

FEDERAL REGISTER

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Conservation Service
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Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Defense Department
Engineers Corps
Federal Aviation Agency
Federal Communications Commission
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 301—OVERSEAS EMPLOYMENT

PART 335—PROMOTION AND INTERNAL PLACEMENT

PART 752—ADVERSE ACTIONS BY AGENCIES

Miscellaneous Amendments

The regulations of the Commission are amended to permit overseas limited term appointments not in excess of 5 years and to specify the promotion, demotion, reassignment, and termination conditions relating to employees serving under such appointments. Specifically, § 301.204 is amended to authorize overseas limited term appointments; § 301.205 is amended to require a 1-year trial period for an appointee to an overseas limited term appointment; § 301.207 is amended to make an employee serving under an overseas limited term appointment eligible for within-grade increases; § 335.102 is amended to specify the conditions under which an employee serving under an overseas limited term appointment may be promoted, demoted, or reassigned; and § 752.103 is amended to provide that Part 752 is not applicable to the termination of an employee when his overseas limited appointment expires.

1. Effective on publication in the FEDERAL REGISTER, §§ 301.204, 301.205, and 301.207 are amended as set out below.

§ 301.204 Duration of appointment.

(a) An appointment under this subpart is of indefinite duration unless otherwise limited.

(b) An agency may make overseas limited term appointment for a period not in excess of 5 years when a time limitation is imposed as a part of a general program for rotating career and career-conditional employees between overseas areas and the United States after specified periods of overseas service.

(c) Under conditions published by the Commission in the Federal Personnel Manual, an agency may make overseas limited appointment for 1 year or less to meet administrative needs for temporary employment. An agency may extend an appointment made for a period of 1 year or less under this paragraph, under conditions published by the Commission in the Federal Personnel Manual.

§ 301.205 Status and trial period.

(a) An overseas limited employee does not acquire a competitive status on the basis of his overseas limited appointment. He is required to serve a trial

period of 1 year when given an overseas limited appointment of indefinite duration or an overseas limited term appointment.

§ 301.207 Within-grade increases.

An employee serving under an overseas limited appointment of indefinite duration or an overseas limited term appointment in a position covered by the Classification Act of 1949, as amended, is eligible for within-grade increases in accordance with Subpart D of Part 531 of this chapter.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218, as amended by E.O. 10641, 20 F.R. 8137, 3 CFR, 1954-1958 Comp., p. 274)

2. Effective on publication in the FEDERAL REGISTER, paragraph (c) of § 335.102 is amended as set out below.

§ 335.102 Agency authority to promote, demote, or reassign.

Subject to § 335.103 an agency may:

(c) Promote, demote, or reassign an employee serving under an overseas limited appointment of indefinite duration or an overseas limited term appointment to another position to which an initial appointment under § 301.201, § 301.202, or § 301.203 of this chapter is authorized;

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

3. Effective on publication in the FEDERAL REGISTER, subparagraph (7) of paragraph (a) of § 752.103 is amended as set out below.

§ 752.103 General exclusions.

(a) *Employees.* The employees covered by this part are shown in Subparts B and C of this part. In no case, however, does any of this part apply to:

(7) An employee serving under a term appointment or an overseas limited term appointment on expiration of his appointment.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 631, 633, 860, 868; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218, E.O. 10988, 27 F.R. 551, 3 CFR, 1959-1963 Comp.)

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

[F.R. Doc. 66-7949; Filed, July 20, 1966; 8:50 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1966 Cropland Conversion Program

Sec.

751.150 Purposes and objectives.

751.151 Applicability of the program.

751.152 Terms and conditions of the program.

AUTHORITY: The provisions of this subpart issued under sec. 16(e), 76 Stat. 606; 16 U.S.C. 590p(e).

§ 751.150 Purposes and objectives.

The general purposes and objectives of the 1966 cropland conversion program are to improve family farm income by promoting better economic use and conservation of farmland through agreements with farmers providing for (a) conversion of land regularly used in the production of crops to other economic uses, (b) changes in cropping systems, and (c) practices or measures needed to conserve and develop soil, water, forest, wildlife and recreation resources.

§ 751.151 Applicability of the program.

The program will be limited to pilot projects in counties designated by the Administrator.

§ 751.152 Terms and conditions of the program.

(a) Except as provided in this section, the terms and conditions of the 1966 cropland conversion program shall be the same as those prescribed in the regulations which are applicable to the 1966 cropland adjustment program, §§ 751.101-751.141, as amended and such regulations shall be applicable to the 1966 cropland conversion program.

(b) The acreage ceilings prescribed in § 751.110 shall not be applicable.

(c) The rates of annual adjustment payment determined in accordance with § 751.115 shall be adjusted downward to reflect the authority to graze the designated acreage. Such rates shall be announced by the Administrator.

(d) The authority in § 751.115(b) to increase the annual adjustment payment rate for permitting access to the general public for hunting, trapping, fishing, and hiking, shall not be applicable.

(e) The provisions of § 751.115(c), relating to the 40 per centum limitation on the annual adjustment payment rate shall not be applicable.

RULES AND REGULATIONS

(f) Section 751.118(b)(2)(xiii) shall not be applicable. Land with respect to which the ownership has changed during the 3-year period preceding the first year of the agreement period shall not be eligible for designation unless the new ownership was acquired by will or succession as a result of the death of the previous owner. This provision shall not prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under this subpart.

(g) The restriction on grazing the designated acreage in § 751.118(d) shall not be applicable.

(h) In addition to the eligible conservation practices eligible to be carried out under § 751.118(e), the Director may approve other practices if they are determined to be needed to accomplish the objectives of the program.

(i) Agreements for the establishment of tree cover may not provide for annual payments with respect to such land for a period in excess of 5 years.

(j) A farm which is placed under a 1966 cropland adjustment program agreement shall not be eligible for this program.

Effective date: Date of signature.

Signed at Washington, D.C., on July 18, 1966.

ROLAND F. BALLOU,
Acting Administrator, Agricultural
Stabilization and Conservation
Service.

[F.R. Doc. 66-7958; Filed, July 20, 1966;
8:51 a.m.]

[Amdt. 10]

PART 775—FEED GRAINS

Subpart—1964 and 1965 Feed Grain
Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1964 and 1965 Feed Grain Program, 29 F.R. 590, as amended, are hereby further amended as follows:

1. Section 775.302(q)(2) is amended by changing to July 22 the July 15 corn and grain sorghum disposal date for North Dakota counties listed in the last sentence thereof.

2. Section 775.327(b) is amended to add county average yields and rates for additional counties for 1965 as follows:

County	Barley		Corn		Grain sorghum	
	Average yield	Rate	Average yield	Rate	Average yield	Rate
GEORGIA						
Toombs....	25.0	\$1.05				
MINNESOTA						
Grant.....					34.5	\$1.03
Rice.....					52.0	1.03

OHIO

Richland....					48.0	\$1.08
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TEXAS

Andrews....	14.2	\$0.97				
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Signed at Washington, D.C., on July 18, 1966.

ROLAND F. BALLOU,
Acting Administrator, Agricultural
Stabilization and Conservation
Service.

[F.R. Doc. 66-7957; Filed, July 20, 1966;
8:51 a.m.]

Chapter VIII—Agricultural Stabilization
and Conservation Service
(Sugar), Department of AgricultureSUBCHAPTER G—DETERMINATION OF
PROPORTIONATE SHARES

[§ 851.1, Rev. 1, Amdt. 6]

PART 851—COMMITMENT OF NATIONAL
SUGARBEET ACREAGE RE-
SERVE, 1962 AND SUBSEQUENT
CROPS

Definitions

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 851.1, Revision 1 (29 F.R. 12819), is further amended, effective for the 1966 and subsequent crops, by adding the following sentence at the end of paragraph (b):

§ 851.1 Commitment of sugarbeet acreage from the national reserve.

(b) *Definitions.* * * * The term "utilized acreage" or "acreage utilized" wherever such term is used in this section shall not include any acreage reallocated to a farm from released sugarbeet proportionate share acreage pursuant to Part 895 of this chapter.

Statement of bases and considerations. In accordance with section 302(b)(8) of the Sugar Act of 1948, as amended, Part 895 of this chapter provides that if all or a part of the proportionate share acreage for a farm is not planted to sugarbeets because of crop rotation practices or reasons beyond the control of the farm operator, such unused acreage may be released and, if approved by the ASC county committee, history protection is given up to a 3-year period. Such acreage may be reallocated to other farm operators (or farms) but history credit will not be given for any such acreage used.

Part 851 provides that the proportionate share for a farm in either of the 2 years after the year of commitment of acreage from the sugarbeet acreage reserve shall not be less than the acreage so committed and utilized for the production of sugarbeets in the preceding crop year.

Limited acreages were committed to the several localities under the national

sugarbeet acreage reserve. In view of the history protection provided for operators (farms) pursuant to Part 895 and the limited acreages available under the sugarbeet acreage reserve, there is no assurance that acreages released under Part 895 in the previous year will be available in the following year to permit the establishment of shares at the previous year's utilized acreage levels for those farms that plant additional acreages that are reallocated to them pursuant to Part 895.

Therefore, this amendment provides that acreage reallocated under Part 895 to a farm that received acreage from the acreage reserve will not be considered as utilized acres in determining proportionate shares for such farms for the 2 years following the year the reserve acreage was committed or for other purposes of Part 851.

Accordingly, I hereby find and conclude that this amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date. Date of publication.

Signed at Washington, D.C., on July 15, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-7955; Filed, July 20, 1966;
8:51 a.m.]

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

[Lemon Reg. 222, Amdt. 2]

PART 910—LEMONS GROWN IN
CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when in-

formation upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.522 (Lemon Regulation 222; 31 F.R. 9413) are hereby amended to read as follows: (i) District 2: 497,550 cartons.

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

Dated: July 15, 1966.

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

[F.R. Doc. 66-7922; Filed, July 20, 1966; 8:48 a.m.]

[Lime Reg. 9, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Pack Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

It is therefore, ordered, That paragraph (b) (2) (ii) of § 911.311 (Lime Regulation 9; 29 F.R. 8461) is amended to read as follows:

(ii) A label, brand, or trademark registered with the committee, during a fiscal year, to identify a specific grade may not be reregistered during the same fiscal year to identify any other grade until 30 days after notice of such reregistration has been filed with the committee.

The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 22, 1966.

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

Dated: July 18, 1966.

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

[F.R. Doc. 66-7923; Filed, July 20, 1966; 8:48 a.m.]

[Avocado Reg. 6, Amdt. 1]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Pack Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

It is, therefore, ordered, That paragraph (b) (2) (ii) of § 915.306 (29 F.R. 8464) is hereby amended to read as follows:

(ii) A label, brand, or trademark registered with the committee, during a fiscal year, to identify a specific grade may not be reregistered during the same fiscal year to identify any other grade until 30 days after notice of such reregistration has been filed with the committee.

The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 22, 1966.

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

Dated: July 18, 1966.

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

[F.R. Doc. 66-7924; Filed, July 20, 1966; 8:48 a.m.]

[Peach Reg. 4, Amdt. 1]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, and Order No. 921 (7 CFR Part 921), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of available information, it is hereby found that the amendment of the current limitation of shipments regulation, as herein provided, will tend to effectuate the declared policy of the act.

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

Order. It is, therefore, ordered, That the provisions of paragraph (a) of § 921.304 (Peach Regulation 4; 31 F.R. 9547) are hereby amended by (1) deleting from subparagraph (6) the words "of subparagraphs (4) and (5)," and (2) revising the definition of the term "well matured," set forth in subparagraph (7) to read as follows: "the term 'well matured' shall mean peaches which will yield very slightly to moderate pressure at the suture or blossom end, have shoulders and sutures that are well filled out, and have skin and flesh colored sufficiently that it will show characteristic varietal color when ripe."

The provisions of this amendment shall become effective July 18, 1966.

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

Dated: July 18, 1966.

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

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Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966—Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 Crop Barley Loan and Purchase Program

This annual crop supplement, together with the General Regulations Governing Price Support for the 1964 and Subsequent Crops (31 F.R. 5941) and the 1966 and Subsequent Crop Barley Supplement (31 F.R. 7964) and any amendments thereto, contain the provisions which apply to price support loans and purchases for the 1966 crop of barley.

- Sec. 1421.2275 Availability.
- 1421.2276 Compliance requirements.
- 1421.2277 Warehouse charges.
- 1421.2278 Maturity of loans.
- 1421.2279 Support rates, additional payments and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2275 Availability.

A producer desiring a price support loan must request a loan on his eligible barley on or before April 30, 1967, on barley stored in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and on or before March 31, 1967, on barley stored in all other States. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible barley to CCC on or before May 31, 1967, in the States named in this section and on or before April 30, 1967, in all other States.

§ 1421.2276 Compliance requirements.

To be eligible for a price support loan or purchase, a producer must qualify for a price support payment under the 1966-69 Feed Grain Program Regulations (31 F.R. 8339) on barley of the 1966 crop on the farm on which the barley tendered for a loan or purchase was produced except that such qualification is not necessary with respect to:

(a) Barley produced on a farm which complies with the Malting Barley Exemption of the 1966-69 Feed Grain Program Regulations (31 F.R. 8339); or

(b) Barley produced in Alaska or in any other area of the United States in which the feed grain program is not in effect.

§ 1421.2277 Warehouse charges.

Subject to the provisions of § 1421.2269, the following schedule of deductions for barley stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall apply:

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Apr. 30, 1967	Deduction (cents per bushel)	Maturity date of May 31, 1967
(1) Prior to May 16, 1966	13	(2) Prior to June 16, 1966
May 16-June 12	12	June 16-July 13
June 13-July 10	11	July 14-Aug. 10
July 11-Aug. 7	10	Aug. 11-Sept. 7
Aug. 8-Sept. 4	9	Sept. 8-Oct. 5
Sept. 5-Oct. 2	8	Oct. 6-Nov. 2
Oct. 3-Oct. 30	7	Nov. 3-Nov. 30
Oct. 31-Nov. 27	6	Dec. 1-Dec. 28
Nov. 28-Dec. 25	5	Dec. 29, 1966-Jan. 25, 1967
Dec. 26, 1966-Jan. 22, 1967	4	Jan. 26-Feb. 22
Jan. 23-Feb. 19	3	Feb. 23-Mar. 22
Feb. 20-Mar. 19	2	Mar. 23-Apr. 19
Mar. 20-Apr. 30, 1967	1	Apr. 20-May 31, 1967

¹ Date storage charges start, all dates inclusive.

§ 1421.2278 Maturity of loans.

Loans mature on demand but not later than: May 31, 1967 on barley stored in the States of Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Oregon, Washington, Wisconsin, and Wyoming; April 30, 1967, on barley stored in all other States.

§ 1421.2279 Support rates, additional payments and discounts.

(a) *Basic support rates (terminals).* Basic support rates for terminal markets for barley grading No. 2 or better are as follows:

Terminal market	Rate per bushel
Atchison, Kans	\$0.98
Kansas City, Mo	.98
Saint Joseph, Mo	.98
Omaha, Nebr	.96
Sioux City, Iowa	.96
Minneapolis, Minn	.96
Duluth, Minn	.96
Superior, Wis	.96
Saint Paul, Minn	.96
Galveston, Tex	1.08
Houston, Tex	1.08
Port Arthur, Tex	1.08
Baton Rouge, La	1.08
New Orleans, La	1.08
Beaumont, Tex	1.08
Chicago, Ill	1.03
Saint Louis, Mo	1.03
Milwaukee, Wis	1.03
Memphis, Tenn	1.02
Cairo, Ill	1.02
Longview, Wash	1.03
Tacoma, Wash	1.03
Vancouver, Wash	1.03
Seattle, Wash	1.03
Kalama, Wash	1.03
Portland, Oreg	1.03
Astoria, Oreg	1.03
San Francisco, Calif	1.07
Stockton, Calif	1.07
Oakland, Calif	1.07
Los Angeles, Calif	1.07
Long Beach, Calif	1.07
Wilmington, Calif	1.07
Albany, N.Y	1.12
Philadelphia, Pa	1.12
Baltimore, Md	1.12
New York, N.Y	1.12
Norfolk, Va	1.12

(b) *Basic support rates (counties).* Basic support rates for counties for barley grading No. 2 or better are as follows:

COUNTY PRICE SUPPORT LOAN AND PURCHASE RATES FOR BARLEY GRADING NO. 2 OR BETTER, EXCEPT MIXED BARLEY

ALABAMA	
County	Rate per bushel
All counties	\$0.86

ALASKA	
All areas	\$1.80

ARIZONA			
County	Rate per bushel	County	Rate per bushel
Apache	\$0.71	Mohave	\$0.71
Cochise	.83	Navajo	.71
Coconino	.71	Pima	.87
Gila	.66	Pinal	.90
Graham	.78	Santa Cruz	.85
Greenlee	.66	Yavapai	.71
Maricopa	.90	Yuma	.91

ARKANSAS			
County	Rate per bushel	County	Rate per bushel
Arkansas	\$0.89	Lee	\$0.91
Ashley	.86	Lincoln	.87
Baxter	.80	Little River	.78
Benton	.76	Logan	.78
Boone	.79	Lonoke	.89
Bradley	.81	Madison	.76
Calhoun	.81	Marion	.79
Carroll	.78	Miller	.78
Chicot	.87	Mississippi	.91
Clark	.80	Monroe	.90
Clay	.89	Montgomery	.78
Cleburne	.89	Nevada	.79
Cleveland	.83	Newton	.79
Columbia	.79	Ouachita	.80
Conway	.87	Perry	.80
Craighead	.91	Phillips	.91
Crawford	.78	Pike	.79
Crittenden	.91	Poinsett	.91
Cross	.91	Polk	.76
Dallas	.81	Pope	.80
Desha	.88	Prairie	.90
Drew	.86	Pulaski	.88
Faulkner	.87	Randolph	.90
Franklin	.79	St. Francis	.91
Fulton	.84	Saline	.83
Garland	.80	Scott	.76
Grant	.81	Searcy	.79
Greene	.90	Sebastian	.78
Hempstead	.79	Sevier	.77
Hot Spring	.81	Sharp	.84
Howard	.78	Stone	.82
Independence	.86	Union	.79
Izard	.81	Van Buren	.87
Jackson	.89	Washington	.76
Jefferson	.88	White	.90
Johnson	.79	Woodruff	.91
Lafayette	.79	Yell	.80
Lawrence	.89		

CALIFORNIA			
County	Rate per bushel	County	Rate per bushel
Alameda	\$0.96	Mendocino	\$0.89
Alpine	.87	Merced	.97
Amador	.96	Modoc	.85
Butte	.94	Mono	.76
Calaveras	.96	Monterey	.93
Colusa	.95	Napa	.96
Contra Costa	.96	Orange	.95
El Dorado	.94	Placer	.95
Fresno	.95	Plumas	.87
Glenn	.94	Riverside	.92
Humboldt	.83	Sacramento	.96
Imperial	.93	San Benito	.94
Inyo	.79	San Bernardino	.94
Kern	.93	San Diego	.92
Kings	.95	San Joaquin	.98
Lake	.92	San Luis	.92
Lassen	.82	San Mateo	.96
Los Angeles	.95	Santa Barbara	.91
Madera	.97		
Marin	.96		
Mariposa	.97		

RULES AND REGULATIONS

CALIFORNIA—Continued

County	Rate per bushel	County	Rate per bushel
Santa Clara	\$.06	Sutter	\$.05
Santa Cruz	.04	Tehama	.90
Shasta	.86	Tulare	.94
Sierra	.81	Tuolumne	.97
Siskiyou	.86	Ventura	.95
Solano	.96	Yolo	.96
Sonoma	.95	Yuba	.95
Stanislaus	.97		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	\$.07	Kit Carson	\$.07
Alamosa	.71	La Plata	.71
Arapahoe	.76	Larimer	.76
Archuleta	.71	Las Animas	.76
Baca	.76	Lincoln	.76
Bent	.76	Logan	.76
Boulder	.76	Mesa	.71
Chaffee	.71	Moffat	.71
Cheyenne	.76	Montezuma	.71
Conejos	.71	Montrose	.71
Costilla	.71	Morgan	.76
Crowley	.76	Otero	.76
Custer	.76	Ouray	.71
Delta	.71	Phillips	.76
Denver	.76	Pitkin	.71
Dolores	.71	Prowers	.76
Douglas	.76	Pueblo	.76
Eagle	.71	Rio Blanco	.71
Elbert	.76	Rio Grande	.71
El Paso	.76	Routt	.71
Fremont	.76	Saguache	.71
Garfield	.71	San Miguel	.71
Grand	.71	Sedgwick	.76
Huerfano	.76	Summit	.71
Jackson	.71	Washington	.76
Jefferson	.76	Weid	.76
Kiowa	.76	Yuma	.76

CONNECTICUT

All counties	\$.00
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DELAWARE

All counties	\$.00
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FLORIDA

All counties	\$.08
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GEORGIA

All counties	\$.08
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IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	\$.01	Gem	\$.01
Adams	.81	Gooding	.81
Bannock	.80	Idaho	.82
Bear Lake	.79	Jefferson	.79
Benewah	.84	Jerome	.81
Bingham	.79	Kootenai	.84
Blaine	.80	Latah	.84
Boise	.81	Lemhi	.79
Bonner	.79	Lewis	.82
Bonneville	.79	Lincoln	.81
Boundary	.78	Madison	.79
Butte	.79	Minidoka	.81
Camas	.80	Nez Perce	.84
Canyon	.81	Oneida	.80
Caribou	.79	Owyhee	.81
Cassia	.81	Payette	.81
Clark	.79	Power	.80
Clearwater	.82	Shoshone	.75
Custer	.80	Teton	.79
Elmore	.81	Twin Falls	.81
Franklin	.80	Valley	.81
Fremont	.79	Washington	.81

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	\$.07	Christian	\$.08
Alexander	.85	Clark	.85
Bond	.87	Clay	.85
Boone	.92	Clinton	.90
Brown	.87	Coles	.86
Bureau	.91	Cook	.92
Calhoun	.86	Crawford	.86
Carroll	.90	Cumberland	.87
Cass	.85	De Kalb	.92
Champaign	.89	De Witt	.87

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Douglas	\$.07	Marshall	\$.09
Du Page	.92	Mason	.86
Edgar	.85	Massac	.85
Edwards	.86	Menard	.87
Effingham	.86	Mercer	.89
Fayette	.86	Monroe	.87
Ford	.90	Montgomery	.86
Franklin	.85	Morgan	.87
Fulton	.88	Moultrie	.87
Gallatin	.82	Ogle	.91
Greene	.87	Peoria	.89
Grundy	.92	Perry	.85
Hamilton	.85	Platt	.87
Hancock	.86	Pike	.87
Hardin	.81	Pope	.84
Henderson	.88	Pulaski	.85
Henry	.89	Putnam	.89
Iroquois	.91	Randolph	.85
Jackson	.85	Richland	.85
Jasper	.87	Rock Island	.89
Jefferson	.92	Saint Clair	.88
Jersey	.88	Saline	.82
Jo Daviess	.88	Sangamon	.87
Johnson	.92	Schuyler	.87
Kane	.82	Scott	.87
Kankakee	.92	Shelby	.86
Kendall	.92	Stark	.89
Knox	.89	Stephenson	.91
Lake	.91	Tazewell	.87
La Salle	.91	Union	.85
Lawrence	.84	Vermilion	.90
Lee	.91	Wabash	.87
Livingson	.90	Warren	.89
Logan	.88	Washington	.85
McDonough	.86	Wayne	.88
McHenry	.92	White	.82
McLean	.89	Whiteside	.91
Macon	.87	Will	.92
Macoupin	.88	Williamson	.85
Madison	.88	Winnebago	.90
Marion	.87	Woodford	.89

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	\$.02	Knox	\$.03
Allen	.82	Kosciusko	.84
Bartholomew	.80	Lagrange	.83
Benton	.85	Lake	.90
Blackford	.83	La Porte	.86
Boone	.82	Lawrence	.82
Brown	.79	Madison	.82
Carroll	.84	Marion	.81
Cass	.84	Marshall	.84
Clark	.77	Martin	.81
Clay	.84	Miami	.84
Clinton	.84	Monroe	.84
Crawford	.86	Montgomery	.83
Daviess	.80	Morgan	.80
Dearborn	.77	Newton	.89
Decatur	.79	Noble	.82
De Kalb	.82	Ohio	.77
Delaware	.82	Orange	.85
Dubois	.87	Owen	.80
Elkhart	.84	Parke	.82
Fayette	.80	Perry	.86
Floyd	.77	Pike	.84
Fountain	.82	Porter	.87
Franklin	.79	Posey	.84
Fulton	.85	Pulaski	.86
Gibson	.84	Putnam	.81
Grant	.83	Randolph	.82
Greene	.80	Ripley	.77
Hamilton	.82	Rush	.80
Hancock	.81	Saint Joseph	.84
Harrison	.77	Scott	.77
Hendricks	.82	Shelby	.86
Henry	.82	Spencer	.80
Howard	.84	Starke	.85
Huntington	.82	Steuben	.82
Jackson	.79	Sullivan	.84
Jasper	.87	Switzerland	.75
Jay	.82	Tiptecanoe	.84
Jefferson	.77	Tipton	.83
Jennings	.78	Union	.80
Johnson	.80	Vanderburgh	.88

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Vermillion	\$.09	Washington	\$.07
Vigo	.88	Wayne	.82
Wabash	.84	Wells	.82
Warren	.87	White	.86
Warrick	.88	Whitley	.83

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	\$.07	Jefferson	\$.08
Adams	.79	Johnson	.82
Allamakee	.79	Jones	.82
Appanoose	.81	Keokuk	.79
Audubon	.80	Kossuth	.79
Benton	.81	Lee	.84
Black Hawk	.79	Linn	.81
Boone	.77	Louisa	.82
Bremer	.79	Lucas	.78
Buchanan	.80	Lyon	.77
Buena Vista	.77	Madison	.77
Butler	.79	Mahaska	.79
Calhoun	.78	Marion	.79
Carroll	.80	Marshall	.79
Cass	.79	Mills	.82
Cedar	.82	Mitchell	.80
Cerro Gordo	.79	Monona	.81
Cherokee	.78	Monroe	.80
Chickasaw	.79	Montgomery	.81
Clarke	.78	Muscatine	.84
Clay	.78	O'Brien	.77
Clayton	.80	Osceola	.78
Clinton	.83	Page	.81
Crawford	.81	Palo Alto	.78
Dallas	.77	Plymouth	.79
Davis	.81	Pocahontas	.78
Decatur	.78	Polk	.78
Delaware	.80	Pottawattamie	.82
Des Moines	.83	Poweshiek	.79
Dickinson	.78	Ringgold	.76
Dubuque	.81	Sac	.78
Emmet	.80	Scott	.84
Fayette	.80	Shelby	.81
Floyd	.79	Sioux	.78
Franklin	.78	Story	.78
Fremont	.82	Tama	.80
Greene	.78	Taylor	.79
Grundy	.79	Union	.79
Guthrie	.79	Van Buren	.81
Hamilton	.78	Wapello	.80
Hancock	.79	Warren	.78
Hardin	.78	Washington	.81
Harrison	.82	Wayne	.79
Henry	.81	Webster	.78
Howard	.80	Winnebago	.80
Humboldt	.78	Winneshiek	.79
Ida	.78	Woodbury	.80
Iowa	.80	Worth	.80
Jackson	.85	Wright	.78
Jasper	.78		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	\$.03	Ellis	\$.08
Anderson	.83	Ellsworth	.81
Atchison	.83	Finney	.76
Barber	.80	Ford	.79
Barton	.80	Franklin	.83
Bourbon	.83	Geary	.83
Brown	.83	Gove	.77
Butler	.81	Graham	.79
Chase	.83	Grant	.76
Chautauqua	.83	Gray	.77
Cherokee	.83	Greeley	.76
Cheyenne	.76	Greenwood	.83
Clark	.77	Hamilton	.76
Clay	.82	Harper	.81
Cloud	.82	Harvey	.81
Coffey	.83	Haskell	.76
Comanche	.78	Hodgeman	.79
Cowley	.81	Jackson	.83
Crawford	.83	Jefferson	.83
Decatur	.78	Jewell	.81
Dickinson	.82	Johnson	.83
Doniphan	.83	Kearny	.76
Douglas	.83	Kingman	.81
Edwards	.80	Kiowa	.80
Elk	.83	Labette	.83

RULES AND REGULATIONS

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Lane	\$0.77	Republic	\$0.82
Leavenworth	.83	Rice	.81
Lincoln	.81	Riley	.83
Linn	.83	Rooks	.80
Logan	.76	Rush	.80
Lyon	.83	Russell	.80
McPherson	.81	Saline	.81
Marion	.81	Scott	.76
Marshall	.83	Sedgwick	.82
Meade	.76	Seward	.75
Miami	.83	Shawnee	.83
Mitchell	.81	Sheridan	.77
Montgomery	.83	Sherman	.76
Morris	.83	Smith	.81
Morton	.74	Stafford	.80
Nemaha	.83	Stanton	.75
Neosho	.83	Stevens	.75
Ness	.79	Sumner	.82
Norton	.79	Thomas	.76
Osage	.83	Trego	.79
Osborne	.81	Wabaunsee	.83
Ottawa	.81	Wallace	.76
Pawnee	.80	Washington	.83
Phillips	.80	Wichita	.76
Pottawatomie	.83	Wilson	.83
Pratt	.80	Woodson	.83
Rawlins	.76	Wyandotte	.83
Reno	.81		

KENTUCKY

All counties..... \$0.84

LOUISIANA

All counties..... \$0.77

MAINE

All counties..... \$0.90

MARYLAND

All counties..... \$0.90

MASSACHUSETTS

All counties..... \$0.90

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	\$0.72	Lake	\$0.76
Alger	.74	Lapeer	.80
Allegan	.81	Leelanau	.72
Alpena	.70	Lenawee	.82
Antrim	.70	Livingston	.81
Arenac	.76	Luce	.71
Baraga	.75	Mackinac	.71
Barry	.81	Macomb	.81
Bay	.78	Manistee	.76
Benzie	.74	Marquette	.74
Berrien	.84	Mason	.76
Branch	.82	Mecosta	.76
Calhoun	.84	Menominee	.78
Cass	.84	Midland	.79
Charlevoix	.69	Missaukee	.74
Cheboygan	.69	Monroe	.82
Chippewa	.71	Montcalm	.78
Clare	.77	Montmorency	.71
Clinton	.80	Muskegon	.78
Crawford	.73	Newaygo	.76
Delta	.76	Oakland	.80
Dickinson	.77	Oceana	.76
Eaton	.81	Ogemaw	.75
Emmet	.69	Ontonagon	.74
Genesee	.80	Oscoda	.76
Gladwin	.77	Oscoda	.73
Gogebic	.78	Otsego	.71
Grand Traverse	.72	Ottawa	.81
Gratiot	.80	Presque Isle	.69
Hillsdale	.81	Roscommon	.75
Houghton	.72	Saginaw	.80
Huron	.78	Saint Clair	.80
Ingham	.81	Saint Joseph	.83
Ionia	.80	Sanilac	.78
Iscos	.74	Schoolcraft	.71
Iron	.75	Shiawassee	.80
Isabella	.78	Tuscola	.78
Jackson	.84	Van Buren	.82
Kalamazoo	.83	Washtenaw	.81
Kalkaska	.72	Wayne	.81
Kent	.80	Wexford	.74
Keweenaw	.72		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	\$0.83	Martin	\$0.87
Anoka	.86	Meeker	.84
Becker	.78	Miller Lacs	.84
Beltrami	.78	Morrison	.81
Benton	.83	Mower	.88
Big Stone	.83	Murray	.85
Blue Earth	.88	Nicollet	.88
Brown	.88	Nobles	.82
Carlton	.85	Norman	.77
Carver	.88	Olmsted	.88
Cass	.81	Otter Tail	.80
Chippewa	.85	Pennington	.76
Chisago	.84	Pine	.85
Clay	.78	Pipestone	.81
Clearwater	.78	Polk	.76
Cottonwood	.86	Pope	.81
Crow Wing	.81	Ramsey	.86
Dakota	.88	Red Lake	.77
Dodge	.88	Redwood	.87
Douglas	.81	Renville	.88
Faribault	.87	Rice	.88
Fillmore	.86	Rock	.80
Freeborn	.87	Roseau	.75
Goodhue	.88	Saint Louis	.82
Grant	.79	Scott	.88
Hennepin	.87	Sherburne	.84
Houston	.84	Sibley	.88
Hubbard	.79	Stearns	.83
Isanti	.84	Steele	.86
Itasca	.82	Stevens	.80
Jackson	.86	Swift	.82
Kanabec	.83	Todd	.81
Kandiyohi	.83	Traverse	.79
Kittson	.74	Wabasha	.88
Koochiching	.75	Wadena	.81
Lac qui Parle	.83	Waseca	.88
Lake of the Woods	.76	Washing- ton	.87
Le Sueur	.88	Watonwan	.87
Lincoln	.84	Wilkin	.78
Lyon	.84	Winona	.88
McLeod	.87	Wright	.84
Mahnomen	.77	Yellow	
Marshall	.75	Medicine	.86

MISSISSIPPI

All counties..... \$0.86

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	\$0.82	Dunklin	\$0.89
Andrew	.82	Franklin	.88
Atchison	.80	Gasconade	.85
Audrain	.84	Gentry	.81
Barry	.83	Greene	.83
Barton	.83	Grundy	.81
Bates	.83	Harrison	.80
Benton	.81	Henry	.83
Bollinger	.89	Hickory	.83
Boone	.84	Holt	.81
Buchanan	.83	Howard	.83
Butler	.88	Howell	.81
Caldwell	.82	Iron	.90
Callaway	.84	Jackson	.83
Camden	.86	Jasper	.83
Cape Girardeau	.88	Jefferson	.92
Carroll	.82	Johnson	.82
Carter	.80	Knox	.82
Cass	.83	Laclede	.86
Cedar	.83	Lafayette	.82
Chariton	.82	Lawrence	.83
Christian	.83	Lewis	.84
Clark	.83	Lincoln	.88
Clay	.83	Linn	.81
Clinton	.82	Livingston	.82
Cole	.83	McDonald	.83
Cooper	.82	Macon	.82
Crawford	.90	Madison	.90
Dade	.83	Maries	.85
Dallas	.84	Marion	.84
Davies	.82	Mercer	.79
De Kalb	.82	Miller	.82
Dent	.88	Mississippi	.88
Douglas	.81	Moniteau	.82
		Monroe	.84

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Montgomery	\$0.86	Saint Clair	\$0.83
Morgan	.81	Saint	
New Madrid	.88	Francois	.91
Newton	.83	Sainte Gene- vieve	.91
Nodaway	.80	Saint Louis	.92
Oregon	.83	Saline	.82
Osage	.84	Schuyler	.81
Ozark	.81	Scotland	.83
Pemiscot	.89	Scott	.88
Perry	.90	Shannon	.80
Pettis	.81	Shelby	.83
Phelps	.89	Stoddard	.88
Pike	.85	Stone	.82
Platte	.83	Sullivan	.79
Polk	.83	Taney	.81
Pulaski	.87	Texas	.81
Putnam	.79	Vernon	.83
Ralls	.84	Warren	.88
Randolph	.84	Washington	.91
Ray	.83	Wayne	.88
Reynolds	.87	Webster	.84
Ripley	.88	Worth	.80
Saint Charles	.91	Wright	.81

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	\$0.69	Madison	\$0.74
Big Horn	.59	Meagher	.69
Blaine	.59	Mineral	.75
Broadwater	.72	Missoula	.75
Carbon	.67	Musselshell	.65
Carter	.63	Park	.72
Cascade	.67	Petroleum	.62
Chouteau	.64	Phillips	.56
Custer	.61	Pondera	.66
Daniels	.59	Powder River	.69
Dawson	.62	Powell	.74
Deer Lodge	.74	Prairie	.61
Fallon	.63	Ravalli	.73
Fergus	.65	Richland	.62
Flathead	.73	Roosevelt	.62
Gallatin	.74	Rosebud	.62
Garfield	.60	Sanders	.75
Glacier	.66	Sheridan	.62
Golden Valley	.67	Silver Bow	.74
Granite	.73	Stillwater	.67
Hill	.62	Sweet Grass	.69
Jefferson	.72	Teton	.66
Judith Basin	.64	Toole	.65
Lake	.73	Treasure	.63
Lewis and Clark	.66	Valley	.59
Liberty	.63	Wheatland	.67
Lincoln	.73	Wibaux	.63
McCone	.61	Yellowstone	.67

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	\$0.81	Douglas	\$0.82
Antelope	.82	Dundy	.74
Arthur	.75	Fillmore	.83
Banner	.70	Franklin	.80
Blaine	.78	Frontier	.78
Boone	.82	Furnas	.79
Box Butte	.73	Gage	.83
Boyd	.81	Garden	.73
Brown	.77	Garfield	.80
Buffalo	.81	Gosper	.79
Burt	.82	Grant	.74
Butler	.82	Greene	.82
Cass	.83	Hall	.82
Cedar	.82	Hamilton	.82
Chase	.74	Harlan	.80
Cherry	.75	Hayes	.75
Cheyenne	.72	Hitchcock	.76
Clay	.82	Holt	.80
Colfax	.82	Hooker	.75
Cuming	.82	Howard	.82
Custer	.79	Jefferson	.83
Dakota	.82	Johnson	.83
Dawes	.71	Kearney	.80
Dawson	.79	Keith	.75
Deuel	.74	Keya Paha	.78
Dixon	.82	Kimball	.72
Dodge	.82	Knox	.82

RULES AND REGULATIONS

NEBRASKA—Continued

OHIO—Continued

OREGON

County	Rate per bushel	County	Rate per bushel
Lancaster	\$.83	Rock	\$.78
Lincoln	.77	Saline	.83
Logan	.78	Sarpy	.83
Loup	.80	Saunders	.82
McPherson	.77	Scotts Bluff	.71
Madison	.82	Seward	.82
Merrick	.82	Sheridan	.73
Morrill	.72	Sherman	.81
Nance	.82	Sioux	.71
Nemaha	.83	Stanton	.82
Nuckolls	.81	Thayer	.83
Otoe	.83	Thomas	.77
Pawnee	.83	Thurston	.82
Perkins	.75	Valley	.80
Phelps	.80	Washington	.82
Pierce	.82	Wayne	.82
Platte	.82	Webster	.81
Polk	.82	Wheeler	.82
Red Willow	.78	York	.82
Richardson	.83		

NEVADA

All counties	\$.81
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NEW HAMPSHIRE

All counties	\$.90
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NEW JERSEY

All counties	\$.90
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NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	\$.73	Mora	\$.73
Catron	.73	Otero	.73
Chaves	.78	Quay	.81
Colfax	.73	Rio Arriba	.71
Curry	.81	Roosevelt	.80
De Baca	.77	Sandoval	.73
Dona Ana	.73	San Juan	.71
Eddy	.77	San Miguel	.73
Grant	.73	Santa Fe	.73
Guadalupe	.74	Sierra	.73
Harding	.78	Socorro	.73
Hidalgo	.73	Taos	.71
Lea	.80	Torrance	.73
Lincoln	.73	Union	.73
Luna	.73	Valencia	.73
McKinley	.73		

NEW YORK

All counties	\$.90
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NORTH CAROLINA

All counties	\$.90
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NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	\$.87	McKenzie	\$.84
Barnes	.75	McLean	.70
Benson	.72	Mercer	.69
Billings	.67	Morton	.69
Bottineau	.68	Mountrail	.68
Bowman	.66	Nelson	.73
Burke	.67	Oliver	.69
Burleigh	.71	Pembina	.73
Cass	.76	Pierce	.71
Cavalier	.72	Ramsey	.72
Dickey	.75	Ransom	.76
Divide	.66	Renville	.68
Dunn	.67	Richland	.77
Eddy	.73	Rolette	.70
Emmons	.70	Sargent	.76
Foster	.74	Sheridan	.71
Golden		Sioux	.69
Valley	.64	Slope	.67
Grand Forks	.75	Stark	.68
Grant	.68	Steele	.75
Griggs	.75	Stutsman	.74
Hettinger	.68	Towner	.71
Kidder	.72	Traill	.75
La Moure	.74	Walsh	.73
Logan	.72	Ward	.68
McHenry	.70	Wells	.72
McIntosh	.72	Williams	.66

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	\$.80	Ashtabula	\$.85
Allen	.82	Athens	.82
Ashland	.83	Auglaize	.82

County	Rate per bushel	County	Rate per bushel
Belmont	\$.83	Lucas	\$.81
Brown	.80	Madison	.81
Butler	.80	Mahoning	.85
Carroll	.83	Marion	.82
Champaign	.80	Medina	.83
Clark	.80	Meigs	.80
Clermont	.80	Mercer	.82
Clinton	.80	Miami	.81
Columbiana	.84	Monroe	.83
Coshocton	.83	Montgomery	.80
Crawford	.82	Morgan	.83
Cuyahoga	.83	Morrow	.82
Darke	.83	Muskingum	.83
Defiance	.81	Noble	.83
Delaware	.82	Ottawa	.82
Erie	.82	Paulding	.82
Fairfield	.82	Perry	.82
Fayette	.80	Pickaway	.81
Franklin	.82	Pike	.80
Fulton	.81	Portage	.83
Gallia	.80	Preble	.80
Geauga	.85	Putnam	.82
Greene	.80	Richland	.83
Guernsey	.83	Ross	.81
Hamilton	.80	Sandusky	.82
Hancock	.82	Scioto	.80
Hardin	.82	Seneca	.82
Harrison	.83	Shelby	.82
Henry	.81	Stark	.83
Highland	.80	Summit	.83
Hocking	.82	Trumbull	.85
Holmes	.83	Tuscarawas	.83
Huron	.82	Union	.82
Jackson	.80	Van Wert	.82
Jefferson	.84	Vinton	.82
Knox	.82	Warren	.80
Lake	.84	Washington	.83
Lawrence	.80	Wayne	.83
Licking	.82	Williams	.82
Logan	.81	Wood	.82
Lorain	.83	Wyandot	.82

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	\$.80	Le Flore	\$.78
Alfalfa	.80	Lincoln	.82
Atoka	.82	Logan	.82
Beaver	.80	Love	.83
Beckham	.82	McCain	.82
Blaine	.82	McCurtain	.78
Bryan	.81	McIntosh	.82
Caddo	.82	Major	.81
Canadian	.82	Marshall	.82
Carter	.82	Mayes	.82
Cherokee	.82	Murray	.82
Choctaw	.78	Muskogee	.82
Cimarron	.80	Noble	.80
Cleveland	.82	Nowata	.83
Coal	.82	Okfuskee	.82
Comanche	.82	Oklahoma	.82
Cotton	.82	Oklmulgee	.82
Craig	.83	Osage	.81
Creek	.82	Ottawa	.83
Custer	.81	Pawnee	.81
Delaware	.83	Payne	.82
Dewey	.81	Pittsburg	.82
Ellis	.80	Pontotoc	.82
Garfield	.82	Pottawa-	
Garvin	.82	tomie	.82
Grady	.82	Pushmataha	.78
Grant	.79	Roger Mills	.78
Greer	.82	Rogers	.82
Harmon	.82	Seminole	.82
Harper	.80	Sequoyah	.79
Haskell	.78	Stephens	.82
Hughes	.82	Texas	.80
Jackson	.82	Tillman	.82
Jefferson	.82	Tulsa	.82
Johnston	.82	Wagoner	.82
Kay	.80	Washington	.83
Kingfisher	.82	Washita	.82
Kiowa	.82	Woods	.80
Latimer	.78	Woodward	.80

County	Rate per bushel	County	Rate per bushel
Baker	\$.84	Lake	\$.85
Benton	.90	Lane	.86
Clackamas	.91	Lincoln	.82
Clatsop	.86	Linn	.90
Columbia	.88	Malheur	.80
Coos	.79	Marion	.92
Crook	.89	Morrow	.90
Curry	.81	Multnomah	.92
Deschutes	.89	Polk	.92
Douglas	.82	Sherman	.93
Gilliam	.91	Tillamook	.93
Grant	.89	Umatilla	.89
Harney	.77	Union	.85
Hood River	.94	Wallowa	.82
Jackson	.82	Wasco	.94
Jefferson	.91	Washington	.93
Josephine	.82	Wheeler	.89
Klamath	.85	Yamhill	.92

PENNSYLVANIA

All counties	\$.90
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RHODE ISLAND

All counties	\$.90
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SOUTH CAROLINA

All counties	\$.90
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SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	\$.77	Jackson	\$.74
Beadle	.80	Jerard	.78
Bennett	.74	Jones	.76
Bon Homme	.78	Kingsbury	.80
Brookings	.81	Lake	.80
Brown	.79	Lawrence	.70
Brule	.78	Lincoln	.79
Buffalo	.78	Lyman	.77
Butte	.69	McCook	.78
Campbell	.71	McPherson	.76
Charles Mix	.78	Marshall	.77
Clark	.81	Meade	.71
Clay	.79	Mellette	.78
Codington	.81	Miner	.79
Corson	.71	Minnehaha	.79
Custer	.71	Moody	.81
Davison	.78	Pennington	.72
Day	.81	Perkins	.70
Deuel	.80	Potter	.78
Dewey	.73	Roberts	.80
Douglas	.78	Sanborn	.79
Edmunds	.78	Shannon	.73
Fall River	.70	Spink	.80
Faulk	.79	Stanley	.77
Grant	.82	Sully	.78
Gregory	.79	Todd	.78
Haakon	.75	Tripp	.78
Hamlin	.80	Turner	.78
Hand	.79	Union	.79
Hanson	.78	Walworth	.77
Harding	.71	Washabaugh	.74
Hughes	.78	Yankton	.78
Hutchinson	.78	Ziebach	.73
Hyde	.78		

TENNESSEE

Shelby	\$.89
All other counties	.87

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	\$.93	Brazoria	\$.98
Archer	.82	Brazos	.96
Armstrong	.82	Brewster	.72
Atascosa	.90	Briscoe	.82
Austin	.98	Brown	.87
Bailey	.82	Burleson	.95
Bandera	.89	Burnet	.90
Baylor	.82	Callahan	.84
Bee	.92	Cameron	.85
Bell	.92	Camp	.88
Bexar	.92	Carson	.82
Blanco	.92	Cass	.87
Borden	.82	Castro	.82
Bosque	.90	Chambers	.95
Bowie	.86	Cherokee	.93

