of butterfat in the Greater Cincinnati market averaged $0.0804 for 1963. The butterfat differential per point of butterfat in the Dayton-Springfield market averaged $0.074 for the same period. Corresponding differentials in nearby markets in 1963 were Northeastern Ohio, $0.075; Columbus, $0.074; North Central Ohio, $0.075; Indianapolis, $0.070; and Louisville, $0.072.

In view of the lower differentials in other nearby markets, particularly Dayton-Springfield, improved price alignment among markets may be achieved by computing the butterfat differential for the Greater Cincinnati market on the same basis as that for the Dayton-Springfield market. Such formula provides that the differential each month be equal to the Chicago 92-score butter price per pound for the preceding month multiplied by 0.127. In view of the prevailing test of Class I milk at close to 3.5 percent butterfat, overall returns to producers on Class I milk should be little affected by this change.

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

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

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

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

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

Recommended marketing agreements and orders amending the orders. The following orders amending orders as amended regulating the handling of

milk in the Greater Cincinnati and Dayton-Springfield, Ohio marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Amendments to the Greater Cincinnati milk order. 1. In Section 1033.51, paragraph (a) is revised to read as follows:

§ 1033.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.34, plus or minus a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (including inventory and "overage", but adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1034 of this chapter (Dayton-Springfield, Ohio order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by three cents.

Month for which price is being computed	Preceding months used in computation	Standard utilization percentages	
		Minimum	Maximum
Jan.	Sept., Oct., Nov.	67	69
Feb.	Oct., Nov., Dec.	69	71
Mar.	Nov., Dec., Jan.	70	72
Apr.	Dec., Jan., Feb.	69	71
May	Jan., Feb., Mar.	69	71
June	Feb., Mar., Apr.	67	69
July	Mar., Apr., May	61	63
Aug.	Apr., May, June	55	57
Sept.	May, June, July	53	55
Oct.	June, July, Aug.	54	56
Nov.	July, Aug., Sept.	59	61
Dec.	Aug., Sept., Oct.	63	65

2. In § 1033.52 the introductory text to paragraph (a) and paragraph (a) are revised to read as follows:

§ 1033.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1033.51 of this chapter shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate 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 0.127.

* * * * *

Amendment with respect to the Dayton-Springfield, Ohio milk order. 1. Section 1034.51 is revised to read as follows:

§ 1034.51 Class I milk prices.

Subject to the provisions of § 1034.53 the price for Class I milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) Add $1.24 to the basic formula price for the preceding month plus or minus a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (including inventory and "overage", but adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and part 1033 of this chapter (Greater Cincinnati order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by three cents.

Month for which price is being computed	Preceding months used in computation	Standard utilization percentages	
		Minimum	Maximum
Jan.	Sept., Oct., Nov.	67	69
Feb.	Oct., Nov., Dec.	69	71
Mar.	Nov., Dec., Jan.	70	72
Apr.	Dec., Jan., Feb.	69	71
May	Jan., Feb., Mar.	69	71
June	Feb., Mar., Apr.	67	69
July	Mar., Apr., May	61	63
Aug.	Apr., May, June	55	57
Sept.	May, June, July	53	55
Oct.	June, July, Aug.	54	56
Nov.	July, Aug., Sept.	59	61
Dec.	Aug., Sept., Oct.	63	65

Signed at Washington, D.C., on September, 21, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64-9714; Filed, Sept. 23, 1964; 8:49 a.m.]

[7 CFR Parts 1103, 1105]

[Docket Nos. AO-346, AO-297-A5]

MILK IN SOUTHERN MISSISSIPPI AND MISSISSIPPI DELTA MARKETING AREAS

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the postponement and change in location of the public hearing with respect to a proposed marketing agreement and order to regulate the handling of milk in the Southern Mississippi marketing area and proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi Delta marketing area, which was to be convened on October 12, 1964, at 10:00 a.m., local time, at the Hotel Heidelberg, 131 East Capitol Street, Jackson, Miss., as was announced in a notice of hearing, issued on August 27, 1964, and published in the FEDERAL REGISTER on September 1, 1964 (29 F.R. 12467).

Such hearing shall be postponed from the date stated in the preceding paragraph and shall be convened on October 26, 1964, at 10:00 a.m., local time, in the Crown Room, King Edward Hotel, 235 West Capitol Street, Jackson, Miss.

Signed at Washington, D.C., on September 21, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64-9713; Filed, Sept. 23, 1964; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Notice of Determinations To Be Made With Respect to Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields, and Proposed Date for Conducting a Referendum on Marketing Quotas for the 1965 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for

the 1965 crop of rice, to determine and proclaim the national acreage allotment for the 1965 crop of rice, to apportion among States and counties the national acreage allotment for the 1965 crop of rice, to establish county normal yields for the 1965 crop of rice, and to establish a date for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1965 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1964 the Secretary determines that the total supply of rice for the 1964–65 marketing year will exceed the normal supply for such marketing year the Secretary shall, not later than December 31, 1964, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1965. Within thirty days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas. In the event that the Secretary proclaims quotas in effect for the 1965 crop of rice, the date for holding the referendum will be within 30 days of the date of such proclamation.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1965 shall be that acreage which the Secretary determines on the basis of the national average yield of rice for the five calendar years 1960 through 1964 produce an amount of rice adequate, together with the estimated carry-over from the 1964–65 marketing year, will make available a supply for the 1965–66 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1964.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1965 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1965 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carry-over of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353 (a) and (c)(6) of the act require that the national acreage allotment of rice for the 1965 crop, less a reserve of not to exceed one per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act, as amended).

Section 353(b) of the act requires that the State acreage allotment of rice for the 1965 crop shall be apportioned to farms owned or operated by persons who have produced rice in the State in any one of the five calendar years, 1960 through 1964, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the act, he may provide for the apportionment of part or all of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators. Provision is also made that if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated "producer administrative area" and "farm administrative area", respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily accessible to rice producers in one area from producing rice in the other area, and each area shall be composed of whole counties. Not more than 3 per centum of the State acreage allotment shall be apportioned among farms operated by persons who will produce rice in the State in 1965 but who have not produced rice in the State in any one of the years, 1960 through 1964, on the basis of the applicable apportionment factors set forth herein: *Provided*, That in any State in which allotments are established for farms on the basis of past production of rice on the farm such percentage of the State acreage allotment shall be apportioned among the farms on which rice is to be planted during 1965 but on which rice was not planted during any of the years, 1960 through 1964, on the basis of the applicable apportionment factors set forth in said section 353.

In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of subsection (b) of section 353 of the act or as a new producer or farm under the second sentence of such subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c)(2) of section 353 of the act either is not to be taken into account in establishing acreage allotments or is not to be credited to such producer. For purposes of section 353 of the act in States which have been divided into administrative areas pursuant to subsection (b) thereof, the term "State acreage allotment" shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area", wherever applicable.

Section 353(c)(1) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county acreage allotments shall be apportioned to farms on the basis of the applicable factors set forth in subsection (b) of the section: *Provided*, That if the State is divided into administrative areas pursuant to subsection (b) of this section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in this subsection and totaling the allotments for the counties in such area: *Provided*, That the State committee may reserve not to exceed 5 per centum of the State allotment, which shall be used to make adjustments in county allotments for trends in acreage and for abnormal conditions affecting plantings.

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1965 for any county shall be the average yield per acre of rice for the county during the five calendar years 1960 through 1964 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the

years 1960 through 1964 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1960 through 1964 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that any case in which the acreage planted to rice on any farm in any year is less than the rice acreage allotment for the farm for such year, the entire acreage allotment for such farm for such year shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in such year, if, except for federally owned land, an acreage equal to or greater than 75 per centum of the farm acreage allotment for such year or for either of the two immediately preceding years was actually planted to rice in such year or was regarded as planted to rice under the soil bank program.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the acreage reserve or conservation reserve program shall be considered as rice acreage for the purpose of establishing future farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended. Section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, as amended, authorizes the Secretary, to the extent he deems it desirable to carry out the purposes of the cropland conversion program, to provide any cropland conversion agreement for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage and allotment history applicable to the land covered by the agreement for the purposes of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1965 crop of rice, including national, State, and county reserves, and announcing the date of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. All written submissions must be postmarked not later than thirty days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 21, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-9711; Filed, Sept. 23, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 61 [New]]

[Reg. Docket No. 6204; Notice 64-42]

PILOT RATING REQUIREMENTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 64-9409, appearing at page 13038 of the issue for Thursday, September 17, 1964, the matter appearing after paragraph (a) of § 61.16 and preceding paragraph (b) of § 61.16 should appear immediately after subparagraph (2) of § 61.15(c). As corrected, §§ 61.15 and 61.16 read as follows:

§ 61.15 Aircraft ratings.

(a) The category ratings to be placed on private, commercial, and airline transport pilot certificates are—

(1) Airplane;
(2) Rotorcraft;
(3) Glider; and
(4) Lighter-than-air.

(b) When applicable, the airplane class ratings to be placed on private, commercial, and airline transport pilot certificates are—

(1) Single-engine land;
(2) Multiengine land;
(3) Single-engine sea; and
(4) Multiengine sea.

(c) Where applicable, the rotorcraft class ratings to be placed on pilot certificates are—

(1) Gyroplane; and
(2) Helicopter.

(d) In addition to the category and class ratings in paragraphs (a), (b), and (c) of this section, the name of each type of large aircraft or turbojet powered airplane for which a pilot is rated is placed on his certificate if that type of aircraft is certificated by the Administrator for civil operations. In the case of airline transport pilots, a helicopter type rating is issued for each type of helicopter.

(e) The holder of a pilot certificate with a rotorcraft category rating issued before July 12, 1962, may not continue to exercise the privileges of that rating, but may, without a further showing of competence, exchange his rotorcraft category rating for a rotorcraft category rating with a class rating determined by the class of rotorcraft in which he originally qualified for a rotorcraft rating whether by flight test or on the basis of military competence.

(f) The holder of a pilot certificate with a helicopter or autogiro category rating may not continue to exercise the privileges of that rating, but may, without a further showing of competence, exchange his helicopter rating for a rotorcraft category rating with a helicopter class rating, and his autogiro category rating for a rotorcraft category rating with a gyroplane class rating, by presenting his certificate for exchange.

(g) Notwithstanding paragraph (e) or (f) of this section, the holder of an airline transport pilot certificate with—

(1) A helicopter category rating;
(2) An autogiro category rating; or
(3) A rotorcraft category rating without a helicopter or gyroplane class rating; may continue to exercise the privileges of that rating until [six months after the effective date of this amendment].

(h) The holder of an airline transport pilot certificate with a rating specified in paragraph (g) may not exercise the privileges of that rating after [six months after the effective date of this amendment] unless he has, without a further showing of competence, exchanged his—

(1) Helicopter category rating for a rotorcraft category rating with a helicopter class and type rating;
(2) Autogiro category rating for a rotorcraft category rating with a gyroplane class rating; or
(3) Rotorcraft category rating without a class rating for a rating in accordance with paragraph (e) or (f) of this section, as applicable.

If he qualified originally in a helicopter he may obtain a gyroplane class rating without a further showing if he has had at least 10 hours as pilot in command of a gyroplane within the 12-month period before he applies; however, he may not apply after [12 months after the last day of the month in which this amendment becomes effective].

(i) The holder of a certificate named in paragraph (e), (f), or (h) need not have a current medical certificate to make the exchange of ratings specified in those paragraphs.

§ 61.16 General limitations.

(a) *Type ratings required.* No person may act as pilot in command of any of the following unless he holds a type rating for that aircraft—

(1) A large aircraft;
(2) A turbojet powered airplane; or
(3) A helicopter, for operations requiring an airline transport pilot certificate.

However, subparagraphs (1) and (2) of this paragraph do not apply to an aircraft operated under an authorization issued by a Flight Standards District Office.

(b) *Small complex aircraft flight check.* No person may act as pilot in command of a small complex aircraft that is carrying another person or is operated for compensation or hire, nor may he, for compensation or hire, act as pilot in command of that aircraft, unless—

(1) He holds a type rating for that aircraft; or
(2) In addition to holding the appropriate aircraft category and class rating, he has—

(i) Acted as pilot in command of that aircraft type and logged that flight time before [the effective date of this amendment]; or

(ii) Passed a flight check in that type of aircraft, given by either a certificated flight instructor or an FAA inspector, and the person giving the flight check has endorsed in the applicant's logbook that the applicant has satisfactorily completed a flight check in that type of aircraft, and has entered his signature and flight instructor number, or FAA inspector title, as the case may be.

However, this paragraph does not apply to a pilot employed by an air carrier or a commercial operator who has been flight checked by his employer in the type of small complex aircraft to be flown, under a pilot training program approved by the Administrator, if the company check pilot or a certificated flight instructor has endorsed the pilot's logbook as specified in subparagraph (2) (ii) of this paragraph, together with the name of the employing operator.

(c) *Flight check maneuvers.* The flight check prescribed by paragraph (b) of this section duplicates in that type of aircraft the procedures, maneuvers, and techniques required for the issue of an additional class rating. In addition, in the case of airplanes, the pilot must show his ability to control the airplane in flight solely by reference to instruments under the standards of § 61.87(c) in the case of a private pilot, or § 61.117(c) in the case of a commercial pilot, an airline transport pilot, or a certificated flight instructor.

(d) *Small complex aircraft definition.* For the purposes of this Part, a small complex aircraft means—

(1) A small turbopropeller powered airplane;

(2) A small helicopter; or

(3) A small airplane equipped with—

(i) Retractable landing gear;

(ii) Flaps; and

(iii) Controllable pitch propeller.

(e) *Small aircraft: carrying another person or for compensation or hire.* Unless he holds a category (and class, if issued) rating for that aircraft, no person may act as pilot in command of a small aircraft that is carrying another person, or is operated for compensation or hire, nor may he, for compensation or hire, act as pilot in command of that aircraft.

(f) *Small aircraft: soloing not for compensation or hire.* No person may act as pilot in command of a small aircraft in operations conducted other than under paragraph (e) of this section, unless he—

(1) Holds a category (and class, if issued) rating appropriate to that aircraft;

(2) Has soloed and logged that flight time in that category (and class, if issued) of aircraft before [the effective date of this amendment];

(3) Has made and logged at least three takeoffs and landings to a full stop in that category (and class, if issued) of aircraft, as the sole manipulator of the controls, while accompanied by a pilot who is entitled to carry passengers in that aircraft; or

(4) Has made and logged at least three takeoffs and landings to a full stop while operating under an authorization issued by a Flight Standards District Office.

However, the holder of a pilot certificate with an airplane category rating may solo gliders without complying with this paragraph.

(g) *Exception.* The rating limitations of this section do not apply to—

(1) The holder of a student pilot certificate;

(2) The holder of a pilot certificate when operating an aircraft under the authority of an experimental or provisional type certificate;

(3) The holder of a pilot certificate when taking a flight test given by the Administrator; or

(4) The holder of a pilot certificate with a lighter-than-air category rating when operating a free balloon.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

Notice of Filing of Plat of Survey

SEPTEMBER 18, 1964.

1. Notice is hereby given that effective with the publication of this notice the plat of survey for the following described lands will be officially filed in the Montana Land Office:

FIFTH PRINCIPAL MERIDIAN, SOUTH DAKOTA
T. 122 N., R. 46 W.,
Sec. 31, lot 5.

The area described contains 0.59 of an acre.

2. The plat represents the survey of Skeleton Island in Big Stone Lake which was not included in the original survey of T. 122 N., R. 46 W., represented upon the plat approved March 7, 1883. The survey was initiated as an administrative measure pursuant to notice of the existence of the islands.

3. This land is not open to application and selection under the public land laws until an opening order has been published in the FEDERAL REGISTER.

4. Inquiry concerning these lands should be addressed to the Land Office Manager, Montana Land Office, 1245 North 29th Street, Billings, Mont., 59101.

E. I. ROWLAND,
State Director, Montana.

[F.R. Doc. 64-9676; Filed, Sept. 23, 1964; 8:46 a.m.]

[Oregon 05091, 05104]

OREGON

Notice of Termination of Proposed Withdrawals and Reservation of Land

SEPTEMBER 15, 1964.

The United States Fish and Wildlife Service has cancelled its proposed withdrawal applications, Oregon 05091 and Oregon 05104, which involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be relieved of the segregative effect of the withdrawal applications at 10:00 a.m. on October 15, 1964.

The lands covered by this notice of termination are:

OREGON

WILLAMETTE MERIDIAN

Oregon 05091

Wenaha Game Management Area

T. 5 N., R. 42 E.,
Sec. 14, NW¼NE¼;
Sec. 15, NE¼NE¼;
Sec. 24, Lot 5;
Sec. 27, Lot 4;
Sec. 28, Lot 2, SW¼NW¼;
Sec. 29, Lot 2;
Sec. 31, Lots 4, 5, 6, 7, and 8;
Sec. 32, Lots 3, 4, and 5, NW¼NW¼.

T. 6 N., R. 42 E.,
Sec. 14, Lot 3;
Sec. 15, Lot 8;
Sec. 22, NE¼NE¼;
Sec. 23, E½SE¼SE¼, NE¼NW¼SE¼SE¼, SW¼SW¼SE;
Sec. 25, N½NW¼NW¼NW¼, SE¼NW¼NW¼NW¼, NE¼NW¼NW¼, SE¼NW¼NW¼.
T. 5 N., R. 43 E.,
Sec. 5, SW¼NE¼, SW¼NW¼;
Sec. 6, Lot 5, S½NE¼, SE¼NW¼;
Sec. 8, SW¼NE¼;
Sec. 9, NW¼NW¼;
Sec. 17, N½NE¼, NW¼NE¼SE¼, N½SW¼NE¼SE¼, SW¼SW¼NE¼SE¼;
Sec. 18, SE¼SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, W½SE¼NW¼, W½SE¼SE¼NW¼, W½NE¼NE¼SW¼, NW¼NE¼SW¼, N½SW¼NE¼SW¼.
T. 6 N., R. 43 E.,
Sec. 31, NE¼NW¼.
Approximately 1,200 acres.

Oregon 05104

White River Big Game Range

T. 5 S., R. 11 E.,
Sec. 9, SW¼, W½SE¼, SE¼SE¼;
Sec. 10, SW¼SW¼;
Sec. 14, NW¼;
Sec. 15, S½NE¼, N½NW¼, SE¼NW¼, NW¼SE¼;
Sec. 21, S½S½.
880 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 64-9698; Filed, Sept. 23, 1964; 8:48 a.m.]

WYOMING

Redelegation of Authority in Connection With Lands and Resources

Pursuant to authority contained in section 1.1(a) of Bureau Order 701 (29 F.R. 10526, July 29, 1964), authority is hereby redelegated to the following employees to perform the functions listed below.

1. The Assistant State Director is authorized to take all actions under the following parts:

Part I Redelegations of Authority in State Directors, Secs. 1.2–1.9 inclusive.

Part II Redelegations to Land Office Managers, Secs. 2.0–2.10 inclusive.

2. The Assistant Manager, Records and Public Services Branch, is authorized to take all actions under the following part:

Part II—Sec. 2.2 (b) and (c); Sec. 2.3 (a) and (c); Sec. 2.4(a)(4).

3. The Assistant Manager, Lands Branch, is authorized to take all actions under the following part:

Part II, Secs. 2.5 and 2.9.

4. The Assistant Manager, Mining Branch, is authorized to take all actions under the following part:

Part II, Sec. 2.6 (b)–(l) inclusive.

5. The Assistant Manager, Oil and Gas Branch, is authorized to take all actions under the following part:

Part II, Sec. 2.6(a).

6. Within their respective areas of responsibility, the District Managers in the State of Wyoming are authorized to take all actions under the following part:

Part I, Sec. 1.5(a).

ED PIERSON,
State Director.

Approved: September 17, 1964.

H. P. HOCKMUTH,
Acting Director.

[F.R. Doc. 64-9699; Filed, Sept. 23, 1964; 8:48 a.m.]

Office of the Secretary

CAREY LAKE WILDLIFE MANAGEMENT AREA, IDAHO

Notice of Approval of Classification Agreement Affecting Lands

Notice is hereby given that, pursuant to the regulation 43 CFR, 3120.3–3, an agreement, as reflected by the map herein referred to, has been consummated between the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife of this Department, and the Idaho Department of Fish and Game, State of Idaho, designating those lands within the Carey Lake Wildlife Management Area, Idaho, which are hereby not open to oil and gas leasing because such activity would be incompatible with management thereof for wildlife purposes. The lands not open to leasing are specifically delineated on the map of the Carey Lake Wildlife Management Area, set forth below, which was approved on September 28, 1953, and are identified on such map as follows:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 21 E.,
Sec. 23: W½NE¼;
Sec. 24: W½SW¼;
Sec. 25: W½NW¼;
Sec. 26: E½NE¼.

Containing 320 acres.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 18, 1964.

[F.R. Doc. 64-9677; Filed, Sept. 23, 1964; 8:46 a.m.]

NORTH LAKE WILDLIFE MANAGEMENT AREA, IDAHO

Notice of Approval of Classification Agreement Affecting Lands

Notice is hereby given that, pursuant to the regulation 43 CFR, 3120.3–3, an agreement, as reflected by the map herein referred to, has been consummated between the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife of this Department, and the Idaho Department of Fish and Game, State of Idaho, designating those lands within the North Lake Wildlife Management Area, Idaho, which shall not be open to oil and gas leasing because such activity would be incompatible with management thereof for wildlife purposes. The lands not open to leasing

are specifically delineated on the map of the North Lake Wildlife Management Area, set forth below, and are identified on such maps as follows:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 34 E.,
Sec. 1: Lots 1, 2, 3, 4, 5, 6, 7;
Sec. 2: Lots 1, 2, 3, 4, S½NE¼;
Sec. 3: Lots 1, 2;
Sec. 12: NW¼NW¼.
T. 7 N., R. 34 E.,
Sec. 25: Lots 3, 4, S½NW¼, W½SW¼;
Sec. 26: S½N½, S½;
Sec. 34: NE¼NE¼, SW¼SE¼;
Sec. 35: NW¼NE¼, N½NW¼, SE¼SW¼, S½SE¼.
T. 6., R. 35 E.,
Sec. 5: Lots 3, 5;
Sec. 6: Lots 1, 2, 4, 5, 6.
T. 7 N., R. 35 E.,
Sec. 20: E½SW¼, SE¼;
Sec. 28: SW¼NW¼, NW¼SW¼, SE¼SW¼;
Sec. 29: N½, N½SW¼, NW¼SE¼;
Sec. 31: Lots 1, 2, 4, 5;
Sec. 32: Lots 1, 2, 3, 4.
Totaling 2,705.32 acres.

The following lands, patented with a mineral reservation to the United States, are also closed to oil and gas leasing:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 34 E.,
Sec. 2: S½NW¼;
Sec. 3: That portion of the SE¼NE¼ described as follows: Beginning at a point 772 feet north of the southeast corner, thence N. 548 feet to the northeast corner of said SE¼NE¼; thence W. 1216 feet to a point on the north line thereof; thence southeasterly along the Mud Lake Dike to the point of beginning, containing 12 acres, more or less; also that portion of Lots 3 and 4 described as follows: Beginning at the north quarter corner of Section 3, said point being the northeast corner of Lot 3, thence S. 651.5 feet; thence N. 77°06′ W., 809 feet; thence N. 76°21′ W., 1642 feet; thence N. 23°10′ W., 90.7 feet to a point on the north boundary line of said Section 3; thence E. along the section line 2420 feet, more or less to the point of beginning, containing 20.33 acres, more or less.
T. 7 N., R. 34 E.,
Sec. 22: E½;
Sec. 23: W½, E½SE¼, SW¼SE¼;
Sec. 24: S½N½, S½;
Sec. 25: W½NE¼, N½NW¼;
Sec. 26: N½N½;
Sec. 27: E½, SW¼;
Sec. 33: W½NW¼, SE¼NW¼, SE¼;
Sec. 34: W½NE¼, SE¼NE¼, W½, N½SE¼, SE¼SE¼;
Sec. 35: NE¼NE¼, S½N½, N½S½, SW¼SW¼.
T. 7 N., R. 35 E.,
Sec. 19: Lots 3, 4, SW¼NE¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 20: SW¼SW¼;
Sec. 21: SW¼;
Sec. 28: N½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 29: S½SW¼;
Sec. 30: NW¼NE¼.
Totaling 4,159.47 acres, more or less.

The areas described, including both public and nonpublic lands, aggregate 6,864.79 acres, more or less.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 18, 1964.

[F.R. Doc. 64-9678; Filed, Sept. 23, 1964; 8:46 a.m.]

SAND CREEK WILDLIFE MANAGEMENT AREA, IDAHO

Notice of Approval of Classification Agreement Affecting Lands

Notice is hereby given that, pursuant to the regulation 43 CFR, 3120.3–3, an agreement, as reflected by the map herein referred to, has been consummated between the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife of this Department, and the Idaho Department of Fish and Game, State of Idaho, designating those lands within the Sand Creek Wildlife Management Area, Idaho, which are not open to oil and gas leasing because such activity would be incompatible with management thereof for wildlife purposes. The lands excluded from leasing are specifically delineated on the map of the Sand Creek Wildlife Management Area, set forth below, and are identified on such map as follows:

BOISE MERIDIAN, IDAHO

T. 10 N., R. 41 E.,
Sec. 4: SW¼SW¼, SW¼SE¼;
Sec. 8: S½SW¼, SW¼SE¼.
T. 11 N., R. 41 E.,
Sec. 32: E½;
Sec. 33: W½E½, W½.
Totaling 1000 acres.

The following lands, patented with a mineral reservation to the United States, are also not open to oil and gas leasing:

BOISE MERIDIAN, IDAHO

T. 10 N., R. 41 E.,
Sec. 4: Lots 1, 2, 3, 4, S½N½, N½S½;
Sec. 5: Lots 1, 2, S½NE¼, SE¼;
Sec. 8: N½N½.
T. 11 N., R. 41 E.,
Sec. 28: SE¼SE¼;
Sec. 33: E½E½.
Totaling 1168.64 acres.

The areas described, including both public and nonpublic lands, aggregate 2168.64 acres.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 18, 1964.

[F.R. Doc. 64-9679; Filed, Sept. 23, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FLORIDA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Florida, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Alachua.	Lafayette.
Baker.	Leon.
Bradford.	Levy.
Clay.	Madison.
Columbia.	Nassau.
Dixie.	Suwannee.
Duval.	Taylor.
Gilchrist.	Union.
Hamilton.	Wakulla.
Jefferson.	

It has also been determined that in the hereinafter-named counties in the State of Florida which are presently designated (28 F.R. 14341), the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Flagler.	St. Johns.
Marion.	Volusia.
Putnam.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of September 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-9715; Filed, Sept. 23, 1964; 8:49 a.m.]

MINNESOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Minnesota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Grant.	Todd.
Stevens.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of September 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-9695; Filed, Sept. 23, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

NOTICE OF REVIEW OF ESSENTIALITY OF CERTAIN GREAT LAKES TRADE ROUTES

Notice is hereby given that the Maritime Administration, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, is undertaking a review of the essentiality of and requirements for United States flag service between United States Great Lakes ports and certain overseas areas. The routes being reviewed are those existing routes serving U.S. North Atlantic ports which by previous determination of the Maritime Administrator were extended for a developmental period of four years beginning with the 1961 navigation season on the Great Lakes to include Great Lakes and St. Lawrence River ports. (FEDERAL REGISTER issues of June 3, 1961, 26 F.R. 4977, and June 30, 1961, 26 F.R. 5904.) The routes and foreign areas concerned are as follows:

Trade route No.	*Foreign area*
1	East Coast South America
2	West Coast South America
12	Far East
14—Service 1	West Africa
15A	South and East Africa
16	Australia-New Zealand
17	Indonesia-Malaya (including Singapore)
18	India, Persian Gulf and Red Sea

In addition, this review will concern Trade Routes 32 (U.S. Great Lakes/North Continental European ports) and 34 (U.S. Great Lakes/Mediterranean ports), which are not limited to a developmental period, but which involve Great Lakes services.

In accordance with the Maritime Administrator's previous determination, this further review is now being undertaken prior to the opening of the 1965 navigation season. The review contemplates consideration of such matters as:

(1) Whether traffic has developed to the extent that separate essential trade routes providing for direct service between Great Lakes ports and ports in a specific overseas foreign area are warranted;

(2) Whether an overseas foreign area can best be served by a continuation of an extension of the respective North Atlantic route into the Great Lakes;

(3) Whether insufficient interest has been shown or there is such a lack of traffic potential as not to warrant continuing the essentiality of any or all of the developmental routes.

It is contemplated that in connection with the determination of the matters set forth above, a public hearing will be held in order to afford members of the public an opportunity to submit such information as they may wish to place before the Administrator. The hearing will be held sometime in November or December 1964, after the close of the current Great Lakes navigation season before the Chief Hearing Examiner (or a designee of his office) as the duly authorized Representative of the Maritime Administrator. The date, hour and place of said hearing will be announced by public notice thereof at least 30 days prior to its commencement.

Any person, firm, or corporation having any interest in the foregoing matters should file a petition for leave to participate in this proceeding. Said petition should set forth the nature of the interest claimed and generally the nature and type of evidence and other material to be presented at the public hearing in the event said petition is granted. All such petitions should be filed with the Secretary, Maritime Administration, Department of Commerce, Washington, D.C., 20235, by the close of business on November 9, 1964. A subsequent notice will contain the rulings on the petitions for leave to participate, the date for submission of written evidence, and the date, time and place of the public hearing.

By order of the Maritime Administrator.

Dated: September 22, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-9741; Filed, Sept. 23, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 10 to Facility License No. R-67. The amendment authorizes General Dynamics Corporation (1) to perform certain thermoelectric experiments under revised license limitations, and (2) to operate the reactor at power levels up to and including 1.5 MWT for indefinite periods of time. The TRIGA Mark F nuclear reactor is located at Torrey Pines Mesa, Calif.

The Amendment as issued was set forth in the Notice of Proposed Issuance of Facility License Amendment published in the FEDERAL REGISTER August 29, 1964, 29 F.R. 12435.

Dated at Bethesda, Md., this 15th day of September 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-9657; Filed, Sept. 23, 1964; 8:45 a.m.]

[Docket No. 50-212]

GENERAL DYNAMICS CORP.

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR-82 authorizing General Dynamics Corporation to construct a Fast Critical Assembly type nuclear reactor on the Corporation's laboratory site at Torrey Pines Mesa, Calif.

The permit as issued was set forth in the Notice of Proposed Issuance of Construction Permit and Facility License published in the FEDERAL REGISTER August 29, 1964, 29 F.R. 12435.

Dated at Bethesda, Md., this 15th day of September 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-9658; Filed, Sept. 23, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 15307, 15401; Order No. E-21301]

AMERICAN AIRLINES, INC., AND APACHE AIRLINES, INC.

Order Granting Application for Temporary Suspension of Service and for Approval of Agreement, Granting Application for Exemption, Instituting an Investigation and Consolidating Various Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of September 1964.

Application of American Airlines, Inc., and Apache Airlines, Inc., for an order authorizing temporary suspension of service at Douglas, Arizona, and for other relief, Docket 15307; in the matter of the agreement between American Airlines, Inc., and Apache Airlines, Inc., Agreement CAB 17811; application of Apache Airlines, Inc., for exemption, Docket 15401.

On June 9, 1964, American Airlines, Inc. (American) and Apache Airlines, Inc. (Apache) filed a joint application pursuant to section 412 of the Federal Aviation Act and Part 205 of the Economic Regulations wherein they request (1) authority for American to suspend service at Douglas, Ariz., and (2) approval of an agreement between American and Apache whereunder Apache would provide scheduled air transportation between Douglas on the one hand, and Tucson and Phoenix on the other. On July 9, 1964, Apache filed an application with the Board for exemption from

section 401 of the Federal Aviation Act and Part 298 of the Economic Regulations insofar as such provisions would prevent Apache from transporting mail between Douglas and Tucson, Ariz. The latter application is conditional in that Apache requests that such exemption take effect upon the temporary suspension of American at Douglas as requested herein.

Under the terms of the proposed agreement Apache's service, which would tie in with American's schedules at Tucson, would be provided with Twin Beech nine-passenger aircraft or other equipment equal or superior thereto. American would guarantee Apache's revenues to the extent of $26.00 per flight between Douglas and Tucson. American would continue to show Douglas-Bisbee in its timetables with an appropriate notation indicating service via connections with Apache. Apache obligates itself to apply for a route mail contract between Douglas and Tucson.

The city of Douglas, the Chamber of Commerce of Douglas, the County of Cochise, State of Arizona, the city of Bisbee, the Bisbee Chamber of Commerce and the Bisbee-Douglas Airport Commission have filed answers and objections to the joint application herein. Their positions are that the public interest requires that service be continued at Douglas by American or a certificated local service carrier; that Douglas has not generated its full potential in traffic because American's service has not been satisfactory; that adequate alternative means of travel are not available and are being further reduced; that Apache would be under no obligation to render adequate service if service by American were withdrawn; that under the proposed agreement American would gain a competitive advantage for its longhaul traffic at the expense of the Douglas market; that American is precluded from seeking the instant relief by the Southern Rocky Mountain Area Local Service Case, Opinion and Order E–19690 dated June 17, 1963; and that with respect to the application for exemption of Apache the statutory grounds for use of the Board's exemptive powers do not exist.

American supports Apache's application in Docket 15401, while the County of Cochise and the Bisbee Chamber of Commerce, on July 27, 1964, filed an answer in opposition to the exemption application.[1]

On July 15, 1964, the Postmaster General filed an answer to Apache's exemption application and requested that if the Board should approve American's request to suspend services at Douglas, Apache be permitted to carry mail between Douglas, on the one hand, and Tucson and Phoenix, on the other. On July 16, 1964, Apache filed a reply supporting the Postmaster General's answer.