RULES AND REGULATIONS

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Childress	\$.82	Kaufman	\$.88
Clay	.84	Kendall	.88
Cochran	.82	Kenedy	.88
Coke	.82	Kent	.82
Coleman	.85	Kerr	.88
Collin	.88	Kimble	.86
Collingsworth	.82	King	.82
Comal	.92	Kinney	.85
Comanche	.87	Knox	.82
Concho	.85	Lamar	.85
Cooke	.86	Lamb	.82
Coryell	.91	Lampasas	.90
Cottle	.82	Leon	.94
Crane	.77	Liberty	.98
Crockett	.76	Limestone	.93
Crosby	.82	Lipscomb	.80
Dallam	.80	Live Oak	.91
Dallas	.89	Llano	.90
Dawson	.82	Loving	.73
Deaf Smith	.82	Lubbock	.82
Delta	.85	Lynn	.82
Denton	.87	McCulloch	.86
De Witt	.94	McLennan	.92
Dickens	.82	Madison	.96
Donley	.82	Marion	.88
Eastland	.85	Martin	.81
Ector	.80	Mason	.87
Edwards	.81	Maverick	.84
Ellis	.89	Medina	.89
El Paso	.72	Menard	.85
Erath	.86	Midland	.81
Falls	.93	Milam	.94
Fannin	.86	Mills	.89
Fayette	.95	Mitchell	.82
Fisher	.82	Montague	.85
Floyd	.82	Montgomery	.98
Foard	.82	Moore	.80
Fort Bend	.98	Morris	.88
Franklin	.88	Motley	.82
Freestone	.93	Nacogdoches	.92
Gaines	.82	Navarro	.91
Garza	.82	Newton	.95
Gillespie	.88	Nolan	.82
Goliad	.95	Ochiltree	.82
Gonzales	.94	Oldham	.80
Gray	.82	Orange	.95
Grayson	.86	Palo Pinto	.85
Gregg	.89	Panola	.91
Grimes	.96	Parker	.88
Guadalupe	.92	Parmer	.81
Hale	.82	Pecos	.73
Hall	.82	Polk	.96
Hamilton	.88	Potter	.82
Hansford	.80	Rains	.89
Hardeman	.82	Rians	.89
Hardin	.95	Randall	.82
Harris	.98	Reagan	.76
Harrison	.88	Red River	.84
Hartley	.80	Reeves	.73
Haskell	.82	Roberts	.80
Hays	.93	Robertson	.94
Hemphill	.80	Rockwall	.87
Henderson	.91	Runnels	.84
Hidalgo	.85	Rusk	.90
Hill	.91	Sabine	.92
Hockley	.82	San	
Hood	.87	Augustine	.92
Hopkins	.86	San Jacinto	.97
Houston	.95	San Saba	.87
Howard	.82	Schleicher	.77
Hudspeth	.72	Scurry	.82
Hunt	.87	Shackelford	.83
Hutchinson	.80	Shelby	.92
Irion	.76	Sherman	.80
Jack	.85	Smith	.91
Jackson	.95	Somervell	.88
Jasper	.95	Starr	.84
Jeff Davis	.72	Stephens	.85
Jefferson	.96	Sterling	.78
Jim Wells	.90	Stonewall	.82
Johnson	.89	Sutton	.76
Jones	.82	Swisher	.82
Karnes	.92	Tarrant	.89
		Taylor	.83

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Terrell	\$.76	Waller	\$.98
Terry	.82	Ward	.77
Throckmorton	.83	Washington	.96
Titus	.88	Wharton	.97
Tom Green	.82	Wheeler	.81
Travis	.93	Wichita	.83
Trinity	.96	Wilbarger	.82
Tyler	.95	Willacy	.85
Upshur	.89	Williamson	.93
Upton	.74	Wilson	.91
Uvalde	.87	Winkler	.80
Val Verde	.82	Wise	.87
Van Zandt	.89	Wood	.89
Victoria	.95	Yoakum	.82
Walker	.97	Young	.85

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	\$.76	Plute	\$.76
Box Elder	.81	Rich	.81
Cache	.81	Salt Lake	.81
Carbon	.76	San Juan	.76
Daggett	.76	Sanpete	.76
Davis	.81	Sevier	.76
Duchesne	.76	Summit	.76
Emery	.76	Tooele	.81
Garfield	.76	Uintah	.76
Grand	.76	Utah	.76
Iron	.76	Wasatch	.76
Juab	.76	Washington	.76
Kane	.76	Wayne	.76
Millard	.76	Weber	.81
Morgan	.81		

VERMONT

All counties	\$.90
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VIRGINIA

All counties	\$.90
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WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	\$.88	Lewis	\$.86
Asotin	.84	Lincoln	.86
Benton	.90	Mason	.86
Chelan	.88	Okanogan	.87
Clallam	.80	Pacific	.86
Clark	.92	Pend Oreille	.74
Columbia	.88	Pierce	.91
Cowlitz	.90	San Juan	.88
Douglas	.87	Skagit	.88
Ferry	.83	Skamania	.93
Franklin	.89	Snohomish	.89
Garfield	.86	Spokane	.84
Grant	.88	Stevens	.81
Grays Harbor	.86	Thurston	.87
Island	.89	Wahkiakum	.90
Jefferson	.81	Walla Walla	.89
King	.91	Whatcom	.87
Kitsap	.84	Whitman	.85
Kittitas	.93	Yakima	.92
Klickitat	.92		

WEST VIRGINIA

All counties	\$.87
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WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	\$.81	Fond Du Lac	\$.83
Ashland	.80	Forest	.78
Barron	.81	Grant	.81
Bayfield	.81	Green	.84
Brown	.82	Green Lake	.82
Buffalo	.81	Iowa	.81
Burnett	.83	Iron	.79
Calumet	.82	Jackson	.80
Chippewa	.80	Jefferson	.85
Clark	.78	Juneau	.82
Columbia	.82	Kenosha	.89
Crawford	.80	Kewaunee	.79
Dane	.84	LaCrosse	.80
Dodge	.83	Lafayette	.82
Door	.77	Langlade	.79
Douglas	.84	Lincoln	.78
Dunn	.82	Manitowoc	.82
Eau Claire	.81	Marathon	.79
Florence	.77	Marquette	.81
		Marquette	\$.81
		Menominee	.81
		Milwaukee	.89
		Monroe	.81
		Oconto	.80
		Oneida	.77
		Outagamie	.82
		Ozaukee	.84
		Pepin	.82
		Pierce	.84
		Polk	.84
		Portage	.81
		Price	.78
		Racine	.89
		Richland	.81
		Rock	.85
		Rusk	.80
		Saint Croix	\$.84
		Sauk	.82
		Sawyer	.81
		Shawano	.81
		Sheboygan	.84
		Taylor	.78
		Trempealeau	.80
		Vernon	.80
		Vilas	.75
		Walworth	.85
		Washburn	.82
		Washington	.84
		Waukesha	.85
		Waupaca	.81
		Washara	.81
		Winnebago	.82
		Wood	.80

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Albany	\$.76	Natrona	\$.76
Big Horn	.76	Niobrara	.67
Campbell	.63	Park	.76
Carbon	.76	Platte	.70
Converse	.64	Sheridan	.61
Crook	.64	Sublette	.76
Fremont	.76	Sweetwater	.76
Goshen	.70	Teton	.76
Hot Springs	.76	Uinta	.76
Johnson	.61	Washakie	.76
Laramie	.72	Weston	.66
Lincoln	.76		

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	\$.76	Natrona	\$.76
Big Horn	.76	Niobrara	.67
Campbell	.63	Park	.76
Carbon	.76	Platte	.70
Converse	.64	Sheridan	.61
Crook	.64	Sublette	.76
Fremont	.76	Sweetwater	.76
Goshen	.70	Teton	.76
Hot Springs	.76	Uinta	.76
Johnson	.61	Washakie	.76
Laramie	.72	Weston	.66
Lincoln	.76		

(c) Additional payment on Malting Barley. Notwithstanding the provisions of § 1421.2271, in determining the settlement rate for eligible barley produced in compliance with the Malting Barley Exemption of the 1966-69 Feed Grain Program Regulations (31 F.R. 8339) and acquired by CCC under a loan or by purchase, 12½ cents per bushel shall be added to the applicable support rate for such barley listed in this section.

(d) Discounts. The basic support rate shall be adjusted as applicable by discounts as follows:

Reason:	Discount (cents per bushel)
Class—Mixed barley	2
Grade:	
No. 3	3
No. 4	6
No. 5	15
Total damage (percent):	
10.1-11	1
11.1-12	2
12.1-13	3
13.1-14	4
14.1-15	5
15.1-16	6
16.1-17	7
17.1-18	8
18.1-19	9
19.1 and above	10
Garlicky	10
Weed Control Law (where required by § 1421.74)	10
Other discounts as may be established by CCC to reflect the value of barley acquired by CCC.	

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

RULES AND REGULATIONS

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on July 14, 1966.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-7874; Filed, July 20, 1966; 8:45 a.m.]

[CCC Grain Price Support Regs., 1966-Crop Grain Sorghum Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 Crop Grain Sorghum Loan and Purchase Program

This annual crop year supplement, together with the General Regulations for the 1964 and Subsequent Crops (31 F.R. 5941) and the 1966 and Subsequent Crops Grain Sorghum Supplement (31 F.R. 8000), and any amendments thereto, contain the provisions for price support loans and purchases for the 1966 crop of grain sorghum.

- Sec. 1421.2575 Availability.
- 1421.2576 Compliance requirements.
- 1421.2577 Warehouse charges.
- 1421.2578 Maturity of loans.
- 1421.2579 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2575 Availability.

A producer desiring a price support loan must request a loan on his eligible grain sorghum on or before May 31, 1967, on grain sorghum stored in Oklahoma and Texas and on or before June 30, 1967, on grain sorghum stored in all other States. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible grain sorghum to CCC on or before June 30, 1967, with respect to grain sorghum stored in the States of Oklahoma and Texas and on or before July 31, 1967, with respect to grain sorghum stored in any other State.

§ 1421.2576 Compliance requirements.

To be eligible for a loan or purchase, a producer must qualify for a price support payment under the 1966-69 Feed Grain Program Regulations (31 F.R. 8339) on grain sorghum of the 1966 crop on the farm on which the grain sorghum tendered for loan or purchase was produced except that such qualification is not necessary with respect to grain sorghum produced in an area of the United States in which the feed grain program is not in effect.

§ 1421.2577 Warehouse charges.

Subject to the provisions of § 1421.2569, the following schedule of deductions for grain sorghum stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall apply:

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of June 30, 1967	Deduction (cents per hundred-weight)	Maturity date of July 31, 1967
(1)	27	(1)
Prior to June 4, 1966	26	Prior to June 3, 1966
June 4-June 19	25	June 3-June 18
June 20-July 5	24	June 19-July 4
July 6-July 21	23	July 5-July 20
July 22-Aug. 6	22	July 21-Aug. 5
Aug. 7-Aug. 22	21	Aug. 6-Aug. 21
Aug. 23-Sept. 7	20	Aug. 22-Sept. 6
Sept. 8-Sept. 23	19	Sept. 7-Sept. 22
Sept. 24-Oct. 9	18	Sept. 23-Oct. 8
Oct. 10-Oct. 25	17	Oct. 9-Oct. 24
Oct. 26-Nov. 10	16	Oct. 25-Nov. 9
Nov. 11-Nov. 26	15	Nov. 10-Nov. 25
Nov. 27-Dec. 12	14	Nov. 26-Dec. 11
	13	Dec. 12-Dec. 27
	12	Dec. 28, 1966-Jan. 12, 1967
Dec. 13-Dec. 28, 1967	11	Jan. 13-Jan. 28
Jan. 14-Jan. 29	10	Jan. 29-Feb. 13
Jan. 30-Feb. 14	9	Feb. 14-Mar. 1
Feb. 15-Mar. 2	8	Mar. 2-Mar. 17
Mar. 3-Mar. 18	7	Mar. 18-Apr. 2
Mar. 19-Apr. 3	6	Apr. 3-Apr. 18
Apr. 4-Apr. 19	5	Apr. 19-May 4
Apr. 20-May 5	4	May 5-May 20
May 6-May 21	3	May 21-June 5
May 22-June 6	2	June 6-June 21
June 7-June 30, 1967	1	June 22-July 7
		July 8-July 31, 1967

¹ Dates storage charges start, all dates inclusive.

§ 1421.2578 Maturity of loans.

Loans mature on demand but not later than: June 30, 1967, on grain sorghum stored in the States of Oklahoma and Texas and July 31, 1967, on grain sorghum stored in all other States.

§ 1421.2579 Support rates and discounts.

(a) *Basic support rates (terminals).* Basic support rates for terminal markets for grain sorghum grading No. 2 or better are as follows:

Terminal market	Rate per hundredweight
Sioux City, Iowa	\$1.64
Omaha, Nebr.	1.68
Council Bluffs, Iowa	1.68
Atchison, Kans.	1.78
Kansas City, Kans.	1.78
Kansas City, Mo.	1.78
St. Joseph, Mo.	1.78
Cairo, Ill.	1.92
East St. Louis, Ill.	1.92
St. Louis, Mo.	1.92
Memphis, Tenn.	1.97
Beaumont, Tex.	2.04
Brownsville, Tex.	2.04
Corpus Christi, Tex.	2.04
Galveston, Tex.	2.04
Houston, Tex.	2.04
Port Arthur, Tex.	2.04
Baton Rouge, La.	2.04
New Orleans, La.	2.04
Los Angeles, Calif.	2.21
Long Beach, Calif.	2.21
Oakland, Calif.	2.21
San Francisco, Calif.	2.21
Wilmington, Calif.	2.21
Stockton, Calif.	2.21
Astoria, Oreg.	2.19
Portland, Oreg.	2.19
Kalama, Wash.	2.19
Longview, Wash.	2.19
Seattle, Wash.	2.19
Tacoma, Wash.	2.19
Vancouver, Wash.	2.19

(b) *Basic support rates (counties).* Basic support rates for counties for grain sorghum grading No. 2 or better are as follows:

ALABAMA		Rate per hundred-weight	
County			
All counties		\$1.59	
ARIZONA		Rate per hundred-weight	
County	Rate per hundred-weight	County	
Apache	\$1.50	Mohave	\$1.50
Cochise	1.72	Navajo	1.50
Coconino	1.50	Pima	1.80
Gila	1.35	Pinal	1.85
Graham	1.60	Santa Cruz	1.75
Greenlee	1.35	Yavapai	1.29
Maricopa	1.85	Yuma	1.88
ARKANSAS		Rate per hundred-weight	
Arkansas	\$1.69	Lee	\$1.75
Ashley	1.64	Lincoln	1.67
Baxter	1.51	Little River	1.48
Benton	1.44	Logan	1.48
Boone	1.49	Lonoke	1.70
Bradley	1.54	Madison	1.44
Calhoun	1.53	Marion	1.49
Carroll	1.46	Miller	1.48
Chicot	1.66	Mississippi	1.75
Clark	1.52	Monroe	1.72
Clay	1.70	Montgomery	1.48
Cleburne	1.70	Nevada	1.49
Cleveland	1.58	Newton	1.49
Columbia	1.49	Ouachita	1.51
Conway	1.65	Perry	1.52
Craighead	1.74	Phillips	1.73
Crawford	1.46	Pike	1.49
Crittenden	1.75	Poinsett	1.75
Cross	1.75	Polk	1.44
Dallas	1.54	Pope	1.51
Desha	1.69	Prairie	1.72
Drew	1.65	Pulaski	1.68
Faulkner	1.67	Randolph	1.72
Franklin	1.48	St. Francis	1.75
Fulton	1.59	Saline	1.58
Garland	1.52	Scott	1.44
Grant	1.54	Searcy	1.49
Greene	1.73	Sebastian	1.47
Hempstead	1.49	Sevier	1.45
Hot Spring	1.54	Sharp	1.59
Howard	1.48	Stone	1.55
Independence	1.63	Union	1.49
Izard	1.54	Van Buren	1.65
Jackson	1.70	Washington	1.44
Jefferson	1.67	White	1.71
Johnson	1.49	Woodruff	1.74
Lafayette	1.49	Yell	1.51
Lawrence	1.71		
CALIFORNIA		Rate per hundred-weight	
Alameda	\$1.99	Plumas	\$1.80
Amador	1.99	Riverside	1.91
Butte	1.94	Sacramento	1.98
Calaveras	1.99	San Benito	1.95
Colusa	1.96	San Bernardino	1.95
Contra Costa	1.99	San Diego	1.89
El Dorado	1.93	San Francisco	2.02
Fresno	1.96	San Joaquin	2.02
Glenn	1.95	San Luis	1.89
Imperial	1.91	San Mateo	1.99
Inyo	1.63	Santa Barbara	1.87
Kern	1.93	Santa Clara	1.98
Kings	1.96	Santa Cruz	1.93
Lake	1.90	Shasta	1.77
Lassen	1.68	Sierra	1.66
Los Angeles	1.96	Siskiyou	1.77
Madera	1.99	Solano	1.97
Marin	1.99	Sonoma	1.96
Merced	2.00	Stanislaus	2.00
Modoc	1.76	Sutter	1.95
Mono	1.56	Tehama	1.86
Monterey	1.92		
Napa	1.97		
Orange	1.96		
Placer	1.96		

RULES AND REGULATIONS

CALIFORNIA—Continued

County	Rate per hundred-weight	County	Rate per hundred-weight
Tulare	\$1.94	Yolo	\$1.98
Tuolumne	2.00	Yuba	1.96
Ventura	1.96		

COLORADO

All counties	\$1.41
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FLORIDA

All counties	\$1.59
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GEORGIA

All counties	\$1.64
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IDAHO

All counties	\$1.34
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ILLINOIS

All counties	\$1.46
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INDIANA

All counties	\$1.49
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IOWA

Adair	\$1.43	Madison	\$1.43
Adams	1.45	Mahaska	1.40
Appanoose	1.44	Marion	1.41
Audubon	1.44	Marshall	1.36
Boone	1.39	Mills	1.45
Buena Vista	1.39	Monona	1.45
Calhoun	1.40	Monroe	1.42
Carroll	1.43	Montgomery	1.45
Cass	1.43	O'Brien	1.41
Cherokee	1.41	Osceola	1.40
Clarke	1.44	Page	1.47
Clay	1.39	Palo Alto	1.37
Crawford	1.45	Plymouth	1.41
Dallas	1.39	Pocahontas	1.37
Davis	1.41	Polk	1.39
Decatur	1.46	Pottawattomie	1.45
Des Moines	1.36	Ringgold	1.47
Dickinson	1.37	Sac	1.41
Emmet	1.35	Shelby	1.45
Fremont	1.45	Sioux	1.41
Greene	1.40	Story	1.37
Guthrie	1.42	Taylor	1.49
Hamilton	1.36	Union	1.46
Harrison	1.45	Van Buren	1.38
Henry	1.37	Wapello	1.41
Humboldt	1.36	Warren	1.42
Ida	1.41	Washington	1.36
Jasper	1.38	Wayne	1.46
Jefferson	1.40	Webster	1.39
Keokuk	1.40	Woodbury	1.42
Lee	1.38	All Other Counties	1.34
Lucas	1.44		
Lyon	1.41		

KANSAS

Allen	\$1.51	Johnson	\$1.55
Anderson	1.55	Kingman	1.43
Atchison	1.55	Labette	1.50
Bourbon	1.53	Leavenworth	1.55
Brown	1.54	Lincoln	1.42
Butler	1.44	Linn	1.55
Chase	1.47	Lyon	1.50
Chautauqua	1.47	McPherson	1.43
Cherokee	1.50	Marion	1.44
Clay	1.47	Marshall	1.50
Cloud	1.45	Miami	1.55
Coffey	1.52	Mitchell	1.43
Cowley	1.44	Montgomery	1.50
Crawford	1.51	Morris	1.47
Dickinson	1.45	Morton	1.42
Doniphan	1.55	Nemaha	1.51
Douglas	1.55	Neosho	1.51
Elk	1.47	Osage	1.53
Ellsworth	1.42	Osborne	1.42
Franklin	1.55	Ottawa	1.44
Geary	1.47	Pottawatomie	1.51
Greenwood	1.48	Reno	1.42
Harper	1.42	Republic	1.44
Harvey	1.44	Rice	1.42
Jackson	1.54	Riley	1.50
Jefferson	1.55	Saline	1.43
Jewell	1.43		

KANSAS—Continued

County	Rate per hundred-weight	County	Rate per hundred-weight
Sedgwick	\$1.44	Washington	\$1.47
Seward	1.42	Wilson	1.50
Shawnee	1.53	Woodson	1.51
Smith	1.42	Wyandotte	1.55
Stevens	1.42	All Other Counties	1.41
Summer	1.44		
Wabaunsee	1.51		

KENTUCKY

All counties	\$1.59
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LOUISIANA

All counties	\$1.59
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MICHIGAN

All counties	\$1.44
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MINNESOTA

All counties	\$1.39
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MISSISSIPPI

All counties	\$1.59
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MISSOURI

Adair	\$1.44	Linn	\$1.52
Andrew	1.55	Livingston	1.54
Atchison	1.50	McDonald	1.47
Audrain	1.45	Macon	1.49
Barry	1.47	Madison	1.63
Barton	1.51	Maries	1.48
Bates	1.55	Marion	1.43
Benton	1.51	Mercer	1.50
Bollinger	1.65	Miller	1.43
Boone	1.46	Mississippi	1.67
Buchanan	1.55	Moniteau	1.46
Butler	1.68	Monroe	1.46
Caldwell	1.55	Montgomery	1.49
Callaway	1.43	Morgan	1.48
Camden	1.43	New Madrid	1.69
Cape Girardeau	1.66	Newton	1.47
Carroll	1.55	Nodaway	1.52
Carter	1.49	Oregon	1.57
Cass	1.55	Osage	1.46
Cedar	1.53	Ozark	1.51
Chariton	1.53	Pemiscot	1.71
Christian	1.48	Perry	1.61
Clark	1.43	Pettis	1.51
Clay	1.55	Phelps	1.47
Clinton	1.55	Pike	1.41
Cole	1.43	Platte	1.55
Cooper	1.49	Polk	1.50
Crawford	1.49	Pulaski	1.44
Dade	1.50	Putnam	1.48
Dallas	1.46	Ralls	1.44
Davies	1.53	Randolph	1.50
De Kalb	1.55	Ray	1.55
Dent	1.45	Reynolds	1.45
Douglas	1.49	Ripley	1.68
Dunklin	1.70	St. Charles	1.52
Franklin	1.52	St. Clair	1.54
Gasconade	1.49	St. Francois	1.63
Gentry	1.51	St. Louis	1.54
Greene	1.48	Ste. Genevieve	1.61
Grundy	1.52	Saline	1.54
Harrison	1.49	Schuyler	1.44
Henry	1.55	Scotland	1.42
Hickory	1.51	Scott	1.67
Holt	1.52	Shannon	1.49
Howard	1.50	Shelby	1.47
Howell	1.54	Stoddard	1.68
Iron	1.63	Stone	1.48
Jackson	1.55	Sullivan	1.50
Jasper	1.50	Taney	1.48
Jefferson	1.60	Texas	1.49
Johnson	1.53	Vernon	1.53
Knox	1.43	Warren	1.51
Laclede	1.43	Washington	1.61
Lafayette	1.55	Wayne	1.67
Lawrence	1.47	Webster	1.46
Lewis	1.43	Worth	1.51
Lincoln	1.40	Wright	1.49

NEBRASKA

Adams	\$1.43	Cass	\$1.49
Burt	1.45	Clay	1.44
Butler	1.45	Colfax	1.45

NEBRASKA—Continued

County	Rate per hundred-weight	County	Rate per hundred-weight
Cuming	\$1.45	Platte	\$1.44
Dakota	1.42	Polk	1.43
Dodge	1.45	Richardson	1.51
Douglas	1.45	Saline	1.48
Fillmore	1.46	Sarpy	1.46
Gage	1.49	Saunders	1.46
Jefferson	1.47	Seward	1.46
Johnson	1.49	Stanton	1.45
Lancaster	1.49	Thayer	1.46
Madison	1.42	Thurston	1.45
Nance	1.42	Washington	1.45
Nemaha	1.49	Webster	1.42
Nuckolls	1.43	York	1.43
Otoe	1.49	All other counties	1.41
Pawnee	1.50		
Pierce	1.42		

NEVADA

All counties	\$1.44
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NEW MEXICO

Hidalgo	\$1.51	All other countries	\$1.50
Luna	1.51		

NORTH CAROLINA

All counties	\$1.64
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NORTH DAKOTA

All counties	\$1.34
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OHIO

All counties	\$1.49
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OKLAHOMA

County	Rate per hundred-weight	County	Rate per hundred-weight
Adair	\$1.41	Major	\$1.47
Alfalfa	1.47	Noble	1.47
Beaver	1.46	Osage	1.43
Bryan	1.50	Pawnee	1.48
Cimarron	1.46	Pushmataha	1.43
Dewey	1.47	Roger Mills	1.48
Ellis	1.46	Rogers	1.47
Grant	1.44	Sequoyah	1.41
Harper	1.45	Texas	1.47
Haskell	1.41	Tulsa	1.46
Kay	1.44	Washington	1.48
Latimer	1.41	Woods	1.46
Le Flore	1.41	Woodward	1.46
Love	1.51	All other counties	1.49
McCurtain	1.41		

OREGON

All counties	\$1.49
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PENNSYLVANIA

All counties	\$1.64
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SOUTH CAROLINA

All counties	\$1.64
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SOUTH DAKOTA

Bon Homme	\$1.39	Minnehaha	\$1.39
Charles Mix	1.36	Moody	1.36
Clay	1.41	Turner	1.39
Douglas	1.36	Union	1.41
Hutchinson	1.38	Yankton	1.41
Lincoln	1.41	All other counties	1.35
McCook	1.37		

TENNESSEE

All counties	\$1.59
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TEXAS

Anderson	\$1.73	Bandera	\$1.75
Angelina	1.77	Bastrop	1.75
Aransas	1.86	Baylor	1.49
Atascosa	1.78	Bee	1.86
Austin	1.83	Bell	1.72

TEXAS—Continued

County	Rate per hundred-weight	County	Rate per hundred-weight
Bexar	\$1.76	Kinney	\$1.66
Blanco	1.71	Kleberg	1.85
Bosque	1.66	Knox	1.49
Bowie	1.58	Lamar	1.56
Brazoria	1.83	Lampasas	1.66
Brazos	1.78	La Salle	1.71
Brooks	1.78	Lavaca	1.77
Brown	1.60	Lee	1.77
Burleson	1.78	Leon	1.75
Burnet	1.68	Liberty	1.83
Caldwell	1.76	Limestone	1.74
Calhoun	1.82	Live Oak	1.83
Callahan	1.54	Llano	1.66
Cameron	1.83	McCulloch	1.58
Camp	1.62	McLennan	1.71
Cass	1.60	McMullen	1.80
Chambers	1.77	Madison	1.78
Cherokee	1.72	Marion	1.62
Clay	1.54	Mason	1.60
Coleman	1.56	Matagorda	1.79
Collin	1.62	Maverick	1.65
Colorado	1.80	Medina	1.75
Comal	1.76	Menard	1.56
Comanche	1.60	Milam	1.75
Concho	1.56	Mills	1.64
Cooke	1.57	Montague	1.56
Coryell	1.68	Montgomery	1.83
Dallas	1.64	Morris	1.62
Delta	1.57	Nacogdoches	1.71
Denton	1.60	Navarro	1.69
DeWitt	1.79	Newton	1.76
Dickens	1.49	Nueces	1.87
Dimmit	1.66	Orange	1.78
Duval	1.81	Palo Pinto	1.57
Eastland	1.57	Panola	1.68
Edwards	1.54	Parker	1.62
Ellis	1.65	Polk	1.79
Erath	1.59	Presidio	1.48
Falls	1.73	Rains	1.64
Fannin	1.58	Real	1.72
Fayette	1.78	Red River	1.54
Fisher	1.49	Refugio	1.86
Foard	1.49	Robertson	1.74
Fort Bend	1.83	Rockwall	1.60
Franklin	1.62	Runnels	1.54
Freestone	1.72	Rusk	1.67
Frio	1.72	Sabine	1.71
Galveston	1.83	San	
Gillespie	1.74	Augustine	1.71
Goliad	1.84	San Jacinto	1.82
Gonzales	1.75	San Patricio	1.87
Grayson	1.58	San Saba	1.60
Gregg	1.65	Shackelford	1.52
Grimes	1.80	Shelby	1.71
Guadalupe	1.76	Smith	1.68
Hamilton	1.62	Somervell	1.62
Hardeman	1.49	Starr	1.78
Hardin	1.78	Stephens	1.56
Harris	1.83	Stonewall	1.49
Harrison	1.63	Tarrant	1.64
Haskell	1.49	Taylor	1.52
Hays	1.73	Throck-	
Henderson	1.68	morton	1.53
Hidalgo	1.82	Titus	1.62
Hill	1.68	Travis	1.74
Hood	1.60	Trinity	1.79
Hopkins	1.58	Tyler	1.76
Houston	1.77	Upshur	1.64
Hunt	1.60	Uvalde	1.72
Jack	1.56	Val Verde	1.62
Jackson	1.80	Van Zandt	1.64
Jasper	1.77	Victoria	1.82
Jefferson	1.79	Walker	1.81
Jim Hogg	1.78	Waller	1.83
Jim Wells	1.86	Washington	1.79
Johnson	1.64	Webb	1.74
Karnes	1.81	Wharton	1.81
Kaufman	1.63	Wichita	1.51
Kendall	1.75	Wilbarger	1.49
Kenedy	1.82	Willacy	1.83
Kent	1.49	Williamson	1.73
Kerr	1.74	Wilson	1.77
Kimble	1.58	Wise	1.60
King	1.49	Wood	1.64

TEXAS—Continued

County	Rate per hundred-weight	County	Rate per hundred-weight
Young	\$1.56	All Other	
Zapata	1.70	Counties	\$1.50
Zavala	1.66		

UTAH

All counties-----\$1.34

VIRGINIA

All counties-----\$1.64

WASHINGTON

All counties-----\$1.49

WISCONSIN

All counties-----\$1.39

WYOMING

All counties-----\$1.39

(c) Discounts. The basic support rate shall be adjusted by discounts as follows:

	Cents per hundredweight
(1) Class: Mixed grain sorghum	3
(2) Grade: No. 3 (not over 14 percent moisture)	3
No. 4 (not over 14 percent moisture)	5
Smutty	5
Weed control law (where required by § 1421.74)	15

Other discounts as may be established by CCC to reflect the value of grain sorghum acquired by CCC.

NOTE: Discounts are cumulative except only one grade discount shall be applied.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 14, 1966.

E. A. JÄENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-7875; Filed, July 20, 1966; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1,

120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, and Winston Counties;

Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Teller, Washington, Weld, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Manatee, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;
Hawaii. Honolulu and Kauai Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;

Kentucky. The entire State;
Louisiana. Ascension, Assumption, Bienville, Claiborne, Jackson, Jefferson, Lincoln, Livingston, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge and Winn Parishes;

Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Wayne, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Banner, Boone, Buffalo, Burt, Butler, Cass, Cedar,

Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Atoka, Canadian, Cherokee, Choctaw, Cimarron, Delaware, Garfield, Grant, Greer, Harmon, Haskell, Kingfisher, Kiowa, Latimer, McCurtain, McIntosh, Mayes, Noble, Nowata, Okfuskee, Osage, Ottawa, Payne, Pushmataha, Texas, Washington, and Woods Counties;

Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson, Harding, Jerrold, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Meade, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Shannon, Spink, Turner, Union, Walworth, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;
Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Burnet, Caldwell, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Duval, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Floyd, Galnes, Garza, Gillespie, Glasscock, Gray, Guadalupe, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Williamson, Wilson, Winkler, Yoakum, and Young Counties;

Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33

Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(d): Dallas County in Alabama; Bent, Boulder, Larimer, and Rio Blanco Counties in Colorado; Manatee County in Florida; Lincoln, Livingston, Vernon, and Winn Parishes in Louisiana; Wayne County in Mississippi; Valley County in Nebraska; Cherokee, Greer, Harmon, Kiowa, Osage, and Washington Counties in Oklahoma; Meade and Shannon Counties in South Dakota; Brooks, Jack, and Roberts Counties in Texas; and Johnson County in Wyoming.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle, and it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of July 1966.

G. H. WISE,
 Acting Director, Animal Health
 Division, Agricultural Research Service.

[F.R. Doc. 66-7921; Filed, July 20, 1966; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Dependency and Indemnity Compensation

In § 3.702, paragraph (f) is amended to read as follows:

§ 3.702 Dependency and indemnity compensation.

(f) *Death pension rate.* (1) Effective October 1, 1961, where the monthly rate of dependency and indemnity compensation payable to a widow who has children is less than the monthly rate of death pension which would be payable to such widow if the veteran's death had not been service connected, dependency and indemnity compensation shall be paid to such widow in an amount equal to the pension rate for any month (or part thereof) in which this rate is greater. (38 U.S.C. 412(b); PL 87-268)

(2) Effective June 22, 1966, where the monthly rate of dependency and in-

demnity compensation payable to a widow who has children is less than the monthly rate of death pension which would be payable for the children if the veteran's death had not been service connected and the widow were not entitled to such pension, dependency, and indemnity compensation shall be payable to the widow in an amount equal to the monthly rate of death pension which would be payable to the children for any month (or part thereof) in which this rate is greater. (38 U.S.C. 412(b); Pub. Law 89-466)

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

This VA Regulation is effective June 22, 1966.

Approved: July 15, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
 Deputy Administrator.

[F.R. Doc. 66-7929; Filed, July 20, 1966; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean

Pursuant to the provisions of section 7 of the River and Harbor Act of August 18, 1917 (40 Stat. 266; 33 U.S.C. 1), Chapter XIX of the Army Appropriations Act of July 9, 1918 (33 U.S.C. 3) and Executive Proclamation 2732, § 204.227 is hereby prescribed establishing a warning area in the Pacific Ocean at Kwajalein Atoll, Marshall Islands, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.227 Pacific Ocean at Kwajalein Atoll, Marshall Islands; missile testing area.

(a) *The warning area.* The waters within a circular area with a radius of 200 nautical miles having its center at latitude 8°43'00" N, longitude 167°43'00" E. Intermittent hazardous missile operations will be conducted within the area 24 hours daily, on a permanent basis.

(b) *Advisory instructions.* (1) Kwajalein Test Site will coordinate safe passage of surface shipping through the area.

(2) All ships are advised to contact Kwajalein Control (2716 KC for voice, 500 KC for CW initial contact, and 468 KC for CW working) before entering the area.

[Regs., June 27, 1966, 1507-32 (Pacific Ocean at Kwajalein Atoll, Marshall Islands)—ENGCW-ON] (sec. 7, 40 Stat. 266, secs. 1-4, 40 Stat. 892-893; 33 U.S.C. 1, 3)

J. C. LAMBERT,
 Major General, U.S. Army,
 The Adjutant General.

[F.R. Doc. 66-7891; Filed, July 20, 1966; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

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

PART 1—GENERAL PROVISIONS

1. New § 1.201-28 is added; § 1.321 is revised; new §§ 1.327, 1.327-1, 1.327-2, and 1.327-3 are added, and § 1.503 is revised, as follows:

§ 1.201-28 Local purchase.

Local purchase means the authorized purchase of materials, supplies and services by an installation for its own use or the use of an installation or activity logistically supported by it. Local purchase is not limited to the immediate geographical area in which the purchasing installation is located.

§ 1.321 Procurements involving work to be performed in foreign countries by U.S. contractors.

(a) Except as otherwise provided in an international agreement, when a contract which requires work to be performed in a foreign country by personnel of a United States contractor is contemplated, coordination shall be effected with the appropriate component Commander of the unified Command concerned to assure compliance with international agreements (see § 1.320). Such coordination should be effected as early as possible.

(b) The contracting officer shall request the following information from the overseas Commander:

(1) The applicability of any international agreements to the requirement being procured;

(2) Applicability of taxes, duties, and charges for doing business;

(3) Security requirements applicable to the area concerned;

(4) Standards of conduct required to be observed by the prospective contractor and his employees, and any action that may be taken against them in the event required standards are not maintained; and

(5) Requirements pertaining to the use of foreign currencies, including applicability of U.S. holdings of excess foreign currencies.

(c) The contracting officer shall furnish the overseas Commander the following information prior to any contract performance:

(1) Any contractor logistical support desired,

(2) Contract performance period,

(3) Date of planned arrival of contractor personnel,

(4) Contract security requirements, and

(5) Other pertinent information to effect complete coordination and cooperation.

§ 1.327 Use of excess aluminum in National stockpile.

§ 1.327-1 Government Use Program.

It has been determined to be in the public interest to establish a Government Use Program requiring, to the maximum practicable extent, purchase of excess aluminum in the Government stockpile by defense contractors, directly or through subcontractors or suppliers, equal in weight to the weight of aluminum products as defined in § 1.327-2, purchased by the Government or used in the production of items delivered under defense contracts. In implementation of this Program, all contracts in the categories listed below, shall contain the clause in § 1.327-2, or in the case of construction contracts, the clause as modified in § 1.327-3:

(a) Purchases in the amount of \$500 or more of aluminum products as defined in § 1.327-2.

(b) Purchases of supplies or construction in the amount of \$25,000 or more where the aluminum products used in the production of items delivered under the contract or in the production of items incorporated in construction performed under the contract are estimated by the contracting officer to approximate 10,000 pounds or more.

These provisions do not apply to procurements of supplies or construction effected by procuring activities located outside, for use outside, the United States, its possessions, and Puerto Rico. These provisions are applicable to new procurements that are effected by amendments to an existing contract. In such cases, only the new procurement portion of the total contract is considered in determining whether the clause is required and, if required, the extent of its applicability. Copies of all aluminum controlled material allotments made to contractors, together with a showing of any modifications or quantity adjustments thereto, shall be forwarded by the allotting activity to GSA at the address specified in the contract clause within 30 days following the calendar quarter for which all or any portion of the allotment was made. Copies or pertinent abstracts of all contracts or purchase orders for aluminum products (subject to paragraph (a) of this section) and modifications affecting aluminum product quantities shall be forwarded by the purchasing activity to GSA at the same address.

§ 1.327-2 Contract clause.

REQUIRED SOURCE FOR ALUMINUM INGOT (MARCH 1966)

(a) As used in this clause (1) the term "aluminum products" means aluminum or aluminum alloy in its last commercial form delivered by the producer, mill, or foundry as an end item under this contract, or used to produce an end item under this contract, such as by way of example (but not limited to) wrought aluminum products; forgings

and castings; rolled bar, rod, structural shapes, and bare wire; aluminum conductor steel reinforced and bare aluminum cable; insulated or covered wire or cable; extruded bar, rod, shapes, and tube (extruded, drawn, and welded tube); sheet, strip, and plate; pig or ingot; granular or shot; slab; foil; and powder, flake, or paste; and (2) the term "supplier" includes vendors, materialmen, warehousemen, distributors, or manufacturers of aluminum products or other items containing aluminum in any form.

(b) Except as provided in (c) below, the Contractor (or subcontractor or supplier, where applicable) shall purchase from the General Services Administration (GSA) a quantity of aluminum pig or ingot equal in weight to the gross weight of aluminum products constituting, or used in the production of, the items to be delivered under this contract. Such purchase shall be in accordance with the terms and conditions of sale prescribed therefor by GSA. Each order placed with GSA pursuant to this clause shall state that it is placed in accordance therewith and shall be sent to:

Director, Industry Materials Division, Defense Materials Service, General Services Administration, Washington, D.C., 20405.

Aluminum purchased pursuant to this clause may be used in any manner the Contractor desires and need not be earmarked in any way after delivery to the Contractor, nor physically incorporated in the items to be delivered hereunder.

(c) To the extent the Contractor (or subcontractor or supplier, where applicable) places subcontracts or purchase orders for aluminum products or for items other than aluminum products and containing aluminum in any form, he is not required with respect to such subcontracts or purchase orders to purchase aluminum from the GSA. However, he agrees to incorporate this clause, except paragraph (d):

(1) In any such subcontract or purchase order for aluminum products in the total amount of \$500 or more, or

(2) In any such subcontract or purchase order in the total amount of \$25,000 or more for any items containing aluminum in any form where the quantity of aluminum products used in the production of such items is estimated to be 10,000 pounds or more.

(d) The Contractor shall furnish to the GSA, calendar quarter summaries (within 30 days following the close of the applicable quarter) of all subcontracts and purchase orders placed by him pursuant to (c)(1) above that will identify (i) each aluminum product supplier involved, (ii) the quantity (by weight) of aluminum products, and (iii) the Authorized Control Material allotment number if any, applicable to specific quantities. The requirements of this paragraph (d) are applicable only to the prime Contractor and not to any subcontractor or other supplier hereunder. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) The requirements of this clause are not intended to preclude basic agreements or other arrangements between the parties to any contracts (subcontracts or purchase orders) subject to this clause that will permit reference in such contracts to the applicability of the requirements of this clause, without the need for physically incorporating this clause in its entirety in each affected subcontract or purchase order.

(f) In placing subcontracts and purchase orders subject to the clause, the Contractor and all subcontractors and suppliers are authorized and encouraged to consolidate aluminum product purchases hereunder with other defense rated order purchases (ACM, DO, or DX) and other identifiable Govern-

RULES AND REGULATIONS

ment orders so as to apply the requirements of this clause to the total purchase. Otherwise, it is required either that aluminum product purchases subject to this clause be separately made, or, if consolidated with other aluminum product purchases, that the quantities (by weights) of aluminum products subject to this clause be separately set forth in the purchase document and identified as subject to this clause.

(g) Required purchases of aluminum from GSA by Contractors, subcontractors, or suppliers, shall be made within 90 days from the date (1) of final delivery pursuant to a contract, subcontract, or purchase order containing the requirements of this clause, or (2) when the Contractor, subcontractor or supplier, has completed deliveries of aluminum products aggregating 100,000 pounds, whichever is earlier: *Provided, however,* That any Contractor, subcontractor, or supplier, may defer required purchases of aluminum for the purpose of consolidating purchases to meet the requirement of two or more contracts, subcontracts, or purchase orders containing this clause until 90 days after the aggregate purchase requirements of such contracts, subcontracts, or purchase orders equal the minimum order quantities established by GSA (approximately 10,000 pounds or more). Successive consolidated purchases thereafter may be made at any time within 90-day intervals. The 90-day limitations may be extended upon approval in writing by the GSA.

(h) Certain producers of aluminum have entered into contracts with GSA effective as of November 1, 1965, under which they have made long term commitments to purchase certain minimum and maximum quantities of aluminum from that Agency. The obligations of such producers under this clause shall be governed by the provisions of those contracts to the extent of any inconsistency.

(i) All purchases made pursuant to this clause, other than from GSA, are required to be rated (ACM, DO or DX) in accordance with DMS Regulation 1, NPA Order M-5A and BDSA Regulation 2, and are subject to the provisions of those regulations concerning the maintenance of records, rights of inspection and audit, and the penalty provisions contained therein for willful noncompliance.

§ 1.327-3 Modification of contract clause in § 1.327-2 in contracts for construction.

The clause contained in § 1.327-2 shall be modified by deletion of paragraph (c) thereof and substitution of the following paragraph in all contracts for construction:

(c) To the extent the Contractor or subcontractor or supplier, where applicable places subcontracts or purchase orders for aluminum products, or for items other than aluminum products and containing aluminum in any form, or for construction where the subcontractor is to furnish materials containing aluminum in any form, he is not required with respect to such subcontracts or purchase orders to purchase aluminum from the GSA. However, he agrees to incorporate this clause, except paragraph (d):

(1) In any such subcontract or purchase order for aluminum products in the total amount of \$500 or more, or

(2) In any such subcontract or purchase order in the total amount of \$25,000 or more for any items containing aluminum in any form where the quantity of aluminum products used in the production of such items is estimated to be 10,000 pounds or more, or

(3) Construction, where the materials are to be supplied by the subcontractor and the total value of such materials containing aluminum (in any form) is estimated to be

\$25,000 or more, and where the quantity of aluminum products used in the production of such items is estimated to be 10,000 pounds or more.

§ 1.503 Covenant against contingent fees clause.

Every contract shall contain the clause entitled "Covenant Against Contingent Fees" as set forth in § 7.103-20 except as provided in § 16.401-3(g).

2. Paragraph (b) (9) of § 1.1003-9 is revised; § 1.1204(b) is revised; the introductory text of subdivision (ii) in § 1.1404(b) (2) is revised; § 1.1405 is revised; §§ 1.1405-1 and 1.1405-2 are revoked; and § 1.1410 is revised, as follows:

§ 1.1003-9 Preparation and transmittal.

(9) On the last page of each issue the Commerce Business Daily publishes footnote information identified as "notes" which applies to specific procurement situations and which is used in repetitive instances in certain synopses appearing in the publication. Some existing "notes" are similar to the examples stated in paragraph (e) of this section. Where existing "notes" include exact wordage applicable to a given synopsis, purchasing offices may incorporate into the body of the letter or teletypewriter transmittal a reference "See Notes No. ----- on the last page of this issue * * *", in lieu of typing out the specific text of the particular entry. Any reference in the transmittal to certain standard "boilerplate" notices in the Commerce Business Daily will be made by title, e.g., "Research and Development Sources Sought," when applicable. When the procurement situation of a given synopsis deviates from the standard "boilerplate" language, appropriate emphasis should be made in the text of the transmitted synopses.

NOTE: The purpose of using "notes" is to reduce the costs of preparing, transmitting, and printing synopses. In order to promote cost reduction, contracting officers are urged to use references to "notes" in preparing synopses, when applicable. If an existing "note" does not cover a frequently recurring situation, contracting officers of each Department may request the Commerce Business Daily to establish a new "note." Requests shall be addressed to:

U.S. Department of Commerce, Commerce Business Daily, Post Office Box 5999, Chicago, Ill. 60680.

From time to time a list of currently existing "notes" will be published in a U.S. Department of Commerce Bulletin.

§ 1.1204 Packaging requirements.

(b) The contract administration office shall report and make recommendations concerning unrealistic preservation, packaging, packing, and marking requirements to the purchasing office.

§ 1.1404 Procedures.

(b) * * *
(2) * * *

(ii) When the procuring activity has been instructed that particular supplies of the type described in § 1.1402(a) (2) and (3) are to be carried exclusively in private U.S. vessels:

§ 1.1405 Responsibilities of the contracting officer.

The contracting officer shall forward the applicable shipping document specified in the clauses set forth in § 1.1404(b) (1) and (2) to the Department of the Navy (Commander, Military Sea Transportation Service, Attn: M-5), Washington, D.C. 20390, for shipments made under arrangements by the contractor or by a Government agency other than the Military Sea Transportation Service.

§ 1.1405-1 Contracting officer. [Revoked]

§ 1.1405-2 Department of the Navy. [Revoked]

§ 1.1410 Nonuse of foreign-flag vessels engaged in Cuban and North Vietnam trade.

(a) Supplies owned by or procured under any contract of a Department of Defense activity (including supplies for military assistance) will not be shipped from any U.S. port on a foreign-flag vessel which has called at a Cuban port on or after January 1, 1963, or a North Vietnam port on or after January 25, 1966, unless the Secretary of Commerce has made an exception applicable to such vessel.

(b) Procuring activities shall include the following clause in any contract which may involve the use of foreign-flag vessels in the ocean transportation from a U.S. port of supplies to be delivered under the contract or to be incorporated in supplies or other end product of the contract:

NONUSE OF FOREIGN-FLAG VESSELS ENGAGED IN CUBAN AND NORTH VIETNAM TRADE (APRIL 1966)

(a) If, after the date of award, any supplies to be furnished or any materials to be incorporated in such supplies or in a construction project will require ocean transportation from the United States in the performance of this contract, the Contractor shall not use any foreign-flag vessel which the Maritime Commission has listed in the FEDERAL REGISTER as having called at a Cuban port on or after January 1, 1963, or a North Vietnam port on or after January 25, 1966, unless an exception has been made by the Secretary of Commerce.

(b) For purposes of this clause, the term "United States" includes the 50 States, Puerto Rico, possessions of the United States, and the District of Columbia.

(c) The Contractor shall include the substance of this clause, including this paragraph (c), in each subcontract or purchase order hereunder which may involve ocean transportation from the United States.

The contracting officer may refer any questions in connection with the above clause to Code M-34, Military Sea Transportation Service, Washington, D.C. 20390.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

3. In § 2.201, the introductory text is revised, and new subparagraphs (27) and (39) are added to paragraph (a), and new subparagraph (22) is added to paragraph (b); § 2.202-1 is revised; new § 2.202-3 is added; paragraph (h) of § 2.202-4 is revised; paragraph (a) of § 2.205-5 is revised; and §§ 2.403 and 2.406-2 are revised, as follows:

§ 2.201 Preparation of invitation for bids.

Forms used in inviting bids are prescribed in Subparts A and D, Part 16 of this chapter. Invitation for bids shall contain the applicable information described in paragraphs (a) and (b) of this section and any other information required for a particular procurement. Pen and ink entries, deletions, or alterations shall not be made in an invitation for bids after it has been prepared for distribution. If a change is necessary after reproduction of the invitation for bids, the DD Form 1260 (Amendment to Invitation for Bids) shall be used (see § 16.101).

(a) * * *

(27) The applicable D.O. rating (see § 1.307).

(39) A provision covering the required source for aluminum (see § 1.327).

(22) If the contract is pursuant to the Balance of Payments Program, the certificate set forth in § 6.806-3.

§ 2.202-1 Bidding time.

Consistent with the needs of the Government for obtaining the supplies or services, all invitations for bids shall allow sufficient bidding time (i.e., the period of time between the date of distribution of an invitation for bids and the date set for opening of bids) to allow bidders an adequate opportunity to prepare and submit their bids. As a general rule, bidding time shall be not less than 15 calendar days when procuring standard commercial articles and services and not less than 30 calendar days when procuring other than standard commercial articles or services. This rule need not be observed in special circumstances, for example, where the contracting officer has valid reason to determine that bidders in the second step of two-step formal advertising can prepare and submit their bids in less than 30 calendar days, or where the urgency for the supplies or services does not permit such delay. For items on Qualified Products Lists, see § 1.1105; and for construction contracts, see § 18.202(b).

§ 2.202-3 Bid envelopes.

Postage or envelopes bearing "Postage and Fees Paid" indicia shall not be distributed with the invitation for bids or otherwise supplied to prospective bidders. To provide for ready identification and proper handling of bids, Optional Form 17, "Sealed Bid Label," obtainable from the General Services Administration, may be furnished with each bid set to

provide the bidder with a means of specifically identifying his bid.

§ 2.202-4 Bid samples.

(h) *Handling of bid samples.* Samples, if not destroyed in testing, shall be returned to bidders at their request and expense, unless otherwise specified in the invitation for bids. See paragraph 3(b) of the Bidding Instructions, Terms, and Conditions (Supply Contract) (Standard Form 33-A). When samples are no longer required, disposition instructions shall be requested from the bidder and the samples disposed of accordingly. If disposition instructions are not received within 30 days, samples ordinarily will be returned collect to the address from which received; however, small items may be returned by mail, postage prepaid. Samples that are to be retained for inspection purposes in connection with deliveries shall be transmitted to the inspecting activity concerned, with instructions to retain the sample until completion of the contract or until disposition instructions are furnished by the contracting officer. Samples that are consumed or the usefulness of which is otherwise impaired by tests conducted to determine compliance with specifications will be disposed of as scrap unless the supplier requests their return.

§ 2.205-5 Release of bidders mailing lists.

(a) The comprehensive bidders mailing list established by purchasing offices shall not be released outside the Department of Defense. When it is necessary to dispatch identical information by means of electrical transmission to prospective bidders or offerors, the electrically transmitted message, when released for communications handling, shall be marked "Book Message—Transmit as Single Address Message" to preclude prospective bidders or offerors knowing the names of others solicited. In addition, except as provided in paragraphs (b) and (c) of this section, the list of prospective bidders to whom invitations for bids have been furnished shall not be released outside the Department of Defense and shall not be made available for inspection to individuals, firms, or trade organizations. However, such lists may be made available to other Government agencies, at their specific written request, and upon the condition that the list will not be available for inspection to anyone outside the Government. This, however, does not preclude the use of individual names from bidders mailing lists established by purchasing offices in carrying out cooperative programs with industry by the Small Business Administration representatives. See § 1.705-3.

§ 2.403 Recording of bids.

(a) The invitation number, bid opening date, general description of the procurement item, names of bidders, prices bid, and any other information required for bid evaluation, shall be entered on Abstract of Bids (DD Form 1501) which,

except in the case of classified procurement, shall be available for public inspection. Abstract of Bids—Construction (DD Form 1501-1) shall be used for recording construction bids. When the items are too numerous to warrant the recording of all bids completely, an entry should be made of the opening date, invitation number, general description of the material, item number, and the price bid. The record or abstract shall be completed as soon as practical after the bids have been opened, and, as soon as all bids have been opened and read, the bid opening officer shall so certify on the record or abstract. If the invitation for bids is canceled before the time set for bid opening, this shall be recorded, together with a statement of the number of bids invited and the number of bids received. Copies of the abstract on unclassified bids exhibited to the public shall not contain information such as debarment, failure to meet minimum standards of responsibility, apparent collusion of bidders, or other notations not proper for the knowledge of the general public. The original of all rejected and unsuccessful bids, a copy of the accepted bid, and a copy of the abstract of bids shall be retained by the contracting officer, and shall be kept available for inspection by the duly authorized representatives of the General Accounting Office. They will be forwarded to that office upon request therefor, when required in individual cases.

(b) The above forms need not be used by the Defense Fuel Supply Center for procurements of coal or petroleum products.

§ 2.406-2 Apparent clerical mistakes.

Any clerical mistake apparent on the face of a bid may be corrected by the contracting officer prior to award, if the contracting officer has first obtained from the bidder written or telegraphic verification of the bid actually intended. Examples of such apparent mistakes are: obvious error in placing decimal point; obvious discount errors (for example—1 percent 10 days, 2 percent 20 days, 5 percent 30 days); obvious reversal of the price f.o.b. destination and the price f.o.b. factory; obvious error in designation of unit. Correction of the bid will be effected by attaching the verification to the original bid and a copy of the verification to the duplicate bid. Correction will not be made on the face of the bid; however, it shall be reflected in the award document.

4. Sections 2.407-3(a) and 2.407-4(a) are revised; and in § 2.503-1, paragraphs (a) (8), (d), (e), (f), and (g) are revised, and new paragraph (h) is added, as follows.

§ 2.407-3 Discounts.

(a) The Discounts clause of the Bidding Instructions, Terms, and Conditions (Supply Contract) (Standard Form 33-A) establishes 20 calendar days as the minimum period for prompt payment discounts to be considered in bid evaluation unless otherwise specified in the invitation for bids. Prior to issuing an

invitation for bids (except for construction), a determination shall be made as to whether the 20 calendar day minimum period for prompt payment discounts is appropriate. If a minimum period more or less than 20 calendar days is determined to be desirable, such minimum period shall be stated in the invitation for bids by including in the solicitation the following clause:

DISCOUNTS (APRIL 1966)

In accordance with subparagraph (a) of the clause entitled "Discounts" in the Bidding Instructions, Terms, and Conditions (Supply Contract) (Standard Form 33-A) prompt payment discounts will be considered in the evaluation of bids, provided the minimum period for the offered discount is:

* (i) ---- days where delivery and acceptance are at point of origin;

or
* (ii) ---- days where delivery and acceptance are at destination.

The offered discount of a successful Bidder will form a part of the award whether or not such discount was considered in the evaluation of his bid and such discount will be taken if payment is made within the discount period.

In determining the minimum period for a particular procurement, consideration shall be given to:

(1) The place of delivery, inspection, and acceptance in relation to the place of payment of invoices or vouchers;

(2) The number of days required to process invoices or vouchers from receipt through payment in the normal course of business; and

(3) The need for prolonged acceptance testing or other unusual circumstances tending to retard the normal processing of invoices or vouchers.

Generally, the minimum period will be expressed in multiples of 10 days; e.g., "10 calendar days," "20 calendar days," or "30 calendar days," since these time intervals coincide with the discount terms generally offered by industry.

§ 2.407-4 Price escalation.

(a) Where an invitation for bids does not contain a price escalation clause, bids received, which quote a price and contain a price escalation provision with a ceiling above which the price will not escalate, will be evaluated on the maximum possible escalation of the quoted base price. If the bid is eligible for award, the contracting officer shall request the bidder to agree to the inclusion in the award of an approved escalation clause subject to the same ceiling. If the bidder will not agree to such approved clause, the award may be made on the basis of the bid as originally submitted. Bids which contain escalation with no ceiling shall be rejected unless a clear basis for evaluation exists.

§ 2.503-1 Step one.

(a) A statement that offerors are advised to submit proposals which are fully and clearly acceptable without additional explanation or information, since the Government may make a final deter-

mination as to whether a proposal is acceptable or unacceptable solely on the basis of the proposal as submitted and proceed with the second step without requesting further information from any offeror; however, if the Government deems it necessary to obtain sufficient acceptable proposals to assure adequate price competition in the second step or deems it otherwise desirable in its best interest the Government may, in its sole discretion, request additional information from offerors of proposals which the Government considers reasonably susceptible of being made acceptable by additional information clarifying or supplementing but not basically changing any proposal as submitted and, for this purpose, the Government may discuss any such proposal with the offeror;

(d) The contracting officer shall establish a time period within which technical proposals will be evaluated. The time period may vary from procurement to procurement depending upon the complexity and number of proposals involved. However, it is essential that the evaluation of technical proposals by all personnel concerned with the procurement, as well as any subsequent discussion with sources submitting technical proposals, be completed expeditiously.

(e) Technical evaluation of the proposals shall be based upon the criteria contained in the request for technical proposals and such evaluation shall not include consideration of capacity or credit as defined in § 1.705-4. The proposals as submitted, shall be categorized as:

(1) Acceptable;
(2) Reasonably susceptible of being made acceptable by additional information clarifying or supplementing, but not basically changing the proposal as submitted; or
(3) In all other cases, unacceptable.

Any proposal which modifies, or fails to conform to the essential requirements or specifications of, the request for technical proposals shall be considered nonresponsive and categorized as unacceptable. If the contracting officer determines that there are sufficient proposals in category subparagraph (1) of this paragraph to assure adequate price competition under step 2 and that further time, effort and delay to make additional proposals acceptable and thereby increase competition would not be in the best interest of the Government, he may proceed directly with step 2. Otherwise, the contracting officer shall request bidders under proposals in category subparagraph (2) of this paragraph to submit additional information, setting forth to the extent practicable the nature of the deficiencies in the proposal as submitted or the nature of the additional information required. The contracting officer may also arrange discussions for this purpose. In initiating requests for additional information, the contracting officer shall fix an appropriate time for bidders to conclude discussions, if any, submit all additional information, and incorporate such additional information

as part of their proposals as submitted. Such time may be extended in the discretion of the contracting officer. If the additional information incorporated as part of a proposal within the final time fixed by the contracting officer establishes that the proposal is acceptable, it shall be so categorized. Otherwise, it shall be categorized as unacceptable.

(f) Upon final determination that a technical proposal is unacceptable, the contracting officer shall promptly notify the source submitting the proposal of that fact. The notice shall state that revision of his proposal will not be considered, and shall indicate, in general terms, the basis for the determination for example, that rejection was based on failure to furnish sufficient information or on an unacceptable engineering approach.

(g) Consideration of late technical proposals is governed by the procedure in § 3.506 except that the late technical proposals statement in § 2.503-1(a)(6) will be used in any resolicitation (see § 3.506(b)).

(h) If, as a result of the evaluation of technical proposals, it appears necessary to discontinue two-step formal advertising, a statement setting forth the full facts and circumstances shall be made a part of the contract file. Each source will be notified in writing of the discontinuance and the reason therefor. When step one results in no acceptable technical proposal or only one acceptable technical proposal, the procurement may be continued by negotiation under the authority of § 3.210-2(c). (But see § 3.210-3.)

PART 3—PROCUREMENT BY NEGOTIATION

5. Paragraph (c)(3) of § 3.408 is revised; new subparagraphs (60), (61), and (62) are added to § 3.501(b); § 3.602 is revised; and the first sentence of § 3.604-2 is revised, as follows:

§ 3.408 Letter contract.

(c) *Limitations.*
(3) A letter contract shall be superseded by a definitive contract at the earliest practicable date. The letter contract shall reflect an agreement between the Government and the contractor as to the date by which definitization is expected to be completed and a definitization schedule, as required by § 7.802-5. This date shall be prior to:

(i) The expiration of 180 days from the date of the letter contract; or
(ii) Forty percent (40%) of the production of the supplies, or the performance of the work, called for under the contract, whichever occurs first.

In extreme cases, an additional period may be authorized.

§ 3.501 Preparation of request for proposals or request for quotations.

(b) A provision covering the required source for jeweled bearings (see § 1.315);

(61) A provision covering the required source for aluminum (see § 1.327); and
 (62) If the contract is a supply or service contract and is pursuant to the Balance of Payments Program, the certificate set forth in § 6.806-3.

§ 3.602 Definitions.

As used in this subpart, the following terms have the meanings set forth below.

(a) "Bulk funding concept" means a system whereby a contracting officer receives authorization from a fiscal and accounting officer to obligate funds on purchase documents against a specified lump sum of funds reserved for the purpose for a specified period of time rather than obtaining individual obligational authority on each purchase document.

(b) "Mail indicia" means the official printed markings substituted for stamps, i.e., "Postage and Fees Paid" and appropriate department. This includes such markings on envelopes, cards, labels, wrappers, or tags.

(c) "Local delivery" means the movement of supplies or commodities wholly within a recognized metropolitan area in which both the point of pickup and the point of delivery are located.

§ 3.604-2 Purchases in excess of \$250 but not in excess of \$2,500.

Except as provided in § 3.608-2(b) (2) reasonable solicitation of quotations from qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase.

6. Section 3.606-2 is revised; in § 3.606-3(b), subparagraph (2) is revised and the clause in subparagraph (4) is amended by revising the clause heading and clause paragraph (a); in § 3.608-2(b), subparagraph (1) (ii) is revised and new subdivisions (xiv) and (xv) are added; and paragraph (c) in § 3.809 is revised, as follows:

§ 3.606-2 Conditions for use.

When the conditions set forth below are present, the fast payment procedure should be used to the maximum extent possible, provided such use is consistent with the other conditions of the procurement. Use of the fast payment procedure would not be indicated, for example, in small purchases by posts, camps, and stations when material being purchased is destined for use at such activities and contract administration will be performed by the purchasing office of such activities.

(a) Individual orders do not exceed \$2,500.

(b) Title to the supplies will vest in the Government (1) upon delivery to a post office or common carrier for mailing or shipment to destination, or (2) upon receipt by the Government when the shipment is by means other than the post office or common carrier.

(c) Supplier agrees to replace, repair, or correct supplies not received at destination, damaged in transit, or not conforming to purchase requirements.

(d) Supplier will execute a certificate of mailing or shipment, or a certificate of delivery to the point of first receipt by the Government.

§ 3.606-3 Preparation and execution of orders.

(b) A requirement that invoices be submitted direct to the finance or other office designated in the order, or in the case of unpriced purchased orders, to the contracting officer (see § 3.608-3(c));

(4) The following clause:

FAST PAYMENT PROCEDURE (APRIL 1966)

(a) *General.* This is a fast payment order. Invoices will be paid on the basis of the Contractor's certification thereon that articles listed in the order were delivered on a specified date to a post office, common carrier, or, in shipment by other means, to the point of first receipt by the Government.

§ 3.608-2 Order for supplies or services (DD Forms 1155, 1155r, 1155r-1, 1155c, 1155c-1, and 1155s).

(b) *Conditions for use.* (1) *****

(ii) No clause covering the subject matter of any clause set forth in this subchapter, other than the clauses set forth in DD Form 1155r, and clauses referred to in § 3.606-3(b) (4), in subdivisions (iii) through (xv) of this subparagraph, in paragraph (d) of this section, in § 3.608-3, and in § 3.608-4, are to be used.

(xiv) When required by Subpart C, Part 1 of this chapter, the clause set forth in § 1.327-2 shall be added.

(xv) When required by Subpart J, Part 12 of this chapter, the clause set forth in § 12.1004(b) shall be added.

§ 3.809 Contract audit as a pricing aid.

(c) *Additional functions of the contract auditor.* (1) Under cost-reimbursement type contracts, the cost-reimbursement portion of fixed-price contracts, letter contracts which provide for reimbursement of costs, time and material contracts, and labor-hour contracts:

(i) The contract auditor is the authorized representative of the contracting officer for the purpose of examining reimbursement vouchers received directly from contractors, transmitting those vouchers approved for provisional payment to the cognizant disbursing officer and issuing DCAA Form 1, "Notice of Contract Costs Suspended and/or Disapproved," with a copy to the cognizant ACO, with respect to costs claimed but not considered allowable. In the case of costs suspended, if the contractor disagrees with the suspension action by the contract auditor and the difference cannot be resolved, the contractor may appeal in writing to the cognizant ACO, who will make his determination promptly in writing. In the case of costs

disapproved, the DCAA Form 1 shall include the following statement:

As to any disapproved costs identified herein, this Notice constitutes a final decision of the Contracting Officer, effective 60 days after the date of its receipt by the Contractor, unless the Contractor mails or furnishes to the cognizant Administrative Contracting Officer a written appeal before the expiration of such 60-day period. If this Notice becomes a final decision of the Contracting Officer by virtue of expiration of the 60-day period, it may be appealed in accordance with the provisions of the "Disputes" clause of the contract identified above. If the Contractor decides to make such an appeal, written notice thereof (in triplicate) must be mailed or otherwise furnished to the Contracting Officer within 30 days from the date this decision becomes effective. Such notice should indicate that an appeal is intended and should reference this decision and identify the contract by number. The Armed Services Board of Contract Appeals is the authorized representative of the Secretary for hearing and determining such disputes. The Rules of the Armed Services Board of Contract Appeals are set forth in the Armed Services Procurement Regulation, Appendix A, Part 2.

If the contractor appeals in writing to the ACO from a disallowance action by the contract auditor within the 60-day period mentioned above, the ACO will make his determination in writing, as promptly as practicable, as a final decision of the contracting officer (see § 1.314 re decisions under the Disputes clause) and mail or otherwise furnish a copy to the contractor. In addition, the contracting officer may direct the issuance of DCAA Form 1, "Notice of Contract Costs Suspended and/or Disapproved," with respect to any cost that he has reason to believe should be suspended or disapproved. The contract auditor will approve fee portions of vouchers for provisional payment in accordance with the contract schedule and any instructions received from the administrative contracting officer. Completion vouchers shall be forwarded to the ACO for approval and transmittal to the cognizant disbursing officer.

(ii) The contract auditor shall be responsible for making appropriate recommendations to the ACO concerning the establishment of interim overhead billing rates, when such rates are provided for in the contract.

(2) Under Cost-Reimbursement Type Contracts With Canadian Contractors:

(i) On contracts with the Canadian Commercial Corporation, audits are automatically arranged by the Department of Defence Production (Canada) (DDP) in accordance with agreement between Departments of the Army, Navy, and Air Force; Defense Supply Agency; and Department of Defence Production (Canada) (see § 6.503(c)). Audit reports are furnished to DDP. Upon advice from DDP, the Canadian Commercial Corporation (CCC) will certify the invoice and forward it with Standard Form 1034 (Public Voucher) to the ACO for further processing and transmittal to the disbursing officer.

(ii) On contracts placed directly with Canadian firms, audits are requested by the ACO from the Audit Services Branch, Comptroller of the Treasury, Depart-

ment of Finance, Ottawa, Ontario, Canada. Invoices are approved by the auditor on a provisional basis pending completion of the contract and final audit. These invoices, accompanied by Standard Form 1034 (Public Voucher) are forwarded to the ACO for further processing and transmittal to the disbursing officer. Periodic advisory audit reports are furnished directly to the ACO. In the event that costs claimed are suspended or disapproved, the ACO shall issue the DCAA Form 1, "Notice of Contract Costs Suspended and/or Disapproved" to the contractor. DCAA Form 1 will be processed in the same manner as indicated in subparagraph (1) (i) of this paragraph with regard to contractor appeals, and shall contain the statement prescribed therein with respect to costs disapproved.

(3) Responsibilities for Preaward Surveys and Reviews:

(i) Preaward surveys of potential contractors' competence to perform proposed contracts shall be managed and conducted by the contract administration office. Where information is required on the adequacy of the contractor's accounting system or its suitability for administration of the proposed type of contract, such information shall always be obtained by the ACO from the auditor. The contract administration office shall be responsible for advising the PCO on matters concerning the contractor's financial competence or credit needs.

(ii) A regular program for conducting reviews of contractor's estimating methods shall be established and managed by the contract audit activities. Individual teams shall have ACO representation. Periodic reviews shall be tailored to take full advantage of the day-to-day work done as an integral part of both the contract audit and contract administration activities.

PART 6—FOREIGN PURCHASES

7. The heading of Subpart I and §§ 6.901 and 6.902 are revised, as follows:

Subpart I—International Agreements and Coordination With Overseas Commands

§ 6.901 Scope of subpart.

This subpart concerns the applicability of international agreements and coordination with overseas commands and activities in purchasing from foreign sources.

§ 6.902 International agreements.

(a) Various treaties and international agreements in effect between the United States and foreign governments, especially those with governments receiving military and economic aid under the Foreign Assistance Act of 1961, affect procurement in foreign countries. Particular attention should be given to the provisions in these agreements which pertain to purchase procedures, contract forms and clauses, taxes, patents, tech-

nical information, facilities, and other matters relating to procurement.

(b) Copies of international agreements are filed with the U.S. European Command (APO 128, New York) covering existing agreements in the United Kingdom of Great Britain, Western European countries, North Africa, and in the Middle East. Agreements with countries in the Pacific and Far East are filed with the U.S. Pacific Command (CINCPAC). Many of the agreements are compiled in the "United States Treaties and Other International Agreements" series (TIAS), which is published by the Department of State. Copies of this publication are normally available in overseas legal offices and U.S. diplomatic missions. In addition, Military Assistance Advisory Groups, Naval Missions, and Joint U.S. Military Aid Groups normally have copies of the agreements applicable to the countries concerned.

(c) In placing contracts with contractors outside the United States for performance outside the United States, contracting officers, including those in the United States, shall ascertain the existence and applicability of any international agreements and, subject to the provisions of § 1.109-4, shall comply with such agreements.

PART 7—CONTRACT CLAUSES

8. Section 7.104-46 is revised; new §§ 7.104-57, 7.104-58, and 7.104-59 are added; and in § 7.203-4(b), clause paragraph (j) is amended by revising subparagraph (iv) and adding new subparagraph (v), as follows:

§ 7.104-46 Nonuse of foreign-flag vessels engaged in Cuban and North Vietnam trade.

In accordance with the requirements of § 1.1410, insert the clause set forth therein.

§ 7.104-57 U.S. products and services (Balance of Payments Program).

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.806-4.

§ 7.104-58 Identification of expenditures in the United States.

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.807.

§ 7.104-59 Aluminum.

In accordance with § 1.327, insert the clause set forth in § 1.327-2.

§ 7.203-4 Allowable cost, fee, and payment.

* * * * *

(b) * * *

ALLOWABLE COST, INCENTIVE FEE, AND
PAYMENT (APR. 1966)

* * * * *

(j) * * *

(iv) The procurement and maintenance of additional insurance not included in the target cost and required by the Contracting Officer or claims for reimbursement for liabilities to third persons pursuant to the clause hereof entitled "Insurance—Liability to Third Persons";

(v) Any claim, loss or damage resulting from a risk for which the Contractor has been relieved of liability pursuant to the clause hereof entitled "Government Property."

9. Section 7.204-33 is revised; new §§ 7.204-41, 7.204-42, and 7.204-43 are added; § 7.303-18 is revised; and new §§ 7.303-41, 7.303-42, and 7.303-43 are added, as follows:

§ 7.204-33 Nonuse of foreign-flag vessels engaged in Cuban and North Vietnam trade.

In accordance with the requirements of § 1.1410, insert the clause set forth therein.

§ 7.204-41 U.S. products and services (Balance of Payments Programs).

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.806-4.

§ 7.204-42 Identification of expenditures in the United States.

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.807.

§ 7.204-43 Aluminum.

In accordance with § 1.327, insert the clause set forth in § 1.327-2.

§ 7.303-18 Duty-free entry.

In accordance with the requirements of § 6.603-2, insert any or all of the clauses set forth in § 6.603-3, as appropriate.

§ 7.303-41 U.S. products and services (Balance of Payments Program).

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.806-4.

§ 7.303-42 Identification of expenditures in the United States.

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.807.

§ 7.303-43 Aluminum.

In accordance with § 1.327, insert the clause set forth in § 1.327-2.

10. Section 7.403-29 is revised and new §§ 7.403-36, 7.403-37, 7.403-38, 7.504-6, 7.504-7, and 7.602-47 are added, as follows:

§ 7.403-29 Nonuse of foreign-flag vessels engaged in Cuban and North Vietnam trade.

In accordance with the requirements of § 1.1410, insert the clause set forth therein.

§ 7.403-36 U.S. products and services (Balance of Payments Program).

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.806-4.

§ 7.403-37 Identification of expenditures in the United States.

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.807.

§ 7.403-38 Aluminum.

In accordance with § 1.327, insert the clause set forth in § 1.327-2.

§ 7.504-6 U.S. products and services (Balance of Payments Program).

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.806-4.

§ 7.504-7 Identification of expenditures in the United States.

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.807.

§ 7.602-47 Rights in shop drawings.

Insert the clause in § 18.910-1(b).
11. Section 7.603-31 is revoked and new §§ 7.603-42, 7.603-43, 7.603-44, 7.604-3, 7.605-40, 7.606-14, 7.606-15, and 7.606-16 are added, as follows:

§ 7.603-31 Layout of work. [Revoked]

§ 7.603-42 Architectural designs and data—Government rights.

In accordance with § 18.910-1(a), insert one of the two clauses therein, if appropriate.

§ 7.603-43 Identification of expenditures in the United States.

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.807.

§ 7.603-44 Aluminum.

In accordance with § 1.327, insert the clause set forth in § 1.327-2.

§ 7.604-3 Layout of work.

The following clause is authorized for use in construction contracts where appropriate.

LAYOUT OF WORK (JANUARY 1965)

The Contractor shall lay out his work from Government established base lines and bench marks indicated on the drawings and shall be responsible for all measurements in connection therewith. The Contractor shall furnish, at his own expense, all stakes, templates, platforms, equipment, tools, and materials and labor as may be required in laying out any part of the work from the base lines and bench marks established by the Government. The Contractor will be held responsible for the execution of the work to such lines and grades as may be established or indicated by the Contracting Officer. It shall be the responsibility of the Contractor to maintain and preserve all stakes and other marks established by the Contracting Officer until authorized to remove them. If such marks are destroyed, by the Contractor or through his negligence, prior to their authorized removal, they may be replaced by the Contracting Officer at his discretion. The expense of replacement will be deducted from any amounts due or to become due the Contractor.

§ 7.605-40 Rights in shop drawings.

Insert the clause in § 18.910-1(b).

§ 7.606-14 Architectural designs and data—Government rights.

In accordance with § 18.910-1(a), insert one of the two clauses therein, if appropriate.

§ 7.606-15 Identification of expenditures in the United States.

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.807.

§ 7.606-16 Aluminum.

In accordance with § 1.327, insert the clause set forth in § 1.327-2.

12. Section 7.607-2 is revised; new § 7.607-27 is added; §§ 7.702-19, 7.703-15, and 7.703-20 are revised; and new §§ 7.705-17, 7.705-18, 7.705-19, 7.902-23, and 7.902-24 are added as follows:

§ 7.607-2 Architectural designs and data—Government rights.

In accordance with § 18.910-1(a), insert one of the two clauses therein.

§ 7.607-27 Identification of expenditures in the United States.

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.807 in contracts in excess of \$10,000.

§ 7.702-19 Insurance—liability to third persons.

Insert the clause in § 7.203-22, except as otherwise provided in § 7.402-26 when the contractor claims partial or total immunity from tort liability as a state agency or as a charitable institution. Wherever reference to the clause entitled "Allowable Cost, Fixed Fee and Payment" is made in this clause, insert in lieu thereof the following: "Allowable Cost and Payment." Wherever the phrase "performance under this contract" or "the performance of this contract" appears in such clause, insert in lieu thereof the following: "performance of work at Government expense under this contract."

§ 7.703-15 Insurance—liability to third persons.

In accordance with the instructions contained in § 7.702-19, insert the contract clause set forth in § 7.203-22, except as otherwise provided in § 7.402-26 when the contractor claims partial or total immunity from tort liability as a state agency or as a charitable institution.

§ 7.703-20 Disputes.

Insert the contract clause set forth in § 7.103-12.

§ 7.705-17 U.S. products and services (Balance of Payments Program).

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.806-4.

§ 7.705-18 Identification of expenditures in the United States.

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.807.

§ 7.705-19 Aluminum.

In accordance with the requirements of § 1.327, insert the clause set forth in § 1.327-2.

§ 7.902-23 U.S. products and services (Balance of Payments Program).

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.806-4.

§ 7.902-24 Identification of expenditures in the United States.

In accordance with Subpart H, Part 6 of this chapter, insert the clause in § 6.807.

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

13. Section 10.102-5 is revised to read as follows:

§ 10.102-5 Noncompliance with bid guarantee requirements.

Where a solicitation requires that bids be supported by a bid guarantee, non-compliance with such requirement will require rejection of the bid (see § 2.404-2) except that rejection of the bid is not required in these situations:

(a) Where only a single bid is received (in such cases the purchasing activity may or may not require the furnishing of the bid guarantee before award);

(b) Where the amount of the bid guarantee submitted, though less than the amount required by the invitation for bids, is equal to or greater than the difference between the price stated in the bid and the price stated in the next higher acceptable bid;

(c) Where the amount of the bid guarantee submitted, though less than the amount required by the invitation for bids in relation to the bid price for the maximum quantity bid upon, is sufficient in relation to the bid price for a quantity for which the bidder is otherwise eligible for award (and in that event any award to him shall be limited to the quantity covered by the bid guarantee);

(d) Where the bid guarantee is received late and the late receipt may be waived under the rules established in § 2.303 for consideration of late bids;

(e) Where an otherwise adequate bid guarantee becomes inadequate as a result of the correction of a mistake in bid under § 2.406, if the bidder will increase the amount of the bid guarantee in proportion to the authorized bid correction; and

(f) Where a telegraphic modification of the bid is received without a corresponding modification of the bid guarantee, provided the bid modification expressly refers to the bid previously submitted in response to the invitation for bids and the bid guarantee satisfies the above criteria.

PART 12—LABOR

14. Paragraph (b) in § 12.806-4 is revoked, and new Subpart J is added, as follows:

§ 12.806-4 Compliance reports.

(b) [Revoked]

Subpart J—Service Contracts

Sec.	
12.1001	Applicability.
12.1002	Definitions.
12.1003	Wage determinations and fringe benefits.

Sec.

- 12.1004 Contract clauses.
12.1005 Notices and other submissions.
12.1006 Exemptions.

AUTHORITY: The provisions of this Subpart J issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 12.1001 Applicability.

The Service Contract Act of 1965 (P.L. 89-286) applies to contracts the principal purpose of which is to furnish services in the United States through the use of service employees as defined in § 12.1002. It applies but is not limited to contracts for services such as custodial, laundry, guard, food, and other housekeeping services. The Act does not apply to contracts to furnish services through the use of employees such as professional employees or others who are not service employees as defined in § 12.1002(a).

§ 12.1002 Definitions.

(a) The term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

(b) The term "United States" when used in a geographical sense shall include any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island, but shall not include any other territory under the jurisdiction of the United States or any United States base or possession within a foreign country.

§ 12.1003 Wage determinations and fringe benefits.

Minimum monetary wages and fringe benefits required under this Act will be determined by the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. As such determinations are issued, appropriate distribution to procurement offices will be made. In addition, the Department of Labor plans to maintain a register of such determinations for public inspection at its national and regional offices which are listed in § 12.607. In the absence of advice to the contrary, purchasing offices shall use the minimum wage indicated in the notice of intention submitted pursuant to § 12.1005 (a). If no determination has been issued, the contractor is required by paragraph 3 of the contract clause to pay not less than the minimum wage of \$1.25 specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

§ 12.1004 Contract clauses.

(a) The following clause shall be included in each contract entered into pur-

suant to negotiations concluded or invitation for bids issued on or after January 20, 1966, if such contract is in excess of \$2,500, and the contracting officer determines that it is a contract the principal purpose of which is to obtain services in the United States through the use of service employees and that it is not otherwise exempted by the provision of this subpart.

SERVICE CONTRACT ACT OF 1965 (JANUARY 1966)

This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (P.L. 89-286) applies, is subject to the following provisions and to all other applicable provisions of the Act and the regulations of the Secretary of Labor thereunder (29 CFR Part 4).

(1) Each service employee employed in the performance of this contract by the Contractor or any subcontractor shall be paid the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employee which is not listed therein but which is to be employed under this contract, shall be classified or reclassified and paid wages conformably to the Secretary's determination as specified in such attachment, by agreement between the interested parties, and Contracting Officer shall report the action to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the Contracting Officer shall submit the question, together with his recommendation, to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor or his authorized representative for final determination. In addition, nonservice employees shall be paid not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (\$1.25 per hour as of January 20, 1966).

(2) The Contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash, pursuant to applicable rules of the Administrator of the Wage and Hour and Public Contract Divisions of the Department of Labor.

(3) In the absence of a minimum wage attachment for this contract, neither the Contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938 (\$1.25 per hour as of January 20, 1966). Nothing in this provision shall relieve the Contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(4) The Contractor shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor.

(5) The Contractor shall not permit any part of the services called for by this contract to be performed in buildings or sur-

roundings or under working conditions provided by or under the control or supervision of the Contractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services.

(6) Each Contractor or subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work the records identified below for each service employee performing work under the contract, and shall make them available for inspection and transcription by authorized representatives of the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor.

(i) His name and address.
(ii) His work classification or classifications, rate or rates of monetary wages and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation.
(iii) His daily and weekly hours so worked.

(iv) Any deductions, rebates, or refunds from his total daily or weekly compensation.

(7) The Contracting Officer may withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract such sums as are necessary to pay underpaid employees. Additionally, any failure to comply with the requirements of these clauses relating to the Service Contract Act of 1965 may be grounds for termination of his right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor with any additional cost.

(8) The Contractor agrees to insert these clauses relating to the Service Contract Act of 1965 in all subcontracts. The term "Contractor" as used in these clauses in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government Prime Contractor."

(9) As used in these clauses relating to the Service Contract Act of 1965, the term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a Contractor or subcontractor and such persons.

(b) The following clause shall be included in each contract entered into pursuant to negotiations concluded or invitation for bids issued on or after January 20, 1966, if such contract is for \$2,500 or less, and the contracting officer determines that it is a contract the principal purpose of which is to obtain services in the United States through the use of service employees and that it is not otherwise exempted by the provision of this subpart.

Service Contract Act of 1965. The Contractor and any subcontractor hereunder shall pay all of their employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (\$1.25 per hour as of January 20, 1966) and are subject to the regulations of the Secretary of Labor thereunder (29 CFR Part 4). (JANUARY 1966)

§ 12.1005 Notices and other submissions.

(a) *Notice of intention.* Prior to issuing invitations for bids or commencing

negotiations for any contract containing the clause set forth in § 12.1004(a), the issuing office shall submit a notice of intention to make a service contract to the Administrator, Wage and Hour and Public Contracts Divisions of the Department of Labor. Such notice shall ordinarily be submitted 30 days or more prior to the issuance of the solicitation. Where circumstances prevent submission of the notice by that time, it shall be submitted as soon thereafter as practicable. The notice shall contain:

- (1) A description of the service to be procured;
- (2) The place of performance (if unknown, so indicate);
- (3) The anticipated date of issuance of the solicitation;
- (4) To the extent determinable, classes of service employees and the number of employees in each class to be required under the contract (for identification of classes, attention is invited to the "service employee" definition. When it is feasible to provide more detailed information, it should be included.);
- (5) Minimum wages and fringe benefits for classes of employees as extracted from determinations of the Department of Labor, if any, and to be attached to the solicitation (see § 12.1003, Wage determinations and fringe benefits).

(b) *Notice of award.* Two copies of a notice of award shall be prepared for procurements containing the clause required by § 12.1004(a) and shall be forwarded to the Department of Labor, Washington, D.C. 20210, Attention: Administrator, Wage and Hour, and Public Contracts Divisions.

(1) For contracts of \$10,000 or more the notice shall consist of two copies of DD Form 350 prepared in accordance with applicable procedures.

(2) For contracts of \$2,500, but less than \$10,000, the notice shall be prepared on Standard Form 99. All items on the form except Items 11, 13, and 14 shall be completed. Standard Form 99 may be obtained from General Services Administration.

(c) Except as provided in paragraphs (a) and (b) of this section, questions arising or reports required under these procedures shall be submitted through ordinary procurement channels.

§ 12.1006 Exemptions.

These requirements shall not apply to:

- (a) Any contract of the United States or District of Columbia for construction, alteration and/or repair, including painting and decorating of public buildings or public works;
- (b) Any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036);
- (c) Any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line, or oil or gas pipeline where published tariff rates are in effect;
- (d) Any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934;

(e) Any contract for public utility services, including electric light and power, water, steam, and gas;

(f) Any employment contract providing for direct services to a Federal agency by an individual or individuals;

(g) Any contract with the Post Office Department, the principal purpose of which is the operation of postal contract stations; and

(h) Any contract exempted by the Secretary of Labor from the application of the Service Contract Act of 1965.

PART 16—PROCUREMENT FORMS

15. Subdivision (vi) in § 16.202(b) (2) is revoked, as follows:

§ 16.202 Negotiated Contract Forms (DD Form 1261 and DD ASPR Form 1270).

- (*) Short form negotiated supply and service contracts. * * *
- (2) * * *
- (vi) [Revoked]

PART 17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

16. The introductory text of § 17.207-1 and § 17.208-5 are revised to read as follows:

§ 17.207-1 Filing requests.

Any person seeking an adjustment under the standards set forth in § 17.204 (hereinafter called the "contractor") may file a request in duplicate with the cognizant contracting officer or his duly authorized representative. If a request is filed with an administrative contracting officer, it shall be forwarded promptly to the procuring contracting officer for appropriate action. If such filing is impracticable, requests will be deemed to be properly filed if filed with the following addresses for forwarding to the cognizant contracting officer:

§ 17.208-5 Maintenance of records.

The records required by §§ 17.207-3, 17.208-2(b), and 17.208-4 (a) and (b) shall be maintained in the Army, Navy, and Air Force, by the respective Boards; and in the Defense Supply Agency, by Headquarters, DSA.

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEERING SERVICES

17. Paragraph (b) of § 18.110 is revised; the first sentence of § 18.113 is revised; and a new Subpart I is added, as follows:

§ 18.110 Statutory cost limitations.

(b) Invitations for bids and requests for proposals containing one or more items subject to statutory cost limita-

tions shall state in a separate schedule the applicable cost limitation for each item subject to a specific statutory cost limitation. Invitations for bids and requests for proposals shall state specifically that a bid or proposal which does not contain prices for the individual schedules will be considered nonresponsive. Bids or proposals shall contain a certification that each such price includes an approximate apportionment of all estimated applicable costs, direct and indirect, as well as overhead and profit. The invitation for bids requiring such certification shall direct the attention of bidders to the following statement to be included in the invitation for bids.

Bids must set forth full, accurate, and complete information as required by this invitation for bids (including attachments). The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001. (See §§ 2.405 and 2.406.)

§ 18.113 Liquidated damages.

A liquidated damages clause shall be included in all contracts except cost-plus-fixed-fee contracts or those where the contractor cannot control the pace of the work. * * *

Subpart I—Patents, Data, and Copyrights

Sec.	
18.900	Scope of subpart.
18.901	Definitions.
18.902	Authorization and consent.
18.902-1	General.
18.902-2	Authorization and consent in contracts including research or development.
18.903	Patent indemnification of Government by contractor.
18.903-1	General.
18.903-2	Patent indemnity clauses in supply contracts.
18.903-3	Patent indemnity clause in construction contracts.
18.903-4	Waiver of indemnity by the Government.
18.904	Notice and assistance.
18.905	Approval of restricted designs.
18.906	Processing of infringement claims.
18.907	Classified contracts.
18.908	Patent rights.
18.909	Patent royalties.
18.910	Acquisition and use of plans, specifications and drawings.
18.910-1	Architectural designs and data clauses for architect-engineer or construction contracts.
18.910-2	Data clauses for construction supplies and research and development.
18.910-3	Mixed contracts.

AUTHORITY: The provisions of this Subpart I issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 18.900 Scope of subpart.

This subpart sets forth the policies, instructions, and contract clauses pertaining to patents, data, and copyrights in connection with the procurement of construction and related architect-engineer services. The provisions of Part 9 of this chapter as they relate to supplies are applicable where the procurement is of construction materials or supplies as

such, as distinguished from "construction" is defined in § 18.101-1. Similarly, the provisions of Part 9 of this chapter as they relate to research and development apply where one of the purposes of the procurement is experimental, developmental, or research work, or test and evaluation studies (involving such work) of structures, equipment, processes, or materials for use in construction. Where the proposed contract calls for either (a) experimental, developmental, or research work, or (b) supplies and materials, in addition to either construction or architect-engineer work, the pertinent provisions of Part 9 of this chapter shall be added to the contract pursuant to instructions contained in this subpart. In such cases, the contract shall indicate clearly which of the clauses of Part 9 of this chapter apply only to the experimental, developmental, or research work, or to the supplies and materials being procured, and which apply only to the construction or architect-engineer work.

§ 18.901 Definitions.

For the purpose of this subpart, the following terms have the meanings set forth below (see also § 9.201).

(a) "Plans and specifications for construction" means drawings, specifications, and other data for and preliminary to the construction of a particular public building, structure, or work within the definition of construction in § 18.101-1.

(b) "Shop drawings for construction" means drawings submitted by the construction contractor, subcontractor, or any lower tier subcontractor pursuant to the construction contract, showing in detail (1) the proposed fabrication and assembly of structural elements, and (2) the installation (*i.e.* form, fit and attachment details) of materials, or equipment.

(c) "As-built drawings for construction" means drawings submitted by a contractor or subcontractor to show the construction of a particular structure or work as actually completed under the contract.

§ 18.902 Authorization and consent.

See § 9.102.

§ 18.902-1 General.

The Authorization and Consent Clause in § 9.102-1 shall be included in all contracts for construction materials or supplies and in all construction contracts, except where both complete performance and delivery (if any) are to be accomplished outside the United States, its possessions, or Puerto Rico. Normally, an authorization and consent clause shall not be included in an architect-engineer contract; however, the clause in § 9.102-1 shall be included in architect-engineer contracts which require the delivery of models, samples, or other products, or which may require the use of patented devices or processes to test or perform any part of the work, under the architect-engineer contract, except where the contract is to be performed wholly outside the United States, its possessions, or Puerto Rico.

§ 18.902-2 Authorization and consent in contracts including research or development.

Unless prohibited by § 18.902-1, the clause in § 9.102-2 shall be included in architect-engineer contracts or construction contracts calling exclusively for experimental, developmental, or research work in the field of construction or architect-engineering. Where the contract calls for either experimental, developmental, or research work or supplies and materials, in addition to either construction or architect-engineer work, the clause in § 9.102-1 shall be used.

§ 18.903 Patent indemnification of Government by contractor.

§ 18.903-1 General.

A patent indemnity clause shall not be included in contracts calling solely for architect-engineer or experimental, developmental, or research work in the field of construction.

§ 18.903-2 Patent indemnity clauses in supply contracts.

See § 9.103. The provisions of § 9.103-1 relating to the procurement of supplies are applicable where the procurement is solely for construction materials or supplies as such, as distinguished from "construction" as defined in § 18.101-1.

§ 18.903-3 Patent indemnity clause in construction contracts.

(a) All contracts calling for "construction" as defined in § 18.101-1 shall contain the clause in § 7.602-16 (see Standard Form 23-A).

(b) If it is determined that the construction will necessarily involve the use of structures, products, materials, equipment, processes, or methods which are nonstandard, noncommercial, or special, the contract may list them in the specifications and may expressly exclude them from the patent indemnification by inserting the following in the schedule of the contract:

ITEMS EXCLUDED FROM PATENT INDEMNITY (APRIL 1966)

The "Patent Indemnity" clause of this contract shall not apply to the following: (Specifically identify the items to be excluded.)

§ 18.903-4 Waiver of indemnity by the Government.

Exemption of specific patents from the patent indemnity provisions of the clauses prescribed in §§ 18.903-2 and 18.903-3(a) shall be made only upon the authorization of the Secretary concerned or his authorized representative in accordance with § 9.103-4.

§ 18.904 Notice and assistance.

Subject to the prohibitions of § 9.104, all contracts calling for construction work shall include the Notice and Assistance Regarding Patent and Copyright Infringement clause in § 9.104.

§ 18.905 Approval of restricted designs.

Specifications for construction should allow for maximum latitude in the use of various types of commercially available

products, materials, equipment, or processes which will meet objective Government requirements. However, Government requirements may necessitate, or the architect-engineer may contemplate the use of structures, products, materials, equipment, or processes which are available only from a sole source. In such event the architect-engineer should report to the contracting officer the items known to him to be sole source, and the reasons therefore, and advise the contracting officer of the extent to which such items are considered necessary to meet the Government's requirements. This will make possible timely planning and arrangements for the use of sole source items, or where appropriate, to consider alternate items. It is to be emphasized that this procedure is not intended to restrict the use of patented, or copyrighted items, but is merely to give the Government an opportunity to consider whether the specifications being drawn by the architect-engineer, in regard to any one item, are unnecessarily restricted, according to objective Government requirements, to a single sole item. The procedure is primarily for use in instances where the proposed design is expected to be conventional or standard and where the design may be used in subsequent procurements. For this purpose, the following clause may be inserted in architect-engineer contracts.

NOTICE AND APPROVAL OF RESTRICTED DESIGNS (APRIL 1966)

In the performance of this contract, the Contractor shall, to the extent practicable, make maximum use of structures, machines, products, materials, construction methods, and equipment which are readily available through Government or competitive commercial channels, or through standard or proven production techniques, methods, and processes. Unless approved by the Contracting Officer the Contractor shall not, in the performance of the work called for by this contract, produce a design or specification such as to require in this construction work the use of structures, products, materials, construction equipment, or processes which are known by the Contractor to be available only from a sole source. As to any such design or specification the Contractor shall report to the Contracting Officer giving the reason or reasons why it is considered necessary to so restrict the design or specification.

§ 18.906 Processing of infringement claims.

See § 9.105.

§ 18.907 Classified contracts.

See § 9.106.

§ 18.908 Patent rights.