Upon consideration of the foregoing pleadings, we find and conclude that the application for suspension of service and approval of the agreement should be granted for a temporary period pending completion of an investigation we are instituting herein.

In the Southern Rocky Mountain Case, we found that it was not in the public interest to suspend or terminate American's certificate authority at Douglas and to substitute Bonanza Air Lines, Inc. (Bonanza), a local service carrier, on a longhaul route between El Paso, Texas, and Los Angeles, California. The basis of our decision was that the subsidy costs involved were more significant than the savings American would achieve. Implicit in our finding was the further finding, on the basis of the record then before us, that Douglas should continue to receive scheduled service. Nothing has been presented in the instant pleadings which warrants a different conclusion as to Douglas' need for service.

The proposal before us appears to offer a means, at least pendite lite, to meet Douglas' service requirements at no expense to the public treasury while permitting American to achieve a substantial cost saving. American contends that if it had been suspended at Douglas during the year ended March 31, 1964, it would have experienced a net financial betterment of $379,515. Although we are unable on the basis of the record to determine the precise economic benefit to American, it seems clear that the carrier's savings will not be insubstantial. The carrier alleges that in view of the low load factor over the Douglas segments, an average of 27.5 percent, and the volume of nonstop service between El Paso and Tucson,[2] the carrier will eliminate the El Paso-Douglas-Tucson mileage if suspended at Douglas. Based upon the instant record, American's assertions appear reasonable.

Further, American alleges that for the year ended March 31, 1964, its average enplanements per departure were 3.3 passengers. And the carrier asserts that implementation of its reequipment program will shortly result in elimination of all its DC–6 service west of Dallas. Consequently, if not permitted to suspend service at Douglas it would be required to maintain DC–6 aircraft for the sole purpose of serving the subject point or serve it with jet aircraft.

Under all these circumstances we conclude that American's temporary suspension at Douglas and approval of Agreement CAB 17811 is in the public interest. American's suspension will not deprive Douglas of air service since the service Apache would provide under the American-Apache agreement appears to be an adequate substitute for American's service at Douglas for at least a temporary period. We are not prepared to say, however, that the American-Apache agreement is a permanent solution to the problem of serving Douglas. The agreement would substitute service of a different kind and quality for the present service of American at Douglas,[3] and it presents important and difficult questions of policy with respect to the roles of different classes of carriers in the air transport system. We believe that these economic issues and matters of policy should be fully explored in a hearing before a final determination on the proposed substitute service is made.

Under the foregoing circumstances, therefore, we will temporarily suspend American at Douglas and approve the agreement so as to permit Apache to institute service on an experimental basis. At the same time, however, we will order an investigation to determine the full implications of the American-Apache proposal. We wish to make it clear to the parties, in this connection, that we will immediately order reinstatement of American's service at Douglas should the temporary service by Apache fall below accepted standards during the pendency of the investigation.

In order to fully meet Douglas' service requirements, we will grant Apache an exemption to carry mail between Douglas on the one hand, and Tucson and Phoenix, on the other, until final decision in Docket 15563. To do so, we find, would be in the public interest. We also find that the enforcement of provisions of section 401 of the Act and Part 298 of the Board's Economic Regulation, insofar as they would prevent Apache from transporting mail as permitted herein, would be an undue burden upon the carrier by reason of the limited extent of its operations.[4] In reaching our decision, we note that the exemption authority to be granted hereunder will be limited in nature, that it will not result in any competitive impact on any other carrier and that the public will be benefited thereby.

As an alternative to the American-Apache agreement, the Board will also consider service to Douglas by Frontier Airlines, Inc. (Frontier) on a routing between Tucson and Albuquerque. Such a service was not considered in the Southern Rocky Mountain Case, and it may be that it would meet the needs of the community and could be furnished by the carrier on an economic basis. Therefore, we will also include within the scope of our investigation the question of whether the certificate of Frontier should be amended to authorize such service to Douglas.

We wish to give American and Apache firm notice that our decision at the close of our investigation with respect to authorizing Frontier at Douglas or otherwise will not be influenced by the fact that Apache will already be operating under our temporary authority herein, and further that if the American-Apache proposal is not finally approved at the close of our investigation or American is reinstated prior thereto, we expect American or Apache to bear whatever termination costs might be involved.

Accordingly, it is ordered, That

1. The joint application of American and Apache, Docket 15307, for an order authorizing the temporary suspension of

[1] In light of the allegations contained in the Civic Parties' motion of July 24, 1964, requesting additional time to answer Apache's application, we shall grant the motion and accept their answer filed on July 27, 1964.

[2] Five operated by American and 4 by Continental.

[3] For example, under the agreement Douglas would receive direct service to Tucson and Phoenix only; the service contemplated would be provided by a noncertificated air taxi operator, rather than a certificated carrier, as at present; and small aircraft would be utilized.

[4] Application of Greylock Airways, Inc., Order E–19831 dated July 19, 1963; Application of San Francisco and Oakland Helicopter Airlines, Inc., Order E–18583 dated July 12, 1962.

service by American at Douglas, Arizona, and for approval of Agreement CAB 17811, be and it hereby is granted, pending final decision in the investigation in Docket 15563;

2. Apache be and it hereby is exempted pending final decision in Docket 15563, from section 401 of the Act and the provisions of Part 298 of the Board's Economic Regulations, to the extent necessary to permit Apache to carry mail between Douglas, on the one hand, and Tucson and Phoenix, on the other, solely on a service mail rate to be paid entirely by the Postmaster General;

3. An investigation be and it hereby is instituted in Docket 15563 pursuant to sections 204(a), 401(g), and 412 of the Federal Aviation Act, as amended, to determine (1) whether the certificate of public convenience and necessity of American Airlines, Inc., for Route 4 should be amended so as to suspend or delete American's authority to serve Douglas, Arizona; (2) whether the agreement between American Airlines, Inc., and Apache Airlines, Inc., CAB Agreement 17811, should be finally approved; and (3) whether the certificate of public convenience and necessity of Frontier Airlines, Inc., for Route 73 should be amended so as to authorize service to Douglas, Arizona, between Tucson, Arizona, and Albuquerque, New Mexico;

4. The applications in Dockets 15307 and 15401, to the extent not disposed of by this order, be and hereby are consolidated into Docket 15563;

5. American Airlines, Inc., Apache Airlines, Inc., Frontier Airlines, Inc., the cities of Douglas and Bisbee, Arizona, the county of Cochise of the State of Arizona, the Bisbee-Douglas Airport Commission and the Arizona Corporations Commission of the State of Arizona are hereby made parties to the investigation in Docket 15563; and a copy of this order shall be served upon all such parties; and

6. This order may be modified or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-9717; Filed, Sept. 23, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1100 (Sub. 1)]

AGREEMENT BETWEEN THE MEMBER LINES OF NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE AND CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Order Reopening Proceeding

On June 30, 1964, the Commission served its Report and Order in this proceeding, in which it approved Agreement 9218 between the member lines of the North Atlantic Continental Freight Conference and the Continental North Atlantic Westbound Freight Conference. Hearing Counsel has petitioned the Commission to reopen this proceeding for the taking of additional evidence on the issues herein, and for reconsideration by the Commission of its decision in the light of any new evidence that may be adduced. Respondents North Atlantic Continental Freight Conference and Continental North Atlantic Westbound Freight Conference have replied in opposition to the petition.

The Commission is of the opinion that further evidence is required on the alleged errors urged by Hearing Counsel in his petition.

Therefore, it is ordered, That Docket 1100 (Sub. 1) be reopened for the purpose of taking additional evidence on the issues in this proceeding; and for reconsideration by the Commission of its decision in the light of any additional evidence that may be adduced;

It is further ordered, That the North Atlantic Continental Freight Conference and the Continental North Atlantic Westbound Freight Conference and their respective member lines shall continue to be respondents in this proceeding;

It is further ordered, That any other person who desires to become a party and participate in this proceeding shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., on or before October 7, 1964, with copy to respondents and other parties; and

It is further ordered, That this proceeding is assigned for further hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner; that notice of this order shall be published in the FEDERAL REGISTER and copy thereof served upon the respondents and persons who were previously parties to this proceeding; and that all future notices issued by or on behalf of the Commission in this proceeding shall be mailed to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 64-9692; Filed, Sept. 23, 1964; 8:47 a.m.]

[Fact Finding Investigation No. 6]

STEAMSHIP CONFERENCE; EFFECTS ON FOREIGN COMMERCE OF UNITED STATES

Rescheduling of Hearing

SEPTEMBER 22, 1964.

Hearing in this proceeding will commence 10:00 a.m., October 7, 1964, in Room 705, 45 Broadway, New York, New York. Pursuant to the Commission's Supplemental Order, the hearings will be open to the public.

RALPH P. DICKSON, *Investigative Officer.*

[F.R. Doc. 64-9733; Filed, Sept. 23, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-7258 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Making Successor in Interest Co-respondent, Redesignating Proceeding and Accepting Related Rate Schedules and Supplements for Filing

SEPTEMBER 16, 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.

Lonnie D. Harrison, Trustee (Operator), et al., Applicant in Docket No. G-16386, proposes to continue the sale of natural gas authorized in said docket in lieu of Midhurst Oil Corporation (Operator), et al., pursuant to a contract heretofore designated as Midhurst's FPC Gas Rate Schedule No. 18 which will be redesignated as a rate schedule of Harrison. Midhurst filed a change in rate under said rate schedule which was suspended in Docket No. RI64-167[1] and which has not been made effective.[2] Harrison has filed a motion to be made a party respondent in said proceeding. Accordingly, Harrison will be made a co-respondent with Midhurst in the proceeding pending in Docket No. RI64-167 with respect to the contract heretofore designated as Midhurst's FPC Gas Rate Schedule No. 18 and said proceeding will be redesignated.

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 September 15, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, in-

[5] Statement of concurrence and dissent of Vice Chairman Murphy filed as part of original document; Chairman Boyd dissented.

[1] Consolidated with Docket No. AR64-2, et al.

[2] A change in rate under Midhurst's FPC Gas Rate Schedule No. 12 was also suspended in Docket No. RI64-167 and has been made effective subject to refund.

cluding 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–7258, G–7272, G–8337, G–16386, G–19109, G–19145, CI60–205, CI61–949, CI61–1197, CI61–1265, CI62–333, CI62–532, CI62–856, CI62–1308, CI62–1464, CI63–848, CI63–1461, CI64–175, CI64–543, CI64–705, CI64–767, CI64–1259, and CI64–1425 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) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Lonnie D. Harrison, Trustee (Operator), et al., should be made a co-respondent in the proceeding in Docket No. RI64–167 insofar as said proceeding pertains to sales pursuant to Harrison's FPC Gas Rate Schedule No. 1 (as so redesignated herein), and said proceeding should be redesignated accordingly.

(9) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

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 future proceedings or objections relating to the operation of 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–19109, G–19145, CI60–205, CI61–949, CI62–856, CI62–1308, CI63–848, CI63–1461, CI64–175, CI64–543, CI64–705, CI64–767, CI64–1259, and CI64–1425 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) The certificates heretofore issued in Docket Nos. G–8337 and CI62–333 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI64–1413 and CI65–108.

(F) The certificate heretofore issued in Docket No. CI61–1265 is hereby amended to include the additional dedication, and such authorization determines only the payments which may legally be made by the buyer to the seller and does not estop the Commission from considering the appropriate cost to be attributed to the subject sales, should buyer's purchased gas costs be in issue in future rate proceeding under sections 4(e) or 5(a) of the Act.

(G) The orders issuing certificates in Docket Nos. G–7258, G–7272, G–16386, CI61–1197, CI62–532, and CI62–1464 are hereby amended by changing the certificate holder to the successor in interest as set forth in the tabulation herein.

(H) 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.

(I) The abandonment authorization granted herein, in Docket No. CI65–86 is construed as compliance with the settlement order issued May 5, 1964, with respect to Applicant's FPC Gas Rate Schedule No. 77.

(J) In view of the abandonment authorization granted herein, in Docket No. CI65–107 the certificate heretofore issued in Docket No. G–5142 is hereby terminated in part, only insofar as it pertains to sales of gas covered by Supplement No. 3 to FPC Gas Rate Schedule No. 183.

(K) The certificates heretofore issued in Docket Nos. G–10258, G–11840, G–12087, G–13540, G–20383, and CI60–454 are hereby terminated.

(L) The certificate hereby issued in Docket No. CI64–539 is conditioned to require Applicant to amend its related contract so as to eliminate the pricing provisions contained therein proscribed by §§ 154.93, 15714(a)(10), and the proviso of Exhibit "B" of § 157.25 of the Commission's regulations under the Natural Gas Act.

(M) The certificate issued in Docket No. CI65–68 be and the same is hereby conditioned as follows:

(a) The initial price shall not exceed 15.0 cents per Mcf at 14.65 psia including tax reimbursement plus Btu adjustment;

(b) In the event that the Commission amends its Policy Statement No. 61–1 by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sale involved herein, Applicant may thereupon substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the rate herein required; and

(c) The allowances for take-or-pay provisions and the upward Btu adjustment provisions in the related rate

schedule are subject to the ultimate disposition with respect to such provisions in the rule making proceedings in Docket Nos. R–199 and R–200; however, Applicant will not be required to file take-or-pay provisions for less than 80 percent of the annual contract quantities.

(N) Lonnie D. Harrison, Trustee (Operator), et al., be and is hereby made a co-respondent with Midhurst Oil Corporation (Operator), et al., in the proceeding pending in Docket No. RI64–167 insofar as said proceeding pertains to sales pursuant to Harrison's FPC Gas Rate Schedule No. 1 (as so redesignated herein), and said proceeding is redesignated accordingly.[2]

(O) The related rate filings and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates 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–7258 E 8–4–64	Sinclair Oil & Gas Co. (successor to Hiawatha Oil and Gas Co.).	New York State Natural Gas Corp., Driftwood Field, Cameron County, Pa.	Hiawatha Oil and Gas Co., FPC GRS No. 2.	320	
			Supplement Nos. 1–2	320	1–2
			Notice of succession (undated).		
			Agreement 6–23–64[1]	320	3
			Effective date: 2–1–64		
G–7258 E 8–4–64	do	do	Hiawatha Oil and Gas Co., FPC GRS No. 3.	321	
			Notice of succession (undated).		
			Agreement 6–23–64[1]	321	1
			Effective date: 2–1–64		
G–7272 E 8–4–64	Sinclair Oil & Gas Co. (successor to Penn-Ohio Gas Co.).	do	Penn-Ohio Gas Co., FPC GRS No. 2.	322	
			Supplement No. 1	322	1
			Notice of succession 7–31–64.		
			Agreement 6–23–64[2]	322	2
			Effective date: 2–1–64		
G–7272 E 8–4–64	do	do	Penn-Ohio Gas Co., FPC GRS No. 3.	323	
			Notice of succession 7–31–64.		
			Agreement 6–23–64[2]	323	1
G–16386 E 7–16–64	Lonnie D. Harrison, Trustee; (operator), et al. (successor to Midhurst Oil Corp. (operator), et al.).	United Gas Pipe Line Co., Peden Field, Harris County, Tex.	Midhurst Oil Corp. (operator), et al. FPC GRS No. 18.	1	
			Supplement No. 1	1	1
			Assignment 3–1–64	1	2
			Notice of succession 7–14–64.		
			Effective date: 3–1–64		
G–19109 C 7–2–64	William G. Webb	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental Agreement 6–10–64.[3]	3	21
G–19145 C 7–2–64	J. Glenn Turner	do	Supplemental Agreement 6–10–64.[3]	7	21
CI60–205 C 7–27–64	Sunray DX Oil Co.	Arkansas Louisiana Gas Co., East Kremlin Field, Garfield County, Okla.	Supplemental Agreement 6–10–64.[3]	194	8