(a) Any construction or architect-engineer contract which calls for or can be expected to involve the design, for use in the construction or operation of a Government facility, of novel structures, machines, products, materials, processes, or equipment (including construction equipment), and any contract having as one of its purposes the performance of experimental, developmental, or research work or test and evaluation studies involving such work, should include a pat-

ent rights clause in accordance with the policy and guidance of § 9.107.

(b) Any construction or architect-engineer contract which calls for or can be expected to involve only standard types of construction to be built by previously developed equipment, methods, and processes shall not include a patent rights clause. The term "standard types of construction" as used herein means construction in which the distinctive features, if any, in all likelihood will amount to no more than:

(1) Variations in size, shape, or capacity of otherwise structurally orthodox and conventionally acting single structural members or multimember structural groupings; or

(2) Purely artistic or esthetic (as distinguished from functionally significant) architectural configurations and designs of both structural and nonstructural members or groupings, which may or may not be sufficiently novel or meritorious to qualify for protection under the design patent or copyright laws.

Rights of the Government in and to any such distinctive design or copyright features, as distinguished from inventions of a mechanical or functional nature resulting from an architect-engineer contract, are provided for in the clause in § 7.607-2 entitled Architectural Designs Data—Government Rights.

(c) Construction and architect-engineer contracts which require the development of novel structures, machines, products, equipment (including construction equipment), materials or processes shall include the clause in § 7.607-2 in addition to the appropriate "Patent Rights" clause in Part 9 of this chapter.

§ 18.909 Patent royalties.

The provisions of §§ 9.110, 9.111, and 9.112 are applicable to contracts for construction or construction supplies.

§ 18.910 Acquisition and use of plans, specifications and drawings.

§ 18.910-1 Architectural designs and data clauses for architect-engineer or construction contracts.

(a) *Plans and specifications and as-built drawings.* (1) Where the purpose of a contract for architect-engineer services or for construction involving architect-engineer services is to obtain a unique architectural design of a building, a monument, or construction of similar nature, which for artistic, esthetic, or other special reasons the Government does not want duplicated by anyone else, the Government may desire to acquire exclusive control of the data pertaining to such design. The following clause shall be used only in those cases where the contracting officer determines for the foregoing reasons that it is desirable to maintain exclusive control over the design and data.

ARCHITECTURAL DESIGNS AND DATA—GOVERNMENT RIGHTS (SOLE PROPERTY) (APRIL 1966)

All drawings, designs, specifications, architectural designs of buildings and structures,

notes, and other architect-engineer work produced in the performance of this contract, or in contemplation thereof, and all as-built drawings produced after completion of the work shall be and remain the sole property of the Government and may be used on any other work without additional cost to the Government; and with respect thereto the Architect-Engineer* agrees not to assert any rights or to establish any claim under the design patent or copyright laws and not to publish or reproduce such matter in whole or in part or in any manner or form, or authorize others so to do, without the written consent of the Government until such time as the Government may have released such matter to the public. Further, with respect to any architectural design which the Government desires to protect by applying for and prosecuting a design patent application, or otherwise, the Architect-Engineer* agrees to furnish the Contracting Officer such duly executed instruments and other papers (prepared by the Government) as are deemed necessary to vest in the Government the rights granted it under this clause. The Architect-Engineer* for a period of three (3) years after completion of the project agrees to furnish and provide access to the originals or copies of all such materials on the request of the Contracting Officer.

(2) In all other contracts calling for architect-engineer services or for construction involving architect-engineer services, insert the following clause.

ARCHITECTURAL DESIGNS AND DATA—GOVERNMENT RIGHTS (UNLIMITED) (APRIL 1966)

The Government shall have unlimited rights, for the benefit of the Government, in all drawings, designs, specifications, architectural designs of buildings and structures, notes and other architect-engineer work produced in the performance of this contract, or in contemplation thereof, and all as-built drawings produced after completion of the work, including the right to use same on any other Government work without additional cost to the Government; and with respect thereto the Architect-Engineer* agrees to and does hereby grant to the Government a royalty-free license to all such data which he may cover by copyright and to all architectural designs as to which he may assert any rights or establish any claim under the design patent or copyright laws. The Architect-Engineer* for a period of three (3) years after completion of the project agrees to furnish and to provide access to the originals or copies of all such materials on the request of the Contracting Officer.

(b) *Shop drawings for construction.* In procuring shop drawings for construction, the Government shall obtain the unlimited right to use and reproduce such drawings, but shall not exclude a similar right in the designer or others. Accordingly, in contracts calling for delivery of such drawings, insert the following clause.

RIGHTS IN SHOP DRAWINGS (APRIL 1966)

(a) Shop drawings for construction means drawings, submitted to the Government by the Construction Contractor, subcontractor, or any lower tier subcontractor pursuant to a construction contract, showing in detail (i) the proposed fabrication and assembly of structural elements and (ii) the installation (i.e., form, fit, and attachment details)

*When used in construction contracts, substitute "Contractor" for "Architect-Engineer."

of materials or equipment. The Government may duplicate, use, and disclose in any manner and for any purpose shop drawings delivered under this contract.

(b) This clause, including this paragraph (b), shall be included in all subcontracts hereunder at any tier.

§ 18.910-2 Data clauses for construction supplies and research and development.

The provisions of Subpart B, Part 9 of this chapter, relating to the acquisition of data and rights therein in connection with the procurement of supplies and materials and research and development are applicable where the procurement is confined to either construction supplies and materials (as distinguished from "construction" as defined in § 18.101-1) or experimental, developmental, or research work, or both. In some circumstances the right to use such data, including drawings, may be limited in accordance with appropriate paragraphs of Subpart B, Part 9 of this chapter.

§ 18.910-3 Mixed contracts.

Where the proposed contract calls for either (a) experimental, developmental, or research work, (b) supplies and materials, or (c) both, in addition to either construction or architect-engineer work, the pertinent clauses of Subpart B, Part 9 of this chapter, shall be included in the contract, in addition to the appropriate clause or clauses prescribed by § 18.910-1. In such cases, the contract shall indicate clearly that the clauses of Subpart B, Part 9 of this chapter, apply only to the experimental, developmental, or research work, or only to the supplies and materials being procured, or to both, and that the appropriate clause or clauses prescribed by § 18.910-1 apply only to the construction or architect-engineer work.

[Rev. 17, ASPR, June 1, 1966] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-7892; Filed, July 20, 1966; 8:45 a.m.]

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 43—PERSONAL COMMERCIAL AFFAIRS

Correction

Federal Register Document 66-5293, published at 31 F.R. 7228 (corrected at 31 F.R. 9458) is further corrected as follows: In Attachment B, the 19th "Finance charge" entry for 27 "Number of level monthly payments", now reading "29.30", is corrected to read "29.03"; the last "Finance charge" entries for 31, 32, and 33 "Number of level monthly payments", now reading "57.53", "59.60", and "61.78", respectively, are corrected to read "57.58", "59.63", and "61.70", respectively.

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Miscellaneous Amendments

1. Effective July 20, 1966, § 329.1 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.1) is amended by inserting a new paragraph (f) as follows:

§ 329.1 Definitions.

(f) *Multiple maturity time deposit.* The term "multiple maturity time deposit" means any time deposit (1) that is payable at the depositor's option on more than one date, whether on a specified date or at the expiration of a specified time after the date of deposit (e.g., a deposit payable at the option of the depositor either 3 months or 6 months after the date of deposit), (2) that is payable after written notice of withdrawal, or (3) with respect to which the underlying instrument or contract or any informal understanding or agreement provides for automatic renewal at maturity.

2. Effective July 20, 1966, § 329.6 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6) is amended to read as follows:

§ 329.6 Maximum rates¹² of interest payable on time and savings deposits by insured nonmember banks.

(a) *Time deposits.* (1) No insured nonmember bank shall pay interest accruing at a rate in excess of 5½ percent per annum, compounded quarterly,¹³ regardless of the basis upon which such interest may be computed, on any time deposit, subject, however, to the provisions of subparagraphs (2) and (3) of this paragraph.

(2) No insured nonmember bank shall pay interest accruing at a rate in excess of 5 percent per annum, compounded quarterly,¹³ regardless of the basis upon which such interest may be computed, on any multiple maturity time deposit received on or after July 20, 1966, which is payable only 90 days or more after the date of deposit or 90 days or more after the last preceding date on which it might have been paid.

(3) No insured nonmember bank shall pay interest accruing at a rate in excess

¹² The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember bank located outside of the States of the United States and the District of Columbia.

¹³ This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals: *Provided*, That the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.

of 4 percent per annum, compounded quarterly,¹³ regardless of the basis upon which such interest may be computed, on any multiple maturity time deposit received on or after July 20, 1966, which is payable less than 90 days after the date of deposit or less than 90 days after the last preceding date on which it might have been paid.

(b) *Savings deposits.* No insured nonmember bank shall pay interest accruing at a rate in excess of 4 percent per annum, compounded quarterly,¹³ regardless of the basis upon which such interest may be computed, on any savings deposit.

The purpose of these amendments is to decrease the rate of interest that insured State nonmember banks are permitted to pay on time deposits with alternative maturities or with provision for automatic renewal at maturity, defined as "multiple maturity time deposits." Formerly, insured State nonmember banks were permitted to pay interest up to 5½ percent per annum on any time deposit, irrespective of maturity. (A time deposit does not include a deposit contract that provides for payment in less than 30 days (§ 329.1).) Now, for multiple maturity time deposits with respect to which the depositor is permitted to withdraw his funds only after periods of 90 days or more, the maximum permissible rate is 5 percent. For those such deposits with respect to which the depositor is permitted to withdraw his funds after periods of less than 90 days, the maximum permissible rate is 4 percent.

There was no notice and public participation with respect to this amendment, nor is the effective date thereof deferred with prior publication as the Board of Directors has found pursuant to § 302.6 of the Corporation's rules and regulations that in the circumstances, such procedure and delay would prevent the action from becoming effective as promptly as necessary in the public interest.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819 (Interests) or applies sec. 18, 64 Stat. 891; 12 U.S.C. 1828))

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 66-7887; Filed, July 20, 1966; 8:45 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[FSLIC-2,690]

PART 563—OPERATIONS

Postponement of Effective Date of Amendment Relating to Payment of Insurance Premiums

JULY 14, 1966.

Whereas by Federal Home Loan Bank Board Resolution Number FSLIC-2,630, dated June 1, 1966, and duly published in

the FEDERAL REGISTER on June 7, 1966 (F.R. Doc. 66-6216, 31 F.R. 8004), this Board resolved to amend paragraph (a) of § 563.15 of the rules and regulations for insurance of accounts (12 CFR 563.15 (a)) as therein set forth, effective January 1, 1967; and

Whereas this Board has determined to postpone the effective date of said amendment from January 1, 1967, to January 1, 1968.

Now, therefore, it is hereby resolved that the aforesaid amendment to § 563.15 of the rules and regulations for insurance of accounts shall be effective January 1, 1968.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-7932; Filed, July 20, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7497; Amdt. 45-2]

PART 45—IDENTIFICATION AND REGISTRATION MARKING

Reduced-Size Markings

The purpose of this amendment is to clarify the provisions of §§ 45.25 and 45.29 and to delete obsolete § 45.25(b).

The Agency has received several requests for interpretation of §§ 45.25(a) and 45.29(a) as applied in situations where one of the sets of surfaces made optional for marking by § 45.25(a) (vertical tail surfaces or sides of fuselage) was large enough for marks meeting the requirements of § 45.29 while the other one was not. The intent of these provisions has always been that full-size marks must be displayed if possible on either set of surfaces, and these sections have been so interpreted. Where neither set of surfaces is large enough for full-size marks, marks as large as practicable must be placed on the larger surfaces. These provisions are being clarified to obviate the need for further inquiries.

Section 45.25(b) contained an exception from the requirements of § 45.25(a) which by its own terms expired on January 1, 1966. This obsolete provision and references to it are therefore deleted.

Since this amendment is clarifying in nature it does not make any substantive change. Therefore, notice and public procedure thereon are not required and the amendment may be made effective upon publication.

This action is taken on the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, 1421).

In consideration of the foregoing, Part 45 of the Federal Aviation Regulations (14 CFR Part 45) is amended as follows:

1. Section 45.25 is amended to read as follows:

§ 45.25 Location of marks on fixed-wing aircraft.

Except as provided in § 45.29(f), the operator of a fixed-wing aircraft may display the required marks either on the vertical tail surfaces or on the sides of the fuselage. The marks shall be displayed horizontally as follows:

(a) If displayed on the vertical tail surfaces, both surfaces of a single vertical tail or the outer surfaces of a multi-vertical tail must be marked.

(b) If displayed on the fuselage surfaces, both sides of the fuselage must be marked between the trailing edge of the wing and the leading edge of the horizontal stabilizer, but if engine pods or other appurtenances are located in this area and are an integral part of the fuselage side surfaces, the operator may place the marks on those pods or appurtenances.

§ 45.29 [Amended]

2. Section 45.29 is amended:
a. By amending paragraph (a) to read as follows:

(a) Except as provided in paragraph (f) of this section, each operator of an aircraft shall display marks on the aircraft meeting the size requirements of this section.

b. By adding the following new paragraph (f) at the end thereof:

(f) If either one of the surfaces authorized for displaying required marks under § 45.25 is large enough for display of marks meeting the size requirements of this section and the other is not, full-size marks shall be placed on the larger surface. If neither surface is large enough for full-size marks, marks as large as practicable shall be displayed on the larger of the two surfaces. If any surface required to be marked by § 45.27 is not large enough for full-size marks, marks as large as practicable shall be displayed on that surface.

Issued in Washington, D.C., on July 14, 1966.

WILLIAM F. McKEE,
Administrator.

[F.R. Doc. 66-7949; Filed, July 20, 1966; 8:49 a.m.]

[Airspace Docket No. 66-AL-4]

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

Alteration of Control Zone and Transition Area

On March 23, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 4844) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the McGrath, Alaska, terminal area. Subsequent to the publication of the notice, it was determined that additional revisions to IFR approach procedures would be required necessitating estab-

lishment of a 700-foot transition area and an extension to the 1,200-foot transition area to provide airspace protection for aircraft executing these procedures. This additional airspace was defined in a supplemental notice of proposed rule making published in the FEDERAL REGISTER (31 F.R. 7527) on May 25, 1966.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., September 15, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2112), the McGrath, Alaska, control zone is amended as follows:

McGRATH, ALASKA

Within a 5-mile radius of McGrath Airport (latitude 62°57'05" N., longitude 155°36'10" W.); within 2 miles W of the McGrath VORTAC 003° radial to within 2 miles E of the McGrath VORTAC 008° radial extending from the 5-mile radius zone along the McGrath VORTAC 005° radial to 13 miles N of the VORTAC; and within 3 miles SW and 2 miles NE of the McGrath RR SE course extending from the 5-mile radius zone to 8 miles SE of the RR.

2. In § 71.181 (31 F.R. 2220), the McGrath, Alaska, transition area is amended as follows:

McGRATH, ALASKA

That airspace extending upward from 700 feet above the surface within a 23-mile radius of the McGrath VORTAC extending clockwise from the 308° to the 334° radials of the McGrath VORTAC; that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the McGrath VORTAC extending clockwise from the 334° to the 308° radials of the McGrath VORTAC; within 9 miles NE and 8 miles SW of the McGrath VORTAC 122° radial extending from the 23-mile radius area to 26 miles SE of the VORTAC; and within 5 miles each side of the McGrath VORTAC 003° radial extending from the 23-mile radius area to 34 miles N of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on July 11, 1966.

GEORGE M. GARY,
Director, Alaskan Region.

[F.R. Doc. 66-7893; Filed, July 20, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-35]

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

Designation and Alteration of Control Zones

On June 1, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 7762) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Albany, Ga., control zone and designate the Albany, Ga. (Turner AFB), control zone.

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

Subsequent to the publication of the notice, standard instrument approach procedure JAL-9-VOR-1 to Turner Air Force Base was canceled. Because of the cancellation of this procedure, the control zone extension proposed to provide airspace protection for this procedure, " * * * within 2 miles each side of the 098° radial of the Albany VOR, extending from the 5-mile radius zone to the VOR * * *" is deleted from the description. Additionally, it was determined that reference to the facility being utilized in describing an extension to the Albany, Ga. (Turner AFB), control zone was inadvertently omitted. Since these amendments are either editorial or less restrictive in nature and impose no additional burden on the public, they are incorporated in this rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., September 15, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the Albany, Ga., control zone is amended to read:

ALBANY, GA. (MUNICIPAL AIRPORT)

Within a 5-mile radius of the Albany Municipal Airport (latitude 31°32'00" N., longitude 84°11'35" W.); within 2 miles each side of the 155° radial of the Albany VOR extending from the 5-mile radius zone to the VOR; excluding that airspace which coincides with the Albany, Ga. (Turner AFB), control zone.

In § 71.171 (31 F.R. 2065) the following control zone is added:

ALBANY, GA. (TURNER AFB)

Within a 5-mile radius of Turner AFB (latitude 31°35'50" N., longitude 84°05'05" W.); within 2 miles each side of the 222° radial of the Turner VOR, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Turner AFB TACAN 038° radial, extending from the 5-mile radius zone to 10 miles NE of the TACAN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 8, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-7894; Filed, July 20, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-38]

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

Alteration of Control Zone and Transition Area

On June 2, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 7836) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Meridian, Miss. (Key Field) control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 15, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the Meridian, Miss. (Key Field) control zone is amended to read:

MERIDIAN, MISS. (KEY FIELD)

Within a 5-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 2 miles each side of the Meridian ILS localizer S course extending from the 5-mile radius zone to the Meridian RBN; within 2 miles each side of the Meridian VORTAC 155° radial extending from the 5-mile radius zone to 13.5 miles SE of the VORTAC; within 2 miles each side of the Meridian VORTAC 310° radial extending from the 5-mile radius zone to 6 miles NW of the airport.

In § 71.181 (31 F.R. 2149) the Meridian, Miss. (Key Field) transition area is amended to read:

MERIDIAN, MISS. (KEY FIELD)

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.), excluding that portion which coincides with the Meridian, Miss. (NAAS Meridian) transition area; within 8 miles E and 5 miles W of the Meridian ILS localizer S course extending from the Meridian RBN to 13 miles S of the RBN; within 8 miles E and 5 miles W of the 191° bearing from the Meridian RBN extending from the RBN to 13 miles S; within 8 miles SW and 5 miles NE of the Meridian VORTAC 315° radial extending from the VORTAC to 13 miles NW.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 8, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-7895; Filed, July 20, 1966; 8:45 a.m.]

[Airspace Docket No. 65-WE-76]

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

Designation of Control Zone and Transition Area; Correction

On May 7, 1966, F.R. Doc. 66-4992 was published in the FEDERAL REGISTER (31 F.R. 6827). It contained amendments to Part 71 of the Federal Aviation Regulations, including the designation of a control zone and transition area in the Pullman, Wash., terminal area.

Subsequent to the publication of the Rule, a flight check of the Pullman, Wash., VOR revealed that the approach radial must be changed three degrees from 025° M (046° T) to 028° M (049° T). It is therefore necessary that the description of the Pullman, Wash., control zone and transition area be amended to incorporate this change.

Since this correction is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective

date of the final rule, as initially adopted, may be retained.

In consideration of the foregoing, effective immediately, the descriptions of the Pullman, Wash., control zone and transition area, as contained in F.R. Doc. 66-4992 (31 F.R. 6827), are amended by deleting "046° and 226° radials" each place it appears in the text and substituting "049° and 229° radials" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; U.S.C. 1348)

Issued in Los Angeles, Calif., on July 11, 1966.

A. E. HORNING,
Acting Director, Western Region.

[F.R. Doc. 66-7896; Filed, July 20, 1966; 8:45 a.m.]

[Airspace Docket No. 65-CE-144]

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

Designation of Transition Area

On January 19, 1966, a notice of Proposed rule making was published in the FEDERAL REGISTER (31 F.R. 716) stating that the Federal Aviation Agency proposed to designate controlled airspace at Alma, Mich.

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

The airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., September 15, 1966, as hereinafter set forth.

In Section 71.181 (31 F.R. 2149) the following transition area is added:

ALMA, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Alma, Mich., Municipal Airport (latitude 43°23'25" N., longitude 84°38'25" W.), and within 2 miles each side of the 253° bearing from the Alma Municipal Airport extending from the radius area to 10 miles west of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 7, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-7948; Filed, July 20, 1966; 8:50 a.m.]

[Airspace Docket No. 66-CE-25]

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

Wolf Point, Mont., Transition Area; Correction

On June 21, 1966, an amendment to Part 71 of the Federal Aviation Regula-

tions was published in the FEDERAL REGISTER (31 F.R. 8575) amending § 71.181 of the Federal Aviation Regulations. Therein the amendment referred to the effective date of the rule as August 18, 1966. In order to meet a charting deadline, it is necessary to change the effective date of the final rule to July 21, 1966. Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the effective date of the final rule is changed to 0001 e.s.t., July 21, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 6, 1966.

FRANCIS E. UNTI,
Acting Director, Central Region.

[F.R. Doc. 66-7941; Filed, July 20, 1966; 8:50 a.m.]

[Airspace Docket No. 66-CE-32]

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

Alteration of Control Zone and Transition Area

On May 12, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 6987) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Rhinelander, Wis., terminal area.

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

The Oneida County Airport coordinates at Rhinelander, as recited in the notice of proposed rule making, have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on any person it has been made in the rule without notice and public procedure. In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 15, 1966, as hereinafter set forth:

(1) In Section 71.171 (31 F.R. 2065), the Rhinelander, Wis., control zone is amended to read:

RHINELANDER, WIS.

Within a 5-mile radius of Oneida County Airport, Rhinelander, Wis. (latitude 45°37'50" N., longitude 89°27'40" W.); within 2 miles each side of the Rhinelander VOR 229° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; and within 2 miles each side of the Rhinelander VOR 322° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR. This control zone shall be effective during the specific dates and/or times established in advance by a Notice of Airmen and continuously published in the Airman's Information Manual.

(2) In Section 71.181 (31 F.R. 2149), the Rhinelander, Wis., transition area is amended to read:

RHINELANDER, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Oneida County Airport, Rhinelander, Wis. (latitude 45°37'50" N., longitude 89°27'40" W.); within 2 miles each side of the Rhinelander VOR 229° radial, extending from the 5-mile radius area to 8 miles SW of the VOR; within 2 miles each side of the Rhinelander VOR 322° radial, extending from the 5-mile radius area to 8 miles NW of the VOR; within a 5-mile radius of Drott Airport, Tomahawk, Wis. (latitude 45°30'45" N., longitude 89°33'35" W.); and within 2 miles each side of the Rhinelander VOR 211° radial, extending from the Drott Airport 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Rhinelander VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 7, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-7944; Filed, July 20, 1966; 8:50 a.m.]

[Airspace Docket No. 66-CE-15]

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

Alteration of Transition Area

On March 12, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 4352) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the St. Joseph, Mo., transition area.

Interested parties were afforded an opportunity to participate in the rule making through the submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., September 15, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 149) the St. Joseph, Mo., transition area is amended to read:

ST. JOSEPH, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); and within 5 miles E and 8 miles W of the St. Joseph ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from the INT of the S boundary of V-216 and the W boundary of V-13 SW along the W boundary of V-13 to latitude 39°42'25" N., longitude 94°29'20" W.; thence W to latitude 39°44'00" N., longitude 94°43'20" W.; thence S to latitude 39°30'00" N., longitude 94°49'00" W.; thence W along latitude 39°30'00" N. to longitude 95°09'00" W.; thence N along longitude 95°09'00" W. to the arc of a 20-mile radius circle centered on the Rosecrans Memorial Airport; thence clockwise along this arc to the N boundary of V-50; thence W along the N boundary of V-50 to

the S boundary of V-216; thence E along the S boundary of V-216 to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 6, 1966.

FRANCIS E. UNTI,
Acting Director, Central Region.

[F.R. Doc. 66-7945; Filed, July 20, 1966; 8:50 a.m.]

[Airspace Docket No. 65-WE-117]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Transition Area

On April 2, 1966, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (31 F.R. 5327) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations (FARs) which would enlarge Restricted Area R-2510 El Centro, Calif.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. In addition to the action proposed in the NPRM, this rule effects an editorial change to Part 71 of the FARs by deleting reference to R-2510 and R-2512 from the description of the El Centro, Calif., transition area.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0001, e.s.t., September 15, 1966, as hereinafter set forth.

1. In § 71.181 (31 F.R. 2149) the El Centro, Calif., transition area is amended by deleting "the portions within R-2510, R-2512, and"

2. In § 73.25 (31 F.R. 2299) R-2510, El Centro, Calif., is amended by deleting from the text the description of the boundaries and substituting therefor:

Boundaries. Beginning at latitude 32°59'35" N., longitude 115°43'30" W.; to latitude 32°55'35" N., longitude 115°40'15" W.; to latitude 32°53'45" N., longitude 115°40'15" W.; thence counterclockwise along the arc of a 5-mile radius circle centered at latitude 32°49'20" N., longitude 115°40'15" W.; to latitude 32°50'05" N., longitude 115°45'20" W.; to latitude 32°50'05" N., longitude 115°55'00" W.; to latitude 32°55'50" N., longitude 115°55'00" W.; to latitude 33°01'20" N., longitude 116°02'15" W.; to latitude 33°06'35" N., longitude 115°56'50" W.; to latitude 33°06'35" N., longitude 115°51'12" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 14, 1966.

WILLIAM F. MCKEE,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-7946; Filed, July 20, 1966; 8:50 a.m.]

[Docket No. 7494; Amdt. 159-8]

PART 159—NATIONAL CAPITAL AIRPORTS

Operation of Motor Vehicles and Registration by Pilots

The purpose of this amendment is to conform the language of § 159.17(c) to that of the present Virginia Motor Vehicle statute and to redesignate the office where certain pilots are required to register upon arriving at the National Capital Airports.

Section 159.17(c), which relates to motor vehicles, is amended by changing the words "under safe control" to read "under proper control", so that the language of this section will be consistent with § 46.1-190(a) of Chapter 4, Regulations of Traffic, of Title 46.1, Motor Vehicles, of the Code of Virginia, 1950. Since the provisions of the Virginia Motor Vehicle statute were already applicable to the National Capital Airports, this amendment does not result in any substantive change.

In addition, the rule that now requires that certain pilots register at the operations office on the Airport, § 159.55, is amended to provide that they register at the operations office of the fixed-base operator.

The procedural and effective date requirements of section 4 of the Administrative Procedure Act do not apply to this amendment because it relates to public property and does not impose a burden on any person.

In consideration of the foregoing, Part 159 is amended, effective July 22, 1966, as follows:

1. Section 159.17(c) is amended by striking out the word "safe" and inserting the word "proper" in place thereof.

2. Section 159.55 is amended by striking out the words "on the Airport immediately upon landing and shall report to that" and inserting the words "of the Airport fixed-base operator immediately upon landing and shall report to that" in place thereof.

This amendment is made under the authority of section 1302 of Title 7, District of Columbia Code; section 2 of the Administration of Washington National Airport Act of June 29, 1940, as amended (54 Stat. 686); and section 4 of the Second Washington Airport Act of September 7, 1950, as amended (64 Stat. 770).

Issued in Washington, D.C., on July 14, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-7897; Filed, July 20, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-16—PROCUREMENT FORMS

Subpart 1-16.8—Miscellaneous Forms

STANDARD FORM 37—REPORT ON PROCUREMENT BY CIVILIAN EXECUTIVE AGENCIES

This amendment revises the reporting requirements of Standard Form 37, Report on Procurement by Civilian Executive Agencies (June 1961 edition), to require agencies to report separately the dollar amount of their procurements under Federal Supply Schedule contracts and GSA local service contracts with non-Federal sources.

Section 1-16.804 is amended to read as follows:

§ 1-16.804 Report on procurement by civilian executive agencies.

(c) *Preparation of report.* Except for the procurements excluded in paragraph (d) of this section, the report shall include the dollar amount of all types of commitments which obligate the Government to an expenditure of funds for property and services (including maintenance, repair, and construction of buildings, roads, etc.; and research and development). Instructions for filling in Standard Form 37 are stated on the form (see § 1-16.901-37). Pending the publication of a new edition of the form, agencies shall report under "Remarks," beginning with the period of July 1 through December 31, 1966, the dollar amount of their procurements (irrespective of amount) under Federal Supply Schedule contracts and GSA local service contracts with non-Federal sources of supply.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective July 1, 1966.

Dated: July 14, 1966.

J. E. MOODY,
*Acting Administrator of
General Services.*

[F.R. Doc. 66-7938; Filed, July 20, 1966;
8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 4—BOARD OF CONTRACT APPEALS

Miscellaneous Amendments

On page 8429 of the FEDERAL REGISTER of June 16, 1966, there was published, pursuant to the authority vested in the

Secretary in 5 U.S.C. 22, a notice of proposed rule making to amend regulations prescribing the functions and rules of procedure of the Board of Contract Appeals. Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed revisions.

No objections have been received. The proposed regulations are hereby adopted without change and are set forth below.

Effective date. Because it is in the public interest to make these amendments effective with the commencement of the new fiscal year, these amendments shall be effective on the date of their publication in the FEDERAL REGISTER.

KENNETH HOLUM,

Acting Secretary of the Interior.

JULY 14, 1966.

1. To reflect the organizational transfer, § 4.1 is revised to read as follows:

§ 4.1 Purpose.

This part prescribes the functions and rules of the Board of Contract Appeals in its operation as a part of the Office of the Secretary of the Interior.

2. Section 4.2 is revised to read as follows:

§ 4.2 Membership.

(a) The Board of Contract Appeals (hereinafter referred to as the Board) consists of three members named by the Secretary of the Interior. The Secretary designates one Board member as Chairman and another Board member as Deputy Chairman. Alternate members are named by the Secretary to serve, when necessary, in place of, or in addition to regular members.

(b) The Chairman of the Board may direct that an appeal may be decided by a panel of any two members of the Board, but if they are unable to agree upon a decision the appeal will be decided by the full Board. When an appeal is considered by three members of the Board, the concurrence of two members shall be sufficient for a decision.

3. Section 4.3 is revoked and a new § 4.3 is added as follows:

§ 4.3 Standards of conduct.

No member of the Board shall consider an appeal if he has participated in the awarding or administration of the contract in question. There shall be no communication between any party to an appeal and a Board member of Board employee concerning the merits of the appeal, unless such communication is also formally served upon the other party to the appeal, or is made in the presence of the other party. The Board also shall exercise care to avoid receiving, except as part of the formally established appeal record, any information having a substantial bearing upon an appeal from persons who do not represent a party in the appeal, but nonetheless have an interest in the decision to be rendered.

4. Section 4.4 is revised to read as follows:

§ 4.4 Authority of Board.

(a) The Board exercises the authority of the Secretary in deciding appeals from findings of fact or decisions by contracting officers of any bureau or office of the Department of the Interior, wherever situated, or any field installation thereof. Decisions of the Board upon such contract appeals are final for the Department. The Board's authority, however, does not include the Secretary's special power granted by 16 U.S.C. sec. 832a(f) (1964) to modify, adjust, or cancel contracts, or to compromise or finally settle claims arising thereunder, upon such terms and conditions and in such manner as the Secretary (or his delegate, the Bonneville Power Administrator) may deem necessary. The Board may, in its discretion, decide questions which are deemed necessary for the complete decision on the issue or issues involved in an appeal, including questions of law.

(b) The powers of the Board include, but are not limited to, authority to conduct hearings, dismiss proceedings, and to take official notice of facts within general knowledge; in addition, the Board may empower or approve the taking of depositions, service of written interrogatories, inspection of documents and admission of facts generally in accordance with the procedures covering such matters established by the Armed Services Board of Contract Appeals.

5. Section 4.11(d) is revised to read as follows:

§ 4.11 Conduct of hearing.

(d) The reporter's fees shall be borne by the bureau or office involved in the appeal. A copy of the transcript shall be made available to the appellant upon payment of a fee prescribed by the Director, Office of Management Operations, of the Department, pursuant to Part 2 of this subtitle, or in accordance with any contract for reporting that has been made for the benefit of the Department.

6. The address of the Board of Contract Appeals, as shown on Appendix I, which appears at the end of Part 4, is revised to read as follows:

Board of Contract Appeals, Office of the Secretary, Department of the Interior, Washington, D.C., 20240.

[F.R. Doc. 66-7910; Filed, July 20, 1966;
8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter 1—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

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.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

The public hunting of prairie grouse and pheasants on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 28,320 acres, is delineated on maps available at refuge headquarters, 17 miles south and 13 miles southwest of Valentine, Nebr., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of prairie grouse and pheasants subject to the following special conditions:

(1) The open season for hunting prairie grouse on the refuge extends from September 17 through October 2, 1966, inclusive. Should the duck hunting season in Nebraska be open any day in the period for grouse hunting, the refuge will be closed.

(2) The open season for hunting pheasants on the refuge extends from the close of the duck season in Nebraska to December 31, 1966, or the end of the regular State pheasant season, whichever occurs first. 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 31, 1966.

NELIUS B. NELSON,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 15, 1966.

[F.R. Doc. 66-7902; Filed, July 20, 1966; 8:46 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

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.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 71,000 acres, is delineated on maps available at refuge headquarters, Valentine, Nebr., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting with bows and arrows only.

(2) All deer hunters will check in and out at designated checking stations.

(3) The open season for hunting deer on the refuge is from the close of the duck hunting season in Nebraska through December 31, 1966, inclusive.

(4) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request. 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 31, 1966.

NELIUS B. NELSON,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 15, 1966.

[F.R. Doc. 66-7903; Filed, July 20, 1966; 8:46 a.m.]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebr.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,900 acres or 40 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Species permitted to be taken: Northern pike, black bass, yellow perch, black bullhead; and other minor species permitted by State regulations.

(2) Open season: Daylight hours during the period January 1, 1967, through December 31, 1967, in those waters opened by posting, except that all fishing is prohibited during the migratory duck hunting season.

(3) Daily creel limits: In accordance with species limits as prescribed by State regulations.

(4) Methods of fishing:

(a) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any seine or net for capturing minnows.

(b) Lines and hooks shall be as prescribed by State regulations.

(c) See applicable State regulations for additional details.

(5) A Federal permit is not required to enter the public fishing area.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

NELIUS B. NELSON,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 15, 1966.

[F.R. Doc. 66-7904; Filed, July 20, 1966; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE AND PROCEDURE

[General Order 41, 3d Rev., Amdt. 2]

PART 201—RULES OF PRACTICE AND PROCEDURE

Subpart A—General Information (Rule 1)

SEARCHING, COPYING, AND CERTIFICATION OF RECORDS; FEES THEREFOR

Section 201.5 is hereby amended to read as follows:

§ 201.5 Searching, copying, and certification of records; fees therefor.

(a) Upon written request directed to and within the discretion of the Administration, there are available, with respect to documents subject to inspection as provided in § 201.4, services as follows:

- (1) Searching files and records;
- (2) Copying records and documents; and

(3) Certifying of copies of documents.

(b) Fees for services set forth in paragraph (a) of this section are as follows:

(1) Certification and validation of each document with Maritime Subsidy Board or Maritime Administration seal, \$1, without either seal, 25 cents.

(2) Searching files and records, except as provided in subparagraph (5) of this paragraph, \$1.50 per half hour or fraction thereof.

(3) Copying records and documents, except as provided in subparagraph (5) of this paragraph.

	First copy of each page (one side)	Additional copies of same page
Typewritten	\$3.00	(1)
Photocopy, 18 inches by 24 inches or smaller	1.00	\$1.00
Photographic negatives: 14 inches by 17 inches or smaller	2.50	
Larger sizes, 30 inches by 40 inches maximum	6.50	
Contact prints (single weight paper) 8 inches by 10 inches or smaller	1.00	.50
Ozolid (per square foot or fraction thereof)	.10	.10
Xerox (8½ inches by 14 inches maximum size)	.25	.25

¹ No charge for carbon copies.

RULES AND REGULATIONS

(4) General: (1) If copy is to be transmitted to the applicant by registered, air, or special delivery mail, the postal fees will be added to the fees for copying (or the request must include postage stamps or stamped return envelopes).

(ii) The cost of special handling or packaging shall also be included in the total fee charged.

(iii) Minimum charge, 50 cents.

(5) Medical records of merchant seamen, including packaging and postage:

Searching-----	\$5.00
Abstracting-----	3.00

Since the changes herein reflect minor adjustments of fee items pursuant to current review, it is deemed impracticable to delay the effective date hereof; therefore, in accordance with the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), the foregoing shall be effective as of the date of publication in the FEDERAL REGISTER.

Dated: July 15, 1966.

By order of the Acting Maritime Administrator and the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 66-7919; Filed, July 20, 1966;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

ALLOWANCE OF DEDUCTION FOR DEPLETION AND PERCENTAGE DEPLETION

Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under sections 611 (relating to allowance of deduction for depletion) and 613 (relating to percentage depletion) was published in the FEDERAL REGISTER for July 13, 1966. Interested persons were requested to submit any written comments on or before September 12, 1966.

A public hearing on the provisions of this proposed amendment to the regulations will be held starting on Wednesday, September 28, 1966, at 10:00 a.m., e.d.s.t., and continuing if necessary on September 29 and 30 to hear oral comments from those who may desire to make an oral presentation in addition to commenting in writing. The hearing will be held in Hearing Room A, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR: T, Washington, D.C. 20224, by September 23, 1966, Telephone (Washington, D.C.—area code 202) 964-3935.

In order to provide an orderly schedule of appearances at a convenient time, it will be appreciated if all persons who desire an opportunity to present oral comments will so notify the Commissioner at the earliest practicable date, even if they expect to defer submission of their written comments until a date nearer the end of the period provided therefor (September 12, 1966). It will also be appreciated if such persons will notify the Commissioner of the number of persons who will represent them at the hearing.

In order to facilitate the conduct of the hearing, it is requested that the oral comments be presented to the extent practicable on an industrywide basis.

Lester R. Uretz,
Chief Counsel.

By:

[SEAL]

JAMES F. DRING,
Director,

Legislation and Regulations Division.

[F.R. Doc. 66-7930; Filed, July 20, 1966;
8:49 a.m.]

[26 CFR Part 177]

INTERSTATE TRAFFIC IN FIREARMS AND AMMUNITION

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol and Tobacco Tax Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7 of the Federal Firearms Act (52 Stat. 1252; 15 U.S.C. 907).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to institute procedures under the Federal Firearms Act Amendment (Public Law 89-184), approved September 15, 1965, and to make appropriate conforming, technical and editorial changes, the regulations in 26 CFR Part 177 are amended as follows:

PARAGRAPH 1. Section 177.10 headed "Meaning of terms" is amended by inserting after the undesignated paragraph headed "Licensed manufacturer" a new paragraph headed "Licensee" to read as follows:

§ 177.10 Meaning of terms.

* * * * *

Licensee. Means a manufacturer, importer or dealer licensed under section 3 of the act (15 U.S.C. 903).

* * * * *

PAR. 2. Section 177.25 is amended to liberalize licensing restrictions in accordance with section 10, 79 Stat. 788; 15 U.S.C. 910, made effective September 15, 1965. As amended, § 177.25 reads as follows:

§ 177.25 Statutory restrictions.

(a) A license shall not be issued to any person who is a fugitive from justice or is under indictment for a crime punishable by imprisonment for a term exceeding one year by or in any court.

(b) A license shall not be issued to any person who has been convicted of a crime punishable by imprisonment for a term exceeding 1 year by or in any court unless such person has, as provided in § 177.31(c), made application for, and been granted, relief from the disabilities under the Federal Firearms Act arising by reason of such conviction.

(Sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 3. Section 177.27 is amended to clarify the procedure involved. As amended, § 177.27 reads as follows:

§ 177.27 Application for renewal of license.

Prior to the expiration of a license, each licensee will receive a Form 8-A (Firearms). If the licensee intends to engage in the firearms business cited on the previous license during any portion of the ensuing year, he should execute and immediately return the Form 8-A (Firearms), with proper remittance, to the District Director.

PAR. 4. Section 177.29 is amended to clarify the procedures involved and to make certain technical and editorial changes. As amended, § 177.29 reads as follows:

§ 177.29 Procedure by District Director.

(a) Upon receipt of (1) a properly executed application for an original license on Form 7 (Firearms), or (2) a properly executed application for renewal of a license on Form 8-A (Firearms), accompanied by the required license fee, the District Director may make such inquiry as deemed necessary to determine the bona fides of the applicant. Upon determination that the applicant is lawfully entitled to a license, the District Director will issue such applicant a license on Form 8 (Firearms). Each license will bear an individual serial number and such number will be permanently assigned the licensee to whom issued for so long as he maintains continuity of annual renewal.

(b) If an applicant for license renewal is a person conducting business under a previously issued license pursuant to the provisions of § 177.31(b) or § 177.31(c), action regarding the application will be held in abeyance pending final determination of the applicant's criminal case or final action by the Commissioner on an application for relief submitted pursuant to § 177.31(c), as the case may be.

(Sec. 10, 79 Stat. 788; 15 U.S.C. 910, sec. 9, 69 Stat. 242; 5 U.S.C. 1008(b))

PAR. 5. Section 177.31 is amended to liberalize licensing restrictions in accordance with section 10, 79 Stat. 788; 15 U.S.C. 910, and to make certain technical and editorial changes. As amended, § 177.31 reads as follows:

§ 177.31 General.

(a) A license shall not be issued in any case for a period of less than 1 year. A proper license shall entitle the person to whom issued to transport, ship and receive firearms or ammunition in interstate or foreign commerce, within the limitations of the Act (see subpart F of this part), for a period of 1 year from the date of issuance (or until final action on an application for renewal), unless canceled as provided in § 177.30 or revoked as provided in § 177.43.

(b) A licensed manufacturer or licensed dealer who is indicted during the term of his license for a crime punishable by imprisonment for a term exceeding 1 year may continue operations under his license, until a conviction under the indictment becomes final: *Provided*, That if the term of the license expires during the period between the date of the indictment and the date conviction thereunder becomes final, such manufacturer or dealer must file a timely application for the renewal of his license in order to continue operations. Such application shall show that the applicant is under indictment for a crime punishable by imprisonment for a term exceeding 1 year.

(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding 1 year (other than a crime involving the use of a firearm or other weapon or a violation of the Federal Firearms Act or the National Firearms Act) may make application for relief from the disabilities under the Federal Firearms Act incurred by reason of such conviction and the Commissioner may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest.

(1) An application for such relief, addressed to the Commissioner, shall be submitted in triplicate to the Director and shall include such supporting data as the applicant deems appropriate. In the case of a corporation the supporting data should include information as to the absence of culpability in the offense of which the corporation was convicted of any person having the power to direct or control the management of the corporation, if such be the fact.

(2) A licensee who is convicted of a crime punishable by imprisonment for a term exceeding 1 year during the term of a current license or while he has pending a license renewal application, and who qualifies under this paragraph to file an application for removal of disabilities

resulting from such conviction, shall not be barred from licensed operations for 30 days after the date upon which his conviction becomes final, and if he files his application for relief with the Commissioner under this paragraph within such 30-day period, he may further continue licensed operations during the pendency of his application. Licensees who do not file an application for relief within 30 days from the date their conviction becomes final, shall not continue licensed operations beyond such 30-day period.

(3) In the event the term of a license of a person qualified to seek relief under this paragraph expires during the 30-day period following the date upon which his conviction becomes final or during the pendency of his application for relief he must file a timely application for renewal of his license in order to continue licensed operations. Such license application shall show that the applicant has been convicted of a crime punishable by imprisonment for a term exceeding 1 year.

(4) The District Director of the District in which the licensed premises are located will be promptly notified of the Commissioner's action on an application for relief and whenever the Commissioner grants relief to any person pursuant to this paragraph, he shall promptly publish in the FEDERAL REGISTER notice of such action, together with the reasons therefor.

(d) The provisions of § 177.83 shall not be construed as prohibiting the shipment of firearms and ammunition in interstate or foreign commerce to a manufacturer or dealer continuing operations under his license pursuant to the provisions of this section.

(Sec. 3, 52 Stat. 1251; 15 U.S.C. 903, sec. 10, 79 Stat. 788; 15 U.S.C. 910, sec. 9, 60 Stat. 242; 5 U.S.C. 1008 (b))

PAR. 6. Section 177.80 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.80 reads as follows:

§ 177.80 License to operate.

It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the Act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce. Further, it shall be unlawful for any licensed dealer or licensed manufacturer, who is a fugitive from justice or, except as provided in § 177.31(c), who has been finally convicted of a crime punishable by imprisonment for a term exceeding 1 year in any court, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce, or to cause any firearm or ammunition to be transported or shipped in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250 as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 7. Section 177.83 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.83 reads as follows:

§ 177.83 Interstate deliveries to felons.

It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is a fugitive from justice or, except as provided by § 177.31(b), is under indictment for or, except as provided by § 177.31(c), has been convicted of, a crime punishable by imprisonment for a term exceeding 1 year by or in any court.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 8. Section 177.84 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.84 reads as follows:

§ 177.84 Interstate transportation by felons, etc.

It shall be unlawful for any person who is a fugitive from justice or, except as provided by § 177.31(b), is under indictment for or, except as provided by § 177.31(c), has been convicted of, a crime punishable by imprisonment for a term exceeding 1 year by or in any court, to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 9. Section 177.85 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.85 reads as follows:

§ 177.85 Receipt by felons, etc.

It shall be unlawful for any person who is a fugitive from justice or, except as provided by § 177.31(b), who is under indictment for or, except as provided by § 177.31(c), has been convicted of, a crime punishable by imprisonment for a term exceeding 1 year by or in any court, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 10. Section 177.102 is amended to make certain technical changes. As amended, § 177.102 reads as follows:

§ 177.102 Disposition after forfeiture.

Any firearm or ammunition forfeited by reason of a violation of the act or any rules or regulations promulgated thereunder, the forfeiture of which firearm or ammunition has not been remitted or mitigated, shall be reported to the Administrator of General Services, General Services Administration, for use or disposition as provided by law (63 Stat. 377).

[F.R. Doc. 66-7931; Filed, July 20, 1966; 8:49 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 43]

MAIL DEPOSIT AND COLLECTION

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of proposed amendments to Part 43 of Title 39, Code of Federal Regulations. One proposed amendment to § 43.6(c) (2) (i) will provide for the use of tempered glass not less than three-sixteenths of an inch in thickness or with heavy sheet or plate glass not less than one-fourth of an inch in thickness in specification for construction of mail chutes. A second proposed amendment will add a new paragraph (e) (5) to § 43.6 to provide for replacement of broken glass panels of mail chutes either with tempered glass not less than three-sixteenths of an inch in thickness or with heavy sheet or plate glass not less than one-fourth of an inch in thickness.

Although the procedures in 39 CFR Part 43 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to comment on the proposed amendments. Written data, views, and arguments may be filed with the Director, Delivery Services Branch, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments read as follows:

§ 43.6 Mail chutes and receiving boxes.

(c) Specification for construction of chutes.

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of tempered glass not less than three-sixteenths of an inch in thickness or heavy sheet or plate glass not less than one-fourth inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein.

(e) Maintenance of chutes and receiving boxes.

(5) Broken glass panels shall be replaced either with tempered glass not less than three-sixteenths of an inch in thickness or heavy sheet or plate glass

not less than one-fourth inch in thickness.

NOTE: The corresponding Postal Manual sections are 153.632a and 153.655 respectively. (R.S. 161, as amended; 5 U.S.C. 23, 39 U.S.C. 501, 6001, 6003)

TIMOTHY J. MAY,
General Counsel.

JULY 15, 1966.

[F.R. Doc. 66-7912; Filed, July 20, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering amending the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81) pursuant to authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), as indicated below.

Statement of considerations. The regulations presently require that all poultry and poultry products processed in an official poultry processing establishment be inspected as required by the regulations. In addition, all dressed poultry and poultry products entering such an official plant must have been so inspected. The amendments would extend this requirement to provide that all meat and meat food products entering such official establishments must have been inspected in accordance with the Meat Inspection Act or the Imported Meat Act (21 U.S.C. 71 et seq.; 19 U.S.C. 1306 (b)-(c)). This would further assure the public of the wholesomeness of poultry and poultry products prepared at federally inspected poultry processing plants.

It is a customary practice at many retail stores to automatically weigh and price merchandise. In order to eliminate costly and unnecessary dual weighing, the net weight of certain immediate containers of poultry products may, under certain conditions specified in the present regulations, be omitted from the label when the products leave the official establishment. The proposal would delete one of these specific conditions and add another. Due to the impracticability of enforcement, it is proposed to delete the provisions whereby net weight labeling may be omitted from immediate containers, if the retailer or distributor agrees in writing to mark the net weight on the container prior to display and sale. Instead, the shipping container would have to bear the statement, "Tare weight of consumer package" and the actual tare weight, weighed to the nearest 1/8 ounce or less, of the individual consumer package in the shipping container. In addition, the shipping container

would have to bear the other information now required by the regulations, i.e., total net weight of the contents of the shipping container and a statement "Net weight to be marked on consumer packages prior to display and sale." The tare weight labeling would greatly aid regulatory law enforcement personnel, particularly local and State weights and measures officials, in determining correct net weights at the retail store, thereby accomplishing the objectives of the Federal inspection program insofar as correct net weight labeling is concerned. Further, provision would be made by the proposed amendments with respect to net weight labeling in case a poultry product and a nonpoultry product are separately wrapped and enclosed in the same immediate container. In such case the total net weight of the products could be shown or the net weights could be stated separately, under the proposed amendments.

The regulation pertaining to suspension or withdrawal of plant approval and inspection service would be revised and expanded to specify procedure therefor and to include, as causes for suspension or withdrawal, assaulting or otherwise interfering with any Department employee in or because of the performance of his duties under the Act or the regulations, or the conducting of processing operations without required inspection, or failing to destroy condemned poultry or poultry products as required. Incidents such as these do not happen with any degree of frequency but when they do occur they necessarily impede the efficient execution of the provisions of the Act. The regulation relating to suspension or termination of exemptions from inspection would also be amended to specify causes and procedure for such action.

The proposal would amend the regulations to provide that when approval by a State or local health authority is required by the State or local government for private sewage disposal systems, a copy of the notification of such approval should be submitted to the Administrator. This would be an additional safeguard against possible unsanitary conditions in an area surrounding an official establishment that could affect the wholesomeness of the product or the sanitary operating procedures of a plant. Final approval of the establishment and its premises for purposes of the Poultry Products Inspection Act would remain within the authority of the Administrator, however.

A recent development in the poultry equipment field has been the advent of continuous defrosters. While these machines have advantages, such as quickness of defrosting, more uniform control and better sanitation, over the conventional systems of defrosting, the improper operation of such equipment can result in product absorbing moisture and thereby being adulterated during the defrosting operation. The amendments would require that defrost operations be conducted in such a manner as to prevent product from becoming adulterated

by the absorption of moisture during defrosting. A similar requirement was established a few years ago with respect to continuous chillers, and continuous defrosters that have been approved for experimental purposes are presently operated under these controls.

Liquid and frozen egg products used at official poultry processing establishments in the preparation of poultry products are now required by the regulations to have been prepared under continuous inspection of the Department. This requirement would be extended by the amendments to include dried egg products. Egg products processed under the voluntary egg products inspection program of the Department must be produced from certain selective types of raw material and must be processed under strictly sanitary conditions. In addition, pasteurization requirements have recently been included in the egg products regulations. Therefore, this change would give added assurance of the wholesomeness of dried eggs used in the preparation of poultry products at official establishments.

The proposal would require that either the shipping container or immediate container of frozen poultry food products be marked, by code or otherwise, with the date of packaging. This marking would enable processors and inspectors to maintain better control of product and more easily identify and segregate product for possible reexamination, further processing, etc. Such a marking requirement has been in effect for canned products for years and such marking is a common practice among many of the frozen food packers now.

The incubator temperature for canned products would be changed from 98° F. to 96° F. The 96° F. temperature has been found to be the optimum temperature for growth of mesophilic organisms. In addition, the change would bring this regulation in line with what is currently being required by other regulatory agencies.

The labeling requirements would be clarified to indicate that all information on an immediate container label would have to be on the same plane, i.e., all written material to be either horizontal or vertical and not a combination of both. This would facilitate reading and understanding of the label.

The section pertaining to imports would be changed to more clearly indicate that not only must the inspection system of a foreign country be initially approved in order to qualify the poultry and poultry products of such country for import into this country but such a system is also subject to review from time to time to determine that it is maintained in such a manner as to be the equivalent of the system maintained by the United States. This would give added assurance of the wholesomeness and proper labeling of poultry products entering this country.

The proposed amendments would also make other changes of a minor or clarifying nature.

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the

same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 22, 1966.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

The proposed amendments are as follows:

1. The heading and text for § 81.7 would be amended to read:

§ 81.7 Poultry, poultry products, meat and meat food products entering or prepared in official establishments.

All poultry and poultry products processed in an official establishment shall be inspected, handled, prepared, marked and labeled as required by the regulations in this part. All dressed poultry and poultry products entering an official establishment shall have been prepared and inspected and passed in accordance with the regulations in this part, and not otherwise prepared, and shall be properly marked as so inspected and passed in accordance with § 81.130. All meat and meat food products of cattle, sheep, swine, goats, or horses entering an official establishment shall have been prepared and inspected and passed in accordance with the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.), or the Imported Meat Act (19 U.S.C. 1306 (b)-(c)) and the regulations under such Acts (9 CFR Ch. III, Subchapter A), and not otherwise prepared, and shall be properly marked as so inspected and passed.

2. Section 81.25 would be amended to read:

§ 81.25 Suspension or withdrawal of inspection service and/or plant approval; causes and procedure.

(a) *Disciplinary*—(1) *Causes*. Inspection service and/or plant approval may be suspended or withdrawn with respect to any official establishment, as provided in subparagraph (2) of this paragraph, if the operator thereof, or any officer, employee or agent of such operator acting within the scope of his employment or agency,

(i) Has failed to maintain the premises, facilities, or equipment of such establishment in a satisfactory state of repair; or

(ii) Has altered any buildings, facilities, or equipment at such establishment without approval in accordance with the regulations in this part; or

(iii) Has processed any poultry or poultry products at such establishment other than under the supervision of an inspector in accordance with the Act and the regulations in this part; or

(iv) Has assaulted, resisted, opposed, or impeded (by force or threat of force) or interfered or attempted to interfere (by force, deception, offer of money, or other improper means) with any inspector or other official or employee of the Department in or because of the performance of any duties under the Act or the regulations in this part; or

(v) Has failed to destroy for human food purposes any condemned poultry carcasses, parts thereof, or poultry product required to be so destroyed; or

(vi) Has otherwise used any operating practice at such establishment which is not in accordance with the sanitary requirements of the Act or the regulations in this part to prevent the distribution under the Act of unwholesome or adulterated poultry products.

(2) *Procedure*. The rules of practice governing withdrawal of certain inspection and grading services set forth in part 50 of this chapter, are hereby made applicable to disciplinary suspension or withdrawal of inspection service, and/or plant approval, as follows:

(i) *Disciplinary; formal*. Inspection service and/or plant approval may be suspended as a disciplinary action for a definite period or withdrawn indefinitely with respect to any official establishment in accordance with the procedure prescribed in §§ 50.21 through 50.28-14 of this chapter of said rules of practice for any cause specified in subparagraph (1) of this paragraph in any case in which it appears the offense was due to a careless disregard of the requirements under the Act or otherwise wilful.

(ii) *Disciplinary; summary*. Inspection service and/or plant approval may be summarily suspended, pending a decision in a formal proceeding under subdivision (i) of this subparagraph, in accordance with the procedure prescribed in § 50.29-1 of this chapter of said rules of practice, in any case in which it appears that furnishing such service or continuing such approval may endanger the public health or the safety of any Department personnel or otherwise seriously jeopardize the integrity of the poultry inspection service. Inspection service and/or plant approval may be immediately suspended in accordance with § 50.29-2 of this chapter of said rules of practice under the conditions specified in said section.

(b) *Conditional (nondisciplinary)*. In any situation in which the Director believes that disciplinary action is not necessary to obtain compliance with the applicable requirements, inspection service and/or plant approval may be suspended as a nondisciplinary action with respect to any official establishment in accordance with the procedure prescribed in §§ 50.11 and 50.12 of this chapter of said rules of practice for any correctible failure to comply with the Act or the regulations in this part. Such suspension shall terminate as soon as the cause therefor is corrected and an inspector can be made available to the establishment.

(c) *General*. The relevant provisions of §§ 50.1 through 50.3 and 50.30 through 50.33 of this chapter of said rules of practice shall also be applicable to proceedings under this section.

During any period of suspension or withdrawal of inspection service and/or plant approval with respect to any establishment, no processing of poultry or poultry products for commerce shall be carried on in the establishment.

3. In § 81.35 *Draining and plumbing*, paragraph (b) (1) would be amended to read:

§ 81.35 *Draining and plumbing.*

(b) *Sewage and plant wastes.* (1) The sewer system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize or, if possible, prevent stoppage and surcharging of the system. When the sewage disposal system is a private system which is required to be approved by a State or local health authority, the applicant should furnish the Administrator a letter from the proper health authority indicating that the sewage disposal system is acceptable to such authority.

4. In § 81.41 *Equipment and utensils*, paragraph (c) (4) would be amended to read:

§ 81.41 *Equipment and utensils.*

(c) *Conveyors.* (4) When individual trays are not used during eviscerating operations, each carcass shall be suspended and a metal trough or a trough constructed of other acceptable impervious material shall be provided beneath the conveyor. Such troughs shall be flushed continuously by a water spray and shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed.

5. In § 81.49 *Operations and procedures*, paragraph (g) would be amended to read:

(g) When frozen ready-to-cook poultry is to be defrosted in water, it shall be thawed in continuous running tap water of sufficient volume and for such limited times as are necessary to defrost such poultry. The defrost media shall not exceed 70° F. except when such poultry is defrosted in cooking kettles and the temperature of the water will be raised to cooking temperature immediately after the poultry has become defrosted. Defrosting practices and procedures shall be such as will prevent product from becoming adulterated by the absorption of moisture. Frozen dressed poultry shall not be defrosted in tanks with continuously running water or residual water, but shall be defrosted on metal racks or in perforated metal containers under a continuous water spray at a temperature not in excess of 70° F.

6. In § 81.50 *Temperatures and cooling and freezing procedures*, the fourth and sixth sentences of paragraph (d) would be amended to read, respectively:

§ 81.50 *Temperatures and cooling and freezing procedures.*

(d) *Cooling giblets.* * * * The average basis weight of giblet wrapping material shall be not more than 30 pounds per standard ream (24 by 36 inches—500 sheets) when tested in accordance with the Technical Association of the Pulp and Paper Industry (T.A.P.P.I.) Standard T-410 except the basis weight may exceed 30 pounds per standard ream when the absorbent capacity is such that the total weight of the material after moisture absorption is no greater than the total weight, after moisture absorption, of material weighing 30 pounds per standard ream. * * * The sample to be tested shall consist of 10 sheets representative of the shipment or lot, and individual sheets within the sample may vary within normal tolerance from the required basis weight, but the average of the sample (10 sheets) shall not weigh in excess of 30 pounds per standard ream (24 by 36 inches—500 sheets) except as specified above. * * *

§ 81.71 [Amended]

7. Section 81.71 *Evisceration*, would be amended by adding the following sentence immediately preceding the first sentence: "A post mortem inspection shall be made on a bird-by-bird basis on all poultry eviscerated in an official establishment."

§ 81.81 [Amended]

8. Section 81.81 would be amended by placing a period immediately after the word "condemned" and deleting the remainder of the sentence.

9. In § 81.95 *Reinspection of poultry products: ingredients*, paragraph (a) would be amended by changing the first sentence and paragraph (c) would be amended by changing the last sentence to read:

§ 81.95 *Reinspection of poultry products; ingredients.*

(a) No poultry or poultry product may be brought into an official establishment unless it has been prepared and inspected and passed in accordance with the regulations in this part, and not otherwise prepared, and the container of such product is marked so as to identify the article as so inspected and passed, in accordance with § 81.130, and no meat or meat food product of cattle, sheep, swine, goats or horses may be brought into an official establishment unless it has been prepared and inspected and passed in accordance with the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.), or the Imported Meat Act (19 U.S.C. 1306(b)-(c)) and the regulations under such Acts (9 CFR Ch. III, Subchapter A), and has not been otherwise prepared, and is properly marked as so inspected and passed. All poultry, poultry products, meat and meat food products shall be reinspected by an inspector at the time they are brought into the official establishment.

(c) * * * Liquid, frozen and dried egg products used in the preparation of any poultry product shall have been

prepared under continuous inspection of the Department.

10. In § 81.96 *Retention tags*, the first sentence would be amended to read:

§ 81.96 *Retention tags.*

An inspector may use such retention tags or other devices and methods as may be approved by the Administrator, for the identification and control of (a) products which are not in compliance with the regulations in this part and/or which are held for further examination and (b) any equipment, utensils, rooms, or compartments which are found to be unclean or otherwise in violation of any of the regulations in this part. * * *

§ 81.100 [Amended]

11. In § 81.100 *Manner in which canned products shall be processed and handled*, the second sentence of paragraph (g) would be amended by changing "98° F." to read "96° F."

12. A new § 81.105 would be added to read:

§ 81.105 *Coding requirements.*

Either the shipping container or the immediate container of frozen poultry food products shall be plainly and permanently marked, by code or otherwise, with the date of packaging. If the marking is by code, the inspector-in-charge shall be informed as to its meaning.

13. In § 81.130 *Wording on labels*, the introductory provision of paragraph (a) and paragraph (a) (3) would be amended to read:

§ 81.130 *Wording on labels.*

(a) Each label approved for use on an immediate container for poultry products shall bear in distinctly legible form and on the same plane of such container the following information:

(3) The net weight or other appropriate measure of the contents, except that the Administrator may approve the use of labels for certain types of immediate containers which do not bear the net weight: *Provided*, That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale": *And provided further*, That the total net weight of the contents of the shipping container is marked on such container: *And provided further*, That the shipping container bears a statement "Tare weight of consumer package" and in close proximity thereto, the actual tare weight (weight of packaging material), weighed to the nearest one-eighth ounce or less, of the individual consumer package in the shipping container. The above specified statements may be added to approved shipping container labels upon approval by the inspector-in-charge. The net weight marked on containers of poultry products shall be the net weight of the poultry products and shall not include the weights of the wet or dry packaging materials and giblet wrapping materials. When a poultry product and

a nonpoultry product are separately wrapped and are placed in a single immediate container bearing the name of both products, the net weight shown on such immediate container may be the total net weight of the two products, or such immediate container may show the net weights of the poultry product and the nonpoultry product separately.

14. In § 81.134 *Product specifications for labeling purposes*, the second sentence of paragraph (c) (4) (iii) would be amended to read:

§ 81.134 *Product specifications for labeling purposes.*

(c) *Poultry meat content of poultry food products.* * * *

(4) *Poultry rolls.* * * *
(iii) * * * If more than 2 percent of any liquid other than natural cookout juices is added, the product must be labeled to indicate that fact; e.g., "Turkey Roll with Broth." * * *

15. Section 81.205 would be amended to read:

§ 81.205 *Suspension or termination of exemptions; causes and procedure.*

(a) *Disciplinary—(1) Causes.* Any exemption of any person under section 15 of the Act may be suspended or terminated by the Administrator in a disciplinary proceeding, as provided in subparagraph (2) of this paragraph, whenever such person or any officer, employee or agent thereof acting within the scope of his employment or agency, has committed any act specified in § 81.25(a) (1) (i), (iv), or (vi) or has in any other way violated the Act or the regulations thereunder.

(2) *Procedure.* Any exemption of any person under section 15 of the Act may be suspended for a definite period or terminated in a formal disciplinary proceeding for any cause mentioned in subparagraph (1) of this paragraph, in accordance with the procedure prescribed in §§ 50.21 through 50.28-14 of this chapter of the rules of practice governing withdrawal of certain inspection and grading services set forth in Part 50 of this chapter, in any case in which it appears the offense was due to a careless disregard of the requirements under the Act or otherwise wilful; and may be summarily suspended for any such cause, pending decision in such a proceeding, in accordance with the procedure prescribed in § 50.29-1 of this chapter of said rules of practice in any case in which it appears that continuing the exemption may endanger the public health or the safety of any Department personnel or otherwise seriously jeopardize the integrity of the poultry inspection service.

(b) *Conditional (nondisciplinary).* In any situation in which the Director believes that disciplinary action is not necessary to obtain compliance with the applicable requirements, any exemption of any person under section 15 of the Act may be suspended as a nondisciplinary

action in accordance with the procedure prescribed in §§ 50.11 and 50.12 of this chapter of said rules of practice for any correctable failure to comply with the Act or the regulations in this part. Such suspension shall terminate as soon as the cause therefor is corrected.

(c) *General.* The relevant provisions of §§ 50.1 through 50.3 and 50.30 through 50.33 of this chapter of said rules of practice shall also be applicable to proceedings under this section.

16. In § 81.301 *Eligibility of foreign countries for importation of products into the United States*, paragraph (a) would be amended by adding the following sentence immediately after the last sentence therein:

§ 81.301 *Eligibility of foreign countries for importation of products into the United States.*

(a) * * * After approval of the inspection system of a foreign country, the Administrator may, as often and to the extent deemed necessary, authorize representatives of the Department to review the system to determine that it is maintained in such a manner as to be the equivalent of the system maintained by the United States.

Done at Washington, D.C., this 18th day of July 1966.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 66-7925; Filed, July 20, 1966; 8:48 a.m.]

[7 CFR Part 922]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Proposed Rule Making With Respect to Expenses and Rate of Assessment for 1966-67 Fiscal Year

Consideration is being given to the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof: (1) That the expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period from April 1, 1966, through March 31, 1967, will amount to \$3,730 and (2) that there be fixed, at \$0.80 per ton of apricots, the rate of assessment payable by each handler in accordance with § 922.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hear-

ing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 18, 1966.

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

[F.R. Doc. 66-7961; Filed, July 20, 1966; 8:51 a.m.]

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98, as amended, and Order No. 945, as amended (7 CFR Part 945), herein referred to collectively as the "order."

This marketing order regulates the handling of Irish potatoes grown in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 945.219 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period beginning June 1, 1966, and ending May 31, 1967, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to \$31,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be fourteen one-hundredths of a cent (\$.0014) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period.

(c) *Reserve.* Unexpended income in excess of expenses for the fiscal period ending May 31, 1967, may be carried over as a reserve.

(d) *Definition of terms.* Terms used in this section have the same meaning as when used in the said amended marketing agreement and this part.

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

Dated: July 18, 1966.

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

[F.R. Doc. 66-7962; Filed, July 20, 1966; 8:51 a.m.]

[7 CFR Part 1099]

[Docket No. AO-183-A13]

MILK IN PADUCAH, KY.,
MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Paducah, Ky., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the proposed amendments to the tentative marketing agreement and to the order was conducted at Paducah, Ky., on November 17 and 18, 1965, pursuant to notice thereof which was issued October 21, 1965 (30 F.R. 13581).

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

1. Marketing area.
2. Class I prices:
- (a) Class I prices through June 1966, and
- (b) Class I prices after June 1966.
3. Diversion of producer milk to non-pad plants.
4. Classification of shrinkage.
5. Location adjustments for handlers.
6. Butterfat differentials for handlers.
7. Seasonal adjustment of payments to producers under a "Louisville plan".

8. Classification of disposition as animal feed and miscellaneous and conforming changes.

Decisions have been issued dealing with all issues except No. 5 *Location adjustments for handlers.* The other issues were dealt with in decisions issued January 21, 1966 (31 F.R. 1152), April 25, 1966 (31 F.R. 6500), and May 26, 1966 (31 F.R. 7758). Therefore, this decision relates only to Issue No. 5.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

5. *Location adjustments for handlers.* No change should be made in the handler location adjustments under the Paducah order.

A proposal by Mid-South Milk Producers Association of Memphis, Tenn., and several Memphis regulated handlers, would apply plus location adjustments to milk received at regulated plants in the southwestern Kentucky portion of the Paducah marketing area. These adjustments would apply at plants in the State of Kentucky located south of U.S. Highway No. 62, west of the Tennessee River and more than 20 miles from the McCracken County, Ky., Courthouse. A rate of 4.5 cents per hundredweight plus 1.5 cents for each 10 miles (or fraction thereof) in excess of 30 miles would apply. Proponents desired such differentials to achieve a closer relationship of Class I prices between the Paducah and Memphis markets. The Memphis cooperative stated that this proposal was merely an alternative to adoption of a specified higher Class I price level for the entire marketing area.

The area affected by the proposal includes four regulated plants, two at Mayfield and one each at Fulton and Murray. At Fulton, which is 49 miles from Paducah, the adjustment would produce a price 7.5 cents higher than at Paducah.

The Paducah Graded Milk Producers Association (in their brief) and handlers who would be affected, opposed the plus differentials. The association opposed the differentials on the grounds that it would result in different prices to producers in Southwest Kentucky depending on whether their milk moved to local plants or to plants in the city of Paducah. They pointed out that milk which is not needed for fluid milk requirements of plants in southwestern Kentucky moves to plants in the city of Paducah for Class I use.

About 45 percent of all Paducah order producers are located in the area where plus location differentials are proposed. Milk produced in such area is used to supply plants located in the city of Paducah as well as to supply the four local plants. Paducah, with a population of about 35,000,¹ represents the largest single milk consuming center in the marketing area. To obtain a full supply, therefore, handlers in the city of

¹ Official notice is taken of the "U.S. Census of Population, 1960—Kentucky" issued by the Bureau of the Census, U.S. Department of Commerce.

Paducah draw milk from the southwestern Kentucky area. If the proposed plus price adjustment were applied in this part of the supply area, milk could not be moved from there to Paducah except at a lower return to producers than milk sold to local plants. Therefore, higher prices at local plants than at Paducah would discourage the movement of milk to Paducah city plants where it is needed.

Further, evidence on the record did not show any need for a higher price at such locations than at Paducah to obtain an adequate supply at local plants. Neither the producer association nor handlers were of the opinion that such differentials were needed for this purpose. Proponent's position (Mid-South Milk Producers Association) was that the plus location differentials should apply if the Class I price were not increased in relation to Memphis as they requested in another proposal. The amendment to this order June 1, 1966 (31 F.R. 7693), relating the Class I price to the St. Louis order Class I price resulted in an increase greater than the amount of any of the plus location adjustments requested by proponent for plants regulated under this order.

It is concluded that the proposed plus location adjustments at plants located in the southwestern Kentucky part of the Paducah marketing area are not justified.

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.

Signed at Washington, D.C., on July 18, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-7963; Filed, July 20, 1966; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-SO-60]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Jackson, Tenn., control zone and transition area.

The Jackson control zone is described in § 71.171 (31 F.R. 2065).

The control zone would be redesignated as:

Within a 5-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); within 2 miles each side of the McKellar VOR 208° radial extending from the 5-mile radius zone to 8.5 miles SW of the VOR.

The Jackson transition area is described in § 71.181 (31 F.R. 2149).

The transition area would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the McKellar VOR 208° radial, extending from the VOR to 12 miles SW; within 5 miles each side of the McKellar VOR 212° radial, extending from the VOR to 27 miles SW; and that airspace bounded on the N by V-140S, on the E by V-16N, on the S by V-16, and on the W by V-11E.

The current description of controlled airspace is predicated, in part, on the Martin radio beacon. This facility is scheduled to be decommissioned coincident with the establishment of the McKellar VOR, and it is necessary to alter the control zone and transition area to reflect predication on the McKellar VOR.

A prescribed instrument approach procedure proposed in conjunction with the establishment of the McKellar VOR requires alteration of the 1,200-foot transition area to provide additional controlled airspace for the protection of aircraft utilizing this procedure.

The proposed alteration of the control zone would provide a small amount of additional controlled airspace required for the protection of aircraft executing standard instrument approach procedures during descent below 1,000 feet above the surface.

The existing 700-foot transition area was predicated on Criteria II operations. Planned operations require a change in classification to Criteria III and necessitate an increase in dimension of the 700-foot transition area. The increase would provide controlled airspace protection for IFR aircraft during climb from 700 to 1,200 feet above the surface and during descent from 1,500 to 1,000 feet above the surface.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on July 11, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-7898; Filed, July 20, 1966;
8:45 a.m.]

[14 CFR Part 121]

[Docket No. 7493; Notice No. 66-25]

TRAINING AND MINIMUM EXPERIENCE REQUIREMENTS; TURBOJET ENGINE POWERED AIRCRAFT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 121 of the Federal Aviation Regulations to specify additional operational, training, and minimum experience, requirements for pilots of turbojet engine powered airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before August 29, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The introduction of turbojet airplanes capable of taking off and landing on the shorter airport runways has resulted in ever increasing conversion of airline fleets from reciprocating engine powered and turbopropeller powered airplanes to short and medium range turbojet airplanes. Concomitant with this fleet conversion is the transition of pilot personnel to turbojet airplanes. In view of this rapid conversion of both equipment and personnel, the Agency believes that additional training and operational requirements are needed to insure the highest possible degree of safety in air carrier type operations.

The Agency therefore proposes to amend Federal Aviation Regulation Part 121 to include the following additional requirements:

Manual requirements. Each Part 121 operator would be required to include in its operations manual a procedure requiring that during each approach and landing the pilot not actually flying the

airplane must, from a point not less than 500 feet above the field elevation, call out the altitude, airspeed, and rate of descent and any significant deviations from the programmed airspeed and desired descent rates. Compliance with this manual procedure would be required of the pilot on flight deck duty who is not actually flying the airplane.

Training and minimum experience requirements. The following additional training and minimum experience requirements would be prescribed:

I. Pilot in command experience. No person other than the pilot in command would be permitted to takeoff, approach, or land a turbojet engine powered airplane unless the pilot in command has served at least 100 hours as pilot in command in that type airplane except where the pilot in command in a particular case makes a decision that such a procedure would be a safer course of action due to special conditions such as a circling approach to the right or a pilot in command's instrument failure.

II. Minimum landings. No pilot who has not previously served as pilot in command in a turbojet engine powered airplane in operations under this part would be permitted to serve as pilot in command of a turbojet airplane unless he has made at least 35 landings in that type airplane, including at least 6-day and 5-night, normal, VFR, full stop landings without reference to visual or electronic glide slope indications. However, the Administrator could reduce this requirement to 25 landings where the certificate holder submits evidence of, and certifies to, the above average ability of the pilot.

III. Pilot in command training. Before serving as pilot in command in a turbojet engine powered airplane, and when transitioning from a turbojet engine powered airplane with wing mounted engines to one with aft mounted engines, each pilot would be required to make and note the results of at least one high rate of descent maneuver. This maneuver would have to be initiated at a low altitude, in the landing configuration at idle thrust, and normal approach speed. The rate of descent would be maintained to a designated height above the ground (not less than 3,000 feet) and at that height recovery to level flight by properly rotating the airplane and using maximum permissible thrust would be made while still in the landing configuration.

These amendments are proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

Issued in Washington, D.C., on July 14, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-7899; Filed, July 20, 1966;
8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 141]

[Docket No. R-305]

ACCOUNTING AND REPORTING BY HYDROELECTRIC LICENSEES

Expenditures Relating to Fish, Recreation and Wildlife

JULY 14, 1966.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Federal Power Commission is considering the amendment of the Uniform System of Accounts prescribed for Class A and Class B public utilities and licensees by Part 101, Chapter I of Title 18 of the Code of Federal Regulations. It is also considering the addition of four new schedules to its FPC Form No. 1 prescribed for use by such licensees and others by § 141.1 of Title 18.

2. The amendments here under consideration are another step in our program to encourage the development of outdoor recreational potential and the protection and enhancement of the fish and wildlife resources of the country. Licensees are, of course, accounting for and reporting these expenditures in appropriate prime accounts but neither the present accounts nor the reporting requirements provide for the separate cost, revenue and expense data for fish, recreation, and wildlife facilities or activities. The absence of these data handicaps the Commission and other interested agencies in evaluating the cost and effectiveness of the program. It is for these reasons we believe that the information which we are now proposing to collect will not only aid us in the performance of our responsibilities under Part I of the Federal Power Act but will, as well, be of such a value to the public as to more than offset the added burden to the licensees.

3. The specific amendments to the Uniform System of Accounts, set out in precise detail below, generally do no more than add the words "fish, recreation and wildlife facilities" to the existing text of the appropriate electric plant instructions and accounts (balance sheet, electric plant, revenue, and expense accounts). In addition, however, we are also proposing to add appropriate "items" to those accounts now including "item lists," described in General Instruction 6, to expressly recognize the broader purposes set out in Electric Plant Instruction 8.H. and in the accounts we are proposing to revise. We will welcome any suggestions to that end, either for the addition of new "items" or a revision of an existing item list.

4. The new schedules which we are proposing to add to Annual Report No. 1 are set out in Attachments A, B, and C¹ hereto. As indicated above, they are intended to supply the cost, revenue and expense data with respect to fish, recreation and wildlife facilities necessary

to evaluate the effectiveness of the several programs.

5. Accordingly, we are proposing—

(a) To amend FPC Annual Report Form No. 1, required by § 141.1, Chapter I of Title 18 of the Code of Federal Regulations, to be filed by Class A and Class B licensees, by adding the following new schedules, the texts of which are set out in the attachments hereto:¹

Fish, Recreation, and Wildlife Plant (Subaccounts of 330, 331, 332, and 335).

Revenues From Fish, Recreation, and Wildlife Operations (Subaccounts of 456).

Operation and Maintenance Expenses of Fish, Recreation, and Wildlife Operations (Subaccounts of 537 and 545).

Accumulated Provisions for Depreciation of Fish, Recreation, and Wildlife Plant Included in Accounts 108, 109, 110.

(b) To amend Part 101, Subchapter C, of the said Title 18 by revising Electric Plant Instruction 8C; adding a new Electric Plant Instruction 15; and revising the following accounts as indicated:

(i) Electric Plant Instruction 8.C. is revised and a new Instruction 15, is added, as follows:

8. Structures and improvements.

C. Minor buildings and structures, such as valve towers, patrolmen's towers, telephone stations, fish, recreation, and wildlife facilities, etc., which are used directly in connection with or form a part of a reservoir, dam, waterway, etc., shall be considered a part of the facility in connection with which constructed or operated and the cost thereof accounted for accordingly.

15. Hydraulic production plant.

For the purpose of this system of accounts hydraulic production plant means all land and land rights, structures and improvements used in connection with hydraulic power generation, reservoirs, dams and waterways, water wheels, turbines, generators, accessory electric equipment, miscellaneous power plant equipment, roads, railroads and bridges, and structures and improvements used in connection with fish, recreation, and wildlife.

(ii) In Account 108, paragraph C(3) is revised to read:

108 Accumulated provision for depreciation of electric plant in service.

C. * * * (3) Hydraulic production: including separate records for (i) fish, (ii) recreation, and (iii) wildlife facilities; * * *

(iii) Account 330 is revised by adding a new paragraph as follows:

330 Land and land rights.

This account shall include the cost of land and land rights used in connection with (1) fish, (2) recreation, and (3) wildlife facilities. Separate subaccounts shall be maintained for each of the above.

(iv) Account 331 is revised by adding a new paragraph as follows:

331 Structures and improvements.

This account shall also include the cost in place of structures and improvements used in connection with (1) fish, (2) recreation, and (3) wildlife. Separate subaccounts shall be maintained for each of the above.

(v) Account 332 is revised by adding a new paragraph before the list of items, as follows:

332 Reservoirs, dams, and waterways.

This account shall also include the cost in place of facilities used in connection with (1) fish, (2) recreation, and (3) wildlife. Separate subaccounts shall be maintained for each of the above. (See electric plant instruction 8.C.)

(vi) Account 335 is revised by adding a new paragraph before the list of items, as follows:

335 Miscellaneous powerplant equipment.

This account shall also include the cost of equipment used in connection with (1) fish, (2) recreation, and (3) wildlife. Separate subaccounts shall be maintained for each of the above.

(vii) In Account 336, Note A is revised to read:

336 Roads, railroads, and bridges.

NOTE A: Roads intended primarily for connecting employees' houses with the powerplant, and roads used primarily in connection with fish, recreation, and wildlife activities, shall not be included herein but in account 331, Structures and Improvements.

(viii) In the list of items appended to Account 398, revise item 3. to read:

398 Miscellaneous equipment.

3. Employees' recreation equipment.

(ix) Account 456 is revised by adding a new paragraph before the list of items, as follows:

456 Other electric revenues.

This account shall also include revenues received from operation of (1) fish, (2) recreation, and (3) wildlife facilities whether operated by the company or by contract concessionaires, such as revenues from leases, or rentals of land for cottages, homes or campsites. Separate subaccounts shall be maintained to classify the revenues by the above categories.

(x) Account 537 is revised by adding a new paragraph before the list of items, as follows:

537 Hydraulic expenses.

This account shall also include the cost of labor, materials used and other expenses incurred in connection with the

¹ Attachment A, B, and C filed as part of original document.

PROPOSED RULE MAKING

operation of (1) fish, (2) recreation, and (3) wildlife facilities. Separate subaccounts shall be maintained for each of the above.

(xi) In Account 542, the existing text is revised by adding the following new sentence:

542 Maintenance of structures.

*** However, the cost of labor, materials used and expenses incurred in the maintenance of fish, recreation and wildlife facilities, the book cost of which is includible in account 331, Structures and Improvements, shall be charged to account 545, Maintenance of Miscellaneous Hydraulic Plant.

(xii) In Account 543, the existing text is revised by adding the following new sentence:

543 Maintenance of reservoirs, dams and waterways.

*** However, the cost of labor, materials used and expenses incurred in the maintenance of fish, recreation and wildlife facilities, the book cost of which is includible in account 332, Reservoirs, Dams

and Waterways, shall be charged to account 545, Maintenance of Miscellaneous Hydraulic Plant.

(xiii) Account 545 is revised by adding a new paragraph as follows:

545 Maintenance of miscellaneous hydraulic plant.

This account shall also include the cost of labor, materials used and other expenses incurred in the maintenance of (1) fish, (2) recreation, and (3) wildlife facilities. Separate subaccounts shall be maintained for each of the above.

6. These amendments to FPC Form No. 1 and the Uniform System of Accounts are proposed to be issued under the authority of the Federal Power Act, as amended, particularly sections 4, 10, 301, 302, 304, and 309 thereof (41 Stat. 1065, 1068; 49 Stat. 839, 842, 854, 855, 858; 16 U.S.C. 797, 803, 825, 825a, 825c, 825h).

7. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than September 1, 1966, data, views, and comments in writing concerning the proposed amendments. As noted above, we invite

particularly suggestions for additions to or revisions of the "item lists" appended to the accounts we are proposing to amend and in paragraph H. of Electric Plant Instruction 8. An original and nine conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed amendments under provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate whether the person filing them requests a conference at the Federal Power Commission to discuss the schedules proposed to be added to the annual report form. The Commission will consider all such written submissions before acting on the proposed amendments.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7900; Filed, July 20, 1966;
8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control IMPORTATION OF CERTAIN MER- CHANDISE DIRECTLY FROM HONG KONG

Available Certifications by the Government of Hong Kong

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity: Foodstuffs, Chinese type, frozen.

[SEAL] MARGARET W. SCHWARTZ,

Director,

Office of Foreign Assets Control.

[F.R. Doc. 66-7889; Filed, July 20, 1966;
8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 3380) sealed bids addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Room T-9003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., or Post Office Box 53226, New Orleans, La. 70150, will be received until 9:30 a.m., c.s.t. on October 18, 1966, for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of Louisiana. Bids will be opened at 10 a.m., c.s.t., October 18, 1966, in the Grand Ballroom of the Sheraton-Charles Hotel, 211 St. Charles Street, New Orleans, La. On that day bids may be delivered in person to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the Grand Ballroom in the Sheraton-Charles Hotel between 8:30 a.m., c.s.t. and 9:30 a.m., c.s.t. No bids received by mail or in person after 9:30 a.m., c.s.t. will be accepted.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 3382.1; 3382.3; 3382.4. Each bidder must submit the certification required by 41 CFR 60-1.6(b) and Executive Order No. 11246 of September 24, 1965, on Form 1510-12, January 1966. Bids may not be modified or withdrawn unless written modifications or with-

drawals are received prior to the end of the period fixed for the filing of bids. Bidders are warned against violation of section 1860 of Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 2(k) of the lease agreement (Form 3380-1, February 1966). Bidders must submit with each bid, one-fifth of the amount bid, in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a yearly rental or minimum royalty of \$5 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of \$5 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3384.1 prior to the issuance of each lease. Where applicable, the leases will be subject to the terms and conditions of the agreement of October 12, 1956, between the United States and the State of Louisiana.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than \$25 per acre or fraction thereof will be considered. The U.S. Government reserves the right to reject any and all bids even though the bid may exceed the minimum referred to previously. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana (insert number of tract) not to be opened until 10 a.m., c.s.t. October 18, 1966."

Official leasing maps in a set of 25, which contains the maps showing the tracts being offered for lease, can be purchased for \$5 per set. The official leasing maps, copies of the lease form (Form 3380-1 February 1966) as well as the Compliance Report Certification (Form 1510-12 January 1966) may be obtained from the above listed Manager or the Director, Bureau of Land Management, Washington, D.C. 20240.

The tracts offered for bid are as follows:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised July 22, 1954 and Apr. 28, 1966)

West Cameron Area

Tract No.	Block	Description	Acreage
La. 1706	111	NE $\frac{1}{4}$	1,250
La. 1707	135	All.....	5,000
La. 1708	177	All.....	5,000
La. 1709	181	E $\frac{1}{2}$	2,500

See footnotes at end of table.

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2

(Approved June 8, 1954; Revised Apr. 28, 1966)

East Cameron Area

Tract No.	Block	Description	Acreage
La. 1710	65	All.....	5,000
La. 1711	66	S $\frac{1}{2}$	2,500
La. 1712	76	All.....	5,000
La. 1713	77	All.....	5,000
La. 1714	81	All.....	5,000
La. 1715	83	NE $\frac{1}{4}$; S $\frac{1}{2}$	3,750

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3

(Approved June 8, 1954; Revised June 25, 1954, July 22, 1954, and Apr. 28, 1966)

Vermilion Area

La.	Block	Description	Acreage
La. 1716	43	That portion in Zone 3..*	4,746
La. 1717	65	All (4507.61 acres (in Zone 3?) are less than, and 492.39 acres are more than, 3 geographical miles seaward of the line described in par. 1 of the Supplemental Decree of the U.S. Supreme Court entered Dec. 15, 1965, in United States v. Louisiana, No. 9, Original (382 U.S. 288)).	5,000
La. 1718	72	All.....	4,461.05
La. 1719	77	S $\frac{1}{2}$	2,500
La. 1720	85	All.....	5,000
La. 1721	97	All.....	5,000
La. 1722	98	All.....	5,000
La. 1723	114	All.....	5,000
La. 1724	128	All.....	5,000
La. 1725	132	All.....	4,886.77
La. 1726	165	All.....	5,000
La. 1727	244	All.....	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3A

(Approved Aug. 7, 1959; Revised Apr. 28, 1966)

South Marsh Island Area

La.	Block	Description	Acreage
La. 1728	20	All.....	5,000
La. 1729	55	All.....	5,000
La. 1730	59	All.....	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4

(Approved June 8, 1954; Revised July 22, 1954 and Apr. 28, 1966)

Eugene Island Area

La.	Block	Description	Acreage
La. 1731	45	All.....	5,000
La. 1732	52	All.....	5,000
La. 1733	64	All.....	5,000
La. 1734	90	N $\frac{1}{2}$; SW $\frac{1}{4}$ (3717.25 acres (in Zone 3?) are less than, and 32.75 acres are more than, 3 geographical miles seaward of the line described in par. 1 of the Supplemental Decree of the U.S. Supreme Court entered Dec. 15, 1965, in United States v. Louisiana, No. 9, Original (382 U.S. 288)).	3,750
La. 1735	101	All.....	5,000
La. 1736	116	W $\frac{1}{2}$	2,500
La. 1737	138	All.....	5,000
La. 1738	139	All.....	5,000
La. 1739	171	All.....	5,000
La. 1740	185	All.....	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5
(Approved June 8, 1954; Revised Apr. 28, 1966)
Ship Shoal Area

Tract No.	Block	Description	Acreage
La. 1741	100	All (1576.79 acres (in Zone 3 ²) are less than, and 3423.21 acres are more than, 3 geographical miles seaward of the line described in par. 1 of the Supplemental Decree of the U.S. Supreme Court entered Dec. 15, 1965, in United States v. Louisiana, No. 9, Original (382 U.S. 288)).	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954,
Dec. 9, 1954, and Apr. 28, 1966)
South Timballer Area

La. 1742	71	All	5,000
La. 1743	85	All	5,000
La. 1744	86	S $\frac{1}{2}$	2,500
La. 1745	136	All	5,000
La. 1746	188	All	5,000
La. 1747	189	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7
(Approved June 8, 1954; Revised Apr. 28, 1966)
Grand Isle Area

La. 1748	85	All	4,539.89
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OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7A
(Approved Sept. 8, 1959; Revised Mar. 7, 1961
and Apr. 28, 1966)
Grand Isle Area South Addition

La. 1749	86	All	4,539.89
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OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8
(Approved June 8, 1954; Revised Apr. 28, 1966)
West Delta Area

La. 1750	33	That portion in Zone 3 ¹ .	2,206
La. 1751	42	All	5,000
La. 1752	43	All	5,000
La. 1753	95	All	5,000
La. 1754	96	All	3,665.07

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954 and Apr.
28, 1966)
Main Pass Area

La. 1755	7	That portion of the S $\frac{1}{2}$ S $\frac{1}{2}$ which lies seaward of the line between Zones 1 and 2 as defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	935.17
La. 1756	91	SE $\frac{1}{4}$; that portion of the N $\frac{1}{2}$ which is more than 3 geographical miles seaward from the line described in par. 1 of the Supplemental Decree of the U.S. Supreme Court entered Dec. 15, 1965, in United States v. Louisiana, No. 9, Original (382 U.S. 288); and that portion of the SW $\frac{1}{4}$ which lies between (a) that line which is 3 geographical miles seaward from the line described in par. 1 of said Supplemental Decree (382 U.S. 288) and (b) the line between Zones 1 and 2 as defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,922.60

See footnotes at end of table.

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954
and Apr. 28, 1966)
Mail Pass Area

Tract No.	Block	Description	Acreage
La. 1757	92	NE $\frac{1}{4}$; S $\frac{1}{2}$	3,745.92

¹ Portion of tract lies within the Calcasieu Pass Safety Fairway where the erection of structures is not permitted unless approved by the Corps of Engineers, U.S. Army Engineering District, New Orleans. Exploration and development of areas underlying fairways may be undertaken by directional drilling from surface locations outside fairway boundaries.

² Zone 3 as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.

Bidders are requested to submit their bids in the following form:

Manager, Bureau of Land Management, Department of the Interior, Post Office Box 53226, T-9003 Federal Office Building, New Orleans, La. 70150.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area ----- Official Leasing Map No. -----

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

(Signature)

(Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

JOHN O. CROW,
Acting Director,

Bureau of Land Management.

Approved: July 15, 1966.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 66-7927; Filed, July 20, 1966;
8:51 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 13, 1966.

The Bureau of Land Management has filed an application, Serial Number I-11 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws nor disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, subject to valid existing rights. The applicant desires the land for use as the Skookumchuck Recreation Area along the Salmon River.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with

the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 27 N., R. 1 E.,

Sec. 3, that part of lot 10 described as beginning at the meander corner of the bank of the Salmon River on the section line between sections 3 and 10;

Thence east along the section line 88 feet to a point, said point being the intersection of the section line with the center line of U.S. Highway 95;

Thence northerly along the center line of said highway 1,326 feet to a point, said point being the intersection of the highway center line with a boundary line between lots 7 and 10;

Thence west along said lot line 105 feet to a point, said point being the mean high water line on the right bank of the Salmon River;

Thence along the mean high water line in a southerly direction across the mouth of Skookumchuck Creek for a distance of 1,390 feet to a point, said point being the intersection of the mean high water line on the bank of the Salmon River with a section line between sections 3 and 10;

Thence east along said section line for a distance of 12 feet to the point of beginning.

The area described aggregates 4.5 acres, more or less, in Idaho County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 66-7905; Filed, July 20, 1966;
8:46 a.m.]

[Idaho 017475]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 13, 1966.

The Department of Agriculture has filed an application, Serial Number Idaho 017475 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended. The applicant desires the land for public purposes as a scenic area adjacent to Upper Priest Lake within the Kaniksu National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

KANIKSU NATIONAL FOREST

Upper Priest Lake "Scenic Area"

- T. 63 N., R. 4 W.,
Sec. 30, lots 3, 4, 8 and 9, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 31, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$ lot 2, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 32, SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 63 N., R. 5 W.,
Sec. 23, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
- Sec. 24, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
- Sec. 25;
Sec. 26, E $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
- Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 36, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described aggregates 3016.64 acres in Bonner County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 66-7906; Filed, July 20, 1966; 8:46 a.m.]

[New Mexico 0560202, Classification No. 30-06-01]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Retention for Multiple Use Management

JULY 14, 1966.

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands together with any lands therein that may become public lands in the future within Roswell District Planning Units Nos. 6-05 and 6-07, and more generally described below, for retention for multiple-use management. Publication of this notice segregates the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from public sales (43 U.S.C. sec. 1171), except for limited Bureau Motion offerings of isolated tracts as may become necessary for management improvement purposes.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Roswell District Manager, Bureau of Land Management, Post Office Box 1397, Roswell, New Mexico 88201.

A public hearing on the proposed classification will be held on September 1, 1966, at 10 a.m. in the Library Annex, Carlsbad Municipal Library, Carlsbad, N. Mex.

The lands proposed to be classified are generally located as follows:

Bounded on the west by the Pecos River Valley; on the north by the Artesia-Lovington Highway (State Road 83); on the east by the Mesalero Ridge (Caprock); and on the south by the Texas-New Mexico State line.

The lands proposed to be classified are shown in detail on a map designated 30-06-01 on file in the Roswell District Office and at the Bureau of Land Management Land Office in Santa Fe, N. Mex.

The public lands in the areas described, aggregate approximately 920,600 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-7907; Filed, July 20, 1966; 8:46 a.m.]