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[2] Midhurst Oil Corporation and Lonnie D. Harrison, Trustee (Operator), et al.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI61–949 D 7–2–64	Sinclair Oil & Gas Co. (operator), et al.	Lone Star Gas Co., East Durant Field, Bryan County, Okla.	Assignment 3–2–64[4 5]	205	3
CI61–1197 E 7–31–64	Hays & Co., agent for Oral D. Smith, et al. (successor to Walter Ward, et al.).	Hope Natural Gas Co., Sherman District, Calhoun County, W. Va.	Walter Ward, et al., FPC GRS No. 1.	29	
			Contract 12–20–60		
			Notice of succession 7–2–64.		
			Assignment 4–21–64	29	1
			Effective date: 4–21–64		
CI61–1265 C 6–3–63	Southern Union Production Co.	Southern Union Gathering Co., Mesaverde and Dakota Formations, San Juan County, N. Mex.	Supplemental agreement 5–27–64.[5]	3	2–20
CI62–532 E 8–5–64	Frank Clowser, et al. (successor to C & G Joint Venture).	Hope Natural Gas Co., Otter District, Braxton County, W. Va.	C & G Joint Venture, FPC GRS No. 1.	1	
			Supplement Nos. 1–9	1	1–9
			Notice of succession 8–4–64.		
			Assignment 6–24–64	1	10
			Effective date: 6–24–64		
CI62–856 C 5–15–62	Richard H. Brumbaugh d/b/a Fireball Oil Co.	Hope Natural Gas Co., Smithfield District, Roane County, W. Va.	Letter 3–7–62	14	1
			Letter 3–13–62[3]	14	2
CI62–1308 D 7–9–64	The R. W. Rine Drilling Co. (Operator and Agent), et al. (partial abandonment).	Panhandle Eastern Pipe Line Co., Iuka-Carmi, Council Grove Field, Pratt County, Kans.	Notice of partial cancellation 7–6–64.[5 6]	3	4
CI62–1464 E 8–3–64	The Liberty Fuel Corp. of West Virginia (successor to Standard Oil & Gas, Inc.).	Hope Natural Gas Co., Waters Tract, Braxton and Lewis Counties, W. Va.	Standard Oil & Gas, Inc., FPC GRS No. 1.	2	
			Supplement Nos. 1–7	2	1–7
			Notice of succession 7–27–64.		
			Deed 2–21–64	2	8
			Effective date: 2–21–64		
CI63–848 C 8–6–64	Southwestern Development Co.	Hope Natural Gas Co., Union District, Ritchie County, W. Va.	Letter agreement 3–20–64.	8	5
			Letter agreement 5–14–64.[3]	8	6
CI63–1461 C 7–23–64	Cleary Petroleum, Inc. (Operator), et al.	Arkansas Louisiana Gas Co., Starr Field, Kingfisher and Blaine Counties, Okla.	Supplemental agreement 4–24–63.	6	12
			Supplemental agreement 4–24–63.[3]	6	13
CI64–175 C 7–30–64	Pan American Petroleum Corp.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	Amendatory agreement 5–20–64.[3]	363	4
CI64–539 A 11–4–63 7–28–64— Originally filed 7–2–64.	Hanley Co., et al.[7]	El Paso Natural Gas Co., Spraberry Area, Upton County, Tex.	Contract 9–30–63	34	
			Supplemental agreement 6–19–64.[3]	34	1
CI64–543 D 7–23–64	Sunray DX Oil Co.	Northern Natural Gas Co., Southeast Como Field, Beaver County, Okla.	Amendment 5–14–64[5 8]	241	2
CI64–705 C 7–9–64	Pan American Petroleum Corp.	Panhandle Eastern Pipe Line Co., Mocane Gas Area, Beaver County, Okla.	Amendatory agreement 5–6–64.[3]	365	1
CI64–767 C 7–29–64	Monsanto Chemical Co. (now Monsanto Co.).	Northern Natural Gas Co., Hansford Upper Morrow Field, Ochiltree County, Tex.	Supplemental agreement 7–1–64.[3]	76	1
CI64–1259 C 8–3–64	Marvin E. Wilhite, et al.	Hope Natural Gas Co., Warren District, Upshur County, W. Va.	Letter agreement 5–7–64.[3]	1	1

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-1413 (G-8337) A 5-26-64 7-27-64 [11]	Roy L. Cook (partial succession).[16]	El Paso Natural Gas Co., Aztec-Fruitland Field, San Juan County, N. Mex.	Contract 11-25-53	3	
			Letter agreement 11-27-53.	3	1
			Letter agreement 2-17-55.	3	2
			Letter agreement 4-4-55	3	3
			Letter agreement 7-12-55.	3	4
			Letter agreement 8-8-55	3	5
			Letter agreement 9-15-55.	3	6
			Supplemental agreement 1-27-56.	3	7
			Letter agreement 7-5-60	3	8
			Letter agreement 7-5-60	3	9
			Letter agreement 7-5-60	3	10
			Assignment 4-15-64	3	11
			Effective date: 8-1-63		
CI64-1425 C 8-4-64	Sun Oil Co. (Southwest Division).	Arkansas Louisiana Gas Co., Cheniere Field (Golson Unit) Ouachita Parish, La.	Contract 6-19-64 [3]	173	2
CI64-1551 (CI60-454) B 6-29-64	Shell Oil Co	Colorado Interstate Gas Co., Prairie Dog Field, Baca County, Colo.	Notice of cancellation 6-5-64.[5 6]	235	4
CI65-56 A 7-22-64	Tenneco Oil Co. (Operator), et al.	Texas Gas Transmission Corp., Lisbon Field, Claiborne Parish, La.	Contract 7-14-64 [3]	167	
CI65-68 A 7-27-64	Humble Oil & Refining Co.[12]	Panhandle Eastern Pipe Line Co., Northwest Avard Field, Woods County, Okla.	Contract 6-17-64 [3]	356	
CI65-70 A 7-27-64	Alma Oringderff	Northern Natural Gas Co., R. H. F. Morrow Field, Ochiltree County, Tex.	Contract 6-19-64	3	
CI65-71 A 7-28-64	J. R. Perkins, et al. d/b/a Perkins Production Co.	Lone Star Gas Co., Sho-Vel-Tum Field, Stephens County, Okla.	Contract 5-29-64 [3]	1	
CI65-76 A 7-29-64	Hiawatha Oil and Gas Co.	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	Contract 7-2-62	8	
			Contract 3-1-62	8	1
			Supplemental agreement 11-1-62.[3]	8	2
CI65-84 A 7-31-64	James F. Scott, et al	Equitable Gas Co., West Union Field, Doddridge County, W. Va.	Contract 6-26-64 [3]	3	
CI65-86 (G-12087) B 7-31-64	Socony Mobil Oil Co., Inc.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Notice of cancellation 7-30-64.[5 6]	77	4
CI65-87 A 8-3-64	Shell Oil Co. (Operator), et al.	Texas Eastern Transmission Corp., Sheridan Field, Colorado County, Texas.	Contract 7-28-64 [3]	307	
CI65-88 A 8-3-64	Cherokee Gas Corp. (Operator), et al.	Texas Gas Transmission Corp., Vandetta Gas Field, Hopkins County, Ky.	Contract 7-2-64 [3]	2	
CI65-89 A 8-3-64	Mull Drilling Co., Inc. (Operator), et al.	Cities Service Gas Co., Medicine River Field, Barber County, Kans.	Contract 6-12-64 [3]	8	
CI65-90 A 8-3-64	Anadarko Production Co.	Natural Gas Pipeline Co. of America, Red Cave Field, Moore County, Tex.	Contract 5-21-64 [3]	84	
CI65-91 A 8-3-64	J. A. Mull, Jr. (Operator), et al.	Cities Service Gas Co., Medicine River Field, Barber County, Kans.	Contract 6-12-64 [3]	3	
CI65-92 A 8-3-64	Aylward Drilling Co. (Operator), et al.	Cities Service Gas Co., Groendyke Area, Barber County, Kans.	Contract 7-2-64 [3]	7	
CI65-93 A 8-3-64	Richard H. Brumbaugh, agent for Gerald D. Jones, et al. d/b/a J. M. Smith No. 1.	Pennzoil Co., Spencer Dist., Roane County, W. Va.	Statement (undated) [3]	16	
CI65-94 A 8-3-64	Monsanto Co. (formerly Monsanto Chemical Co.).	Texas Eastern Transmission Corp., Pena Field, DeWitt and Karnes County, Tex.	Contract 7-9-64	79	
			Letter agreements 7-9-64.[3]	79	1
CI65-96 (G-11840) B 8-3-64	Skinner Corp. (Operator), et al.	Transcontinental Gas Pipe Line Corp., Tynan Area, Bee County, Tex.	Notice of cancellation 7-29-64. [5 6].	4	1
CI65-97 A 8-3-64	The Frontier Refining Co.	Northern Natural Gas Co., Shapley (Morrow) Field, Hansford County, Tex.	Contract 6-23-64 [3]	10	
CI65-98 A 8-3-64 [13]	Texaco Inc	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	Contract 7-16-64 [3]	337	
CI65-99 A 8-3-64	Amerada Petroleum Corp.	El Paso Natural Gas Co., Ignacio Field, LaPlata County, Colo.	Contract 7-16-64 [3]	121	
CI65-100 (G-13540) B 8-3-64	The Atlantic Refining Co.	United Gas Pipe Line Co., Roanoke Field, Jefferson Davis Parish, La.	Notice of cancellation 7-31-64.[5 6]	177	6
CI65-103 A 8-3-64	James Drilling Corp	Lake Shore Pipe Line Co., Bushnell Field, Erie County, Pa.	Contract 7-1-64 [3]	6	
CI65-105 A 7-31-64	Benedum-Trees Oil Co	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	Contract 7-3-62	14	
			Contract 3-1-62	14	1
			Supplementary Agreement. 8-29-62.[3]	14	2
CI65-106 (G-10258) B 8-4-64	Wolfe Oil & Gas Co	American Louisiana Pipe Line Co., Savoy Field, St. Landry Parish, La.	Notice of cancellation 8-3-64.[5 6]	1	5
CI65-107 (G-5142) [14] B 7-20-64	Humble Oil & Refining Co.	Lone Star Gas Co., Grimes-Burch Unit, Garvin County, Okla.	Notice of partial cancellation 7-14-64.[5 6]	[15] 183	13
CI65-108 (CI62-333) [16] A 8-4-64	J. Sterling McCluskey (Operator), et al. (partial succession).[17]	Lake Shore Pipe Line Co., Bushnell Field, Erie County, Pa.	Contract 6-22-64	1	
			Assignment 11-16-63 [3]	1	1
CI65-109 (G-20383) B 8-5-64	Gulf Oil Corp	Trunkline Gas Co., Sarah White Field Area, Brazoria and Galveston Counties, Tex.	Notice of cancellation 8-4-64.[5 6]	181	2
CI65-112 A 8-5-64	Paul F. Starr, agent for Willie King, et al.	Pennzoil Co., Henry Dist., Clay County, W. Va.	Statement (undated) [3]	16	
CI65-113 A 8-6-64	Prudential Drilling Co. (Operator), et al.	Texas Eastern Transmission Corp., Chocolate Bayou Field, Brazoria County, Tex.	Contract 6-30-64 [3]	1	
CI65-114 A 8-5-64	Socony Mobil Oil Co., Inc.	Northern Natural Gas Co., Southwest Balko Field, Beaver County, Okla.	Contract 6-10-64 [3]	358	

[1] Agreement whereby Hiawatha Oil and Gas Co. sold all its oil and gas properties to Sinclair.
[2] Agreement whereby Penn-Ohio Gas Co., among other things, sells all its oil and gas properties to Sinclair.
[3] Effective date: Date of initial delivery.
[4] Conveys acreage to Pan American Petroleum Corp.; Pan American has filed in Docket No. CI65-37 to cover such acquisition.
[5] Effective date: Date of this order.
[6] Source of gas depleted.
[7] By letter dated July 23, 1964, Applicant stated willingness to accept a permanent certificate at 16.0 cents per Mcf.
[8] Adds acreage and eliminates indefinite pricing provisions insofar as they pertain to subject added acreage.
[9] Releases nonproductive acreage.
[10] Partially succeeds Basin Natural Gas Corp. FPC GRS No. 1.
[11] Applicant agreed to accept a permanent certificate at 11.0 cents per Mcf, the rate collected by the predecessor.
[12] By letter filed August 31, 1964, Applicant stated willingness to accept a permanent certificate as conditioned herein.
[13] Acreage involved herein is now covered by temporary authorization in Docket No. G-17378, and application to delete same from G-17378 was filed contemporaneously with subject application.
[14] Authorization in this docket covers only sales under Supplement No. 3 which is being cancelled.
[15] Rate collected subject to refund in Docket No. RI60-270.
[16] Predecessor has concurrently filed an amendment to his certificate in CI62-333 to reflect the partial deletion.
[17] Partial assignment by Paul L. Britton Jr. (Operator), et al., to J. Sterling McCluskey (Operator), et al.

[F.R. Doc. 64-9598; Filed, Sept. 23, 1964; 8:45 a.m.]

[Docket No. E-7181]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

SEPTEMBER 17, 1964.

Take notice that on September 11, 1964, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act by Arizona Public Service Company (Applicant), a corporation organized under the laws of the State of Arizona under the name of Central Arizona Light and Power Company (subsequently changed), and doing business in the States of Arizona and New Mexico, seeking authorization to sell certain facilities for the production of steam and the generation of electricity to Southwest Forest Industries, Inc. (Southwest), a corporation organized under the laws of the State of Nevada, with its principal business office in Phoenix, Arizona. Southwest is a corporation engaged in the lumbering and wood products business and operates a lumber mill at McNary, Arizona. Southwest presently purchases its steam and power requirements from Applicant. In the alternative, Applicant seeks a disclaimer of jurisdiction.

The facilities to be sold to Southwest are located at McNary, Arizona and consist of land, land rights, structures and improvements, boiler plant equipment, turbine-generator units, accessory electrical equipment and miscellaneous power plant equipment.

The proposed disposition of facilities by Applicant to Southwest will not have any effect on existing contracts for the purchase, sale or interchange of electric energy, except that an agreement dated March 7, 1950 between Applicant and Southwest is cancelled and an agreement dated December 15, 1956 between Applicant and Southwest is to be terminated on or before January 4, 1970.

The application recites that the consideration will be $75,000 which amount was determined by negotiation as set forth in an agreement between the parties dated April 1, 1964. Applicant states that the sale of facilities referred to herein will eliminate the use of inefficient and outmoded plant with consequentially high relative operating and maintenance cost, substituting in place thereof lower cost power from Applicant's normal generating sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9664; Filed, Sept. 23, 1964; 8:45 a.m.]

[Docket No. CP64-309]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Notice of Application

SEPTEMBER 17, 1964.

Take notice that on July 30, 1964, Central Illinois Public Service Company (Applicant) an Illinois corporation having its principal office at 432 Maine Street, Quincy, Ill., filed in Docket No. CP64-309 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Panhandle Eastern Pipeline Company (Panhandle) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by the Applicant consisting of approximately three-fourths of a mile of 2-inch gas transmission main and distribution facilities in the village of Woodson and its environs in Morgan County, Ill., and to sell and deliver to Applicant its daily and annual requirements of natural gas as follows:

	1st year	2d year	3d year
Annual (Mcf)	10,850	14,610	16,390
Peak day (Mcf)	103	139	157

The estimated cost of the Applicant's proposed facilities is $39,360, which cost is to be financed with internal funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application 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 this application 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 Applicant 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 October 9, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9665; Filed, Sept. 23, 1964; 8:45 a.m.]

[Docket No. CP65-21]

CITIES SERVICE GAS CO.

Notice of Application

SEPTEMBER 17, 1964.

Take notice that on July 20, 1964, Cities Service Gas Company (Applicant), Post Office Box 1995, Oklahoma City, Okla., filed in Docket No. CP65-21, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of meter and regulator facilities and the transportation of natural gas to Rounds and Stewart Natural Gasoline Company, Inc., of Wichita, Kans., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to serve Rounds and Stewart, a direct industrial customer, natural gas on an interruptible basis up to 1,000 Mcf daily for a six month period for a recycling operation to determine whether the ultimate recovery of hydrocarbons from the Lost Springs Field in Marion County, Kans., can be increased by recycling operations. Rounds and Stewart will pay an average price of 24.396 cents per Mcf for such natural gas during the six months period.

The estimated cost of the installation of the proposed facilities (tap, meter, and regulator equipment) is $2,570.00, which will be defrayed from Applicant's treasury cash.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application 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 this application 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 Applicant 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 October 9, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9666; Filed, Sept. 23, 1964; 8:45 a.m.]

[Docket No. CP65-37]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER, 17, 1964.

Take notice that on August 7, 1964, El Paso Natural Gas Company (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP65-37 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of five measuring and regulating stations and the sale and delivery of natural gas by means of said proposed stations to Washington Natural Gas Company (Washington Natural), Northwest Natural Gas Company (Northwest Natural) and Tucson Gas and Electric Company (Tucson Gas) for resale and distribution by said companies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that Washington Natural proposes to distribute natural gas in Yelm and Rainier, Wash.; Northwest Natural proposes to distribute natural gas in North Bonneville, Wash., and Brownsville and Halsey, Oreg., and Tucson Gas proposes to distribute natural gas to customers in the immediate vicinity of Tucson, Ariz.

Applicant proposes herein to construct and operate two measuring and regulating stations in the County of Thurston, Wash., and one measuring and regulating station each in Skamania County, Wash., Lynn County, Oreg., and Pima County, Ariz.

The application indicates the estimated cost of the proposed facilities to be $38,500, which cost will be financed out of current working funds.

The application shows the third-year annual and peak day natural gas requirements of Washington Natural, Northwest Natural, and Tucson Gas to be as follows:

Name of resale customer	Annual (Mcf)	Peak day (Mcf)
Washington Natural:		
Yelm	21,302	198
Ranier	5,858	55
Northwest Natural:		
North Bonneville	9,400	105
Brownsville and Halsey, Oregon Tap	194,200	890
Tucson Gas and Electric Co.:		
San Xavier, Pima County, Tap	94,500	920
Total	325,260	2,168

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application 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 this application 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 Applicant 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 October 12, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9667; Filed, Sept. 23, 1964; 8:45 a.m.]