[New Mexico 0559037]

NEW MEXICO

Notice of Classification of Lands

JULY 14, 1966.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the

lands described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g) for lands located within the Sacramento Division of the Lincoln National Forest.

The lands affected by this classification are located in Lea and Chavez Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

- T. 10 S., R. 21 E.,
Sec. 23, N $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 9 S., R. 22 E.,
Sec. 19, lots 1, 2, 3 and 4;
Sec. 29, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 10 S., R. 22 E.,
Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 15, SW $\frac{1}{4}$;
Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ and S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 28, E $\frac{1}{2}$ W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 29, NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$.
- T. 11 S., R. 22 E.,
Sec. 4, lots 2, 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 5, lots 1, 2 and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6, lots 4, 5 and 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 25 S., R. 36 E.,
Sec. 26, W $\frac{1}{2}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 27;
Sec. 28, SE $\frac{1}{4}$;
Sec. 33, E $\frac{1}{2}$;
Secs. 34 and 35.
- T. 26 S., R. 36 E.,
Sec. 1, N $\frac{1}{2}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 3, 4 and 5;
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 13, 24 and 25;
Sec. 36, lots 1, 2, 3, 4 and N $\frac{1}{2}$ N $\frac{1}{2}$.
- T. 23 S., R. 37 E.,
Sec. 10, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 24 S., R. 37 E.,
Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 26 S., R. 37 E.,
Sec. 6, lots 2 and 3.

The areas described aggregate 13,444.52 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-7908; Filed, July 20, 1966; 8:46 a.m.]

UTAH

Notice of Delegation of Purchasing Authority

JULY 14, 1966.

Pursuant to authority contained in Order No. 698 of Director, Bureau of

Land Management, dated August 3, 1962, and Amendment No. 7, dated May 28, 1965, I hereby redelegate to the following employees of the Bureau of Land Management for the State of Utah, effective this date, authority to enter into contracts for materials and supplies and to make open market purchases within the limitation here indicated:

District Office: Administrative Assistants, \$500 per purchase.

This authority shall be exercised in accordance with applicable limitations set forth in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration.

R. D. NIELSON,
State Director.

[F.R. Doc. 66-7909; Filed, July 20, 1966; 8:47 a.m.]

[Planning Unit Code 72; Classification No. 1; Serial Number A 36]

ARIZONA

Notice of Proposed Classification of Public Lands

Notice is hereby given of a proposal to classify the lands described below for disposal under the State Indemnity Act (43 U.S.C. 851, 852) or the Recreation and Public Purposes Act (43 U.S.C. 869 et. seq.). This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1412).

This proposal has been discussed with State, county, and local government agencies, the Arizona Woolgrowers Association, and other interested parties of record. Information derived from discussions and other sources indicates that these lands meet the criterion of 43 CFR 2410.13(c)(1), which provides for disposal of lands " * * * suitable for use by a State or local government entity or agency for some noncommercial or non-industrial governmental program or suitable for transfer to a non-Federal interest in a transaction which will benefit a Federal, State, or local governmental program." Publication in the FEDERAL REGISTER segregates the described lands from all forms of disposal under the public land laws, including the mining laws, except applications under the State Indemnity Act and the Recreation and Public Purposes Act.

Information concerning the lands is available for inspection and study in Room 3041, Federal Building, Phoenix, Ariz. For a period of 60 days from the date of this publication, interested parties may submit comments to the Manager, Bureau of Land Management, Room 3010, Federal Building, Phoenix, Ariz. 85025. The lands affected by this proposal are located in Pinal County and are described as follows:

GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZ.

T. 1 N., R. 8 E.,	Acres
Sec. 7, lots 1 and 2, S 1/2 lot 4, E 1/2 NW 1/4, NE 1/4, SE 1/4 SW 1/4 and S 1/2 SE 1/4	458.01
Sec. 8, N 1/2 N 1/2, N 1/2 SW 1/4 NW 1/4, SE 1/4 and S 1/2 SW 1/4	420.00
Sec. 9, NW 1/4 NW 1/4, N 1/2 NE 1/4 NW 1/4, S 1/2 SE 1/4 NE 1/4 and S 1/2	400.00
Sec. 10, S 1/2 N 1/2 and S 1/2	480.00
Sec. 11, E 1/2 E 1/2 SW 1/4	40.00
Sec. 14, W 1/2 W 1/2 W 1/2, E 1/2 SW 1/4 SW 1/4 and E 1/2 E 1/2 NW 1/4	140.00
Sec. 23, W 1/2 W 1/2	160.00
Sec. 26, W 1/2 W 1/2, W 1/2 SE 1/4 SW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4 E 1/2 SW 1/4 NE 1/4 and E 1/2 SE 1/4	400.00
Sec. 35, E 1/2 NE 1/4 NE 1/4, W 1/2 SW 1/4 NE 1/4, W 1/2 SE 1/4 and SE 1/4 SE 1/4	160.00
Sec. 36, S 1/2 SE 1/4, NE 1/4 NW 1/4 SE 1/4, NE 1/4 NW 1/4 NE 1/4 SE 1/4, N 1/2 NE 1/4 SE 1/4 NW 1/4, N 1/2 SE 1/4 SE 1/4 NW 1/4, S 1/2 NW 1/4, N 1/2 SE 1/4 SW 1/4 NW 1/4, S 1/2 N 1/2 SW 1/4 NW 1/4 and NE 1/4 NE 1/4 SW 1/4 NW 1/4	132.50
	2,790.51

Dated: July 14, 1966.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 66-7920; Filed, July 20, 1966; 8:48 a.m.]

Office of the Secretary

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of July 1, 1966.

Dated: July 12, 1966.

W. R. REMALIA.

[F.R. Doc. 66-7911; Filed, July 20, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

IDAHO, IOWA, OKLAHOMA, AND TEXAS

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 States of Idaho, Iowa, Oklahoma, and Texas, natural

disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Cassia. Madison.
Fremont. Teton.

IOWA

Mahaska. Keokuk.
Washington.

OKLAHOMA

Beckham. Jackson.
Cotton. Kiowa.
Ellis. Marshall.
Greer. Texas.
Harmon. Tillman.
Haskell.

TEXAS

Carson. Moore.
Dallam. Farmer.
Dallas. Randall.
Gonzales. Rockwall.
Hartley. Sherman.
Lavaca. Wheeler.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, 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 15th day of July 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-7926; Filed, July 20, 1966; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17517]

AIR CANADA

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 26, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., July 15, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-7933; Filed, July 20, 1966; 8:49 a.m.]

[Docket No. 17527; Order No. E-23957]

PACIFIC AIR LINES, INC.

Order To Show Cause; Nonstop Exemption Authorizations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of July 1966.

On May 3, 1966, the California Public Utilities Commission (the Commission) granted to Pacific Southwest Airlines, Inc. (PSA), an intrastate carrier, a per-

manent certificate to operate between Los Angeles and San Jose.¹ Subsequently, on May 11, 1966, Pacific Air Lines, Inc. (Pacific), an interstate, federally regulated carrier sought through judicial processes to prohibit the implementation of such service.² Pacific's complaint in the court proceeding is predicated on two grounds: (1) That PSA's flights constitute unauthorized air transportation, since they are operated outside the boundaries of California,³ and (2) that PSA's proposed operations would be a burden on interstate commerce. While the above case has not yet been decided by the district court, the Board proposes herein and in Order E-23958 issued contemporaneously herewith to take such actions as will permit PSA to continue its service in the Los Angeles-San Jose market and at the same time to minimize, insofar as possible, the adverse impact of the proposed operations on the federally subsidized carrier.

The Los Angeles-San Jose market for the year ended September 30, 1965, was Pacific's top market. Pacific carried in this market a total of 54,000 O&D passengers or 8.3 percent of its total system passengers, and because of the long-haul nature of the market, the \$830,856 in passenger revenue in this market constitutes an even higher percentage of Pacific's total system passenger revenue. Thus, it is clear that the authorization and the introduction of the additional services of PSA into Pacific's prime market will adversely affect the profitability of and subsidy need of this local service carrier.

From all available information, it appears that PSA has already made substantial inroads into Pacific's traffic. For example, according to an affidavit⁴ filed in support of Pacific's request for the previously mentioned restraining order, PSA instituted its new service on or about May 18, 1966.⁵ Pacific claims that as a result of the reduced fare, faster time and

greater number of seats available, PSA has, in its first full month of operation, completely dominated the market. We have been advised informally by Pacific that in June it managed to obtain approximately 4,000 passengers as compared with 8,900 in April, its last month of exclusive operation. Pacific contends that even this figure is deceptive because its share is steadily decreasing as exemplified by the fact that for the last four days of June (a normally high traffic period because of the July 4th holiday) it obtained a total of only 261 passengers.

Based on these allegations, we tentatively conclude that its initial efforts have enabled PSA to achieve a dominant portion of the market to the extreme detriment of the subsidized carrier.

The Board, pursuant to its responsibility to develop a national air transportation system, has attempted to fashion a balanced route system within the State of California with service to marginal traffic points as well as in more lucrative markets. In order to counteract the dilution of Pacific's revenues, we have tentatively determined to establish for the federally regulated carrier a regulatory environment which will permit it to compete more equally with PSA. Further, our proposed action is necessary to prevent a decline in Pacific's revenues which could lead to a serious deterioration of its service throughout its entire system.⁶

We have examined Pacific's system and tentatively determine that a grant of more liberal operating authority may afford the carrier the opportunity to obtain additional revenues to offset those reasonably expected to be lost to such carriers.⁷ There are 11 markets, all within California, in which Pacific operates but on a restricted basis because of certificate limitations. For the year ended September 30, 1965, a total of 3,028,480 on-line O&D passengers moved in the 11 markets. Pacific's share of this traffic amounted to approximately one-half of 1 percent.⁸ We cannot be certain that Pacific's entry, on a nonstop basis, into any of these markets would benefit the carrier in view of the existing substantial competitive service offered. However, liberalization of the carrier's operating rights will afford Pacific the opportunity to provide such services as it believes will improve its financial posture, pending the conclusion of the certificate proceeding we would institute which would involve the issues of certi-

⁶ Pacific's need for Federal subsidy support, which is already substantial (\$3,694,997 in 1965) would be sharply accentuated due to the competitive thrust of PSA unless appropriate steps are taken now. Such increased reliance on subsidy would be inconsistent with the Board and congressional policy looking toward subsidy reduction wherever possible.

⁷ We contemplate that any nonstop operations inaugurated pursuant to the proposed exemption authority, if made final, would be ineligible for subsidy.

⁸ See Appendix A; filed as part of the original document.

cate authority for Pacific in these markets.⁹

The 11 markets have experienced substantial growth¹⁰ and there is no reason to believe that this trend will not continue. Consequently, Pacific's share should, at least in part, come from normal growth. We, of course, recognize that the carriers presently in the markets will experience some diversion. We are of the tentative view that the diversion these carriers may experience will not be of significant proportions and, in any event, that the public benefits resulting from the continued economic viability of Pacific far outweigh the competitive implications of our proposed action.

Based on the foregoing, we tentatively find and conclude that Pacific should be granted the required authority (pending a certificate proceeding to be subsequently initiated)¹¹ which will permit the carrier to operate on an unrestricted nonstop basis between the following pairs of points:¹²

Los Angeles-Sacramento, Los Angeles-San Francisco, Los Angeles-Oakland, Los Angeles-San Diego, Burbank-Sacramento, Burbank-San Francisco, Burbank-Oakland, Burbank-San Diego, San Diego-Sacramento, San Diego-San Francisco, San Diego-Oakland.

The Board also tentatively finds and concludes that the San Jose-Los Angeles operations of PSA and their impact on Pacific require that such relief as may be appropriate under the circumstances be made available to Pacific as expeditiously as possible. On the other hand, the scope of the temporary authority contemplated herein is such that we deem it necessary to accord any interested persons the opportunity to make their views known before final action is taken. Consequently, we have decided that a show cause procedure is the most expeditious means, consistent with the public interest, of providing such relief. Therefore, we will order interested persons to show cause, within the time specified herein, why the Board should not make final the tentative findings and conclusions herein and grant to Pacific exemption authority authorizing that carrier to operate on a nonstop basis between the pairs of points previously indicated.

We also tentatively find that the authorization to PSA to operate between San Jose and Los Angeles represents an unusual circumstance affecting the operations of Pacific which warrant the use of our exemption power. Under these circumstances, we tentatively find that enforcement of section 401 of the Act and the terms, conditions and limi-

⁹ While we propose to limit our consideration to the 11 markets for the purpose of our proposed exemption, we contemplate the consideration in the certificate proceeding of any other pairs of points which in the view of the carrier would be of financial help.

¹⁰ See Appendix C; filed as part of the original document.

¹¹ In this connection, we invite the carrier to file such applications as it may deem appropriate for possible consolidation in the contemplated certificate proceeding.

¹² See Appendix B for current restrictions; filed as part of the original document.

¹ California Public Utilities Commission, Order 70657.

² Pacific filed a complaint in the U.S. District Court for the Northern District of California seeking a permanent injunction against the authorized San Jose-Los Angeles service and requested a temporary restraining order pending action on its petition for permanent injunctive relief.

³ Interstate air transportation is defined in sec. 101(21) of the Act to include "the carriage by aircraft of persons or property as a common carrier for transportation or hire * * * in commerce between * * * (a) a place in the United States * * * and a place in any other State of the United States * * * or between places in the same State of the United States through the airspace or any place outside thereof * * *." PSA, an intrastate operator, holds no authority from the Board to engage in interstate air transportation.

⁴ Affidavit of C. A. Myhre, Executive Vice President of Pacific, Pacific Air Lines, Inc. v. Pacific Southwest Air Lines, Inc., Civil Action 45099, U.S. District Court for the Northern District of California, Southern Division.

⁵ PSA offers 4 daily round trips with Electra aircraft at a one-way fare of \$11.43. Pacific offers 6 daily flights in each direction with F-27 aircraft with a one-way fare of \$15.50.

tations of the carrier's certificate insofar as they would prohibit the services contemplated herein, would be an undue burden on the carrier by reason of the unusual circumstances affecting its operations, and is not in the public interest.

In granting interested persons the opportunity to show cause why our tentative findings and conclusions should not be finally adopted, we expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law supported by legal precedent and detailed economic analysis.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and grant to Pacific an exemption pursuant to section 416(b) of the Act authorizing that carrier to provide non-stop service on a subsidy ineligible basis between the following pairs of points:

- (a) Los Angeles-Sacramento.
- (b) Los Angeles-San Francisco.
- (c) Los Angeles-Oakland.
- (d) Los Angeles-San Diego.
- (e) Burbank-Sacramento.
- (f) Burbank-San Francisco.
- (g) Burbank-Oakland.
- (h) Burbank-San Diego.
- (i) San Diego-Sacramento.
- (j) San Diego-San Francisco.
- (k) San Diego-Oakland.

2. Any interested persons having objection to issuance of an order making final the proposed findings, conclusions and grant of the temporary exemption described herein shall, by August 1, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objection;

3. Answers to objections may be filed by any party by August 10;

4. If timely and properly supported objections are filed, further consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;¹²

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may enter an order making final the tentative findings and conclusions set forth herein and grant the temporary exemption as set forth in paragraph 1 above; and

6. Copies of this order shall be served upon the following persons who are hereby made parties to this proceeding: American Airlines, Inc., Delta Air Lines, Inc., National Airlines, Inc., Bonanza

¹² All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained. Nor shall the filing of any such motions, requests or petitions for reconsideration operate to stay the effectiveness of paragraph 2 above.

Air Lines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc., Pacific Air Lines, Inc. and United Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-7934; Filed, July 20, 1966; 8:49 a.m.]

[Docket No. 17528; Order No. E-23958]

PACIFIC SOUTHWEST AIRLINES, INC.

Order To Show Cause; Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of July 1966.

Pacific Southwest Airlines, Inc. (PSA) is a common carrier of passengers by air between points in the State of California.¹ It has been operating for some 16 years, primarily between San Francisco and Los Angeles. On May 3, 1966, the Public Utilities Commission of the State of California awarded to PSA a certificate of public convenience and necessity authorizing the transportation of passengers by air between Los Angeles and San Jose, Calif. The PUC's action was taken pursuant to the recently enacted California Passenger Air Carrier Act, which became effective September 17, 1965, and which requires a certificate from the Commission before a person may engage in intrastate common carriage of passengers by air.² Operations under its new certificate were commenced by PSA on May 18, 1966, utilizing Electra aircraft. PSA plans, however, to inaugurate service with Boeing 727's later this month.³

In awarding the certificate to PSA the PUC acted over the objection of Pacific Air Lines, Inc., a local service carrier providing air transportation between points in California, Nevada, and Oregon, including Los Angeles-San Jose non-stop service, pursuant to a certificate issued by the Board.⁴

In opposing PSA's application Pacific alleged that it should be denied on conventional convenience and necessity grounds. It also alleged that the transportation was subject to Federal regulation because, among other things, flight outside the airspace above California

¹ PSA holds no operating authority from the Board.

² The State certificate requirements are specifically inapplicable to the intrastate services of air carriers operating under certificates of public convenience and necessity issued by the Board under the Federal Aviation Act.

³ In its operations between Los Angeles and San Francisco, PSA has for some time utilized B-727 aircraft.

⁴ Pacific has been utilizing F-27 aircraft in its Los Angeles-San Jose service. The Board is advised, however, that on July 5, 1966, Pacific suspended all nonstop service in this market and proposed to recommence such service on July 20, 1966, with an initial schedule of two 727 nonstop round trips daily which may be increased upon delivery to Pacific of a second 727 in August 1966.

would be involved. The Commission rejected Pacific's latter contention finding that "there is no evidence in this record * * * that any flight outside the State of California is contemplated." Pacific has petitioned the Supreme Court of California for review of the PUC's order, but has not assigned the foregoing determination as error.⁵

In addition to petitioning for judicial review of the PUC's order, Pacific filed a complaint against PSA in the U.S. District Court for the Northern District of California under section 1007 of the Federal Aviation Act, to enjoin PSA from operating between Los Angeles and San Jose without authorization from the Board under section 401. In support of its claim that PSA's Los Angeles-San Jose operations require authority under the Federal Aviation Act, Pacific alleges in its complaint that, in the performance of these operations, PSA must fly over international waters, i.e., the area beyond 3 nautical miles from the coastline at Santa Monica Bay adjacent to the Los Angeles International Airport.⁶

On May 12, 1966, the District Court denied an application by Pacific for a temporary restraining order to enjoin PSA's Los Angeles-San Jose operations. As previously indicated, PSA was then (and still is) utilizing Electra aircraft in this market and the court was apparently of the view that there had been an insufficient showing that PSA's operations into and out of the Los Angeles International Airport with this type of equipment necessarily or normally involve flight beyond the 3-mile limit. Since PSA's planned inauguration of jet service in the Los Angeles-San Jose market was several months off, the court made no attempt to determine whether such operations would involve flight through the airspace outside of the State. However, by stipulation of the parties, introduction of such service was enjoined for a period of 60 days. This restraint was subsequently extended, again by stipulation of the parties, until July 20, 1966, and final hearing on Pacific's complaint is scheduled for July 19.

During the pendency of the District Court proceeding the parties have made extensive use of the discovery procedures provided by the Federal Rules of Civil Procedure and all depositions, requests for admissions, answers thereto, etc., have been made available to the Board. From our review of this material, and of the pleadings filed in the case, it appears to us that PSA's B-727 flights between Los Angeles and San Francisco normally depart in a southwesterly direction and that, on a substantial number of the flights, the aircraft operates beyond the 3-mile limit before turning north and reentering the airspace over California.

⁵ In its petition for review the only Federal-State issue raised by Pacific is a contention that, because of the competitive impact of PSA's operations on Pacific, the Commission's order "unlawfully burdens interstate commerce."

⁶ Pacific also relies upon the contention that the operations impose an unconstitutional burden on interstate commerce by reason of their impact upon it.

There appears to be no dispute that the same would be true on flights utilizing similar equipment between Los Angeles and San Jose. If so, it would follow that PSA's operations between Los Angeles, on the one hand, and San Francisco and San Jose, on the other, involve "air transportation" within the meaning of section 101(21), i.e., "between places in the same State * * * through the airspace over any place outside thereof." See *Island Airlines v. CAB* 352 F. 2d 735 (C.A. 9, 1965); Application of Starflite, Inc., Order E-21535 (1964). As such, they would, of course, unless exempted by the Board, be subject to economic regulation under the Federal Aviation Act.¹

The question remains whether the Board should require PSA to seek a certificate and otherwise submit to economic regulation under the Federal Aviation Act as an alternative to cessation of its principal operations. We have tentatively concluded that it should not.

We recognize that Pacific's filings in the court proceeding indicate that PSA's operations, particularly in the San Jose-Los Angeles market, have had an adverse impact upon Pacific. However, by Order E-23957, issued contemporaneously herewith, we are proposing to broaden Pacific's operating authority. If the Board should ultimately take the action proposed therein, this would mitigate any adverse effect of PSA's operations on Pacific.

In the present circumstances, we tentatively conclude that PSA should not be required to submit to economic regulation by the Board. The transportation in question would not be within our jurisdiction but for very special circumstances. There is apparently nothing about air carriage between Los Angeles and San Francisco or San Jose which inevitably involves flight over international waters. Thus, the record in the court proceeding indicates that PSA's Electra flights very rarely entered airspace outside of California and then only because of weather conditions. See Application of Starflite, Inc., supra. It also indicates that PSA's Los Angeles-San Francisco jets are capable of and may turn northward well within the 3-mile limit. That they do not always do so appears to result from directions from FAA air Traffic Control that they proceed beyond the 3-mile limit because of heavy traffic conditions in the area.² Even when the PSA aircraft is directed beyond the 3-mile limit by Air Traffic Control, it apparently remains beyond the limit between 40 and 120 seconds. In short, to the extent that PSA may be engaged in "interstate air transportation", it is simply the result of a momen-

tary intrusion into airspace outside of the State of California, directed by Air Traffic Control in the interest of air safety and necessitated by the volume of traffic at the Los Angeles International Airport.

In these circumstances the Board has tentatively concluded that enforcement of the provisions of Title IV of the Federal Aviation Act would be an undue burden upon PSA by reason of the limited extent of, or unusual circumstances affecting, the operations of PSA and is not in the public interest. We will, therefore, order interested persons to show cause by August 1, 1966, why the Board should not exempt PSA from the provisions of Title IV to the extent that the carrier may be engaged in "interstate air transportation" as a result of flight beyond the 3-mile limit when the carrier is landing or taking off at mainland California points. In granting interested persons an opportunity to show cause why such exemption should not be granted, we expect such persons to support their objections with arguments of fact or law, including detailed economic analysis and legal precedent. We specifically invite comments and suggestions as to the scope of the exemption to be granted, the terms, conditions and limitations which should be attached to such exemption, as well as the duration of the exemption.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order exempting PSA from the provisions of Title IV of the Federal Aviation Act to the extent that such provisions may be applicable by reason of the fact that PSA's operations involve flight beyond the 3-mile limit in connection with takeoff or landing at mainland California points.

2. Any interested persons having objection to the issuance of such an order shall, by August 1, 1966, file with the Board and serve upon all persons made parties to this proceeding a statement of objections supported by economic data and other evidence relied upon to support such objections.

3. Answers to objections may be filed by any party by August 10, 1966.

4. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board.

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein and grant the exemption as set forth in paragraph 1 above.

6. Copies of this order shall be served upon the following persons who are hereby made parties to this proceeding: American Airlines, Inc., Delta Air Lines, Inc., National Airlines, Inc., Pacific Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the applicants for inter-

vention in the District Court enforcement proceeding, i.e., the Public Utilities Commission of the State of California and the City of San Jose.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-7935; Filed, July 20, 1966;
8:49 a.m.]

[Docket No. 17532; Order No. E-23963]

SUPPLEMENTAL AIR CARRIERS

Order Granting Special Operating Authorization and Exemption

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 15th day of July 1966.

Effective 6 a.m., e.d.s.t., July 8, 1966, the International Association of Machinists (IAM) struck United, Eastern, National, TWA, and Northwest. This strike continues. The Board in a series of orders¹ has issued special emergency exemption authority to the nonstruck carriers designed to alleviate to the greatest extent possible, the public inconvenience resulting from the strike. Despite these authorizations and the substantial effort of the nonstruck carriers to accommodate the public during this emergency, the capacity for air transportation being offered is insufficient to meet the requirements of the public, particularly in the major markets.²

In Order E-23928, July 9, 1966, the Board among other things, authorized the supplemental air carriers to:

(a) Provide individually ticketed passenger services, provided that passengers involved hold tickets issued by a certificated combination route air carrier for authorized transportation over its route, at the fares currently in effect pursuant to the tariff of such route air carrier or competing carriers for the same service and under specific arrangements with such carriers.

We are advised that pursuant to this authority the supplemental carriers have attempted to enter into arrangements with the combination carriers, and some such arrangements have been made. However, practical difficulties in consummating the necessary agreements have prevented the supplemental carriers under that exemption from making the most effective contribution of which they are capable to the emergency needs. Under the continuing emergency situation we believe it is now appropriate to grant the supplemental carriers authority to directly engage in individually ticketed service to the extent here-

¹ Orders E-23926, 23927, and 23928.

² Of course, we have recognized from the outset that there were no means of meeting satisfactorily the bulk of the emergency needs. With the continuation of the strike, additional action has become necessary.

¹ It is possible that the same situation may to some extent prevail in connection with PSA's operations at the San Francisco airport, though the materials presently before us do not focus upon this possibility.

² It also appears from the court record that the FAA cooperates with PSA so as to turn the aircraft northbound as rapidly as possible when it has reached the shoreline of Santa Monica Bay, depending upon other traffic.

inafter provided.² After analyzing the overall market situation we have determined that the greatest need for additional capacity exists in certain major markets. Therefore, we shall authorize the supplemental carriers to perform individually ticketed service in those markets listed below. This special operating authorization should permit the supplemental carriers to provide additional capacity to meet the emergency requirements.

In each of the listed markets 200 or more passengers a day were exchanged as of the third quarter of 1965, and 50 percent or more of the flights were performed by the struck carriers.

We have not included among the listed markets certain of the major markets in which the nonstruck route carriers certificated to serve those markets have increased their capacity. Further, we will not authorize the supplemental carriers to conduct individually ticketed services in those markets where the local service carriers are now conducting emergency service pursuant to the exemptions previously issued by the Board.

While the listed markets reflect our best judgment, on the information available to us, of the most critical needs, we stand ready to consider additions to, or deletions from the authority being granted by this order on the basis of matters presented at the hearing ordered herein, or upon specific application. We will, of course, continue to monitor the situation and will make changes on our initiative where necessary.

Because of the emergency nature of the situation and the obvious time limitation, we shall exempt the supplementals from the requirements of section 403 of the Act, provided that the rates charged by the supplementals are equal to those currently in effect for the struck carriers or the competing carriers for the same classes of services. In addition, we shall require the supplemental carriers to submit to the Board a daily report setting forth relevant traffic data with respect to any operations conducted pursuant to this order.

Based upon the foregoing facts and circumstances, the Board finds that the capacity for air transportation being offered by the holders of certificates of public convenience and necessity between the pairs of points listed below will be temporarily insufficient to meet the requirements of the public and that supplemental air carriers can provide additional service temporarily required in the public interest. Accordingly, the Board will issue to such supplemental air carriers special operating authorizations to engage in air transportation between such points, upon the terms and conditions set forth herein. The Board further finds that to provide for notice and protest of such special operating authorizations by air carriers certificated to pro-

vide service between the points involved, would unduly delay issuance of such special operating authorizations, taking into account the degree of emergency involved. However, we shall afford interested parties an opportunity to present their views orally before the Board on July 21, 1966;³ however, any notice of objection or protest which is filed will not stay the effectiveness of this order.

The Board further finds that the enforcement of the provisions of section 403 of the Act and the Board's regulations thereunder, would be an undue burden upon the class of air carriers named herein by reason of the unusual circumstances affecting their operations and is not in the public interest.

Accordingly, it is ordered, That:

1. All supplemental air carriers holding currently effective certificates of public convenience and necessity or interim certificates or operating authorizations be and they hereby are granted special operating authorizations to engage in individually ticketed air transportation of persons between the pairs of points named below, subject to the condition that the fares charged for such transportation are equal to those currently in effect in the markets for the same types of service;

2. All supplemental carriers be and they hereby are exempted from the tariff filing requirements of section 403 of the Act and the Board's regulations thereunder, for the services authorized herein;

3. All supplemental carriers providing services pursuant to the special authorization granted herein shall file by telegram on a daily basis, with the Director, Bureau of Operating Rights, a report showing for each market (a) the number of flights operated, (b) aircraft type utilized (c) the number of passengers carried, and (d) number of tickets sold by the supplemental carrier or by another air carrier or travel agent;

4. Any interested persons objecting to any provision of this order will be afforded an opportunity to present their objections orally to the Board on July 21, 1966; and as a result of such objections, if any, the Board will make such modifications or amendments to this order as are deemed appropriate: *Provided*, That any objections shall not stay the effectiveness of this order;

5. This order shall become effective immediately and shall remain effective for 30 days unless extended or sooner terminated by further Board order;

6. This order may be amended or revoked as to individual markets, carriers or otherwise, at any time in the discretion of the Board without notice or hearing.

7. This order shall be served on all certificated air carriers and the Federal Aviation Agency.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

³ Persons wishing to object shall notify the Chief Examiner no later than 4 p.m., July 20, 1966.

CITY PAIRS

Group 1—Struck carriers provide 100 percent of flights.

Chicago, Ill.	New York, N.Y.
Chicago, Ill.	Washington, D.C.
Chicago, Ill.	Washington, D.C.
Minneapolis, Minn.	Philadelphia, Pa.
Chicago, Ill.	New York, N.Y.
Denver, Colo.	New York, N.Y.
Chicago, Ill.	New York, N.Y.
Detroit, Mich.	Seattle, Wash.
Baltimore, Md.	New York, N.Y.
Chicago, Ill.	Philadelphia, Pa.
Detroit, Mich.	San Francisco, Calif.
Indianapolis, Ind.	Des Moines, Iowa.
San Francisco, Calif.	Norfolk, Va.
Pittsburgh, Pa.	Washington, D.C.
Detroit, Mich.	Las Vegas, Nev.
Kansas City, Mo.	Pittsburgh, Pa.
Milwaukee, Wis.	Pittsburgh, Pa.
Dayton, Ohio.	Portland, Oreg.
New York, N.Y.	San Francisco, Calif.
Charlotte, N.C.	Chicago, Ill.
Cleveland, Ohio.	Seattle, Wash.
Boston, Mass.	New York, N.Y.
Chicago, Ill.	Milwaukee, Wis.
New York, N.Y.	Raleigh, N.C.
Cleveland, Ohio.	Washington, D.C.
Chicago, Ill.	San Francisco, Calif.
Miami, Fla.	Miami, Fla.
Detroit, Mich.	Minneapolis, Minn.
Los Angeles, Calif.	Pittsburgh, Pa.
Chicago, Ill.	Washington, D.C.
Philadelphia, Pa.	Richmond, Va.
Hartford, Conn.	San Francisco, Calif.
Denver, Colo.	Fresno, Calif.
Greensboro, N.C.	Los Angeles, Calif.
Detroit, Mich.	Detroit, Mich.
New York, N.Y.	Chicago, Ill.
Minneapolis, Minn.	Boston, Mass.
Detroit, Mich.	Chicago, Ill.
Cleveland, Ohio.	Chicago, Ill.
Milwaukee, Wis.	Columbus, Ohio.
Cleveland, Ohio.	Atlanta, Ga.
St. Louis, Mo.	Detroit, Mich.
New York, N.Y.	St. Louis, Mo.
Cleveland, Ohio.	Los Angeles, Calif.
Philadelphia, Pa.	Miami, Fla.
Pittsburgh, Pa.	Minneapolis, Minn.
New York, N.Y.	Rochester, Minn.
Seattle, Wash.	Pittsburgh, Pa.
New York, N.Y.	Toledo, Ohio.
Columbus, Ohio.	Salt Lake City.
Los Angeles, Calif.	Washington, D.C.
Chicago, Ill.	Nashville, Tenn.
Dayton, Ohio.	St. Louis, Mo.
Washington, D.C.	

Group 2—Struck carriers provide more than 50 percent and less than 100 percent of flights.

Boston, Mass.	New York, N.Y.
Chicago, Ill.	Los Angeles, Calif.
New York, N.Y.	San Francisco, Calif.
Los Angeles, Calif.	New York, N.Y.
Detroit, Mich.	Pittsburgh, Pa.
Chicago, Ill.	San Francisco, Calif.
New York, N.Y.	San Francisco, Calif.
Cleveland, Ohio.	Chicago, Ill.
New York, N.Y.	Seattle, Wash.
Chicago, Ill.	Denver, Colo.
Seattle, Wash.	Washington, D.C.
Boston, Mass.	New York, N.Y.
Los Angeles, Calif.	St. Louis, Mo.
Chicago, Ill.	Miami, Fla.
Chicago, Ill.	San Francisco, Calif.
Atlanta, Ga.	Sacramento, Calif.
New York, N.Y.	St. Louis, Mo.
Chicago, Ill.	Washington, D.C.
Portland, Oreg.	Chicago, Ill.
Los Angeles, Calif.	San Francisco, Calif.
Kansas City, Mo.	New York, N.Y.
Los Angeles, Calif.	Houston, Tex.
Atlanta, Ga.	Columbus, Ohio.
Denver, Colo.	Los Angeles, Calif.
Baltimore, Md.	Las Vegas, Nev.
New York, N.Y.	New York, N.Y.
New York, N.Y.	New York, N.Y.
Washington, D.C.	Kansas City, Mo.
New York, N.Y.	

² We would anticipate that it would continue to be in the economic interest of the carriers, as well as best suit the convenience of the public, for the carriers to operate so far as possible under the original terms of E-23928.

Group 2—Continued

San Francisco, Calif.
Chicago, Ill.
Los Angeles, Calif.
Houston, Tex.
New Orleans, La.
Atlanta, Ga.
Los Angeles, Calif.
San Francisco, Calif.
Spokane, Wash.
New York, N.Y.
Chicago, Ill.
Atlanta, Ga.
Louisville, Ky.
Portland, Ore.
Los Angeles, Calif.
New York, N.Y.
Miami, Fla.
St. Louis, Mo.
Salt Lake City, Utah.

Seattle, Wash.
Louisville, Ky.
Tampa, Fla.
Jacksonville, Fla.
Chicago, Ill.
Chicago, Ill.
Atlanta, Ga.
Grand Rapids, Mich.
Moline, Ill.
Tampa, Fla.
Baltimore, Md.
Los Angeles, Calif.
Baltimore, Md.
Fresno, Calif.
Richmond, Va.
Boston, Mass.
San Francisco, Calif.
Washington, D.C.

[F.R. Doc. 66-7936; Filed, July 20, 1966;
8:49 a.m.]

[Docket No. 17533; Order No. E-23964]

SATURN AIRWAYS, INC.

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of July 1966.

On July 14, 1966, Saturn Airways, Inc., by telegraphic application, sought relief from sections 401 and 403 of the Federal Aviation Act to the extent necessary to permit Saturn to perform a series of charter flights from Bermuda to New York carrying passengers holding Eastern Air Lines tickets who are unable to secure return transportation because of the strike.

Confirmation of the basic facts was wired to the Board by the Director of Civil Aeronautics in Bermuda. We have also been advised by Pan American World Airways of its inability to accommodate this traffic.

Saturn has sought specifically to charter an aircraft to a travel agent for the carriage of individually ticketed traffic. However, no application was filed on behalf of the travel agent, which would become an indirect carrier under the proposal. Under these circumstances, we are inclined to grant Saturn authority to carry these passengers on an individually ticketed basis, rather than as a charter to the travel agent, although we recognize that this may increase the business risk of the operation to Saturn.

Based upon the foregoing considerations, we find that the enforcement of Title IV of the Act, and any of the terms, conditions, or limitations otherwise attached to the exercise of Saturn's interim operating authority, insofar as such Title, terms, conditions, or limitations would preclude Saturn from providing up to seven flights from Bermuda to New York during the period ending July 25, 1966, would be an undue burden on such air carrier by reason of the limited extent of, and unusual circumstances affecting its operations, and would not be in the public interest.

Accordingly, it is ordered:

1. That Saturn be, and it hereby is exempted from Title IV of the Act, and the terms, conditions and limitations of its

operating authority insofar as necessary to permit the carrier to operate up to seven flights in individually ticketed air transportation during the period ending July 25, 1966;

2. That Saturn shall establish charges for the service at the fares currently in effect in the market; and

3. That the order shall be effective immediately.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-7937; Filed, July 20, 1966;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

PHILADELPHIA NATIONAL BANK

Notice of Approval of Applicant as Trustee

Notice is hereby given that the Philadelphia National Bank, a national banking association, with offices at Broad and Chestnut Streets, Philadelphia, Pa., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: July 19, 1966.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 66-7983; Filed, July 20, 1966;
8:51 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 16440; FCC 66-627]

INTERNATIONAL TELECOMMUNICATION UNION

Second Notice of Inquiry Regarding Preparation for World Administrative Conference

In the matter of preparation for a World Administrative Conference of the International Telecommunication Union to consider amendment of the international radio regulations presently applicable to the maritime mobile radio service and new provisions for the radio requirements of the service of oceanography; Docket No. 16440.

1. On January 19, 1966, the Commission adopted its initial notice of inquiry in this docket to obtain comments and recommendations from interested persons for consideration by the Commission in preparing its recommendations to the Department of State, and also in discussions between Commission representatives and the Office of the President's Director of Telecommunications Management (ODTM). That notice of inquiry was issued prior to the time

that the Administrative Council of the International Telecommunication Union (ITU) convened to consider the precise agenda for the World Administrative Radio Conference (WARC) relating to maritime mobile matters.

2. The Administrative Council has since met, devised a proposed agenda based on the proposals of individual administrations and circulated that proposal, telegraphically, to all members of the ITU for comment. The resultant agreed agenda adopted by the Council is contained in Appendix I hereto.¹ It will be noted that the WARC is now scheduled to convene on September 18, 1967, in Geneva, and is to complete its work within 7 weeks thereafter.

3. The Commission will collaborate with the Office of the Director of Telecommunications Management in the development of draft "Preliminary Views of the U.S." which each can recommend to the Department of State for transmittal abroad to other administrations for comment, prior to the submission of formal U.S. proposals to the ITU for the WARC. Those views will constitute the tentative proposals of the United States with respect to the specific agenda items set forth in Appendix I¹ and also on other matters related directly to the maritime services, appropriate for consideration by the WARC. The draft preliminary views also will be the subject of a further notice in this proceeding.

4. Accordingly, interested parties are invited to file with the Commission their views relative to the issues found in Appendix I.¹ It should be noted that many of the items on the agenda were anticipated correctly by interested parties filing in response to the initial notice. In such cases, comments may be limited to agenda items not previously commented upon.

5. Authority for the further inquiry instituted herein is contained in section 403 of the Communications Act of 1934, as amended. Comments in response to this inquiry, pursuant to § 1.415 of the Commission's rules, should be submitted on or before August 15, 1966, and reply comments on or before August 25, 1966. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements or comments shall be furnished to the Commission. In reaching its decision in this proceeding, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

Adopted: July 13, 1966.

Released: July 18, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-7942; Filed, July 20, 1966;
8:50 a.m.]

¹ Appendix A filed as part of original document.

² Commissioner Johnson absent.

[Docket No. 16258; FCC 66-648]

AMERICAN TELEPHONE & TELEGRAPH CO. ET AL.**Memorandum Opinion and Order**

In the matter of American Telephone & Telegraph Co., and the Associated Bell System Cos., Docket No. 16258; charges for interstate and foreign communication service.

1. The Commission has before it a petition filed on July 6, 1966, by The Telephone Users Association, Inc., which seeks review of an order of the Commission's Telephone Committee (FCC 66M-789) released June 6, 1966, which denied petitioner leave to intervene in this proceeding. The petition is not in accordance with the Commission's rules in many respects and, therefore, is subject to being stricken. Nevertheless, we are not disposing of it on such technical grounds but will deal with it on the merits so far as they are ascertainable. Because of the imminent resumption of hearing sessions herein, due and timely execution of our functions and consideration for petitioner's interest in getting a prompt disposition of this matter require our action on the instant petition without waiting for responsive pleadings.

2. The petition assigns as the sole reasons warranting our reversal of the Telephone Committee's action the following, verbatim:

Petitioner incorporates by reference here the papers filed in the U.S. Court of Appeals, D.C., as part of a petition for mandamus, which argue substantially as follows:

(1) The parties so far admitted to standing consist of governmental agencies, NARUC, and multimillion dollar commercial concerns.

(2) The millions of small household users and small businesses who pay the bulk of the phone bill are not represented unless TUA is admitted by reversal of the Order issued by the Telephone Committee.

3. The Telephone Committee denied petitioner's original petition to intervene on the grounds that it failed to comply with our rules of practice and procedure (47 CFR 1.223) in that (1) it was late, with no substantial and satisfactory showing of good cause for failure to file on time¹ and (2) it failed to show, with any specificity, the manner in which petitioner's participation would assist the Commission in the determination of the issues. The Committee noted that the explanation given by petitioner for the lateness in filing was the allegation that it "was not certain earlier [that] it could provide competent counsel," the designated counsel being the signer of the petition. It further noted that the manner in which the petitioner proposed to assist the Commission in the resolution of the issues was to provide the assistance of its counsel who has experience "in a telephone rate matter" and also

¹The rules require that petitions to intervene be filed not more than 30 days after the issues in a proceeding are published in the FEDERAL REGISTER. The issues in this proceeding were so published on November 2, 1965 (30 F.R. 13885). The instant petition to intervene was filed June 1, 1966.

that petitioner "expects to have at least one witness who has firsthand familiarity with operating techniques and who is expected to present testimony which will be of great interest to this Commission. T.U.A. may also present pertinent financial witnesses."

4. A review of the foregoing indicates that the Telephone Committee was clearly warranted in denying petitioner leave to intervene. The nebulous and uncertain nature of the proposed testimony gives rise to doubt as whether petitioner is fully cognizant of the nature of the issues to be determined herein. More particularly, the reason given for filing the petition some 6 months late is unacceptable without some explanation as to why petitioner was uncertain as to its ability to obtain competent counsel. Moreover, as will be developed, certain of the circumstances surrounding the petition create some doubt as to the good faith of this representation.

5. With regard to the consideration advanced for the first time in the petition for review, namely, that the "millions of small household users and small businesses" will not be represented unless petitioner is permitted to intervene, we are constrained to say that the Commission itself is charged with the statutory responsibility under the Communications Act of 1934, as amended, to insure that these telephone users, as well as all other members of the public, may obtain communications service at just and reasonable rates. Additionally, it is to be noted that there are already several representatives of user interests who are parties to the proceeding. These entities include large volume users as well as small business and householders. The latter are represented by such intervenors as, for example, the city and county of San Francisco, the city of Los Angeles, and the various State public utility regulatory authorities.

6. In the original petition to intervene, it is stated that The Telephone Users Association, Inc. "is a nonprofit association, chartered in the District of Columbia, whose specific functions relate to telephone rates and services, and the representation and protection of consumer interests in such matters." Nothing else is contained therein with respect to the nature of the association, the number or character of its membership or its officers. Neither of the pleadings gives any address for the association other than that of counsel who signed the pleadings. There was attached to the first petition a sheet containing facsimiles of three form postal cards addressed to the association purporting to authorize it to represent the signatories thereof before the Commission (without cost or financial obligation). The address for the association on the form cards is that of the same attorney. Thus, from what is now before us, it appears that the association is, for all intents and purposes, the alter ego of its attorney. Under such circumstances, the validity of the reason given for late filing, i.e., that the association "was not certain earlier it could provide competent counsel," appears insubstantial.

7. For the foregoing reasons, the memorandum opinion and order of the Telephone Committee released June 6, 1966 (FCC 66M-789) is affirmed.

Adopted: July 15, 1966.

Released: July 18, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 66-7953; Filed, July 20, 1966;
8:51 a.m.]

[Docket No. 16617; FCC 66M-976]

RAYMOND W. GILL**Scheduling of Prehearing Conference**

In the matter of Raymond W. Gill, Dunn Loring, Va., Docket No. 16617; order to show cause why the license for radio station KMI-3224 in the citizens radio service should not be revoked.

Upon the Hearing Examiner's own motion: *It is ordered*, This 15th day of July 1966, that a prehearing conference in the above-captioned proceeding shall be convened in the offices of the Commission at Washington, D.C., on July 26, 1966, at 10 a.m., and further, that the parties, or their counsel, shall appear at the conference.

The prehearing conference will be held to consider: the possibility of stipulating with respect to facts; the date for commencement of hearing; the procedure at the hearing; and such other matters as may be proposed for expediting the hearing.

Released: July 15, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[F. R. Doc. 66-7954; Filed, July 20, 1966;
8:51 a.m.]

FEDERAL MARITIME COMMISSION**PACIFIC COAST-AUSTRALASIAN
TARIFF BUREAU****Notice of a Petition Filed for
Approval**

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing,

¹ Commissioners Cox, Wadsworth and Johnson absent; and Commissioner Loevinger concurring and issuing a statement filed as part of the original document.

if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate contract system and for approval of the form of exclusive patronage contract, filed by:

Edward D. Ransom, Esq., Lillick, Geary, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 90014.

Notice is hereby given that the member lines of the Pacific Coast-Australasian Tariff Bureau have filed for approval pursuant to section 14(b) of the Shipping Act, 1916, an application to institute a dual rate contract system in the trade from Pacific Coast ports of the United States and Canada to New Zealand and all Australian states except western Australia. The application provides that noncontract rates shall be 15 percent higher than prevailing tariff rates which would, upon approval, become contract rates, all in accordance with the terms and conditions described in the form of contract filed for approval.

Dated: July 18, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-7947; Filed, July 20, 1966;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3217, etc.]

ATLANTIC RICHFIELD CO.

Notice of Change in Name

JULY 14, 1966.

Take notice that on July 1, 1966, Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221 (formerly the Atlantic Refining Co.), filed notices of change in name to advise the Commission that its corporate name had been changed from the Atlantic Refining Co. on May 3, 1966, all as more fully set forth in the notices which are on file with the Commission and open to public inspection.

Atlantic Richfield Co. requests that its certificates, rate schedules, and proceedings in which it is respondent be appropriately redesignated.

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 August 5, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7901; Filed, July 20, 1966;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-940]

CAMBRIDGE GROWTH FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 15, 1966.

In the matter of Cambridge Growth Fund, Inc., care of Charles D. Reeves, Jr., Venable, Baetjer & Howard Mercantile Trust Building, Baltimore and Calvert Streets, Baltimore, Md. 21202, 811-940.

Notice is hereby given that Cambridge Growth Fund, Inc. ("applicant"), a Delaware corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company. All persons are referred to the application on file with the Commission for a statement of the facts which are summarized below.

Applicant registered under the Act on April 25, 1960. At a special meeting on December 28, 1965, shareholders of the applicant voted to sell substantially all of its assets to Pilgrim Financial & Growth Fund, Inc. ("Pilgrim"), also a registered management open-end diversified investment company, in exchange for shares of capital stock of Pilgrim and to distribute the shares received to shareholders of the applicant and for dissolution of the applicant.