[Docket No. CP65-53]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 17, 1964.

Take notice that on August 24, 1964, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in El Paso, Tex., filed in Docket No. CP65-53, an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate approximately 4.5 miles of 8⅝-inch O.D. pipeline looping a portion of the pipeline facilities providing natural gas service to the City of El Paso, Tex., and surrounding areas, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant shows by its application that the proposed facilities are for the purpose of enabling delivery of approximately 29,000 Mcf per day from its California mainline system into the area presently served by Applicant's 16-inch and 12¾-inch O.D. pipeline from its El Paso mainline system. The proposed facilities will permit operation of the combination 16-inch and 12¾-inch pipeline at pressures approximating the original design pressure of 125 psig instead of the present 175 psig.

The estimated cost of the facilities is $99,700, which will be financed out of current working funds.

This matter 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 this application 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 this application 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 Applicant 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 October 12, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9668; Filed, Sept. 23, 1964; 8:46 a.m.]

[Docket No. RI65-101 etc.]

GULF OIL CORP. ET AL.

Correction

SEPTEMBER 16, 1964.

Gulf Oil Corporation, et al., Docket Nos. RI65-101, et al.; BTA Oil Producers (Operator), agent for Carlton Beal, et al. Docket No. RI65-104.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued July 31, 1964, and published in the FEDERAL REGISTER August 11, 1964 (F.R. Doc. 64-7979; 29 FR-11512), under column headed "Respondent", after Docket No. RI65-104, change "BTA Producers (Operator), agent for Carlton Beal, et al." to "BTA Oil Producers (Operator), agent for Carlton Beal, et al.".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9669; Filed, Sept. 23, 1964; 8:46 a.m.]

[Docket No. CP64-18]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application to Amend

SEPTEMBER 17, 1964.

Take notice that on August 19, 1964, Panhandle Eastern Pipe Line Company (Applicant), Post Office Box 1348, Kansas City, Mo., filed in Docket No. CP64-18 an application to amend the Commission's order issued July 24, 1964, in said docket so as to authorize certain minor revisions to the summer contract demands of five existing resale customers of Applicant, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order of July 24, 1964, modified and adopted the decision of the presiding examiner in Docket No. CP64-18, wherein Applicant was authorized to construct and operate certain facilities and to increase natural gas sales to certain of its present existing customers.

Applicant proposes herein to revise as follows the summer contract demands of the following customers:

	Volumes—Mcf						
	April	May	June	July	August	September	October
Northern Indiana Fuel & Light Co.:							
Proposed originally	8,000	6,000	4,500	4,500	4,500	6,000	8,000
Proposed revision	9,000	7,000	5,000	4,300	4,600	6,700	8,200
Increase (decrease)	1,000	1,000	500	(200)	100	700	200
Ohio Valley Gas Corp.:							
Proposed originally	4,900	4,000	3,200	1,800	2,000	4,100	5,100
Proposed revision	6,400	4,900	3,200	2,100	2,300	4,100	5,600
Increase (decrease)	1,500	900	-------	300	300	-------	500
Southeastern Michigan Gas Co.:							
Proposed originally	35,000	29,000	20,000	15,000	15,000	25,000	33,000
Proposed revision	35,000	25,000	20,000	15,000	15,000	20,000	30,000
Increase (decrease)	-------	(4,000)	-------	-------	-------	(5,000)	(3,000)
Toledo Edison Co., The:							
Proposed originally	4,400	3,300	2,400	2,000	2,000	3,000	4,400
Proposed revision	4,700	3,700	2,300	1,600	1,800	3,100	4,100
Increase (decrease)	300	400	(100)	(400)	(200)	100	(300)
White Hall, City of:							
Proposed originally	600	225	175	165	180	280	500
Proposed revision	1,000	700	400	200	300	600	900
Increase (decrease)	400	475	225	35	120	320	400
Net increase (decrease) of above group	3,200	(1,225)	625	(265)	320	(3,880)	(2,200)

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 October 7, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9670; Filed, Sept. 23, 1964; 8:46 a.m.]

[Docket No. CP65-33]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

SEPTEMBER 17, 1964.

Take notice that on August 6, 1964, Tennessee Gas Transmission Company (Applicant), Tennessee Building, Houston, Tex., filed in Docket No. CP65-33, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of metering facilities and the transportation of natural gas in interstate commerce to the American Potash and Chemical Corporation (American Potash) for special heat processing purposes in two existing plants and a proposed plant, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states American Potash is now building a new plant to be completed January 1, 1965, which in addition to two existing plants will require on November 1, 1966, and thereafter 3,000 Mcf of 1,000 Btu natural gas daily to be delivered at points near Applicant's Main Line Valve No. 547 in Lowndes County, Miss. (near Hamilton, Miss.), at a pressure base of 15.025 psia. Natural gas requirements may be (1) increased in accordance with option provisions of the contract dated July 10, 1964, up to a maximum contract demand of 20,000 Mcf daily and (2) interrupted or curtailed under specified conditions of necessity of use by "essential services" customers.

The estimated cost of the proposed metering facilities is $15,900.00, which will be defrayed from general funds or revolving credit funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application 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 this application 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 Applicant 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 October 12, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9671; Filed, Sept. 23, 1964; 8:46 a.m.]

[Docket No. CP64-16]

UNITED FUEL GAS CO. AND KENTUCKY GAS TRANSMISSION CORP.

Notice of Application To Amend

SEPTEMBER 17, 1964.

Take notice that Kentucky Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va., on August 6, 1964, filed in Docket No. CP64-16, an application to amend a joint order of the Commission issued in Docket No. CP64-16 on January 21, 1964, authorizing among other things, Applicant to construct and operate approximately 16 miles of 30-inch loop pipeline in Montgomery County, Ky. The application to amend requests the Commission to delete from the joint order issued on January 21, 1964, the authorization issued to Applicant to construct and operate the said 16-miles of 30-inch loop pipeline (13 miles extending north from its Means Compressor Station and 3 miles extending south from said station).

The application to amend states that subsequent estimates of the combined requirements for Cincinnati Gas and Electric Company and The Union Light, Heat, and Power Company, indicate that their needs will not change but will remain at the 1963-64 level, hence the facilities authorized to be constructed and operated by Applicant in the Commission's order of January 21, 1964, will not be required.

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 Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 12, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9672; Filed, Sept. 23, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

SEPTEMBER 18, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 19, 1964 through September 28, 1964, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-9661; Filed, Sept. 23, 1964; 8:45 a.m.]

[File No. 1–4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Suspending Trading

SEPTEMBER 18, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 19, 1964 through September 28, 1964, both dates inclusive.

By the Commisison.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64–9662; Filed, Sept. 23, 1964; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING ASSISTANT ADMINISTRATOR ADMINISTRATION

Designation

The officer appointed to the position of Director, Division of Budget and Management, Office of the Administrator, Housing and Home Finance Agency, is hereby designated to serve as Acting Assistant Administrator (Administration) during the absence of the Assistant Administrator (Administration), with all the powers, functions, and duties delegated or assigned to the Assistant Administrator (Administration).

This designation supersedes the designation of Acting Assistant Administrator (Administration) dated May 3, 1951.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of September 15, 1964.

ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 64–9709; Filed, Sept. 23, 1964; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 482]

FLORIDA AND GEORGIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September, 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the States of Florida and Georgia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid States and areas adjacent thereto, suffered damage or destruction resulting from Hurricane Dora and accompanying conditions occurring on or about September 8, 1964.

OFFICES

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

Small Business Administration Branch Office, 47 West Forsyth Street, Jacksonville, Fla.

2. A temporary office will be established in Jacksonville, Florida, address to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 31, 1965.

Dated: September 10, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64–9659; Filed, Sept. 23, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 682]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 18, 1964.

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 filled 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 § 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.

No. MC 409 (Sub-No. 14), filed September 8, 1964. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Starch, sugar and products of corn,* in bulk from Muscatine, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Wisconsin, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 564 (Sub-No. 8), filed September 8, 1964. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, 2120 Adams Street, Lincoln, Nebr. Applicant's attorney: R. E. Powell, Terminal Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, (B) between points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin on the one hand, and, on the other, points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Wisconsin, Arkansas, Connecticut, Delaware, Idaho, Indiana, Kentucky, Maine, Maryland, Massachuestts, Michigan, Montana, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and the District of Columbia, (B) between points in Washington and Oregon, (B) between points in Washington and Oregon, on the one hand, and, on the other, points in Connecticut, Delaware, Idaho, Indiana, Maine, Maryland, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, West Virginia, and the District of Columbia, and (B) between points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Ohio, Indiana, Illinois, Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, and the District of Columbia.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

NOTE: Applicant states that by the tacking of authorities presently held by it in Dockets MC-564; MC 564 (Sub 6), and MC-564 (Sub 7) it presently can perform service to all of the territory sought in (A), (B), and (C) above. However in order to do so it is necessary for it to pass through various gateways which at times are very circuitous. This results in an uneconomic operation. In the event the authority sought in (A), (B), and (C) above is granted, applicant is willing to surrender the authority presently held by it in connection with Dockets MC-564, and MC 564 (Sub 7), as it does not seek to hold duplicating authority. With reference to the authority sought in (D) above, applicant states that said authority is identical with authority held by it in connection with Docket MC 564 (Sub-No. 6). Should the authority herein requested in (D) above be granted, applicant is willing to relinquish the present authority it now holds in Docket MC 564 (Sub 6), as it does not wish to hold any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 720 (Sub-No. 5), filed September 1, 1964. Applicant: BIRD TRUCKING COMPANY, INC., Box 227, Waupun, Wis. 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 irregular routes, transporting: (1) *Cat food*, and *wooden matches* from Chicago, Ill., to points in that portion of Wisconsin bounded by a line beginning at the junction of unnumbered highway (formerly Wisconsin Highway 64) and Wisconsin Highway 55 located at or near Markton, Wis., and extending easterly along said unnumbered highway (formerly Wisconsin Highway 64) to Mountain, Wis., thence along Wisconsin Highway 64 to Marinette, Wis., thence along the bay and lake shores of Wisconsin to Fox Point, Wis., thence along Wisconsin Highway 100 (formerly Wisconsin Highway 74) to junction Wisconsin Highway 145 (formerly U.S. Highway 45), thence south along Wisconsin Highway 145 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Wisconsin State line, thence west along the Illinois-Wisconsin State line to junction U.S. Highway 14, thence northwest along U.S. Highway 14 to junction Wisconsin Highway 11 (formerly U.S. Highway 14), thence along Wisconsin Highway 11 to Janesville, Wis., thence along U.S. Highway 51 (formerly U.S. Highway 14) to junction U.S. Highway 14, thence along U.S. Highway 14 to Madison, Wis., thence northwestwardly along U.S. Highway 12 to junction Wisconsin Highway 21, thence east along Wisconsin Highway 21 to junction U.S. Highway 51, thence along U.S. Highway 51 to Stevens Point, Wis., thence east along U.S. Highway 10 to junction Wisconsin Highway 161, thence along Wisconsin Highway 161 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 55, and thence north along Wisconsin Highway 55 to point of beginning, including points on the indicated portions of the highways specified, except Madison, Wis., and points located on (a) the specified portions of U.S. Highways 10 and 45, and Wisconsin Highways 22, 55, 145, and 161, and (b) that portion of U.S. Highway 51 extending between its junction with Wisconsin Highway 21 south of Coloma, Wis., and Stevens Point, Wis. (including Stevens Point), and (2) *plastic articles* dealt in by food manufacturers from Chicago, Ill., to Ripon, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1124 (Sub-No. 196), filed September 1, 1964. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *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 Dallas, Tex., and Shreveport, La., over U.S. Highway 80, serving no intermediate points, as an alternate route, for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Applicant states the above proposed operations will be restricted against the transportation of traffic between Shreveport, La., on the one hand, and, on the other, Dallas, Tex. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 1641 (Sub-No. 59), filed September 1, 1964. Applicant: PEAKE TRANSPORT SERVICE, INC., Post Office Box 366, Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the site of the Phillips Petroleum Company plant, at or near Hoag, Nebr., to points in Iowa, Kansas, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 8872 (Sub-No. 6), filed September 3, 1964. Applicant: G. W. CHAMBERS, doing business as DYERSBURG EXPRESS, 150 East Virginia, Memphis, Tenn. Applicant's attorney: Ramsey Wall, Suite 2020, First National Bank Building, Memphis, Tenn., 38103. 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 in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Tiptonville, Tenn., and Union City, Tenn., from Tiptonville over Tennessee Highway 21 to junction Tennessee Highway 3, thence over Tennessee Highway 3 to Union City, and return over the same route, serving all intermediate points, except Troy, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 11207 (Sub-No. 227), filed September 4, 1964. Applicant: DEATON TRUCK LINE, INC., 3409 Tenth Avenue N., Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood cabinets*, in cartons, from Flora, Miss., to Jefferson City, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 14702 (Sub-No. 6), filed September 11, 1964. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 88, Warren, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the sites of the plants of General Motors Corporation, located in or near Lordstown Township, Trumbull County, Ohio, on the one hand, and, on the other, Warren, Ohio.

NOTE: Applicant states "that it intends to tack the authority here applied for to other authority held by it under MC 14702." If a hearing is deemed necessary, applicant requests that it be held with other similar cases seeking the same authority.

No. MC 20207 (Sub-No. 36) (AMENDMENT), filed August 21, 1964, published FEDERAL REGISTER, issue of September 10, 1964, amended and republished, this issue. Applicant: CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham Street, McKees Rocks, Pa., 15136. Applicant's attorney: Samuel P. Delisi, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving the site of the plants of General Motors Corporation, located at or near Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular-route operations.

NOTE: The purpose of this republication is to accurately reflect the designation of the plant site. If a hearing is deemed necessary, applicant requests it be held at Detroit, or Lansing, Mich.

No. MC 21170 (Sub-No. 54), filed September 10, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 402 West Main Street,

Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products, and food products, in mixed shipments with commodities exempt from economic regulations pursuant to the provisions of Section 203(b)(c) of the Interstate Commerce Act*, from the plant site of Ralston Purina Co., located at or near California, Mo., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Kentucky, Indiana, Ohio, Michigan, Wisconsin, Illinois, Nebraska, Kansas, and Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 21170 (Sub-No. 55), filed September 8, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 402 West Main Street, Marshalltown, Iowa, 50158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Webster City, Fort Dodge and Des Moines, Iowa to points in Illinois, Indiana, Kentucky, Ohio, West Virginia, Virginia, District of Columbia, Michigan, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Wisconsin, Missouri, Kansas, Nebraska, Colorado, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 21170 (Sub-No. 56), filed September 11, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 402 West Main Street, Marshalltown, Iowa, 50158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and packinghouse products*, from Sioux City, Iowa, and Omaha, Nebr., to points in Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 30837 (Sub-No. 303), filed September 1, 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, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, in initial movements, in truckaway service, from Rose City, Mich., and points within five (5) miles thereof, to points in the United States, except Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 304), filed September 1, 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, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat trailers*, in initial movements, by the truckaway method, from Minneapolis, Minn., to points in the United States (except those in Hawaii).

NOTE: Applicant states it presently operates in the transportation of motor vehicles throughout the United States. The authority sought does in no way duplicate any of the present operating rights of applicant. In Docket MC 30837, Sub 184, applicant is presently authorized to transport boats between points in the United States, including the District of Columbia. If the instant application were granted, it would permit applicant to combine shipments of boats and boat trailers in single truckload shipments. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 155), filed September 3, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office 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: (1) *Meats, meat products, meat byproducts, dairy products*, 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 commodities in bulk in tank vehicles, and hides), from Mason City, Iowa, to points in Illinois (except Chicago), Indiana, Michigan, and Wisconsin, and (2) *dairy products*, from Dubuque, Iowa, to Detroit, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 30887 (Sub-No. 135), filed September 1, 1964. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's attorney: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petrochemicals), in bulk, in tank vehicles from Baltimore, Md., to points in Delaware, Virginia, West Virginia, the District of Columbia, and points in Adams, Cumberland, Dauphin, Franklin, Northumberland, and York Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30887 (Sub-No. 136), filed September 1, 1964. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's attorney: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air blasting materials*, in bulk, in tank or hopper type vehicles and in demountable containers from Deepwater, N.J., to points in Delaware, Maryland, and those in Pennsylvania on and east of U.S. Highway 220 and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31367 (Sub-No. 26), filed September 14, 1964. Applicant: H. F. CAMPBELL & SON, INC., Rural Delivery No. 1, Millerstown, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa., 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables* from points in Potter Township, Centre County, Pa., to Clayton, Del., Gloucester, N.J., Cleveland and Toledo, Ohio, and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 35227 (Sub-No. 1), filed August 28, 1964. Applicant: JACK E. EDSON AND MARJORIE J. EDSON, a partnership, doing business as EDSON EXPRESS, Post Office Box 582, Longmont, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Longmont and Berthoud, Colo., over U.S. Highway 287, serving all intermediate points, and (2) between Berthoud and Mead, Colo.; from Berthoud over Colorado Highway 56 to junction unnumbered highway, and thence over unnumbered highway to Mead, and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 38320 (Sub-No. 10), filed September 10, 1964. Applicant: CENTRAL MOTOR EXPRESS, INC., Post Office Box 216, Campbellsville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Campbellsville and Bowling Green, Ky., over U.S. Highway 68, and return over the same route, serving no intermediate points.