On January 4, 1966, applicant transferred to Pilgrim all of the shares of stock held in its portfolio and received in exchange therefor 17,507.283 shares of capital stock of Pilgrim. Of these shares 17,307.283 have been distributed to applicant's shareholders. Applicant's sole remaining assets are 200 shares of Pilgrim stock and \$486.91 in cash. The cash is held by the law firm of Venable, Baetjer & Howard, as agent for Cambridge to pay accrued expenses. None of the officers, directors, employees or former stockholders of Cambridge has any access to these funds. Pursuant to an indemnity agreement between applicant and Pilgrim, the 200 shares of Pilgrim stock are held in escrow by Investment Companies Service Corp. ("Escrow Agent") 50 Congress Street, Boston, Mass. 02109, under an agreement between the Escrow Agent, Pilgrim and applicant to cover any losses, damages or expenses or other liabilities of applicant. There are no known liabilities for which said indemnity agreement is applicable. After settlement of all liabilities, if any, the shares remaining will be distributed to the former Cambridge shareholders by the Escrow Agent. A certificate of dissolution was filed by Cambridge with the Secretary of State of Delaware on February 15, 1966.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a

registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 29, 1966, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-7913; Filed, July 20, 1966;
8:47 a.m.]

[812-1853]

B. F. GOODRICH INTERNATIONAL FINANCE CO.

Notice of Filing of Application To Modify Order of Exemption

JULY 15, 1966.

Notice is hereby given that B. F. Goodrich International Finance Co. ("Applicant"), 277 Park Avenue, New York, N.Y., a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") requesting the modification of an existing order of the Commission to exempt Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the Applicant's representations which are summarized below.

Applicant was organized in order to finance the expansion and development of the foreign operations of the B. F. Goodrich Co. The Commission, on November 30, 1965, granted Applicant an exemption from all provisions of the Act (Investment Company Act, Release No. 4421) subject to certain stated conditions. One of the provisions of the

application under which the Commission's order was issued was that:

The Applicant will proceed as expeditiously as possible with the investment of its assets in the manner described in the foregoing paragraph. It is contemplated that pending the completion of the initial investment of the assets of the Applicant, and from time to time when changes in the Applicant's investments are pending, the Applicant may use a portion of its assets to make temporary investments in obligations of foreign governments or foreign financial institutions, payable either in U.S. dollars or other currencies. Such temporary investments shall not, at any time after completion of the initial investment of the assets of the Applicant, equal or exceed 40 percent of the value of the Applicant's total assets (exclusive of cash items).

Applicant requests an order exempting it from all provisions of the Act based upon the application as amended by substituting the following paragraph for the above quoted paragraph:

The Applicant will proceed as expeditiously as possible with the investment of its assets in the manner described in the foregoing paragraph. Pending the development of final investment plans, and from time to time thereafter in connection with changes in long term investments, the assets of Applicant may be invested on a temporary basis outside the United States or in time deposits in banks abroad.

Notice is further given that any interested person may, not later than July 29, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-7914; Filed, July 20, 1966;
8:47 a.m.]

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

JULY 15, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, \$10 par value, being traded otherwise than on a national securities exchange; 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 July 13, 1966, through July 27, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL DuBOIS,
Secretary.

[F.R. Doc. 66-7915; Filed, July 20, 1966;
8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

JULY 15, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5% percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended. This order to be effective for the period July 18, 1966, through July 27, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-7916; Filed, July 20, 1966;
8:47 a.m.]

[813-24]

PLAZA INVESTORS

Notice of Application for Exemption From Act as Employees' Securities Company

JULY 15, 1966.

Notice is hereby given that Plaza Investors ("applicant"), 1500 Meadow

Lake Parkway, Kansas City, Mo., has filed an application pursuant to section 6(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from the provisions of section 7 of the Act. Applicant, in requesting such exemption, has agreed that it, and other persons in their transactions and relations with it, shall be subject to all other provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though applicant were a registered investment company, other than the following: Section 8, except the requirement to furnish the information required by Items 3, 4, and 5 of the registration statement on Form N-8B-1 and to report to the Commission any changes in respect thereof, section 16 and section 18(i) to the extent necessary to permit the voting arrangements contemplated by applicant's cotenancy contract, section 20(a), section 22(d), section 22(e), section 22(f), section 30(a), section 30(b), section 30(d), only insofar as it would require the reports specified therein more often than annually, and section 32(a). All interested persons are referred to the application which is on file with the Commission for a statement of applicant's representations, which are summarized below.

Applicant is an investment club formed in 1947 by 28 employees and partners of Black & Veatch, consulting engineers, a partnership with offices at 1500 Meadow Lake Parkway, Kansas City, Mo. At present there are 212 members. One hundred and forty-two of these have named their spouses as joint tenants, as a matter of convenience in holding title, such joint tenants having no voting or other substantive rights. All of the members are, and must be, present or retired partners or employees of Black & Veatch, or of Black & Veatch International Co., a wholly owned subsidiary. Every such partner or employee of whom there are now a total of 547, is eligible to become a member. New employees are informed of their eligibility, but membership is entirely voluntary. Black & Veatch donates office facilities and clerical help and permits payroll deductions.

The governing instrument is a contract, providing for a cotenancy arrangement, and executed by all of the members, or "cotenants." Under the contract, new cotenants are admitted once a year, as of January 1, and pay in \$100 for 10 "units" of ownership. Each month thereafter they are required to purchase one unit, and may purchase up to two additional units. There is no sales load or underwriting charge of any kind. Units are valued monthly on the basis of net asset value, and are "reapportioned" each year as of January 1 to reestablish the unit value at \$10. No certificates are issued, and the units are not transferable.

A cotenant may withdraw all or any part of his interest in the assets at the end of any month provided that, in the case of partial withdrawals, he withdraws not less than 50 units in any month and his remaining interest is reduced to

not less than 22 units. The amount payable to the cotenant is the net asset value of the interest withdrawn less the expenses incurred in reducing such interest to cash. When a cotenant's interest is terminated, an equal number of units are offered to the remaining cotenants on a rotating alphabetical basis. These units are referred to as "reissued."

Under applicant's cotenancy contract, each cotenant has one vote rather than a number of votes based on the cotenant's financial interest. A majority vote of cotenants present at a meeting is required for most business decisions; an 80 percent vote of all cotenants is needed to amend or terminate the cotenancy contract.

There are no officers designated as such. However, the cotenants elect from among themselves a Bookkeeper, an Alternate Bookkeeper, and a Coordinator who perform certain administrative functions which might be considered analogous to those of officers. None of these individuals receive any compensation or have any financial interest in applicant except as cotenants.

Applicant does not have a board of directors designated as such. However, there is an investment committee whose functions might be considered in some respects analogous to those of a board of directors. The investment committee makes recommendations for the purchase and sale of securities. Actual transactions must be approved by the cotenants either at a meeting, or by letter ballot, except that the investment committee has been authorized by the cotenants to make purchases and sales recommended by Standard & Poors Investment Advisory Service, with whom applicant has an advisory agreement. The investment committee has 15 members, chosen on an alphabetical basis to serve for 5 months. Three members join the committee and three senior members leave it each month. The chairman of the committee is the first in alphabetical order of the members senior in point of service on the committee who have not previously served as chairman, and if all have previously served as chairman, then the first in alphabetical order of such senior members. All cotenants are required to serve in regular alphabetical order, unless excused by a majority vote of the other cotenants.

Each cotenant receives a monthly letter, containing, among other things, minutes of meetings of the cotenants and the investment committee, reports of any action taken, information of interest as to the securities held, such as stock splits, and a current unit valuation. Annually each cotenant receives a report showing, among other things, the securities held and the changes made during the year. The books and records are kept in an office in the building housing Black & Veatch and are available for examination by cotenants on request.

All securities are held in custody by Union National Bank, Kansas City, Mo., and all securities which are required to be registered are held in nominee regis-

tration, the nominee being "Plazco" which is a partnership composed of certain officers of the same bank.

Section 2(a)(13) of the Act provides that "Employees' securities company means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employers, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons."

Section 6(b) of the Act provides that "Upon application by any employees' security company, the Commission shall by order exempt such company from the provisions of [the Act] and of the rules and regulations [thereunder], if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order of exemption shall apply, the Commission shall give due weight, among other things, to the form of organization, and the capital structure of such company, the persons by whom its voting securities, evidence of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold, and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security."

Notice is further given that any interested person may, not later than August 4, 1966, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-7917; Filed, July 20, 1966;
8:47 a.m.]

[812-1857]

UNION FUND, INC.

Notice of Filing of Application

July 15, 1966.

Notice is hereby given that Union Fund, Inc. ("applicant"), 212 Center Street, Little Rock, Ark., a Delaware corporation and a registered, open-end, nondiversified management investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"). Applicant seeks an order exempting from the provisions of section 17(a) of the Act a proposed transaction whereby Arkansas Fund, Inc. ("transferor"), will transfer all of its assets to applicant in exchange for shares of applicant's common stock as a means of providing applicant with the initial net worth of \$100,000 required by section 14(a) of the Act.

Under sections 2(a)(3) and 2(a)(29) of the Act each of the 18 persons who own all of the stock of transferor in equal parts is deemed to be a promoter of applicant and transferor is an affiliate of each such person, since each owns 5.56 percent of transferor's voting securities. One of the promoters, Mr. Jackson T. Stephens, is President of transferor and is also Chairman of the Board of Directors and owner of more than 50 percent of the outstanding voting securities of Union Life Insurance Co., an Arkansas corporation. Union Life owns 90 percent of the outstanding securities of Union Management Corp., applicant's investment adviser and principal underwriter. By reason of his stock ownership in Union Life, Mr. Stephens is a controlling person, and therefore an affiliated person, of Union Life and Union Management and Union Management is an affiliated person of applicant. Section 17(a) of the Act, as here pertinent, makes it unlawful for any promoter of applicant, or any affiliated person of a promoter, principal underwriter or affiliated person of applicant, to purchase securities from, or sell securities to, applicant unless the transaction is exempted by the Commission. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Transferor is an Arkansas corporation engaged in the business of investing in securities. As of October 15, 1965, its assets amounted to \$144,111.60, including securities with an aggregate market value of \$123,478.75. The shares of applicant's common stock to be received in exchange will be distributed by transferor to its 18 shareholders proportionately in accordance with their interests in transferor. Each stockholder will

INTERSTATE COMMERCE COMMISSION

[Notice No. 947]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

JULY 15, 1966.

acquire such shares for investment and not with a view to, or in connection with, distribution or redemption. It is anticipated by applicant that the transfer will be considered a tax free exchange and that the basis of the securities received by applicant will be their basis in the hands of transferor, that is, \$89,103. Since the market value of such securities approximates \$128,000, there is unrealized appreciation of about \$38,000. Applicant will avoid Federal income tax by complying with Subchapter M of the Internal Revenue Code and distributing nearly all of its net income and capital gains to its shareholders. Applicant will establish on its books a reserve for possible income tax liability of 10 percent of the unrealized appreciation of the assets acquired from transferor above their tax basis, as of the effective date of the registration of applicant's securities under the Securities Act of 1933, in order to adjust for the potential tax liability of applicant's shareholders in the event of the sale by applicant at some future date of some or all of the assets acquired by it from transferor.

Notice is further given that any interested person may, not later than July 29, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-7918; Filed, July 20, 1966;
8:47 a.m.]

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. 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 § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall 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 one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Com-

¹ Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

mission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 151 (Sub-No. 41), filed July 5, 1966. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. 47808. Applicant's representative: R. W. Burgess, 8514 Midland, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Putnam County, Ill., on the one hand, and, on the other, points in Kentucky, Ohio, Tennessee, Georgia, Alabama, Florida, Mississippi, Louisiana, Arkansas, Texas, Kansas, Colorado, Missouri, Iowa, Michigan, Indiana, Minnesota, Wisconsin, Nebraska, North Dakota, South Dakota, Oklahoma, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 1641 (Sub-No. 71), filed June 30, 1966. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between pipeline terminals of Kaneb Pipeline Co. located at Geneva and Norfolk, Nebr., Yankton, Mitchell, Wolsey, and Aberdeen, S. Dak., and Jamestown, N. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2510 (Sub-No. 32), filed July 5, 1966. Applicant: ZIFFRIN TRUCK LINES, INC., 1120 South Division Street, Indianapolis, Ind. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. 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, and commodities in bulk, in tank vehicles), between points in Putnam County, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan,

Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 6380 (Sub-No. 8) (Correction), filed June 24, 1966, published in FEDERAL REGISTER, issue of July 7, 1966, corrected, and republished as corrected, this issue. Applicant: R. F. TRUESDELL, INC., 1616 West 47th Street, Ashtabula, Ohio 44004. Applicant's representative: T. Baldwin Martin, 700 Home Federal Building, Macon, Ga. 31201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard boxes, knocked down flat, and corrugated fiberboard packing supplies, from Cockeyville, Md., to points in Delaware; Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem, N.J.; Adams, Bedford, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, Mifflin, Montgomery, Northumberland, Perry, Schuylkill, Snyder, and York Counties, Pa. (except Philadelphia, Pa.); Albe-marle, Accomack, Caroline, Clarke, Culpeper, Essex, Fairfax, Fauquier, Frederick, King George, Lancaster, Loudoun, Madison, Northampton, Northumberland, Orange, Page, Prince William, Rappahannock, Richmond, Shenandoah, Spotsylvania, Stafford, Warren, and Westmoreland Counties, Va.; and Berkeley, Hampshire, Jefferson, and Morgan Counties, W. Va.; and to Scranton, Pa., Norfolk and Newport News, Va.; and Washington, D.C.; under contract with the Inland Container Corp., Cockeyville, Md. NOTE: The purpose of this republication is to include Washington, D.C., previously inadvertently omitted, in the destination territory. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.*

No. MC 13893 (Sub-No. 9), filed July 5, 1966. Applicant: J. W. WARD TRANSFER, INC., Highway 13 East, Murphysboro, Ill. 62966. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in Putnam County, Ill., on the one hand, and, on the other, points in Kentucky, Ohio, Tennessee, Georgia, Alabama, Florida, Mississippi, Louisiana, Arkansas, Texas, Kansas, Colorado, Missouri, Iowa, Michigan, Indiana, Minnesota, Wisconsin, Nebraska, North Dakota, South Dakota, Oklahoma, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.*

No. MC 15975 (Sub-No. 7), filed July 5, 1966. Applicant: BUSKE LINES, INC., 123 West Tyler Avenue, Litchfield, Ill.

62056. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Putnam County, Ill., on the one hand, and, on the other, points in Kentucky, Ohio, Tennessee, Georgia, Alabama, Florida, Mississippi, Louisiana, Arkansas, Texas, Kansas, Colorado, Missouri, Iowa, Michigan, Indiana, Minnesota, Wisconsin, Nebraska, North Dakota, South Dakota, Oklahoma, and Illinois. NOTE: Applicant holds contract carrier authority in MC 43246 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.*

No. MC 20847 (Sub-No. 2) (Amendment), filed March 3, 1966, published in FEDERAL REGISTER, issue of March 31, 1966, amended July 8, 1966, and republished, as amended, this issue. Applicant: HILLING MOVING AND STORAGE, INC., 1005-1019 South Q Street, Richmond, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are ordinarily dealt in by retail stores and mail order houses, in retail delivery only, for retail stores and mail order houses only, to retail customers only, from Richmond, Ind., to points in Butler, Darke, and Preble Counties, Ohio, and returned, rejected or traded in merchandise, on return. NOTE: The purpose of this republication is to add Butler County, Ohio, to the destination territory. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.*

No. MC 22195 (Sub-No. 123), filed July 1, 1966. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: J. P. Everist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts and road oils (except emulsified asphalt) in bulk, in tank vehicles, from Alton, Iowa, to points in South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.*

No. MC 22195 (Sub-No. 124), filed July 1, 1966. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: J. P. Everist (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts and road oils in bulk, in tank vehicles, from Alton, Iowa, to points in*

Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 23942 (Sub-No. 17), filed July 5, 1966. Applicant: THE SEACOAST TRANSPORTATION COMPANY, a corporation, 500 Water Street, Jacksonville, Fla. 32202. Applicant's representative: Richard D. Sanborn, Jr. (same address as applicant). Applicant is authorized in certificate No. MC 23942 (Part C) to transport, over regular routes, between named points therein, in North Carolina, South Carolina, Alabama, Florida, and Georgia, general commodities, without exceptions, but subject to restrictions, including certain keypoints. The purpose of the subject application is to seek authority to operate over the routes contained in MC 23942 (Part C) by linking the present keypoint of Savannah-Waycross-Patterson - Nahunta - Brunswick - Dupont, Ga. (considered as a single keypoint), with the keypoint of Albany and Thomasville, Ga., so that the keypoint restriction in said certificate will read as follows: Savannah - Waycross - Patterson - Nahunta - Brunswick - Dupont - Albany - Thomasville, Ga. (considered as one keypoint). The proposed authority is to be subject to the remaining keypoint restrictions and other restrictions contained in said certificate. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Waycross or Atlanta, Ga.

No. MC 29886 (Sub-No. 223) (Amendment), filed May 4, 1966, published in FEDERAL REGISTER, issue of May 19, 1966, amended July 7, 1966, and republished, as amended, this issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and equipment and supplies used or useful in the production and distribution of such articles, between the plantsite of Jones & Laughlin Steel Corp., Putnam County, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Missouri, Wisconsin, Illinois, Michigan, Ohio, New York, Pennsylvania, New Jersey, Connecticut, Nebraska, Minnesota, and Kansas. NOTE: The purpose of this republication is to add Indiana to the destination territory. Applicant states that no duplicating authority is sought. Applicant states that it proposes to tack with existing authority, in which it is authorized to serve points in the United States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.*

No. MC 30837 (Sub-No. 332), filed July 1, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519-76 Street, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street, Washington, D.C. 20005. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs, set up, for use on agricultural implements and machines, and construction and industrial machines*, from Menomonee Falls, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 33278 (Sub-No. 16), filed July 5, 1966. Applicant: LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo. 63102. Applicant's representative: C. G. Phelps (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Putnam County, Ill., on the one hand, and, on the other, points in Texas, Louisiana, Arkansas, Oklahoma, Mississippi, Alabama, Kentucky, Ohio, Indiana, Pennsylvania, West Virginia, Michigan, Kansas, Missouri, Nebraska, Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 33278 (Sub-No. 17), filed July 5, 1966. Applicant: LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo. 63102. Applicant's representative: C. G. Phelps (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Iron and steel articles*, serving the plantsite of Jones & Laughlin Steel Co., at or near Hennepin, Ill., as an off-route point in connection with applicant's presently authorized regular route operations in the States of Illinois, Indiana, Missouri, Arkansas, Tennessee, Iowa, Michigan, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 35320 (Sub-No. 90), filed June 27, 1966. Applicant: T.I.M.E. FREIGHT, INC., 2598 74th Street, Post Office Box 1120, Lubbock, Tex. 79408. Applicant's representatives: W. D. Benson, Jr., Ninth Floor, Citizens Tower, Lubbock, Tex. 79401, and Frank M. Garrison, Post Office Box 1120, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Cincinnati, Ohio, and St. Louis, Mo.; from Cincinnati over Interstate Highway 74 to junction Interstate Highway 465, thence over Interstate Highway 465 to junction U.S. Highway 40 or Interstate Highway 70, and thence over U.S. Highway 40 or Interstate Highway 70 to St. Louis, 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, with joinder at St. Louis, Mo., and Cincinnati, Ohio, and serving St. Louis, Mo., for the purpose of joinder only, as a change of route from U.S. Highway 50 as found in MC 35320, Sub. 75. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or any point convenient to the Commission.

No. MC 35469 (Sub-No. 37), filed June 30, 1966. Applicant: MODERN TRANSFER COMPANY, INC., 1300 Hanover Avenue, Allentown, Pa. Applicant's representative: Edward G. Bazeelon, 39 South La Salle Street, Chicago, Ill. 60603. 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 and commodities in bulk, in tank vehicles) between points in Putnam County, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 44605 (Sub-No. 29), filed June 30, 1966. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West Street, Salt Lake City, Utah 84115. Applicant's representative: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City, Utah 84101. 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 requiring special equipment, commodities in bulk, and those injurious or contaminating to other lading), between Desert Center, Calif., and Vidal Junction, Calif., from Desert Center over unnumbered California highway through Rice, Calif., to Vidal Junction, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's otherwise authorized operations, serving no intermediate points, and with service at Desert Center solely for the purpose of joinder with otherwise authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 48958 (Sub-No. 93), filed July 5, 1966. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Edward G. Bazeelon, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, alcoholic liquors, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving

points in Putnam County, Ill., as off-route points in connection with applicant's presently authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 48958 (Sub-94), filed July 7, 1966. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Denver, Colo., and Santa Fe, N. Mex., as follows: (1) From Denver, over U.S. Highway 85 (Interstate Highway 25) to Santa Fe; and (2) From Denver, over U.S. Highway 85 to Walsenburg, Colo., thence over U.S. Highway 160 to Fort Garland, Colo., thence over Colorado Highway 159 to the Colorado-New Mexico State line, thence over New Mexico Highway 3 to Taos, N. Mex., thence over U.S. Highway 64 to Espanola, N. Mex., thence over U.S. Highway 84 to Santa Fe; and return over the same routes, serving no intermediate points, except serving Walsenburg, Colo., as point joinder only; as alternate routes for operating convenience only. NOTE: Applicant states that no duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 55236 (Sub-No. 139), filed July 5, 1966. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: G. R. Bailey (same as applicant). 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, and commodities in bulk, in tank vehicles) between points in Putnam County, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 59454 (Sub-No. 5), filed July 6, 1966. Applicant: L. CIERCIELLI AND SON, INCORPORATED, 1717 State Street, Hamden, Conn. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinder and concrete blocks, planks, slabs, and beams*, from North Haven, Conn., to points in Massachusetts, Rhode Island, New York, New Jersey, Maine, Vermont, and New Hampshire. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 64112 (Sub-No. 32) (Correction), filed May 17, 1966, published in FEDERAL REGISTER issue of June 23, 1966, under MC 64114, Sub 32, and republished as corrected under MC 64112, Sub 32 this

issue. Applicant: NORTHEASTERN TRUCKING CO., a corporation, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201. Applicant's representative: Harry Ross, 848 Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed ingredients and supplements thereto* (except in bulk, in tank vehicles), from points in LaFourche Parish, La., to points in Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, Ohio, Indiana, West Virginia, Maryland, Pennsylvania, and the District of Columbia. NOTE: The purpose of this republication is to show the correct Docket No. MC 64112, Sub 32, erroneously shown as MC 64114, Sub 32 in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 64932 (Sub-No. 414), filed June 26, 1966. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, in tank vehicles, from Muscatine, Iowa to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Des Moines, Iowa.

No. MC 64932 (Sub-No. 416), filed July 5, 1966. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Meredosia, Ill., to points in New Jersey, New York, Oklahoma, Massachusetts, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71743 (Sub-No. 13), filed July 5, 1966. Applicant: BELLM FREIGHT LINES, INC., 1819 North 17th Street, St. Louis, Mo. 63106. Applicant's representative: R. W. BURGESS, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Putnam County, Ill., on the one hand, and, on the other, points in Kentucky, Ohio, Tennessee, Georgia, Alabama, Florida, Mississippi, Louisiana, Arkansas, Texas, Kansas, Colorado, Missouri, Iowa, Michigan, Indiana, Minnesota, Wisconsin, Nebraska, North Dakota, South Dakota, Oklahoma, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Springfield, Ill.

No. MC 72545 (Sub-No. 6), filed June 30, 1966. Applicant: FRANK P. MANNER, doing business as MANNER TRUCKING SERVICE, Post Office Box 632, Orland, Calif. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire-trol* (a fire retardant), from Orland, Calif., to points in Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or San Francisco, Calif.

No. MC 73688 (Sub-No. 15), filed July 5, 1966. Applicant: SOUTHERN TRUCKING CORPORATION, 546 Weakley Avenue, Post Office Box 7182, Memphis, Tenn. Applicant's representative: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from points in Putnam County, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, and Florida; and *equipment, materials, and supplies used in the manufacturing or processing of iron and steel and iron and steel articles*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 76065 (Sub-No. 14), filed June 30, 1966. Applicant: EHRlich-NEWMARK TRUCKING CO., INC., 248 West 35th Street, New York, N.Y. 10001. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel loose on hangers, and materials and supplies for the manufacture of wearing apparel* when moving on the same vehicle and at the same time with wearing apparel on hangers, between Laurel, Del., and Federalsburg, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 88253 (Sub-No. 1), filed June 29, 1966. Applicant: PAUL SEELEY, 3605 Landbeck Road, Baltimore, Md. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business*, between points in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean; thence in a northerly direction along the Atlantic coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Dela-

ware City, Del., thence in a northerly direction on Delaware Highway 9 to junction of Delaware Highway 273, thence along Delaware Highway 273 to the Delaware-Maryland State line, thence north on the Delaware-Maryland State line to the Pennsylvania-Maryland-Delaware State line and thence west on the Pennsylvania-Maryland State line to the Susquehanna River; thence in a northwesterly direction along the east bank of the Susquehanna River, to Columbia, Pa., thence easterly on U.S. Highway 30 to Lancaster, Pa., and thence in a northerly direction on Pennsylvania Highway 72 to its junction with U.S. Highway 22; thence in a westerly direction on U.S. Highway 22 to its junction with Pennsylvania Highway 34; thence in a southwesterly direction along Pennsylvania Highway 34 to its junction with Pennsylvania Highway 274, continuing southwesterly on Pennsylvania Highway 274 to its junction with Pennsylvania Highway 75, thence south on Pennsylvania Highway 75 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to McConnellsburg, Pa., thence south on U.S. Highway 522 through Culpeper, Va., to its junction with Virginia Highway 3, thence southeasterly on Virginia Highway 3 to Fredericksburg, Va., thence southeasterly on U.S. Highway 17 to Gloucester Point, Va., thence across the Chesapeake Bay to Cape Charles, Va., including points on the above-described lines and highways, under a continuing contract, or contracts, with Acme Markets, Inc., of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 93003 (Sub-No. 50), filed June 30, 1966. Applicant: CARROLL TRUCKING COMPANY, a corporation, 4901 U.S. Highway 60 East, Post Office Box 5468, Huntington, W. Va. 25703. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel products, and steelmill equipment, materials and supplies*, between points in Putnam County, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Pittsburgh, Pa., or Washington, D.C.

No. MC 101474 (Sub-No. 13), Filed July 6, 1966. Applicant: RED TOP TRUCKING, INCORPORATED, 7020 Cline Avenue, Hammond, Ind. 46323. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and steelmill supplies, materials and equipment used in the manufacture of iron and steel and iron and steel articles*, between points in Putnam County, Ill., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa,

Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Washington, D.C., or Chicago, Ill.

No. MC 102401 (Sub-No. 11), filed July 1, 1966. Applicant: TAYLOR HEAVY HAULING, INC., 20601 West Ireland Road, South Bend, Ind. 46614. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, steel-mill materials, supplies and equipment, and building materials*, between points in Putnam County, Ill., on the one hand, and, on the other, points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 102567 (Sub-No. 113), filed July 5, 1966. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 641 Bettes Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphate black liquor skimmings*, in bulk, in tank vehicles, from the plantsite of the International Paper Co. located at or near Redwood, Miss., to the plantsite of the International Paper Co. located at or near Springhill, La. (2) *spent hardwood cooking liquor*, in bulk, in tank vehicles, from the plantsite of the International Paper Co. located at or near Bastrop, La., to the plantsite of the International Paper Co. located at or near Redwood, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 105461 (Sub-No. 74), filed July 6, 1966. Applicant: HERR'S MOTOR EXPRESS, INC., Box 8, Quarryville, Pa. 17566. Applicant's representative: Robert R. Herr (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal boat pumps, fabricated sheet metal products, sheet metal building materials, metal heating and cooling materials and accessories, fittings, supplies, and tools* used in the installation of the above named commodities, from the plantsites of (1) Berger Bros. Co. in Lower Southampton Township, Bucks County, Pa., (2) Penn Supply & Metal Corp., Philadelphia, Pa., (3) Adelta Manufacturing Inc., Philadelphia, Pa., (4) Acme Manufacturing Co., Philadelphia, Pa., (5) Southwark Metal Manufacturing Co., Philadelphia, Pa., (6) Corbman Bros., Inc., Philadelphia, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Washington, D.C., Ashtabula,

Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio, and that part of West Virginia on and north of U.S. Highway 33. NOTE: Applicant states a grant of the above application would result in a partial duplication of authority and applicant agrees to cancel all of its present authority which would be duplicated by a grant of authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 106760 (Sub-No. 67), filed July 5, 1966. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43609. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and equipment and supplies used or useful in production and distribution of such articles*, between points in Putnam County, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107010 (Sub-No. 25), filed July 1, 1966. Applicant: D & R BULK CARRIERS, INC., Post Office Box 106, Auburn, Nebr. 68305. Applicant's representative: L. W. Richling, Post Office Box 106, Auburn, Nebr. 68305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial chemicals, acids, fertilizers*, in bulk, in tank vehicles and *dry fertilizer*, from points in Woodbury County, Iowa, to points in North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, Wyoming, Colorado, Kansas, Missouri, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 108185 (Sub-No. 40), filed July 5, 1966. Applicant: DIXIE HIGHWAY EXPRESS, INC., 1900 Vanderbilt Road, Birmingham, Ala. 35202. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock and commodities which require special equipment), serving the plantsite of Hussman Refrigerator Co., located at St. Charles Rock Road and Taussig Road, St. Louis County, Mo., as an off-route point in connection with applicant's presently authorized operation between St. Louis, Mo., and Paducah, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110525 (Sub-No. 793), filed July 5, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. 20005, and Edwin H. Van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gear oil*, in bulk, in tank vehicles, from North Tonawanda, N.Y., to Mansfield, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111434 (Sub-No. 65), filed July 5, 1966. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. Applicant's representative: J. Albert Sebald, 730 Equitable Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Colorado, to points in Wyoming, Nebraska, Kansas, New Mexico, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Cheyenne, Wyo., or Albuquerque, N. Mex.

No. MC 111545 (Sub-No. 91), filed July 5, 1966. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, Ga. Applicant's representative: 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: *Iron and steel, iron and steel articles, articles used in the manufacture of iron and steel or iron and steel articles and commodities used in the production and maintenance of steel plants*, between points in Putnam County, Ill., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, Kentucky, Kansas, Missouri, Illinois, Indiana, Ohio, Michigan, Wisconsin, Iowa, Nebraska, North Dakota, South Dakota, and Minnesota, traversing Virginia and West Virginia for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 112697 (Sub-No. 13) (Amendment), filed May 18, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended July 8, 1966, and republished, as amended, this issue. Applicant: SAMUEL A. BRASFIELD, doing business as B & S ENTERPRISES, 1727 Osborn Drive, Memphis, Tenn. 38127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags and dry bulk, (1) from Memphis, Tenn., to points in Arkansas, Mississippi, and Alabama, and Tennessee west of Tennessee Highway 13, (2) from points in Alabama to points in Arkansas, Mississippi, and Tennessee west of Tennessee Highway 13, and (3) from points in Arkansas to points in

Mississippi, Alabama, and Tennessee west of Tennessee Highway 13. **NOTE:** The purpose of this republication is to remove the seasonal restriction "between March 1 and June 15 inclusive," as previously published. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113678 (Sub-No. 260), filed July 5, 1966. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, cooked meats and frozen, from Denver, Colo., to points in South Dakota, Nebraska, Iowa, Illinois, Kansas, and Missouri. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114061 (Sub-No. 15), filed July 1, 1966. Applicant: SCHNEIDER'S TRANSFER, INC., Fourth and Maury Streets, Richmond, Va. 23222. Applicant's representative: Henry E. Ketner, 1208 State Planters Bank Building, Richmond, Va. 23219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, general, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business (except commodities in bulk, in tank vehicles), from Bluefield, Danville, Lynchburg, Richmond, Roanoke, Culpeper, and South Boston, Va., to points in Virginia, under contract or continuing contract with the Great Atlantic & Pacific Tea Co., Inc., of New York, N.Y.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 114391 (Sub-No. 5), filed July 5, 1966. Applicant: MEADOR'S MOTOR LINES, INC., Highway 64, Post Office Box 101, Bolivar, Tenn. Applicant's representative: Edward G. Grogan, Suite 2020, First National Bank of Memphis, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except commodities in bulk, household goods, commodities of unusual value, dangerous explosives, and commodities requiring special equipment), (1) between Lexington, Tenn., and Trezevant, Tenn.: From Lexington, over Tennessee Highway 22 to junction U.S. Highway 70 at Huntingdon, Tenn., thence over Alternate U.S. Highway 70 to junction Tennessee Highway 105, thence over Tennessee Highway 105 to Trezevant and return over the same route, serving all intermediate points; (2) between Lexington, Tenn., and the West Bank of the Tennessee River: From Lexington, over Tennessee Highway 22 to junction U.S. Highway 70 at Huntingdon, Tenn., thence over U.S. Highway 70 (Tennessee Highway 1) via Bruceton and Camden, Tenn., to the West Bank of the Tennessee River and return over the same route, serving all intermediate*

points; and (3) between Memphis, Tenn., and junction Interstate Highway 40 and Tennessee Highway 22, over Interstate Highway 40; and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 114608 (Sub-No. 17), filed July 5, 1966. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich. 49509. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household laundry equipment and parts thereof* when transported at the same time and in the same vehicle with said household laundry equipment, from Herrin and Effingham, Ill., to points in Michigan, Ohio, and Indiana, under contract or continuing contract with Kelvinator Division of American Motors Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Lansing, Mich., or Chicago, Ill.

No. MC 114608 (Sub-No. 20), filed July 5, 1966. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich. 49509. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household laundry equipment and parts thereof* when transported at the same time and in the same vehicle with said household laundry equipment, from Herrin and Effingham, Ill., to Grand Rapids, Mich. **NOTE:** Applicant states in the authority herein, its service will be under contract with Kelvinator Division of American Motors Corp. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Chicago, Ill.

No. MC 115215 (Sub-No. 9) (Amendment), filed April 7, 1966, published in FEDERAL REGISTER, issue of April 28, 1966, amended July 5, 1966, and republished, as amended, this issue. Applicant: NEW TRUCK LINES, INC., 500 West Hampton Springs Avenue, Perry, Fla. Applicant's representative: 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: *Lumber, lumber products, forest products, poles, posts, and wood chips*, from points in Florida to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina; and *poles, posts, timbers, and wood chips*, on return. **NOTE:** Applicant states that the above proposed operation is to be restricted against the following: (1) Plywood and veneer, to points in North Carolina and points in South Carolina on and west of U.S. Highway 21; (2) plywood and veneer, from points in Florida west of the eastern boundary of Jefferson County, Fla.; (3) foreign wood, from Pensacola, Fla.; (4) poles, posts,

and timbers, from points in Louisiana and Mississippi; (5) poles, from points in Columbia County, Fla.; (6) lumber and plywood, to Mobile, Ala.; (7) poles, from Mobile, Ala.; (8) construction and building materials (except fence), to points in Georgia; (9) authority to or from points in Bibb, Blount, Cullman, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa (except Brownsville), and Walker Counties, Ala.; and (10) commodities, in bulk. The purpose of this republication is to attach restrictions to the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 115311 (Sub-No. 59), filed July 5, 1966. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. Applicant's representative: 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: *Iron and steel, iron and steel articles, equipment, materials and supplies used in the manufacture of iron and steel and iron and steel articles*, between points in Putnam County, Ill., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Tennessee, Kentucky, Virginia, West Virginia, Texas, and Arkansas. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115826 (Sub-No. 149), filed July 5, 1966. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Jefferson County, Idaho, to points in Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, Wisconsin, and the District of Columbia. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Boise, Idaho.

No. MC 115931 (Sub-No. 14) (Amendment), filed June 17, 1966, published FEDERAL REGISTER issue of June 30, 1966, amended and republished, this issue. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. 59103. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk or in bags, from points in Carbon County, Mont., and Big Horn County, Wyo., to points in Colorado, Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Billings, Mont. The purpose of this republication is to broaden the origin territory.

No. MC 116048 (Sub-No. 16), filed July 5, 1966. Applicant: MANGUM TRUCKING COMPANY, INC., Arrowood, Post Office Box 3491, Charlotte, N.C. Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Lackawanna and Luzerne Counties, Pa., and Maplewood, N.J., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 116273 (Sub-No. 73), filed June 30, 1966. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Palusch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane*, in bulk, in tank vehicles, from McCook, Ill., to points in Indiana, Iowa, Michigan, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 92), filed June 28, 1966. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared or preserved foodstuffs*, from Coloma, Mich., to points in New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 116763 (Sub-No. 93), filed July 5, 1966. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Post Office Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper items and allied lines, including woodenware and related items*, from Berlin, N.H.; Carthage, N.Y.; and points in Maine to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116763 (Sub-No. 94), filed July 5, 1966. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Post Office Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from Homerville, Ga., to points in Tennessee, Mississippi, Alabama, North Carolina, South Carolina, Pennsylvania, Maryland, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116763 (Sub-No. 95), filed July 5, 1966. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Post Office Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper items, and allied*

lines, from points in Indiana (except Indianapolis), Illinois (except Chicago), Michigan, and Wisconsin, and points in Champaign, Franklin, Hamilton, and Scioto Counties, Ohio, to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 117119 (Sub-No. 382), filed July 5, 1966. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Fordyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods and pies*, not baked, from Turlock, Calif., to points in Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 117883 (Sub-No. 88), filed June 29, 1966. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* (except hides, and commodities in bulk in tank vehicles) from the plant-site of South Chicago Packing Co., located at or near Lemont, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plant-site of South Chicago Packing at or near Lemont, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 118130 (Sub-No. 53), filed July 1, 1966. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. 76134. Applicant's representative: Thomas F. Kilrey, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods and/or pies*, not baked, from Wells, Minn., to Carrollton, Macon, Marshall, Milan, and Moberly, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119726 (Sub-No. 8), filed July 6, 1966. Applicant: N. A. B. TRUCKING CO., INC., 939 Union Street, Indianapolis, Ind. Applicant's representative: James L. Beatley, 130 East Washington Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Putnam County, Ill., on the one hand, and, on the other, points in Tennessee, Georgia, Alabama, Florida, Mississippi, Louisiana, Arkansas, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119767 (Sub-No. 179), filed July 5, 1966. Applicant: BEAVER TRANSPORT CO., a corporation, 100

South Calumet, Post Office Box 339, Burlington, Wis. 53105. 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: *Dairy products*, except in bulk, from points in Fond du Lac and Winnebago Counties, Wis., to points in Ohio on and west of U.S. Highway 23. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Madison, Wis., or Minneapolis, Minn.

No. MC 119792 (Sub-No. 29), filed July 1, 1966. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C in 61 M.C.C. 209, from St. Louis, Mo., to Plant City, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 123067 (Sub-No. 48), filed June 30, 1966. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Phillips, Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Indiana, Iowa, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123067 (Sub-No. 49), filed June 30, 1966. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Phillips, Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Indiana, Iowa, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124078 (Sub-No. 229) (Correction), filed May 19, 1966, published FEDERAL REGISTER issue of June 23, 1966, and republished, as corrected, this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Asheville, N.C., to points in Carter, Greene, Hawkins, Johnson, Sullivan, Unicoi, and Washington Counties, Tenn.; Banks, Elbert, Fannin, Franklin, Gilmer, Habersham, Hart, Lumpkin, Rabun, Stephens, Towns, Union, and White Counties, Ga.; and Abbeville, Anderson, Cherokee, Chester, Fair-

field, Greenville, Greenwood, Laurens, Newberry, Oconee, Pickens, Spartanburg, Union, and York Counties, S.C. **NOTE:** The purpose of this republication is to correct the spelling of Habersham County, Ga., which was shown as Hobersham in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 235), filed June 30, 1966. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Selma, Ala., to Columbus, Miss., and points within 10 miles thereof. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 125079 (Sub-No. 2), filed July 1, 1966. Applicant: ARTHUR A. FREDA, 1107 Goodman Street, Pittsburgh, Pa. 15218. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Rocky Ridge (Thurmont), Frederick County, Md., to points in Allegheny, Beaver, Butler, Armstrong, and Westmoreland Counties, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

MC 125458 (Sub-No. 4), filed June 30, 1966. Applicant: DWIGHT LEWIS, doing business as LEWIS GRAIN & PRODUCE, Box 262, Morton, Miss. Applicant's representative: Donald B. Morrison, Post Office Box 961, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Morton, Miss., to points in Alabama, Louisiana, and Tennessee, under contract with Morton Manufacturing Co., Inc., Morton, Miss. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Baton Rouge, La., or New Orleans, La.

No. MC 125708 (Sub-No. 55) (Amendment), filed May 4, 1966, published in FEDERAL REGISTER, issue of May 19, 1966, amended May 27, 1966, and republished, as amended, this issue. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, farm machinery, and farm machinery parts*, from East Alton, Ill., to points in Alabama, Arkansas, Georgia, Indiana (except South Bend and Evansville), Kentucky (except Louisville), Louisiana, New Jersey, Ohio, Tennessee, Virginia, and Kansas. **NOTE:** The purpose of this republication is to enlarge the commodity description and to change the nature of the movements. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125724 (Sub-No. 1), filed July 5, 1966. Applicant: SINGER TRANSPORT, INC., 376 Delaware Avenue, Jamestown, N.Y. 14701. Applicant's representative: H. James Abdella, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Antifric-tion devices, parts for such, raw materials and machinery*, between the plants and warehouses of TRW, Inc., located at Winstead, Conn., on the one hand, and, on the other, the plants and warehouses of Marlin-Rockwell Co., division of TRW, Inc., located at points in Chautauqua County, N.Y.; under contract with Marlin-Rockwell Co., division of TRW, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, Syracuse, or Rochester, N.Y., or Erie, Pa.

No. MC 125887 (Sub-No. 3), filed June 17, 1966. Applicant: CAMPBELL TRANSPORTATION, INC., Route No. 3, Caldwell, Idaho. Applicant's representative: Dean E. Miller, Professional Building, 1801 Ellis Street, Caldwell, Idaho 83605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diam-monium phosphate*, bagged and bulk, from points in Napa, Solano, Contra Costa, Alameda, Santa Clara, and San Mateo Counties, Calif., to points in Idaho, south of U.S. Highway 12. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 126456 (Sub-No. 2), filed July 1, 1966. Applicant: EL PASO AGRICULTURAL COMPANY, a corporation, Rural Route, El Paso, Ill. 61738. Applicant's representative: Richard J. Dalton, Gridley, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Protein supplement*, sometimes called feed concentrate, mealy substance ordinarily transported in bulk, between West Branch, Iowa, and El Paso, Ill., from West Branch east on Interstate Highway 80 to junction U.S. Highway 51, thence south on U.S. Highway 51 to El Paso, Ill., under contract or continuing contract with El Paso Pellets, Unlimited. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Peoria, Ill., or Chicago, Ill.