NOTE: Applicant will "tack authority sought with present authority so as to render through service between all points now authorized and all points sought." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 46267 (Sub-No. 6), filed August 31, 1964. Applicant: RALPH A. SCOTT,

doing business as SCOTT FREIGHT SERVICE, 4740 Industrial Road, Fort Wayne, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Ligonier, Ind., and Topeka, Ind., from Ligonier over Indiana Highway 5 to junction unnumbered highway, thence east over unnumbered highway to Topeka, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 48213 (Sub-No. 26), filed September 11, 1964. Applicant: C. E. LIZZA, INC., Eiseman Building, 1006 Ligonier Street, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Explosives, blasting supplies, materials and agents, ammonium nitrate*, and *nitrocarbo-nitrate*, from the plant site of magazines of American Cyanamid Company at or near Pottsville, Pa., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and (2) *paper bags*, from Middletown, Ohio, to the plant sites or magazines of American Cyanamid Company at or near Pottsville, Pa.

NOTE: Applicant states the above described operations are to be limited to a transportation service to be performed under a continuity contract, or contracts, with the American Cyanamid Company of Wayne, N.J. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50069 (Sub-No. 305), filed September 14, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill., 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins, varnishes*, and *liquid chemicals*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Illinois, Minnesota, Nebraska, Ohio, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52022 (Sub-No. 2), filed September 3, 1964. Applicant: SANTINI BROS., INC., 1405 Jerome Avenue, Bronx, N.Y. Applicant's attorney: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla., 33125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 52460 (Sub-No. 72), filed September 14, 1964. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. Applicant's attorney: Louis I. Dailey, 2111 Strick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases*, other than petroleum, in containers, in mixed truckloads with *petroleum products*, in containers, from Port Arthur, Tex., to points in New Mexico, and those points in Oklahoma that are more than 100 air miles from Tulsa, Okla., and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, on return.

NOTE: Applicant does not propose to tack the authority herein sought with any permanent operating rights presently held by it. If a hearing is deemed necessary, applicant requests it be held at (1) Tulsa, (2) Oklahoma City, Okla., or (3) Houston, Tex.

No. MC 52709 (Sub-No. 252), filed August 28, 1964. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy, wine, wine products, fruit concentrate, and liquid grape sugar*, in bulk, in tank vehicles, from points in California, to points in Arkansas and Tennessee.

NOTE: Applicant states that wine will not be transported from DiGiorgio and Lodi, Calif., to Little Rock, Ark., and Nashville, Tenn. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 52709 (Sub-No. 253), filed September 2, 1964. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene Hamilton (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, from Petrolia, Pa., to St. Louis, Mo.

NOTE: Common control may be involved. If a hearing is demed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 60012 (Sub-No. 67), filed September 14, 1964. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, Denver, Colo. Applicant's attorney: Royce D. Sickler, 1531 Stout Street, Post Office Box 5482, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives, and commodities which, because of size or weight, require special equipment for handling, but (excepting commodities, in bulk, household goods, as defined by the Commission, commodities of unusual value, livestock, and commodities injurious or contaminating of other lading)*, between Fort Garland and Alamosa, Colo., on the one hand, and, on the other, the mine and mill site of the Molybdenum Corporation of America, located at or near Red River, N. Mex., (a) from Alamosa, east over Colorado Highway 10, to Fort Garland, thence south over Colorado Highway 159 to Colorado-New Mexico State line, and (b) from Alamosa, south over U.S. Highway 285 to Romeo, Colo., thence east over Colorado Highway 142, to San Luis, Colo., thence south over Colorado Highway 159 to Colorado-New Mexico State line, thence (as to both routes), south over New Mexico Highway 3, to Questa, N. Mex., thence east on New Mexico Highway 38, approximately seven (7) miles to the mine and mill site of the Molybdenum Corporation of America, and return over the same routes, serving all intermediate points.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61396 (Sub-No. 112), filed September 8, 1964. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Co. Anhydrous Ammonia Plant, located at or near Hoag, Nebr., to points in Iowa, Kansas, points in Missouri on and west U.S. Highway 63, points in Minnesota, and South Dakota, and *returned and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61440 (Sub-No. 92), filed September 11, 1964. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Richard H. Champlin (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Great Lakes Carbon Corporation, located approximately seven miles north of Enid, Okla., and two miles east, as an off-route point in connection with carrier's authorized operations in MC 61440 and subs thereunder.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 61440 (Sub-No. 93), filed September 11, 1964. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Richard H. Champlin (address same 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 and commodities in bulk and those requiring special equipment), between Oklahoma City, Okla., and the plant site of Cimarron Facility of Nuclear Products of Kerr-McGee Oil Industries, Inc., located near Oklahoma City, from Oklahoma City over Oklahoma Highway 74 to the named plant site, and return over the same route, serving no intermediate points.

NOTE: Applicant states the plant site is located on a 1,000 acre tract located on the northeast corner of the intersection of Oklahoma Highways 33 and 74. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 62151 (Sub-No. 6), filed September 10, 1964. Applicant: A. W. HAYS TRUCKING, INC., State Highway 16, Post Office Box 98, Woodland, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and in packages, between points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 71478 (Sub-No. 29), filed September 11, 1964. Applicant: THE CHIEF FREIGHT LINES COMPANY, a corporation, 1229½ Union Avenue, Kansas City, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods, as defined by the Commission, commodities, in bulk, and those requiring special equipment), serving the plant site of Cimarron Facilities of Nuclear Products, Division of Kerr McGee Oil Industries, Inc., located along the south side of the Cimarron River, northeast of the junction of Oklahoma Highways 33 and 74, approximately twelve (12) miles north of the northern boundary of the city limits of Oklahoma City, Okla., and thirty-two (32) miles north of the U.S. Post Office at Third and Robinson Streets in Oklahoma City, as an off-route point in connection with applicant's presently authorized regular route operation.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 76032 (Sub-No. 187) (AMENDMENT), filed August 17, 1964, published in FEDERAL REGISTER issue of September 2, 1964, and republished as amended this issue. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's attorney: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A, B, and C explosives, ammunition* not included in Classes A, B, and C explosives, and *component parts* of explosives and ammunition, and (excepting 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 Los Angeles, Calif., and Bakersfield, Calif.: From Los Angeles over Interstate Highway 99 to Bakersfield, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations.

NOTE: Common control may be involved. The purpose of this republication is to show Interstate Highway 99 in lieu of Interstate Highway 5, as previously published. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 76032 (Sub-No. 189), filed September 11, 1964. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's attorney: O. Russell Jones, Post Office Box 2228, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Mobil Oil Company located approximately two (2) miles north and two (2) miles west of Hough, Okla., as an off-route point in connection with applicant's authorized regular-route operations between Amarillo, Tex., and Hooker, Okla., over U.S. Highways 287 and 54.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 78118 (Sub-No. 12), filed September 3, 1964. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, 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: *Lamps and shades therefor, lighting fixtures, plastic wall ornaments*, and *table tops* from points in Carbon County, Pa., to points in Ohio, Michigan, and that portion of West Virginia on and north of U.S. Highway 50 and those portions of Maryland and Delaware south of the Chesapeake and Delaware Canal.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92983 (Sub-No. 448), filed August 31, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk, in tank vehicles, between points in Arkansas, Kansas, Iowa, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 93393 (Sub-No. 7) (CORRECTION), filed August 20, 1964, published FEDERAL REGISTER issue of September 10, 1964, and corrected and republished this issue. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON, a partnership, doing business as NIGHTWAY TRANSPORTATION CO., 4106 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, articles distributed by meat packinghouses*, and *such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers*, as described in Sections A, B, C, and D, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) between Fremont, Ohio, and Chicago, Ill., and (2) between Fremont, Ohio, on the one hand, and, on the other, Fort Wayne, Ind., and Kalamazoo, Mich.

NOTE: The purpose of this republication is to clearly set forth the commodities to be transported. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94430 (Sub-No. 23), filed September 2, 1964. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. Applicant's attorneys: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio, and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from Silica, Ohio, to points in the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 95540 (Sub-No. 594), filed September 8, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and St. Joseph and Kansas City, Mo., to points in Arizona, California, Idaho, Nevada, Oregon, Washington, and Salt Lake City and Ogden, Utah.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Los Angeles, Calif.

No. MC 95876 (Sub-No. 33), filed September 8, 1964. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Val M. Higgins, One Thousand First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, wallboard, pulpboard, hardboard, insulation, materials, and materials and accessories for the installation thereof, and padding and cushioning materials*, from Bimidji, Cloquet, Duluth, Virginia, and International Falls, Minn., to points in Wisconsin, Illinois, and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 99398 (Sub-No. 2), filed September 2, 1964. Applicant: CARRANO'S EXPRESS, INCORPORATED, 1007 Dixwell Avenue, Hamden, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 points in Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 101868 (Sub-No. 1), filed September 2, 1964. Applicant: EARLE M. GARDNER, Pine Plains, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed, dry feed ingredients, dry fertilizer, and lime*, in bulk, in tank vehicles, from Albany, N.Y., and the town of Bethlehem, Albany County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and *refused or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 103435 (Sub-No. 154), filed August 31, 1964. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, East 915 Springfield, Spokane, Wash. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle, Wash. 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, and commodities requiring special equipment), serving points within a 10 mile radius of Cheyenne, Wyo., as off-route points in connection with carriers regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 103654 (Sub-No. 85), filed September 11, 1964. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kaolin clay*, in bags and in bulk, and (2) *kaolin clay, in slurry*, in bulk, in tank vehicles from Redwood Falls, Minn., and points within ten miles thereof to points in Illinois, Indiana, Iowa, Michigan, Wisconsin, the Kansas City Kansas-Missouri Commercial Zone and ports of entry on the International Boundary line between the United States and Canada located in Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103880 (Sub-No. 322), filed September 8, 1964. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street., Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch, sugar, and products of corn*, in bulk, in tank or hopper vehicles, from Muscatine, Iowa, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105413 (Sub-No. 16), filed September 1, 1964. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Rural Free Delivery No. 1, Council Bluffs, Iowa. Applicant's attorney: Einar Viren, 905 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plant site of Phillips Petroleum Company located at or near Hoag, Nebr., to points in Iowa, Kansas, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 106398 (Sub-No. 251), filed September 8, 1964. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. 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 movement, in truckaway service, from Flagler, Colo., to points in the United States, except Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106565 (Sub-No. 8), filed September 11, 1964. Applicant: JULIUS R. TAYLOR, doing business as TAYLOR TRUCK LINE, 124 East Virginia, Memphis, Tenn. 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 in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading), between Greenwood, Miss., and Jackson, Miss., from Greenwood over U.S. Highway 49E to junction U.S. Highway 49 at or near Yazoo City, Miss., thence over U.S. Highway 49 to Jackson, and return over the same route, serving the intermediate points of Sidon, Cruger, Keirn, Tchula, Gwin, Shackleford, Westfield, Good Hope, Thornton, Yazoo City, Flora, and Pocahontas, Miss., and the off-route point of Bentonia, Miss.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107107 (Sub-No. 319), filed September 8, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, chocolate, cocoa, syrup, sauces, toppings, cocoa butter, chocolate coating*, and *milk and chocolate and/or cocoa compounds*, from Derry Township, Pa., to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107107 (Sub-No. 320), filed September 14, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast and yeast products*, in vehicles equipped with mechanical refrigeration, from New Orleans, La., to points in Alabama, Florida, Georgia, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107403 (Sub-No. 576), filed September 10, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, from Lima, Ohio, to points in Indiana and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107496 (Sub-No. 331), filed September 3, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Co., at or near Hoag, Nebr., to points in Iowa, Kansas, Minnesota, South Dakota, and points in Missouri on and west of U.S. Highway 63.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107515 (Sub-No. 493), filed September 4, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mendon, Mich., to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia,

West Virginia, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 108380 (Sub-No. 66), filed September 6, 1964. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 112, Newcastle, Wyo. 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: *Meats, dairy products, packinghouse products, and commodities used by packinghouses* as described in paragraphs A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 272, between points in Weston County, Wyo., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Illinois, Minnesota, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wisconsin.

NOTE: Applicant states that it proposes to transport such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, on return. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo.

No. MC 109689 (Sub-No. 156), filed August 31, 1964. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, fertilizer ingredients*, and *fertilizer solutions*, in bulk from Cheyenne, Wyo., and points within 10 miles thereof to points in Nebraska, Colorado, Kansas, North Dakota, South Dakota, Montana, Utah, and Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 109689 (Sub-No. 157), filed August 31, 1964. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sulphur*, in bulk, from points in California to points in Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 110420 (Sub-No. 382), filed September 9, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate*, dry in bulk, in tank or hopper vehicles, from Wyandotte, Mich., and Syracuse, N.Y., to Elkhart, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110483 (Sub-No. 4), filed September 16, 1964. Applicant: G & H TRUCK LINE, INC., 4420 Pearl Street, Denver, Colo. Applicant's attorney: Charles J. Kimball, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat byproducts, articles distributed by packinghouses, dairy products, and canned goods*, in mechanically refrigerated vehicles, serving Broomfield, Brighton, Eaton, Fort Collins, Fort Lupton, LaSalle, Longmont, and Loveland, Colo., as off-route points in connection with applicant's authorized regular-route operations.

NOTE: Applicant states that the authority granted herein will be tacked with carrier's regular-route operations in No. MC 110483 and its (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 110525 (Sub-No. 680), filed September 14, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen, 520 East Lancaster Avenue, Downington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Newburgh, N.Y., to points in Bradford, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, and Wyoming Counties, Pa., and points in Bergen, Morris, Passaic, and Sussex Counties, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 111401 (Sub-No. 159), filed September 3, 1964. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Co., Anhydrous Ammonia Plant, at or near Hoag, Nebr., to points in Kansas and that part of Missouri on and west of U.S. Highway 63.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC-125020, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 111434 (Sub-No. 57), filed September 4, 1964. Applicant: DON WARD, INC., Post Office Box 1488, Durango, Colo. (mailing address: 241 West 56th Avenue, Denver, Colo.). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete block, precast concrete products, masonry cement and masonry products*, from Laramie, Wyo., to points in Colorado, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities and *rejected shipments*, on return. Common control may be involved.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 111545 (Sub-No. 71) (CORRECTION), filed September 2, 1964, published FEDERAL REGISTER, issue of September 16, 1964, and republished as corrected this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro silicon*, from Chattanooga and Rockwood, Tenn., to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Iowa, and Minnesota.

NOTE: Applicant states it is presently authorized to transport ferroalloy from Chattanooga and Rockwood, Tenn., and the purpose of this application is to permit it to transport the additional commodity of ferrosilicon which is going from the same shipper and to the same customers that he is now transporting ferroalloy. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn. The purpose of this republication is to show the correct Sub number assigned thereto, as shown above, inadvertently shown as (Sub-No. 70), in previous publication.

No. MC 112520 (Sub-No. 112), filed September 8, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk from points in Florida to points in Hillsborough County, Fla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 112750 (Sub-No. 206), filed September 4, 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., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audits and accounting media of all kinds* (excluding plant removals), between Detroit, Mich., on the one hand, and, on the other, points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 112822 (Sub-No. 46), filed September 3, 1964. Applicant: EARL BRAY, INC., Post Office Box 910, Linwood and North Streets, Cushing, Okla. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Company Anhydrous Ammonia Plant, at or near Hoag, Nebr., to points in Kansas and that part of Missouri on and west of U.S. Highway 63, and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 112822 (Sub-No. 47), filed September 4, 1964. Applicant: EARL BRAY, INC., Post Office Box 910 (Linwood and North Streets), Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Ponca City, Okla., and points within five miles thereof, to points in Illinois and Indiana (except liquefied petroleum gases and natural gasoline to Illinois and Indiana and (except liquid wax to Illinois), and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 113325 (Sub-No. 30), filed August 28, 1964. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups* and *blends thereof*, in bulk, in tank vehicles, from St. Louis, Mo., to points in the United States, except Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113362 (Sub-No. 50), filed September 10, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., Eagle Grove, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and underlay* (padding), from Carlisle and Jeannette, Pa., and Chicago, Ill., to Emmetsburg, Iowa, and *empty containers or other such incidental facilities* used in transporting the above commodities and *exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mason City, Iowa.

No. MC 113362 (Sub-No. 51), filed September 14, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from St. Louis, Mo., to points in Arkansas, Louisiana, Texas, Oklahoma, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, New Mexico, Iowa, Nebraska, Colorado, Kansas, Kentucky, Tennessee, and Mississippi.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113666 (Sub-No. 17), filed September 10, 1964. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: James W. Hagar, Post Office Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, from the ports of entry on the United States-Canada boundary line at Buffalo and Niagara Falls, N.Y., and Port Huron and Detroit, Mich., to points in Ohio, New York, Pennsylvania, Michigan, Indiana, and Illinois, and *materials used in the production of clay products*, on return, and (2) *refractory products*, from points in Sergeant Township, McKean County, points in Lawrence County, Irvona, Clymer ,and Johnstown, Pa., and points in Center Township, Carroll County, Ohio, to ports of entry on the United States-Canada boundary line at Buffalo and Niagara Falls, N.Y., and Port Huron and Detroit, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113666 (Sub-No. 18), filed September 11, 1964. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Post Office Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products* (except such commodities which, because of their size, weight, or inherent nature, require the use of special equipment), from the borough of Tarentum, Allegheny County, Pa., and Porter Township, Clarion County, Pa., to points in New York, Rhode Island, Connecticut, Massachusetts, Indiana, Illinois, Kansas, Missouri, Kentucky, Wisconsin, the Lower Peninsula of Michigan, West Virginia (except points on and east of West Virginia Highway 92 and north of U.S. Highway 50), Virginia (except points on and north of U.S. Highway 33), New Jersey (except points in Burlington, Camden, Atlantic, Cape May, Cumberland, Gloucester, and Salem Counties), and Wilmington and Claymont, Del., (2) *materials* used in the production of refractory products from points in Kentucky, Missouri, and the Lower Peninsula of Michigan, to the borough of Tarentum, Allegheny County, Pa., (3) *refractory products* from Tarentum, Pa., to points in Iowa, and (4) *materials* used in the production of refractory products, from points in New Jersey, to points in Armstrong County, Pa.

NOTE: Applicant states it presently holds authority requested in sections (1) and (2) above, subject to a restriction, "The authority granted herein is restricted against transportation of shipments moving to or from any glass manufactury in Indiana, Michigan, Kentucky, Missouri, Illinois, West Virginia, or Wisconsin," in Certificate No. MC 113666 (Sub-No. 3). Applicant states the purpose of this application is to remove this restriction, and if the request is approved, the Certificate at (Sub-No. 3) will be surrendered for cancellation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 97), filed September 10, 1964. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, and parts and attachments for agricultural implements and farm machinery*, from Glencoe, Minn., and points within five miles thereof, and Bloomington, Ill., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Oregon, Utah, Washington, and ports of entry on the United States-Canada international boundary line in North Dakota and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113908 (Sub-No. 147), filed September 4, 1964. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa Street, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground stemmed grapes* from Mountain Grove, Mo., to Silverton, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114004 (Sub-No. 52) (AMENDMENT), filed July 13, 1964, published in FEDERAL REGISTER, issue of August 5, 1964, amended September 8, 1964, and republished as amended this issue. 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: *Boat and boat accessories*, boats not to exceed 23 feet in length, from manufactory or warehouse of Traveler Manufacturing Company, and Sears Roebuck and Company, from Waycross, Ga., and Danville, Ill., to points in the United States including Alaska, but (excluding Hawaii), and *empty containers or other such incidental facilities*, used in transporting the above described commodities, on return.

NOTE: The purpose of this republication is to set forth the authority as amended. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114004 (Sub-No. 53), filed August 31, 1964. Applicant: CHANDLER TRAILER CONVOY, INC., 3828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 23 feet in length, and *boat accessories*, from points in Smith County, Tex., to points in the United States, except Alaska and Hawaii, and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114045 (Sub-No. 161) filed September 8, 1964. Applicant: TRANSCOLD EXPRESS, INC. Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Confectionery products*, in vehicles equipped with mechanical refrigeration, from Hammond, Ind., to points in Texas and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114265 (Sub-No. 3), filed September 8, 1964. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho. Applicant's attorney: Raymond D. Givens, Columbia Building 500 Washington Street, Post Office Box 964, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated wooden beams, wood and steel trusses, and prefabricated buildings*, and *lumber and lumber products* when shipped in connection with any of the foregoing, between points in Ada and Gem Counties, Idaho, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, (2) *lumber and plywood*, from points in Whatcom, Skagit, Snohomish, King, Klickitat, Lewis, Cowlitz, Skamania, and Clark Counties, Wash., and points in Grant and Umatilla Counties, Oreg., to points in Idaho and points in Baker, Grant, Harney, Malheur, Umatilla, and Union Counties, Oreg., and (3) *lumber*, from points in Ada, Gem, and Elmore Counties, Idaho to points in Oregon and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 114457 (Sub-No. 20), filed September 9, 1964. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn., 55104. 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: *Frozen foods*, from La Porte, Ind., to points in North Dakota, South Dakota, Minnesota, Iowa, Kansas, Missouri, Nebraska, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114502 (Sub-No. 3), filed September 10, 1964. Applicant: EVANS STEEL DRUM CO., INC., 325 North Cortez Street, New Orleans, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel drums and steel pails*, from New Orleans, La., to points in Arkansas and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115113 (Sub-No. 5), filed September 8, 1964. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 448, Fort Dodge, 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: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Cherokee, Iowa, to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

NOTE: Applicant proposes to further restrict service to traffic of Wilson & Co., Inc., originating at the plant site of that shipper and/or cold storage facilities utilized by it at or near Cherokee, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115311 (Sub-No. 46), filed September 4, 1964. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 589, Americus, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* and *dry fertilizer materials*, (1) from Columbus, Ga., to points in Alabama, and (2) from Americus, Albany, Cordele, and Macon, Ga., to points in Alabama and Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115379 (Sub-No. 13), filed September 4, 1964. Applicant: JOHN D. BOHR, JR., Post Office Box 217, Annville, 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: *Feather meal*, in bulk, from points in Worcester and Somerset Counties, Md., to points in Bucks County, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 115841 (Sub-No. 193), filed September 3, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products, frozen foods*, and *exempt commodities* in straight or mixed truckload shipments, from points in Tennessee west of the Tennessee River to points in Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115841 (Sub-No. 194), filed September 3, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled, and preserved foodstuffs*, from Birmingham, Ala., to points in Oklahoma, Kansas, Iowa, Nebraska, North Dakota, South Dakota, Minnesota, Missouri (except St. Louis and Kansas City), Denver, Colo., and Salt Lake City, Utah.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116038 (Sub-No. 19), filed September 9, 1964. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. 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: *Sand*, in dump trailers, from points in Albany and Saratoga Counties, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont.

NOTE: Applicant has contract carrier authority under MC 117561 and Subs 3, 4, and 5 thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 116077 (Sub-No. 166), filed September 8, 1964. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay slurry, and clay products*, in bulk, from points in Gadsden County, Fla., to points in California, Illinois, Indiana, Kentucky, Louisiana, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Washington, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 116254 (Sub-No. 40), filed September 4, 1964. Applicant: CHEM-HAULERS, INC., Post Office 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: (1) *Commodities*, in bulk (except cement), from Decatur, Ala., and points within 15 miles thereof, to points in Tennessee, Georgia and Alabama, (2) *paving tar*, from Decatur, Ala., and points within 15 miles thereof, to points in Tennessee, and (3) *chemicals*, from Decatur, Ala., and points within 15 miles thereof, to Kingsport, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 116254 (Sub-No. 41), filed September 10, 1964. Applicant: CHEM-HAULERS, INC., Post Office 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: *Bentonite clay* and *volclay and foundry moulding sand* and *additives including such commodities as wood flour, ground coal, and iron ore*, in bulk

and in containers from points in Lowndes County, Ala., and Monroe and Itawamba Counties, Miss., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Birmingham, or Montgomery, Ala., or Washington, D.C.

No. MC 116254 (Sub-No. 42), filed September 14, 1964. Applicant: CHEM-HAULERS, INC., Post Office 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: *Dry commodities*, in bulk (except cement and fly ash), from points in Tennessee and west of U.S. Highway 27 and east of the western traversal of the Tennessee River (except points in Hamilton County, Tenn.), to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham or Montgomery, Ala.

No. MC 116544 (Sub-No. 57), filed September 8, 1964. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. 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 packinghouse* as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Cherokee, Iowa to points in Alabama, Florida, Georgia, Mississippi, Louisiana, Tennessee, Arkansas, Missouri, Kansas, Oklahoma, Texas, New Mexico, Arizona, and California.

NOTE: Applicant states the proposed operations will be restricted to traffic originating at the plant site of Wilson & Co., Inc., and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116782 (Sub-No. 2), filed September 8, 1964. Applicant: LEONARD GREENSTONE, doing business as PASSAIC VALLEY IRON & METAL, 215 Passaic Avenue, Passaic, N.J. Applicant's attorney: Alvin Altman, 1776 Broadway, New York, N.Y., 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap tin plate* and *scrap terne plate* from the plant site of the Continental Can Company, Inc., located at or near Maspeth, Long Island, N.Y., to Newark, N.J., under a continuing contract or contracts with Continental Can Company, Inc., New York, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117242 (Sub-No. 3), filed September 8, 1964. Applicant: MATUSZKO FARMS, INC., 19 Ball Lane, North Amherst, Mass. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass., 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, agricultural insecticides, fungicides and herbicides*, dry, in bulk or in packages, liquid and gaseous, in bulk, in tank vehicles, and in vehicles with special spreader equipment, from South Deerfield and Whatley, Mass., to points in Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117561 (Sub-No. 7), filed September 8, 1964. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, in shipper-owned trailers, from Farmingham, Mass., to points in Connecticut, Maine, New Hampshire, New York, Rhode Island, and Vermont, and *empty trailers with dollies and pallets* on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 116038 Sub 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117574 (Sub-No. 105), filed September 8, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, agricultural machinery, agricultural equipment*, and *parts* between Coldwater, Ohio and points in Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 105), filed September 8, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, regardless of how they are equipped (except tractors used in pulling commercial highway trailers, and except those which because of size or weight require the use of special equipment), and (2) *parts, implements, attachments, accessories*, and *supplies*, for the commodities specified in (1) above, between points in Virginia, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, and Kentucky (except Louisville, Ky.).

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 118222 (Sub-No. 7), filed September 4, 1964. Applicant: SOUTHERN SHIPPERS, INC., Post Office Box 1542, Highway 11, Hattiesburg, Miss. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago 3, Ill. 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 Appendix I to *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant sites and cold storage facilities utilized by Wilson & Co., Inc., located at or near Cherokee, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118968 (Sub-No. 3), filed September 10, 1964. Applicant: JAMES E. SNOW, doing business as SNOW BROTHERS TOWING COMPANY, 2401 Denison Avenue, Cleveland, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland, Ohio, 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and abandoned motor vehicles*, by use of wrecker equipment only, and *damaged repair parts* of, or for, such motor vehicles, and *replacement motor vehicles* for wrecked and disabled motor vehicles, by use of wrecker equipment only, and *repair parts* of, or for, wrecked and disabled motor vehicles, between points in New York, New Jersey, Maryland, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states it is its intent to tack the authority here sought with the authority it now holds under Certificate No. MC 118968 Sub 2. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 119489 (Sub-No. 4), filed August 31, 1964. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Box 596, Norfolk, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry and liquid, *acids* and *chemicals*, and *fertilizer compounds*, including but not limited to anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions in bulk, in tank or hopper type vehicles, from Fremont, Nebr., and points within ten (10) miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota and South Dakota, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119531 (Sub-No. 25), filed September 1, 1964. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio. Applicant's attorney: Charles W. Singer, 33 North La

Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, (1) from Rittman, Ohio, to Grand Rapids, Mich.; and (2) from Grand Rapids, Mich., to points in Indiana, Ohio and Illinois (except Chicago, Ill.).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123293 (Sub-No. 8), filed September 10, 1964. Applicant: FRY SALES AND EQUIPMENT CO., a corporation, Post Office Box 120, Mercersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sand*, in bulk, (1) from points in Prince Georges and Anne Arundel Counties, Md., to points in Berkeley, Morgan, and Jefferson Counties, W. Va., and (2) from points in Franklin County, Pa., to points in Maryland, and points in Berkeley, Morgan, and Jefferson Counties, W. Va., and (B) *stone*, from points in Washington County, Md., to points in Morgan County, W. Va.

NOTE: Applicant states the proposed service is restricted to transportation to be performed under a continuing contract with Martin-Marietta Corporation (Appalachian Stone Division). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123393 (Sub-No. 42), filed August 28, 1964. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, 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: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *exempt commodities*, between Springfield and Macon, Mo., and points in Kansas.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 123851 (Sub-No. 1), filed September 4, 1964. Applicant: McGAUGH MOTOR CARRIER, INC., Highway 71 North, Springdale, 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: *New automobiles and new trucks in initial movements*, in truckaway service, from places of manufacture and assembly in Detroit, Mich., and points in Warren Township, Macomb County, Mich., to Harrison, Fayetteville, Siloam Springs, and Springdale, Ark., and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 123998 (Sub-No. 4), filed August 28, 1964. Applicant: JIMED TRUCKING CORP., 3043 Hewlett Avenue., Merrick, Long Island, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from Bayonne, N.J., to points in Westchester, Nassau, and Suffolk Counties, N.Y., and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124078 (Sub-No. 123), filed September 11, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis., 53246. 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: *Commodities, in bulk*, having prior movement by rail, between points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124835 (Sub-No. 2), filed August 31, 1964. Applicant: PRODUCERS TRANSPORT CO., a corporation, Post Office Box 4022, Route 5, Pineville Road, Chattanooga, Tenn., 37405. 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 irregular routes, transporting: (a) *Cement and mortar cement*, in bulk, and in packages, from the plant site of Penn-Dixie Cement Corporation, at Richard City, Tenn., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Virginia, and Tennessee, and (b) *cement*, (1) between points in Alabama, (2) between points in Georgia, (3) between points in Kentucky, (4) between points in Mississippi, (5) between point in North Carolina, (6) between points in South Carolina, (7) between points in Virginia, and (8) between points in Tennessee.

NOTE: Applicant states that the proposed operation in section (b) above will involve shipments on which there has been a prior movement by rail from the plant site of the Penn-Dixie Cement Corporation at Richard City, Tenn. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 125521 (Sub-No. 5), filed August 24, 1964. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., to Fostoria, Ohio, 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 operation will be under contract with the Hanson Distribution Company, Fostoria, Ohio. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 125708 (Sub-No. 8), filed September 8, 1964. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes and crates*, from points in Jackson County, Ark., to points in Illinois, Indiana, Ohio, and Michigan, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant has contract carrier authority under MC 116434 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125747 (Sub-No. 2), filed September 4, 1964. Applicant: ARNOLD SCHMITZ, INC., Pioneer Road, Fond du Lac, Wis. Applicant's attorney: John W. Calhoun, 104 South Main Street, Fond du Lac, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, in packages, from Fond du Lac, Wis., to Ishpeming, Mich., and *pallets*, on return.

NOTE: Applicant states the proposed service will be for the account of Borden Company. If a hearing is deemed necessary, applicant requests it be held at Fond du Lac, Wis.

No. MC 125777 (Sub-No. 19), filed September 3, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 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: *Coke*, in bulk, from Milwaukee, Wis., to points in Indiana, Illinois, Iowa, Michigan, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 23), filed September 3, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 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: *Pig iron*, in bulk, in dump vehicles, from Chicago, Ill., to points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC125777 (Sub-No. 25), filed September 3, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 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: *Fertilizer and fertilizer materials*, in bulk, in dump vehicles, from Hammond, Ind., to points in Wisconsin and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125821 (Sub-No. 2) filed September 14, 1964. Applicant: WACO C. ARANT, doing business as ARANT TRUCKING COMPANY, Route 4, Post Office Box 766, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Suite 215, Katterjohn Building, Box 1284, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared meat products*, requiring temperature-control devices, from Fancy Farm, Ky., to Los Angeles, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Paducah or Louisville, Ky.

No. MC 126504 (AMENDMENT), filed August 13, 1964, published in FEDERAL REGISTER September 2, 1964, amended September 11, 1964, and republished as amended this issue. Applicant: BENEDETTO TRUCKING CO., INC., 1345 Dumont Avenue, Brooklyn, N.Y. Applicant's attorney Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Woodenware, stainless steel flatware, enamelware, stoneware, stainless steel holloware, sterling silver flatware, glassware, textiles* (including, but not limited to, *tablecloths, napkins, and placemats*), *candles, and cast iron candlesticks* (top-of-the-table giftware), from the piers and Appraisers stores in the New York, N.Y. Commercial Zone, as defined by the Commission, to Great Neck, N.Y., and *rejected or refused shipments*, on return, and (b) *artificial flowers and artificial fruit*, from the piers and Appraisers stores in the New York, N.Y. Commercial Zone, as defined by the Commission, to White Plains, N.Y., and *rejected or refused shipments*, on return.

NOTE: The purpose of this republication is to more clearly set forth the territorial description as previously published. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126518, filed August 17, 1964. Applicant: VERNON BOEHMS, doing business as B & B TRUCKING CO., RFD No. 1, Union City, Tenn. Applicant's attorney: C. W. Miles, III, American Legion Building, Union City, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat products*, from Union City, Tenn., to Alameda, Oakland, and San Diego, Calif., and *exempt commodities such as fruits and vegetables* on return.

NOTE: Applicant states that the proposed service will be only to Army installations in the destination cities. If a hearing is deemed necessary, applicant requests it be held at Union City or Memphis, Tenn.

No. MC 126538, filed August 25, 1964. Applicant: AAA MOVING AND STORAGE, INC., 1316 Farmville Road, Memphis, Tenn. Applicant's attorney: John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, in containers, restricted to shipments (A) for freight forwarders where a freight forwarder is transporting this commodity pursuant to the exemption for it at 49 U.S.C.A. 1002(b)(2), and (B) which have a prior or subsequent movement beyond Shelby, Tipton, and Fayette Counties, Tenn., Crittenden County, Ark., and DeSoto County, Miss., between points in Shelby, Tipton, and Fayette Counties, Tenn., points in Crittenden County, Ark., and points in DeSoto County, Miss.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 126539, filed August 31, 1964. Applicant: KATUIN BROTHERS, INC., 421 Locust Street, Dubuque, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk or in packages, containers or bags, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity, between Dubuque, Iowa, and points in Illinois, Wisconsin, Minnesota, and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126549, filed August 27, 1964. Applicant: AWAWEGO DELIVERY, INC., 123 Falso Drive, Syracuse, N.Y. Applicant's attorney: Norman M. Pinsky, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. 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, commodities in bulk, and those requiring special equipment), restricted to shipments having an immediately prior or immediately subsequent movement by air between Clarence E. Hancock Airport (Onondaga County), N.Y., on the one hand, and, on the other, (1) points in Onondaga, Chenango, Chemung, Broome, Tioga, Schuyler, Cayuga, Madison, Seneca, Oneida, Cortland, Tompkins, Oswego, Lewis and Jefferson Counties, N.Y., and (2) the following airports: John F. Kennedy International Airport (Nassau and Queens Counties), LaGuardia Airport (Queens County), The Greater Buffalo International Airport (Erie County), Rochester-Monroe County), Oneida County Airport (Oneida County), Broome County Airport (Broome County), Chemung County Airport (Chemung County), Albany County Airport (Albany County), Watertown Airport (Jefferson County), Massena Airport (St. Lawrence County), Tompkins County Airport (Tompkins County), N.Y., and Newark Airport (Essex County), N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 126545 (Sub-No. 1), filed August 28, 1964. Applicant: GLENERY, INC., 252 Belgrove Drive, Kearny, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pies and cakes*, between Newark, N.J., on the one hand, and, on the other, Boston, Mass., and Providence, R.I.

NOTE: Applicant states that proposed operation will be under a continuing contract with Wagner Baking Corporation. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 126553, filed September 8, 1964. Applicant: ERICH KEDSCH, doing business as U. P. CLAY FARM EQUIPMENT, Rural Route No. 2, Daggett, Mich. Applicant's attorney: Kenneth O. Doyle, First National Bank Building, Menominee, Mich., 49858. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured finished wood products, manufactured fencing, manufactured pole-prefabricated buildings, and steel and other products used in manufacturing such finished products, fencing, and prefabricated buildings*, from Gladstone and Wallace, Mich., to points in Georgia, and *materials* from which such products as specified above are manufactured on return.

NOTE: The proposed service will be under contract with MacGillis and Gibbs Company. If a hearing is deemed necessary, applicant requests it be held at Escanaba, Mich., or Green Bay, Wis.

No. MC 126554, filed September 4, 1964. Applicant: CLAUDE V. DAVIS AND G. H. REVIS, doing business as D & R TRUCKING LINES, 201 Hill View Boulevard, Hendersonville, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags (1) from points in Henderson, Madison, Transylvania, Polk, Buncombe, Rutherford, and Iredell Counties, N.C., to points in South Carolina and Georgia and (2) from points in South Carolina and Georgia to points in Henderson, Madison, Transylvania, Polk, Buncombe, Rutherford, and Iredell Counties, N.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 126555, filed September 3, 1964. Applicant: UNIVERSAL TRANSPORT, INC., Post Office Box 3124, Rapid City, S. Dak. 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: *Salt* from points in Utah, Kansas, and North Dakota, to points in Wyoming and South Dakota and *rejected shipments* on return.

NOTE: Applicant states proposed operations will be restricted against the movement to oil field locations. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 126557, filed September 2, 1964. Applicant: S. D. SESSIONS, doing business as SESSIONS TRUCKING COMPANY, Highway 109 North, Post Office Box 537, Wadesboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*,

from points in Montgomery County, N.C., to points in Florence County, S.C., and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 126561, filed September 11, 1964. Applicant: STRARLIN MITCHELL, doing business as MITCHELL TRUCKING COMPANY, 309 North Laurel Street, Corbin, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Suite 202, Louisville, Ky., 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Kentucky to points in Alabama, Georgia, Illinois, Indiana, Maryland, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

MOTOR CARRIERS OF PASSENGERS

No. MC 107583 (Sub-No. 25) (AMENDMENT), filed June 8, 1964, published in FEDERAL REGISTER issue of July 1, 1964, amended September 4, 1964, and republished as amended this issue. Applicant: SALEM TRANSPORTATION CO., INC., 113 West 42d Street, Suite 1004, New York, N.Y., 10036. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and effects*, between McGuire Air Force Base, N.J., and Philadelphia International Airport, Philadelphia, Pa., from McGuire Air Force Base over Cookstown-Wrightstown Road to junction Railroad Avenue, thence over Railroad Avenue to junction Fort Dix Street, thence over Fort Dix Street to junction Wrightstown Circle, thence over Wrightstown Circle to junction Pemberton-Wrightstown Road (also from McGuire Air Force Base over McGuire Air Force Base reservation roads to Fort Dix, N.J., thence over Fort Dix reservation roads to junction Pembertown-Wrightstown Road), thence over Pembertown-Wrightstown Road to junction Pembertown Road, thence over Pembertown Road to junction New Jersey Highway 530, thence over New Jersey Highway 530 to junction New Jersey Highway 38, thence over New Jersey Highway 38 to junction unnumbered highway, thence over unnumbered highway to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction access roads of Walt Whitman Bridge (also from junction New Jersey Highway 38 and unnumbered highway over New Jersey Highway 38 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction access roads of Walt Whitman Bridge), thence over access roads to Walt Whitman Bridge, thence over Walt Whitman Bridge to Philadelphia, thence over city streets to Philadelphia International Airport, and return over the same routes, serving all intermediate points.

NOTE: Applicant states the proposed service will be restricted to the transportation of not more than eleven (11) passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats. Common control may be involved. The purpose of this republication is to more clearly set forth applicant's proposed regular-route operations between McGuire Air Force Base, N.J., and the Philadelphia International Airport, Philadelphia, Pa. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 115116 (Sub-No. 13) (AMENDMENT), filed July 27, 1964, published FEDERAL REGISTER issue August 12, 1964, and republished August 19, 1964, and amended September 4, 1964, and republished as amended this issue. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: Michael J. Marzano, 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 newspapers and express*, in the same vehicle with passengers, (1) between points in Franklin Township, N.J., as follows: from the junction of Highland Avenue and Franklin Boulevard in Franklin Township, N.J., over Highland Avenue to its junction with Irvington Avenue, thence over Irvington Avenue to its junction with Elmwood Street, thence over Elmwood Street to its junction with Bloomfield Avenue, thence over Bloomfield Avenue to its junction with Appleman Road (Apple Man Road), thence over Appleman Road (Apple Man Road) to its junction with Montrose Road, thence over Montrose Road to its junction with Winston Drive, thence over Winston Drive to its junction with John F. Kennedy Boulevard, thence over John F. Kennedy Boulevard to its junction with Hamilton Street, thence over Hamilton Street to its junction with Franklin Boulevard in Franklin Township, N.J., and return over the same route, serving all intermediate points, (2) between points in Franklin Township, N.J., as follows: from junction of Hamilton Street, John F. Kennedy Boulevard, and Clyde Station Road in Franklin Township, N.J., over Clyde Station Road to its junction with Bennet's Lane (Bennetts Lane) thence over Bennet's Lane (Bennetts Lane), to its junction with New Jersey Highway 27 in Franklin Township, N.J., and return over the same route, serving all intermediate points, (3) between Franklin Township, and New Brunswick, N.J., as follows: from the junction of Hamilton Street and Franklin Boulevard in Franklin Township, N.J., over Hamilton Street to New Brunswick, and return over the same route serving all intermediate points, (4) between Franklin Township, N.J., and New Brunswick, N.J., as follows: from the junction of Winston Drive and John F. Kennedy Boulevard, in Franklin Township, over John F. Kennedy Boulevard, to its junction with Easton Avenue (Canal Road), thence over Easton Avenue (Canal Road) to New Brunswick, N.J., and return over the same route, serving all intermediate points.

NOTE: Applicant states that Route (4) to be restricted to "no passengers" shall be picked up or discharged on Easton Avenue (Canal Road) in Franklin Township, N.J. The purpose of this republication is to include routes (3) and (4), as shown above, to that as previously published. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 126317 (Sub-No. 1), filed September 4, 1964. Applicant: SERVICE BUS COMPANY, INC., 798 Nepperhan Avenue, Yonkers, N.Y. Applicant's attorney: Sidney J. Leshin, 55 Liberty Street, New York 5, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* (consisting of children and supervisory personnel attending the White Plains YMCA Day Camp), in special operations, seasonal between June 20th and September 10th, inclusive, for the account of YMCA, White Plains, N.Y., beginning and ending at White Plains, N.Y., and extending to Greenwich, Conn.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126371, filed June 26, 1964. Applicant: MONARCH ASSOCIATES, INC., 370 Kinderkamack Road, Oradell, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in leased vehicles, transporting not more than nine (9) passengers, and which the passengers operate and lease, between points in Bergen County, N.J. north of New Jersey Highway 4 and points in Rockland County, N.Y., on the one hand, and, on the other, points in New York, N.Y.

NOTE: This application was accompanied by a Motion to Dismiss. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 126556, filed September 3, 1964. Applicant: TALLYHO TRANSPORT, INC., 211½ West Main Street, Marshalltown, Iowa. Applicant's attorney: Max Milo Mills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, limited to motor vehicles carrying nine passengers or less, between Marshalltown and Newton, Iowa, on the one hand, and, on the other, Des Moines, Cedar Rapids, and Waterloo, Iowa, Airports.

NOTE: Applicant states that proposed operation will involve passengers and their baggage having immediately prior or subsequent movement by air. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIER OF PROPERTY

No. MC 12923, filed September 3, 1964. Applicant: EDWARD J. MORRISON,

2223 Augusta Road, West Columbia, S.C., 29169. For a license (BMC 4) to engage in operations as a *broker* at West Columbia, S.C., in arranging transportation in interstate or foreign commerce, by motor vehicle, of *General commodities* (except household goods and explosives), (1) between points in Georgia, North Carolina, South Carolina, and Virginia, and (2) between points in Georgia, North Carolina, South Carolina, and Virginia and points in the United States, including Alaska.

MOTOR CARRIER OF PASSENGERS

No. MC 12827 (Sub-No. 2), filed September 2, 1964. Applicant: CALIFORNIA EDUCATIONAL TOURS, 1521 West Highland Avenue, Redlands, Calif. Applicant's attorney: Donald Murchison, Suite 211 Allen Paris Building, 211 South Beverly Drive, Beverly Hills, Calif. For a license (BMC 5) to engage in operations as a *broker* at Redlands, Calif., in arranging for transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in round-trip tours, beginning and ending at points in Los Angeles and Orange Counties, Calif., and extending to points in the United States (except Alaska and Hawaii) including ports of entry on the International Boundary line between the United States and Canada and between the United States and Mexico.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 409 (Sub-No. 13), filed September 1, 1964. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude petroleum oil, its products and byproducts*, in bulk (except anhydrous ammonia, liquefied petroleum gases, petroacids and petrochemicals), from points in Ouachita, Nevada and Union Counties, Ark., Acadia, Bossier, Caddo, Calcasieu, Jefferson Davis, Saint Bernard, and Webster Counties, La., and Bexar, Callahan, Chambers, Cooke, Galveston, Hardin, Hidalgo, Jack, Jefferson, Live Oak, Montgomery, Orange, and Taylor Counties, Tex., to points in Nebraska.

No. MC 35484 (Sub-No. 54), filed August 27, 1964. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South 6th Street, St. Louis 2, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, loose bulk commodities, those requiring special equipment and those injurious or contaminating to other lading), between Paducah, Ky., and junction U.S. Highways 60 and 51 near Wickliffe, Ky., over U.S. Highway 60, serving no intermediate points, and serving the junction of U.S. Highways 60 and 51 for the purpose of joinder only, as an alternate route, for operating convenience only, in connection with applicant's authorized regular-route operations.

No. MC 68694 (Sub-No. 2), filed September 4, 1964. Applicant: BILLY LEE CAMPBELL and SHIRLEY C. CAMPBELL, doing business as, BILLY LEE CAMPBELL, Post Office Box 337, Sutherland, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed and minerals* in bags and bulk, straight or mixed shipments, from Council Bluffs, Iowa, to points in Arthur, Cherry, Grant, Garden, Hooker, Keith, Lincoln, Logan, McPherson, Perkins, and Thomas Counties, Nebr., and *exempt commodities*, on return.

No. MC 73464 (Sub.-No. 94), filed August 28, 1964. Applicant: JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, Birmingham, Ala. Applicant's attorney: John W. Cooper, 805 Title Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Selma, Ala., on the one hand, and, on the other the plant site of Hammermill Paper Mill Company located at or near Burnsville, Ala.

No. MC 107500 (Sub.-No. 85), filed September 10, 1964. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: R. J. Schreiber, 547 West Jackson Boulevard, Chicago, Ill. 60606. 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 in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Indianola, Iowa and Greenfield, Iowa, over Iowa Highway 92, serving no intermediate points, for the purpose of joinder only, 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 109478 (Sub-No. 76), filed August 31, 1964. Applicant: WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, 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: *Fruit and vegetable juices*, in bulk, in tank vehicles from points in the lower peninsula of Michigan (except Lawton, Mattawan and Sodus, Mich.), and points in Ohio, to North East, Pa., and Westfield, N.Y.

No. MC 109478 (Sub-No. 77), filed September 8, 1964. Applicant: WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, 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: *Grape juice*, in bulk, in tank vehicles, from Spartanburg, S.C., to points in Florida.

No. MC 109637 (Sub-No. 265), filed September 6, 1964. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring compounds*, liquid, inedible, in bulk, in tank vehicles from Philadelphia, Pa. to points in Kentucky.

By the Commission.

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

[F.R. Doc. 64-9625; Filed, Sept. 23, 1964; 8:45 a.m.]

[Notice No. 1048]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 21, 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 66852. By order of September 17, 1964, The Transfer Board approved the transfer to Bay Freight Lines, a corporation, Oakland, Calif., of the operating rights claimed in No. MC 99646 Sub 1, under the "grandfather clause" of section 206(a)(7)(b), Interstate Commerce Act by George S. Butler, Inc., Eureka, Calif., and the substitution of transferee as applicant for a Certificate of Registration from this Commission, corresponding to the grant of intrastate authority by the California Public Utilities Commission in Decision No. 51882. E. H. Griffiths, 451 Turk Street, San Francisco, Calif., attorney for applicants.

No. MC-FC 67016. By order of September 16, 1964, The Transfer Board approved the transfer to Joel N. Akers, doing business as Arkomo Coach Lines, Tulsa, Okla., of a portion of Certificate No. MC 118919 Sub 2, issued August 11, 1960, to Main Line Bus Company, Inc., Springfield, Mo., authorizing the transportation of passengers and their baggage, and express in the same vehicle with passengers, between Springfield, Mo., and the Missouri-Arkansas State line, serving all intermediate points. Rolland V. Cox, 1032-36 Landers Build-

ing, Springfield, Mo., 65806, attorney for applicants.

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

[F.R. Doc. 64-9696; Filed, Sept. 23, 1964; 8:47 a.m.]

[Notice No. 1048-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 21, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66686. By order of September 16, 1964, Division 3, acting as an Appellate Division approved the transfer to Dalton-Hinsdale Bus Line, Inc., Hinsdale, Mass., of Certificates Nos. MC 85028, MC 85028 Sub 1, and MC 85028 Sub 7, issued April 30, 1942, November 18, 1959, and September 6, 1962, respectively, to Berkshire Street Railway Company, a corporation, Boston, Mass., authorizing the transportation of passengers and their baggage, in charter operations, from Mount Lebanon, N.Y., and twelve named points in Massachusetts to points in New York, Connecticut, Vermont, New Hampshire, and Massachusetts, and, passengers and their baggage, in special roundtrip operations, during the racing season of each year at each of the tracks named, beginning and ending at certain named points in Massachusetts and extending to Saratoga Race Track and Saratoga Raceway, both at Saratoga Springs, N.Y., and the Taconic Racing and Breeding Association Track at Pownal, Vt. George C. O'Brien, 33 Broad Street, Boston, Mass., 02109, attorney for applicants.

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

[F.R. Doc. 64-9697; Filed, Sept. 23, 1964; 8:48 a.m.]

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