No. MC 127303 (Sub-No. 5), filed July 1, 1966. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, Box 441, Granville, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Minneapolis-St. Paul, Minn., to points in Illinois, Iowa, Michigan, and Wisconsin, and *bottles, empty containers, and other such incidental facilities* used in transporting the commodities specified above, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127920 (Sub-No. 1) (amendment), filed February 17, 1966, published

FEDERAL REGISTER issue of March 18, 1966, amended July 5, 1966, and republished, as amended, this issue. Applicant: ROBERT E. TOMSCHE, doing business as VALLEY TRANSPORT CO., 524 Hillcrest Drive, Spring Valley, Minn. Applicant's representative: Rolfe E. Hanson, 303 Price Place, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, and petroleum products*, in bulk, in tank vehicles, as defined by the Commission in 61 M.C.C. 209, (1) from the pipeline facilities of the Great Lakes Pipe Line Co., at or near Minneapolis, Alexandria, Marshall, and Mankato, Minn., to points in Wisconsin, (2) from the pipeline facilities of the Great Lakes Pipe Line Co., at or near Clear Lake, and Hudson, Iowa, to points in Wisconsin and Minnesota, (3) from the pipeline facilities of the Great Lakes Pipe Line Co., at or near Coralville, Iowa, to points in Wisconsin, and (4) from the pipeline facilities of the Great Lakes Pipe Line Co. at or near Rochester, Minn., to points in Wisconsin and Iowa, restricted to a service to be performed under a continuing contract or contracts with Bell Northern Oil Co., La Crosse, Wis. **NOTE:** The purpose of this republication is to add another origin point. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 127957 (Amendment), filed February 21, 1966, published FEDERAL REGISTER issue of March 24, 1966, amended July 13, 1966, and republished, as amended, this issue. Applicant: DOMINICK SPINELLI, doing business as DIRECT AUTO SHIPPERS, 5540 Northwest 183d Street, Opa-locka, Fla. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles* in driveway service, between Miami, Fla., on the one hand, and, on the other, points in the United States (except points in Georgia). **NOTE:** The purpose of this republication is to broaden the scope of the proposed operation and to add applicant's representative. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 128137 (Sub-No. 1), filed April 28, 1966. Applicant: ROSALIND WEISS, doing business as R. WEISS, 567 Arlington Place, Cedarhurst, N.Y. Applicant's representative: Arthur Levine, 11 Park Place, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Women's and children's garments*, hanging and in cartons, from New York, N.Y., to New York, N.Y., in a circuitous manner, from New York thru the Lincoln Tunnel to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 202, and thence over U.S. Highway 202 to Morris Plains, N.J., and return over U.S. Highway 202 to junction U.S. Highway 46, thence over

U.S. Highway 46 to the New Jersey Turnpike, and thence over the New Jersey Turnpike to the Lincoln Tunnel, and thence thru the Lincoln Tunnel to New York, serving the intermediate points of Morris Plains and Lodi, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128151 (Correction), filed April 28, 1966, published FEDERAL REGISTER issue of May 19, 1966, and republished, as corrected, this issue. Applicant: SHAMROCK TRUCKING CORPORATION, 266 Magnolia Avenue, Hillsdale, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Foam laminated cloth*, from East Rutherford, N.J., to points in North Carolina, South Carolina, West Virginia, Virginia, District of Columbia, Maryland, Delaware, New York, Pennsylvania, Massachusetts, Rhode Island, and Connecticut, and commodities used in the manufacture of *foam laminated cloth* (except in bulk) from the above destinations to East Rutherford, N.J., restricted to service under continuing contract with Laminac Inc., East Rutherford, N.J. NOTE: Common control may be involved. The purpose of this republication is to show applicant has applied for contract carrier authority, erroneously shown as common carrier authority in the previous publication. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128203 (Sub-No. 1) (Correction), filed May 18, 1966, published in FEDERAL REGISTER, issue of June 16, 1966, under No. MC 88161 (Sub-No. 76), and republished, as corrected under No. MC 128203 (Sub-No. 1), this issue. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, Wash. 98101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Woodpulp*, in bales and rolls, from Cosmopolis, Wash., to Longview, Wash., and *fuel oil*, in bulk, in tank vehicles in Washington intrastate commerce on return. NOTE: Applicant holds common carrier authority in MC 88161 and subs thereunder, therefore, dual operations may be involved. The purpose of this republication is to show the correct docket number of the application as MC 128203 (Sub-No. 1), erroneously shown as MC 88161 (Sub-No. 76) in the previous issue. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 128302 (Sub-No. 1) (Correction), filed June 3, 1966, published in FEDERAL REGISTER, issue of June 23, 1966, corrected July 6, 1966, and republished, as corrected, this issue. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid*

concrete admixtures, in bulk, in tank vehicles, from Cleveland, Ohio, to points in the United States (except points in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming). NOTE: The purpose of this republication is to correct information concerning the applicant's status as a contract carrier. Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 112184 and subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128320 (Sub-No. 1), filed July 1, 1966. Applicant: ART QUIRING, 2301 Washington Street, Hamburg, Iowa. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Hides*, from ports of entry in Washington on the international boundary line between the United States and Canada to Blaine, Wash., and Sherwood and Troutdale, Oreg. NOTE: The purpose of this application is to enable applicant to provide service from Vancouver, British Columbia, to Blaine, Wash., Sherwood and Troutdale, Oreg., under continuing contract with Bissinger & Co., 365 West Second, Vancouver, British Columbia. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 128322 (Sub-No. 2), filed July 5, 1966. Applicant: MAURICE TRAVER, doing business as KEN'S DELIVERY, 3415 Sixth Avenue, Sioux City, Iowa 51106. Applicant's representative: R. W. Wigton, 710 Badgerow Building, Sioux City, Iowa 51101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Electronic and electric-mechanical computers*, uncrated, from Sioux City, Iowa, to points in Big Stone, Lacquiparle, Lincoln, Lyon, Murray, Nobles, Pipestone, Rock, Traverse, and Yellow Medicine Counties, Minn., Cherry, Dixon, Dakota, and Thurston Counties, Nebr., and points in South Dakota, under a continuing contract or contracts with Burroughs Corp., Sioux City, Iowa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 128325 (Sub-No. 1), filed July 5, 1966. Applicant: RICHARD J. CODY, doing business as "MERIT" TRUCK WRECKER SERVICE, 2901 West 73d Avenue, Westminster, Colo. 80030. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked vehicles, tractors, trailers and motor vehicles as well as operative replacement units* to the scene, by towing and hauling, between points in Colorado, on the one hand, and, on the other, points in Utah, Wyoming, Montana, South Dakota, Nebraska, Oklahoma, Texas, New Mexico, Arizona, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128359, filed June 27, 1966. Applicant: JERSEY RENTALS, INC., 450 Market Street, Perth Amboy, N.J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cleaning compounds and materials and supplies* used in the manufacture of cleaning compounds, between Perth Amboy, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia under continuing contracts with Crescent Chemical Corp. of Perth Amboy, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 128370 (Amendment), filed January 28, 1966, published FEDERAL REGISTER, issue of February 17, 1966, under No. MC 7555 (Sub-No. 55), and republished, as amended, this issue. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 7, Ellerbe, N.C. Applicant's representative: Jacob Billig, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Heat processed citrus juice* in hermetically sealed containers when moving with fresh citrus fruits in containers, and *fresh fruit sections and salads* packed in glass (except frozen citrus products), from Plymouth, Fla., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Youngstown, Ohio, and Washington, D.C.; and (2) *fresh citrus fruits* in containers, and *fresh fruit sections and salads* packed in glass (except frozen citrus products), from points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Sota, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Saint Johns, Saint Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., to points in the destination states enumerated in (1) above. Restriction: The operations authorized herein are to be limited to a transportation service to be performed under a continuing contract, or contracts, with Seald-Sweet Sales, Inc., of Tampa, Fla. NOTE: The purpose of this republication is to show that application has been amended to seek authority to operate as a contract carrier, rather than as a common carrier, as previously applied for under MC 7555 (Sub-No. 55) (published in FEDERAL REGISTER, issue of February 17, 1966); and, to restrict the commodities to be carried. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128374, filed July 5, 1966. Applicant: **BUSY JACK TRUCKING CORP.**, 323 Herkimer Street, Brooklyn, N.Y. 11216. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of steel shelving, materials and parts thereof*, loose, uncrated and crated, from the plantsite of Jack Luckner Steel Shelving located in Brooklyn, N.Y., to points in New York, New Jersey, and Connecticut, and returned shipments of the above-described commodities, on return, under contract with Jack Luckner Steel Shelving. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128378, filed June 27, 1966. Applicant: **M TRANSPORT COMPANY, INC.**, Post Office Box 291, E. Alton, Ill. 62024. Applicant's representative: Charles E. Vaughn (same address as applicant). 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 and commodities in bulk, in tank vehicles), between points in Putnam County, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, North Dakota, South Dakota, Tennessee, Texas, Wisconsin, Pennsylvania, North Carolina, Maine, Vermont, New Hampshire, New Jersey, New York, Rhode Island, Virginia, West Virginia, Connecticut, Delaware, Maryland, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128380, filed July 6, 1966. Applicant: **ROBERT G. ROBERT**, 308 Smallwood Drive, Coraopolis, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles* (except commodities in bulk, and oilfield and pipeline commodities as defined by the Commission), between points in Putnam County, Ill., on the one hand, and, on the other, points in Wisconsin, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, New York, Delaware, Maryland, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or any location set by the Commission.

No. MC 128381, filed July 1, 1966. Applicant: **BLUE EAGLE TRUCK LINES, INC.**, Box 183, Highland Park, Ill. 60035. Applicant's representative: William P.

Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Firefighting equipment, parts, and equipment, materials and supplies used in the manufacture, installation and repair thereof*, between Northbrook, Ill., Detroit, Mich., Atlanta, Ga., Memphis, Tenn., Delphi, Ind., and points in Pennsylvania, Ohio, and Wisconsin, under contract with General Fire Extinguisher Corp., of Northbrook, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 128381 (Sub-No. 1), filed July 1, 1966. Applicant: **BLUE EAGLE TRUCK LINES, INC.**, Box 183, Highland Park, Ill. 60035. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Firefighting equipment, parts, and equipment, materials and supplies used in the manufacture, installation and repair thereof*, between Northbrook, Ill., Culver City, Calif., Dallas, Tex., Ogden, Utah, and Seattle, Wash., under contract with General Fire Extinguisher Corp. (Northbrook, Ill.), and the General Fire Extinguisher Corp. (Culver City, Calif.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 128382, filed July 1, 1966. Applicant: **MAX B. ZUCKERMAN**, doing business as M. B. ZUCKERMAN, 570 Seventh Avenue, New York, N.Y. 10018. 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: *Wearing apparel in cartons*, from New York, N.Y., to Edison, N.J., under a continuing contract with W. T. Grant Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

MOTOR CARRIER OF PASSENGERS

No. MC 128379, filed June 30, 1966. Applicant: **JEROME SENTER**, 11 East 176th Street, Bronx, N.Y. 10453. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, for Borden Chemical Co., between New York, N.Y. (the Bronx), and Orangeburg, N.Y.; from New York over city streets to junction Interstate Highway 95 (also known as Cross Bronx Expressway), thence across the George Washington Bridge, thence north over U.S. Highway 9W to junction New Jersey Highway 340, thence north over New Jersey Highway 340 to junction New York Highway 303, and thence north over New York Highway 303 to Orangeburg, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130004 (Correction), filed June 16, 1966, published FEDERAL REG-

ISTER issue of July 9, 1966, and republished, as corrected, this issue. Applicant: **McMULLEN TOURS, INC.**, 224 South Broad Street, Grove City, Pa. 16127. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. For a license (BMC 5) to engage in operations as a *broker* at Butler, Erie, Franklin, and Grove City, Pa., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, between points in the United States, including Alaska and Hawaii. NOTE: Applicant states its president, Robert L. McMullen, holds a broker's license in No. MC 12606, and if the instant application is granted, a request for revocation of such license will be made. The purpose of this republication is to delete the phrase "in special and charter operations", inadvertently used.

No. MC 130005, filed July 1, 1966. Applicant: **NORTHGATE TRAVEL AGENCY, INC.**, 144 Squire Road, Revere, Mass. Applicant's representative: Joseph Kalikow, Professional Building, 156 Broad Street, Lynn, Mass. 01901. For a license (BMC 5) to engage in operations as a *broker*, at Revere, Mass., in arranging for the transportation of *passengers and their baggage*, in groups, in charter operations, between points in the United States.

APPLICATION OF FREIGHT FORWARDER

No. FF-336, Garrett Forwarding Co., freight forwarder application, filed June 30, 1966. Applicant: **GARRETT FORWARDING COMPANY**, a corporation, 2055 Garrett Way, Post Office Box 4048, Pocatello, Idaho. Applicant's representative: Alan F. Wohlstetter, 1 Faragut Square South, Washington, D.C. 20006. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, in the forwarding of *used household goods, used automobiles, and unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 1768 (Sub-No. 1) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, amended June 17, 1966, and republished, as amended, this issue. Applicant: **INLAND FREIGHTWAYS, INC.**, Foot of John Hay Avenue, Kearny, N.J. Applicant's representative: James J. Farrell, 201 Montague Place, South Orange, N.J. 07079. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in New Jersey within 30 miles of New York, N.Y., to points in Hudson County, N.J. NOTE: The purpose of this republication is to show that the application has been amended to change the origin point from New York to New Jersey. Applicant

states that the above operations are limited to shipments having a subsequent transportation by freight forwarded or freight consolidator.

No. MC 30887 (Sub-No. 148), filed June 27, 1966. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reisterstown, Md. 21136. Applicant's representative: W. Wilson Corroum, 49 Main Street, Post Office Box 55, Reisterstown, Md. 21136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Baltimore, Md., to Simpsonville, S.C., and *refused or rejected shipments*, on return. NOTE: Applicant states tacking will exist at Baltimore, Md., with presently held authority from North Bergen, N.J., New York, N.Y., and Dover, Del.

No. MC 107010 (Sub-No. 26), filed July 7, 1966. Applicant: D & R BULK CARRIERS, INC., Post Office Box 106, Auburn, Nebr. 68305. Applicant's representative: R. E. Powell, Suite 621, Terminal Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizer*, from the plantsite of Cominco American, Inc., approximately 6 miles northwest of Beatrice, Nebr., to points in North Dakota.

No. MC 107064 (Sub-No. 50), filed June 26, 1966. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, Post Office Box 2998, Dallas, Tex. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer compounds*, dry, in bulk, from Sheerin, Tex., to points in Colorado, Kansas, Nebraska, New Mexico, and Oklahoma.

No. MC 126244 (Sub-No. 2) (Amendment), filed April 28, 1966, published in FEDERAL REGISTER, issue of May 19, 1966, amended June 21, 1966, and republished, as amended, this issue. Applicant: ADAMS CARTAGE CO., INC., 357 Oak Street, Macon, Ga. Applicant's representative: T. Baldwin Martin, 700 Home Federal Building, Macon, Ga. 31201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies used in the installation of board, building, wall or insulating, including plastic panels, lighting fixtures, furring, molding, fasteners, and/or adhesives*, when moving in the same vehicle with boards, building, wall or insulating, from Macon, Ga., to points in Alabama and Tennessee. NOTE: The purpose of this republication is to more clearly set forth the commodity description.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7863; Filed, July 20, 1966;
8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 18, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40618—*Chlorine to Naheola, Ala.* Filed by O. W. South, Jr., agent (No. A4918), for interested rail carriers. Rates on chlorine, in tank carloads, from Evans City, Ala., to Naheola, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 31 to Southern Freight Association, agent, tariff ICC S-600.

FSA No. 40619—*Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 112), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 46 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-ICC 309.

FSA No. 40621—*Joint motor-rail rates—Rocky Mountain.* Filed by Rocky Mountain Motor Freight Bureau, Inc., agent (No. 16), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points on line of GN Ry., in Montana, on the one hand, and points in middle west and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariffs—7th revised page 91 to Rocky Mountain Motor Tariff Bureau, Inc., agent, tariff MF-ICC 152, and other schedules named in the application.

FSA No. 40623—*Methanol from Military, Kans.* Filed by Western Trunk Line Committee, agent (No. A-2463), for interested rail carriers. Rates on methanol, in tank carloads, from Military, Kans., to Chicago, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 183 to Western Trunk Line Committee, agent, tariff ICC A-4335.

FSA No. 40624—*Superphosphate from Florida points.* Filed by O. W. South, Jr., agent (No. A4919), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, subject to minimum shipment of not less than 400 net tons, from points in Florida, to Helena and Helena, Crossing, Ark.

Grounds for relief—Rail-barge competition.

Tariff—Supplement 52 to Southern Freight Association, agent, tariff ICC S-415.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40620—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 579), for interested rail carriers. Rates on cement and related articles, sisal padding and basic slag, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States. Grounds for relief—Maintenance of depressed rates published to meet interstate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 55 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40622—*Methanol from Military, Kans.* Filed by Western Trunk Line Committee, agent (No. A-2462), for interested rail carriers. Rates on methanol, in tank carloads, from Military, Kans., to Chicago, Ill.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 183 to Western Trunk Line Committee, agent, tariff ICC A-4335.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7950; Filed, July 20, 1966;
8:50 a.m.]

[Notice 216]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 18, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 83885 (Sub-No. 4 TA), filed July 14, 1966. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York 7, N.Y. Applicant's representative: Arthur Libenstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bars* for and on behalf of U.S. Government, from U.S. Bullion Depository, West Point, N.Y., to Engelhard Industries, Newark, N.J., for 150 days. Supporting shipper: General Services Administration, Transportation and Communications Service, Washington, D.C. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 99234 (Sub-No. 5 TA), filed July 14, 1966. Applicant: WESTWAY MOTOR FREIGHT, INC., Post Office Box 388, 4350 Kendrick Street, Golden, Colo. 80402. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant and warehouse sites of Fort Morgan Dressed Beef, Inc., at Fort Morgan, Colo., and Sterling Colorado Beef Packers at Sterling, Colo., restricted to traffic originating at such sites; to points in the States of Arizona, California, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shippers: Sterling Colorado Beef Packers, Sterling, Colo.; Fort Morgan Dressed Beef, Inc., Fort Morgan, Colo. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 107589 (Sub-No. 6 TA), filed July 14, 1966. Applicant: CONNECTICUT AND NEW YORK EXPRESS CORPORATION, 2115 Church Avenue, Brooklyn 26, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, from plant and warehouse sites of Shasta Beverage, a division of Consolidated Foods Corp., Philadelphia, Pa., to points in Union, Essex, Bergen, and Mercer Counties, N.J.; New York, N.Y., Nassau and Westchester Counties, N.Y., for 180 days. Supporting shipper: Sidney Kritzer, Joe Lowe Co., division, Consolidated Foods Corp., 110 Route 4, Post Office Box 200, Englewood, N.J. 07631. Send protests to: Robert E. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, N.Y. 10013.

No. MC 118468 (Sub-No. 23 TA), filed July 7, 1966. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: J. Max Harding, 301 NSEA Building, 14th and J Streets, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except lumber); *gypsum and gypsum products*; *wall, building or insulating boards*; *lime*; *materials, supplies, and accessories used in the installation and distribution of the aforementioned products*, from the plantsite or warehouses of the Celotex Corp. at or near Fort Dodge, Iowa, to points in Kansas, limited to a transportation service performed under continuing contract with The Celotex Corp. of Tampa, Fla., for 180 days. Supporting shipper: The Celotex Corp., 120 North Florida Avenue, Tampa, Fla. 33602. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 123639 (Sub-No. 95 TA), filed July 14, 1966. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: E. R. Driskell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from points in Morgan and Logan Counties, Colo., to points in Arizona, California, Illinois, Indiana, Utah, Pennsylvania, Nebraska, Kansas, Michigan, Missouri, Wisconsin, Iowa, Nevada, New Jersey, New York, and Ohio, for 180 days. Supporting shippers: Sterling Colorado Beef Packers, Sterling, Colo.; Fort Morgan Dressed Beef Inc., Fort Morgan, Colo. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 124078 (Sub-No. 236 TA), filed July 14, 1966. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Roberta, Ala., to the construction site on Interstate Highway 20, approximately 10 miles east of Brandon, Miss., for 150 days. Supporting shipper: Southern Cement Co., 16th Floor, Bank for Savings Building, Birmingham, Ala. 35203. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 124221 (Sub-No. 11 TA), filed July 14, 1966. Applicant: HOWARD BAER, 821 East Dunne Street, Post Office Box 127, Morton, Ill. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream products, sherbets, water ices, and water ice products*, in containers for the Account of Sealtest Foods, Division of National Dairy Products Corp., restricted to shipments in mechanically refrigerated vehicles, from Nashville, Tenn., to Louisville, Ky., for 150 days. Supporting shipper: Sealtest Foods, Division of National Dairy Products Corp., 75 East Wacker Drive, Chicago, Ill. 60601. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 126456 (Sub-No. 3 TA), filed July 7, 1966. Applicant: EL PASO AGRICULTURAL COMPANY, Rural Route, El Paso, Ill. 61738. Applicant's representative: Richard J. Dalton, Gridley, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Feed concentrate*, from West Branch, Iowa, over Interstate Route 80, east to Illinois Route 51, thence south to El Paso, Ill., serving no intermediate points, for 150 days. Supporting shipper: El Paso's Pellets Unlimited, Inc., Route No. 1, El Paso, Ill. 61738. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations and Compliance, Room 1086, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

MOTOR CARRIERS OF PASSENGERS

No. MC 128306 (Sub-No. 1 TA), filed July 7, 1966. Applicant: LAWRENCE C. STOKER, doing business as SUBURBAN COACH LINES, 8 London Road, Mail: Post Office Box 7291, Asheville, N.C., 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, from Asheville, N.C., to Hendersonville, N.C., to Brevard, N.C., and return over the same route serving intermediate points, from Asheville, over U.S. Highway 25 to Hendersonville, thence over U.S. Highway 64 to Brevard, N.C.; and return over same route serving all intermediate points, for 150 days. Supporting shippers: Southern Greyhound Lines, division of Greyhound Lines, Inc., 219 East Short Street, Lexington, Ky. 40507, Attention: John E. Adkins, vice president, traffic; WPNP, Brevard, N.C. 28712, Attention: Bruce O'Kelley, manager, sales and service; the Transylvania Times, Brevard, N.C. 28712, Attention: John I. Anderson, editor-general manager; Town of Brevard, 151 West Main Street, Brevard, N.C. 28712, Attention: Raymond F. Bennett, mayor. Send protests to: Rex E. Ginn, Acting District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327

North Tryon Street, Charlotte, N.C.
28202.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7951; Filed, July 20, 1966;
8:50 a.m.]

[Notice 1385]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 18, 1966.

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-68603. By order of July 15, 1966, the Transfer Board approved the transfer to Cletus A. Casey, doing business as Holmen-La Crosse Truck Line, Ettrick, Wis., of the operating rights of Wilmer Hanson and Gordon Craig, a partnership, doing business as Holmen-La Crosse Truck Line, Holmen, Wis., in certificate of registration, No.

MC-120077 (Sub-No. 1), issued September 1, 1964, authorizing the transportation of common motor carrier of property over Route 53 between Galesville and La Crosse, over Route 93 between 53 and Trempealeau, and Trempealeau, County K between Trempealeau and Galesville. John C. Quinn, Trust Building, Galesville, Wis. 54630, attorney for applicants.

No. MC-FC-68840. By order of July 15, 1966, the Transfer Board approved the transfer to Lewis Bros. Stages, Inc., Salt Lake City, Utah, of certificates Nos. MC-77066 (Sub-No. 4), MC-77066 (Sub-No. 10), MC-77066 (Sub-No. 11), MC-77066 (Sub-No. 12), and MC-77066 (Sub-No. 13), issued August 9, 1950, October 29, 1952, June 17, 1952, August 14, 1959, and June 2, 1959, respectively, to Orson Lewis, doing business as Lewis Bros. Stages, Salt Lake City, Utah, the certificates authorizing in order, the transportation of: Passengers and their baggage, in charter operations, restricted to the transportation of passengers who are itinerant agricultural workers, over irregular routes, between points and places in Arizona, New Mexico, and Texas, on the one hand, and, on the other, points and places in Idaho, Oregon, and Utah; passengers and their baggage between Glendale and Las Vegas, Nev., and all intermediate points; passengers and their baggage between Ely and Glendale, Nev.; passengers and their baggage between Salt Lake City, Utah, and Ely, Nev., serving all intermediate points, and passengers and their baggage, newspapers, motion picture film, and express in shipments not to exceed 100 pounds in weight, between Salt Lake City, Utah,

and Ely, Nev., serving all intermediate points. Irene Warr, 419 Judge Building, Salt Lake City, Utah, attorney for applicants.

No. MC-FC-68884. By order of July 15, 1966, the Transfer Board approved the transfer to Roy W. Milne and Meredith M. Milne, a partnership, doing business as Triple "M" Taxi, 1307 Fifth Street, Fairbury, Nebr., of permit No. MC-119942, issued January 31, 1966, to Roy W. Rinehart and Kathryn Rinehart, a partnership, doing business as Triple "M" Taxi, 1227 D Street, Fairbury, Nebr., authorizing the transportation of passengers and their baggage in the same vehicle with passengers, over irregular routes, between Belleville and Phillipsburg, Kans., and Council Bluffs, Iowa, on the one hand, and, on the other, Fairbury, Nebr.

No. MC-FC-68901. By order of July 15, 1966, the Transfer Board approved the transfer to Elton F. Burish, Wausau, Wis., of permits in Nos. MC-125512 (Sub-No. 2) and MC-125512 (Sub-No. 3), issued February 25, 1964, and October 7, 1965, respectively, to Ronald Detjens, Wausau, Wis., authorizing the transportation of: Wood chips, in bulk, from Trout Creek, Mich., and the facilities of Johnson Lumber Co. near Hermansville, Mich., to specified points in Michigan. Jerome A. Maeder, 602 Jackson Street, Wausau, Wis. 54401, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7952; Filed, July 20, 1966;
8:51 a.m.]

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FEDERAL REGISTER

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PART II

Interstate Commerce Commission

General Rules of Practice



Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1—GENERAL RULES OF PRACTICE

Republication of Regulations

The General Rules of Practice of the Interstate Commerce Commission (Part 1 of Chapter I of Title 49 of the Code of Federal Regulations) is hereby republished in its entirety as set forth below to include all amendments issued to date. This republication of Part 1 is issued for convenience and contains no substantive changes.

Dated: June 30, 1966.

[SEAL] H. NEIL GARSON,
Secretary.

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1.245 Special rules governing procedures for the issuance to single-State common carriers by motor vehicle of Certificates of Registration under section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962, authorizing motor common carrier operations in interstate and foreign commerce, and certain other procedural matters with respect thereto.
1.246 Special rules pertaining to proceedings for the discontinuance or change of train or ferry service.

Sec. 1.247 Special rules governing notice of filing of applications by motor carriers of property or passengers and brokers under sections 206 (except section 206(a) (6) relating to Certificates of Registration), 209 and 211, by water carriers under sections 302(e), 303, and 309, and by freight forwarders under section 410 of the Interstate Commerce Act, and certain other procedural matters with respect thereto.

Appendix A—Code of ethics for practitioners before the Interstate Commerce Commission.

Appendix B—Approved forms.

Appendix C—Ex Parte Communications.

AUTHORITY: The provisions of this Part I issued under secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, 551, as amended, sec. 304, 54 Stat. 933, sec. 403, 56 Stat. 285; 49 U.S.C. 12, 13a, 17, 304, 305, 306, 307, 309, 311, 902, 903, 904, 909, 916, 1003, 1010, 1017.

GENERAL INFORMATION

§ 1.1 Scope of rules.

The rules in this part govern procedure before the Interstate Commerce Commission in proceedings under the Interstate Commerce Act and related acts, unless otherwise directed by the Commission in any proceeding.

§ 1.2 Liberal construction.

The rules in this part shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented.

§ 1.3 Information; special instructions.

Information as to procedure under the rules in this part, and instructions supplementing these rules in special instances, will be furnished upon application to the Secretary of the Commission, Washington, D.C.

§ 1.4 Communications and pleadings generally.

(a) *How addressed.* All communications, including correspondence concerning matters referred to boards, should be addressed to the Commission unless otherwise specifically directed. All communications should clearly designate the docket number, if any, and short title. The person communicating shall state his address, the party he represents, and how response should be sent to him if not by first class mail.

(b) *Timely filing required.* Pleadings, requests, or other papers or documents required or permitted to be filed under this part must be received for filing at the Commission's offices at Washington, D. C., within the time limits, if any, for such filing. The date of receipt at the Commission and not the date of deposit in the mails is determinative.

(c) *Disposition of; when defective.* In any proceeding when upon inspection the Commission is of the opinion that a pleading, document, or paper tendered for filing does not comply with this part or, if it be an application, does not sufficiently set forth required material or is otherwise insufficient, the Commission may decline to accept the pleading, document, or paper for filing and may

return it unfiled, or the Commission may accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(d) *Objectionable matter.* The Commission may order any redundant, immaterial, impertinent, or scandalous matter stricken from any pleading, document, or paper filed with it.

(e) *Ex parte communications prohibited; penalties provided.* Ex parte communications as defined in Appendix C to this part are prohibited and any person violating the prohibitions set out in such Appendix is subject to the penalties as therein provided.

§ 1.5 Definitions.

As used in this part:
(a) The terms "act" and "part" mean the Interstate Commerce Act and the several parts thereof, respectively. The term "act" also means, unless the context otherwise indicates, any other statute which the Commission administers in whole or in part.

NOTE: References to parts designated by Roman numerals refer to the Interstate Commerce Act. References to "this part," "the rules in this part or to parts designated by Arabic numerals," refer to this Code.

(b) The term "proceeding" shall include: (1) An informal or formal "complaint" alleging violation of any provision of the act or of any regulation or requirement made pursuant to a power granted by such act, including petitions on the special docket; (2) an "application" for (i) the granting of any right, privilege, authority, or relief under or from any provision of the act or of any regulation or requirement made pursuant to a power granted by such act, or (ii) the consideration of any submission required by law to be made to the Commission; and (3) an "investigation" instituted or requested to be instituted by the Commission, including, among other matters on the valuation and investigation-and-suspension dockets.

(c) The term "complainant" means a person filing a complaint; "defendant" means a carrier or other person against whom complaint is filed; "applicant" means a person filing an application; "respondent" means a person designated in an investigation; "protestant" means a person opposed to a tentative valuation, to the granting of an application, or to any tariff or schedule becoming effective; "intervener" means a person permitted to intervene as provided in § 1.72 and "petitioner" means any other person seeking relief otherwise than by complaint or application.

(d) The term "pleading" means a complaint, answer, reply, application, protest, motion (other than motion orally made at hearing or argument), petition, document supplementing oral hearing as described in § 1.86 and all documents filed under modified procedure.

(e) The term "practitioner" means a person authorized by the Commission to appear before it in a representative capacity.

(f) The term "officer," except as a different meaning is indicated in §§ 1.17 (b), 1.57 to 1.66, inclusive, 1.71(a), and 1.78 (civil and corporate functionaries), includes: (1) a Commissioner, a board of employees (called an "employee board" in this part), an examiner, or special board composed of State representatives (called a "joint board" in this part), to which a proceeding (called "referred matter" in this part) is by order assigned or referred for hearing, consideration, or recommendation of an appropriate order thereon pursuant to provisions of law; and (2) a Commissioner, an examiner, or other Commission employee before whom, without entry of an order of reference, a proceeding is assigned for hearing. The term "board" means either an employee board or a joint board as the context requires.

(g) The term "proposed report" means an officer's written statement of the issues, the facts, and the findings the officer proposes that the Commission should make, with the reasons therefor, but with no recommended order. Such term also means, and shall include, a "recommended decision" and a "tentative decision" as these last two terms are used in the Administrative Procedure Act.

(h) The term "report and recommended order" means an officer's written statement in a referred matter of the issues, the facts, the findings, reasons for such findings, and a recommended order. Such term also means, and shall include, an "initial decision" as the latter term is used in the Administrative Procedure Act.

(i) The term "officer's report" or "board's report" means a proposed report or report and recommended order.

(j) The term "modified procedure" means the procedure specified in §§ 1.45 to 1.54, inclusive, which rules provide for the filing and serving of pleadings in proceedings with a view to limiting the matters upon which subsequent oral evidence, if any, will be introduced.

§ 1.6 Use of gender and number.

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender may be applied to females.

PRACTITIONERS

§ 1.7 Register of practitioners.

A register is maintained by the Commission in which are entered the names of all persons entitled to practice before the Commission. Corporations and firms will not be admitted or recognized.

§ 1.8 Practitioners' qualifications and classes.

The following classes of persons whom the Commission finds, upon consideration of their applications, to be of good moral character and to possess the requisite qualifications to represent others may be admitted to practice before the Commission:

¹ Such as sections 17 and 205 of the Interstate Commerce Act.

(a) *Attorneys at law.* Attorneys at law who are admitted to practice before the highest court of any State or Territory or the District of Columbia.

(b) *Persons not attorneys.* Any person not an attorney at law who is a citizen or resident of the United States and who shall satisfy the Commission that he is possessed of the necessary legal and technical qualifications to enable him to render valuable service before the Commission, and that he is otherwise competent to advise and assist in the presentation of matters before the Commission.

§ 1.9 Applications for admission to practice.

An application under oath for admission to practice shall be addressed to the Commission, Washington, D.C., and must state the name, residence address, and business address of the applicant, and the time and place of his admission to the bar, or the nature of his qualifications. Such application shall also state whether the applicant has ever been suspended or disbarred as an attorney, or whether his right to practice has ever been revoked by any court, commission, or administrative agency, in any jurisdiction. Such application shall be accompanied by a certificate of the clerk of the court in which applicant is admitted to practice to the effect that he has been so admitted and is in good standing; or by a certificate signed by three or more practitioners as sponsors for the applicant, which certificate shall recite that applicant possesses all the requisite qualifications under this section, and the sponsors shall incorporate in their certificate a recommendation and motion that applicant be admitted to practice under this section.

§ 1.10 Additional certificates by practitioner's sponsors; hearing; abandonment of application.

The Commission in its discretion may call upon the practitioners making such certificate for a full statement of the nature and extent of their knowledge of the qualifications of the applicant. If upon consideration of the papers filed by the applicant and the statements submitted by his sponsors, or otherwise, the Commission is not satisfied as to the sufficiency of the applicant's qualifications under these rules, it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents such requests, the Commission will accord him a hearing. If he presents to the Commission no request for such hearing within 20 days after receiving the notification above referred to, his application shall be deemed to be withdrawn.

§ 1.11 Application fee.

An application filed after this section becomes effective must be accompanied by a fee of \$10. Payment must be made either in cash or by New York draft, certified check, express or postal money order payable to the order of the Treasurer of the United States. The fee will

be returned if applicant is not admitted to practice.

§ 1.12 Practitioner's oath.

No person shall be admitted to practice before the Commission until he shall have subscribed to an oath or affirmation that he will demean himself, as a practitioner before this Commission, uprightly, and accordingly to law; and that he will support the Constitution of the United States and laws of the United States and will conform to the rules and regulations of the Commission.

§ 1.13 Denial of admission, censure, suspension, or disbarment of practitioners.

The Commission may, in its discretion, deny admission, censure, suspend, or disbar any person who, it finds, does not possess the requisite qualifications to represent others, or is lacking in character, integrity, or proper professional conduct. Any person who has been admitted to practice may be suspended or disbarred only after he is afforded an opportunity to be heard. All persons, whether or not admitted to practice under § 1.9, must, in their representations before the Commission, conform to the code of ethics published by the Association of Interstate Commerce Commission Practitioners as of April 1, 1955, which code is reprinted in Appendix A to this part.

SPECIAL RULES RESPECTING BOARDS

§ 1.14 Special rules respecting boards.

(a) *Organization.* After a joint board has been created it shall select one of its members to act as chairman for all purposes concerning matters which may be referred to it. In the event the member so selected is absent from any meeting of the joint board the members attending shall select one of such members, except as provided in paragraph (b) of this section, temporarily to act as chairman.

(b) *Waiver by absence of a joint-board member.* The failure of a duly appointed member of a joint board to participate in any hearing after notice thereof on a matter referred to such joint board shall be considered to constitute, as to the matter referred, a waiver of action on the part of the State from which such member was appointed.

(c) *Procedural rulings in case of disagreement.* If the members of a board or a majority thereof in actual attendance at a hearing shall be unable to agree upon the disposition of a procedural question arising therein, the chairman (or acting chairman) of the board shall decide the question and rule or order accordingly.

(d) *Form of board's report; service.* For the sake of uniformity the board's report shall conform as nearly as may be practicable to the form of report issued by the Commission in similar cases. The board's report will be served by the Commission.

(e) *Termination of joint board jurisdiction; subsequent procedure.* The jurisdiction of a joint board over a referred matter shall be terminated in the event

of: (1) service of a report as provided in paragraph (d) of this section; (2) submission of the board's conclusions without written report; (3) waiver of action in writing by appropriate authority of each State from which a member is entitled to be appointed; (4) failure of all members of the board to appear at the hearing; (5) failure of a majority of the board to agree; or (6) entry of order vacating the order of reference to the joint board. Except where a report is served as provided in paragraph (d) of this section, in which event the subsequent procedure will be as provided in § 1.96 and subsequent sections, a referred matter, after termination of joint-board jurisdiction, will be decided by the Commission or be made the subject of another officer's report on the record theretofore made or after such hearing or further hearing as may be required.

PLEADING SPECIFICATIONS GENERALLY

§ 1.15 Typographical specifications generally.

Except as otherwise provided respecting applications (§ 1.38(a)), exhibits (§ 1.34(a)), and informal complaints (§ 1.24(a)), all pleadings, documents, and papers to be filed under these rules shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, printing by offset press, multigraphing, or mimeographing, or by any other process, provided the copies are clear and permanently legible. White-line blueprints which cannot be reproduced by photography are not acceptable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double-spaced, except that long quotations shall be single-spaced and indented. Nothing less in size than Elite type shall be used. If printed, adequate leading and nothing less than 10-point type shall be used, except that 8-point type may be employed in footnotes and in tabular matter where printing limitations so require. A pleading or brief in excess of 50 pages (except a pleading under modified or shortened procedure), including cover pages, indexes, and appendixes, must be printed. Printing by offset press will be accepted: *Provided*, That the type used is not reduced in size smaller than that required for typewritten documents and that where the pleading or brief exceeds 50 pages, the impression is on both sides of the paper. Failure to observe these specifications will result in rejection.

§ 1.16 Copies.

(a) *Generally.* The original and 14 copies of every pleading, document, or paper permitted or required to be filed under this part shall be furnished for the use of the Commission except as a different number is required under paragraph (b) of this section, or as otherwise provided respecting: answers (§ 1.35

(c)); applications (§§ 1.38(b) and 1.40(c)); complaints, formal (§§ 1.26 and 1.37) and informal (§§ 1.24(a) and 1.25(d)); depositions (§ 1.64); exhibits (§§ 1.84(c) and 1.86); modified and shortened procedure (§§ 1.44(c) and 1.52); petitions in intervention (§ 1.72(d)); prepared statements (§ 1.77); protests in investigation-and-suspension proceedings (§ 1.42(c)); replies (§ 1.23(b)); and matters respecting oral argument (§ 1.98); subpoenas (§ 1.56(a)); time modification (§ 1.21(b)); transcript correction (§ 1.90(b)), and petitions for rehearing, reargument, or reconsideration (§ 1.101(a)).

(b) *In bankruptcy proceedings.* Except as otherwise provided in an application form or instruction (§ 1.38) and respecting exhibits (§ 1.84(c)), the original and 19 copies of every pleading, document, or paper filed in a proceeding arising under the Uniform Bankruptcy Act shall be furnished for the use of the Commission.

§ 1.17 Attestation and verification.

(a) *Practitioner's signature.* If a party is represented by a practitioner each pleading, document, or paper of such party shall be signed in ink by one such practitioner whose address shall be stated. The signature of a practitioner constitutes a certificate by him that he has read the pleading, document, or paper; that he is authorized to file it; that to the best of his knowledge, information, and belief there is good ground for it; that it is not interposed for delay; and that with respect to a complaint he files it with the distinct knowledge and specific consent of complainant. A pleading document, or paper thus signed need not be verified or accompanied by affidavit except as otherwise provided respecting applications (§ 1.38), modified and shortened procedure (§§ 1.44(c) and 1.50), and statements of claimed damages (§ 1.100).

(b) *When no practitioner's signature.* A pleading, document, or paper not signed by a practitioner must be signed in ink, the address of the signer shall be stated, and the facts alleged in a pleading must be verified under oath by the person in whose behalf it is filed. Signature and verification in such manner must be by at least one complainant if the pleading is a complaint. A pleading document, or paper filed on behalf of a corporation or other organization authorized to make complaint under the act, which is not signed by a practitioner must be signed in ink, and the facts alleged in a pleading must be verified by an executive officer of such corporation or organization.

§ 1.18 Affirmation in lieu of oath.

Whenever under this part an oath is required, an affirmation in judicial form will be accepted in lieu thereof.

§ 1.19 Pleadings part of record.

Recitals of material and relevant facts in a pleading filed prior to oral hearing in any proceeding, unless specifically denied in a counterpleading filed under these rules, shall constitute evidence and

be a part of the record without special admission or incorporation therein, but if request is seasonably made, a competent witness must be made available for cross-examination on the evidence so included in the record. Pleadings may contain specific references to or quotation from the tariffs or schedules containing the several rates, fares, charges, schedules, classifications, regulations or practices alleged to be material. A filing under § 1.42 *Petitions for suspension of tariffs or schedules*, shall not be considered a pleading for purposes of this rule.

§ 1.20 Amendments.

Leave to file amendments to any pleading will be allowed or denied as a matter of discretion.

§ 1.21 Time.

(a) *Computation.* In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is Saturday, Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. A half holiday shall not be considered as a holiday.

(b) *Modification.* Except as to the maximum time periods provided by law or specified in this part respecting informal complaints seeking damages (§ 1.25), any time period prescribed or permitted in this part may, upon request and for good and sufficient cause, be modified by the Commission in its discretion. Requests for extension or modifications of time must be served upon all parties of record at the same time and by the same method of communication as service is made on the Commission. A request for postponement of date for filing briefs or other documents must be filed not less than 10 days before the date in question, except in extraordinary circumstances, and where such requests are filed less than 10 days before the due date the petitioning party shall state the reasons for his failure to make such request within the prescribed time. The original only of the request and certificate of service need be filed with the Commission. If granted, the party making the request shall promptly so notify all parties to the proceeding and so certify to the Commission.

§ 1.22 Service; pleadings and papers to show.

(a) *Generally.* Except as otherwise provided in paragraph (b) of this section, or as otherwise provided respecting applications (§ 1.38(b)), formal complaints (§ 1.34), and informal complaints (§ 1.24(b)), every pleading, document, or paper must, when filed, or tendered to the Commission for filing, include a certificate showing simultaneous service thereof upon all parties to the proceeding. Such service shall be made by delivery in person, or by first-class or air mail, or by express, properly ad-

dressed with charges prepaid, one copy to each party. Service shall be effected upon the parties to the proceeding by the same means of communication and class of service that is employed in making delivery to the Commission; *Provided, however,* That when delivery is made to the Commission in person, and it is not feasible to serve the other parties in person, service shall be made upon parties 1000 or more miles distant from the party effecting service by air mail and upon parties less than 1000 miles distant by first-class or air mail. When any party is represented by a practitioner, service upon such practitioner will be deemed service upon the party.

(b) *Exceptions as to letter.* Copies of letters to the Commission relating to oral argument (§ 1.98) and subpoenas (§ 1.56(a)) need not be served upon other parties to the proceeding.

§ 1.23 Replies.

(a) *Time for filing.* Except that a reply to a reply is not permitted, and except as otherwise provided in paragraph (b) of this section and respecting answers (§ 1.35(c)), modified and shortened procedure (§§ 1.44(c) and 1.51), and briefs (§§ 1.92 and 1.93), an adverse party may file and serve a reply to any pleading permitted under the rules in this part within 20 days after filing at the Commission.

(b) *Replies to petitions under rule 101 and exceptions.* A reply to a petition filed under rule 101 seeking a change in a decision, order, or requirement may be filed and served within 20 days after the final date for filing such petitions, and a reply to exceptions filed under rule 96 may be filed and served within 20 days after the final date for filing such exceptions.

(c) *Copies.* The original of the reply should be accompanied by the same number of copies as required respecting the pleading to which the reply is responsive.

COMMENCEMENT OF PROCEEDINGS

§ 1.24 Informal complaints not seeking damages.

(a) *Form and content.* Informal complaint may be by letter or other writing, and will be serially numbered and filed as of the date of its receipt. No form of informal complaint is suggested, but in substance the letter or other writing (original and one copy shall be filed) must contain the essential elements of a formal complaint as specified in §§ 1.28 and 1.30. It may embrace supporting papers.

(b) *Correspondence handling.* If the informal complaint appears to be susceptible of informal adjustment, a copy or a statement of the substance thereof will be transmitted by the Commission to each person complained of in an endeavor to have it satisfied by correspondence and thus obviate the filing of a formal complaint.

(c) *Discontinuance without prejudice.* A proceeding thus instituted on the informal docket is without prejudice to complainant's right to file and prosecute a formal complaint, in which event the

proceeding on the informal docket will be discontinued.

§ 1.25 Informal complaints seeking damages.

(a) *Actual filing required.* Notification to the Commission that an informal complaint may or will be filed later seeking damages is not a filing within the meaning of the statute except as provided in paragraph (e) of this section.

(b) *Content.* An informal complaint seeking damages, when permitted under the act, must be filed within the statutory period, and should contain such data as will serve to identify with reasonable definiteness the shipments or transportation services in respect of which damages are sought. Such complaint should state: (1) that complainant makes claim for damages, (2) the name of each individual claimant seeking damages, (3) the names of defendants against which claim is made, (4) the commodities, the rate applied, the date when the charges were paid, by whom paid, and by whom borne, (5) the period of time within which or the specific dates upon which the shipments were made, and the dates when they were delivered or tendered for delivery, (6) the points of origin and destination, either specifically or, where they are numerous, by definite indication of a defined territorial or rate group of the points of origin and destination and, if known, the routes of movement, and (7) the nature and amount of the injury sustained by each claimant.

(c) *Statement of prior claim.* If a complaint filed under paragraph (b) or (e) of this section contains a claim on any shipment which has been the subject of a previous informal or formal complaint to the Commission, reference to such complaint must be given.

(d) *Copies.* The original of an informal complaint seeking damages must be accompanied by copies in sufficient number to enable the Commission to transmit one to each defendant named.

(e) *Special-docket proceedings.* Where the act provides for an award of damages for violation thereof and a carrier is willing to pay them, or to waive collection of undercharges, petition for appropriate authority should be filed by the carrier on the special docket in the form prescribed by the Commission. If the petition is granted an appropriate order will be entered. Such petition, when not filed in connection with an informal complaint pending before the Commission, must be filed within the statutory period and will be deemed the equivalent of an informal complaint and an answer thereto admitting the matters stated in the petition. If a carrier is unable to file such petition within the statutory period and the claim is not already protected from the operation of the statute by informal complaint, a statement setting forth the facts may be filed by the carrier within the statutory period. Such statement will be deemed the equivalent of an informal complaint filed on behalf of the shipper or consignee and sufficient to stay the operation of the statute.

(f) *Six months' rule.* If an informal complaint seeking damages cannot be disposed of informally, or is denied, or is withdrawn by complainant from further consideration, the parties affected will be so notified in writing by the Commission. The matter in such complaint will not be reconsidered unless, within six months after the date such notice is mailed, either a formal complaint as to such matter is filed, or it is informally resubmitted on an additional fact basis.

Such filing or resubmission will be deemed to relate back to the date of the original filing, but reference to that date and the Commission's file number must be made in such resubmission or in the formal complaint filed. If the matter is not so resubmitted, or included in a formal complaint, as provided in this section, complainant will be deemed to have abandoned the complaint and no complaint seeking damages based on the same cause of action will thereafter be placed on file or considered unless itself filed within the statutory period.

§ 1.26 Formal complaints; copies.

(a) *Generally.* The original of each formal complaint, amended or supplemental formal complaint, or cross complaint, must be accompanied by copies in sufficient number to enable the Commission to serve one upon each defendant, including each receiver or trustee, and retain six copies in addition to the original.

(b) *Provision for State authorities.* If complaint is made under part II, or respecting State-made rates (§ 1.30(b)), sufficient copies in addition to those required under paragraph (a) of this section shall be furnished to permit the Commission to supply one to the appropriate authority in each of the States included in the scope of the complaint.

§ 1.27 Formal complaints; joinder.

(a) *Causes of action.* Two or more grounds of complaint concerning the same principle, subject, or state of facts may be included in one complaint, but should separately be stated and numbered.

(b) *Complainants.* Two or more complainants may join in one complaint if their respective causes of action are against the same defendant or defendants and concern substantially the same alleged violation of the act and a like state of facts.

(c) *Defendants.* If complaint is made with respect to through transportation by continuous carriage or shipment, all persons subject to the act participating therein, and against which an order is sought, should be made defendants. If complaint is made of a classification or any provision thereof, ordinarily it will suffice to make defendants the persons operating one or more through routes between representative points of origin and destination.

(d) *Correct designation of parties.* The unabbreviated names of all parties complainant and defendant must be stated correctly.

§ 1.28 Formal complaints; allegations generally.

A formal complaint should be so drawn as fully and completely to advise the parties defendant and the Commission in what respects the provisions of the act have been or are violated or will be violated, and should set forth briefly and in plain language the facts claimed to constitute such violation. If two or more sections or subsections of the act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one section, subsection, or requirement should be stated separately from those claimed to constitute a violation of another section, subsection, or requirement whenever that can be done by reference or otherwise without undue repetition.

§ 1.29 Formal complaints; when damages sought.

A formal complaint that includes a request for an award of damages should contain the information specified for an informal complaint seeking damages (§ 1.25, paragraphs (b) and (c)).

§ 1.30 Formal complaints; discrimination, preference, and prejudice.

(a) *Generally.* A complaint that alleges the act is violated because of an undue or unreasonable preference or advantage, undue or unreasonable prejudice or disadvantage, or unjust discrimination should specify clearly the particular elements stated in the act¹ as constituting such violation, and the facts which complainant relies upon to establish it.

(b) *State-made rates.* A complaint that brings in issue any rate, fare, charge, classification, regulation, or practice, made or imposed by authority of any State, upon the ground that it violates provisions of the act which prohibit undue or unreasonable advantage preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or any undue, unreasonable or unjust discrimination against interstate or foreign commerce, should bring in issue the justness and reasonableness of the rate, fare, charge, classification, regulation, or practice applicable to the interstate or foreign commerce involved in such complaint. Such complaint should also bring in issue the question as to what should be the rate, fare, or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice that should be established so as to remove any such advantage, preference, prejudice, or such unjust discrimination.

§ 1.31 Formal complaints; other specifications.

(a) *Tariff or schedule references.* The several rates, fares, charges, schedules,

¹ Special rate, rebate, drawback, or other device; and particular person, company, firm, corporation, association, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic.

classifications, regulations, or practices on which complaint is made should be set out by specific reference to the tariffs or schedules in which they appear, whenever that is practicable.

(b) *States in which transportation occurs.* A formal complaint under part II should specifically name the States in and through which the transportation which gives rise to the complaint is performed.

(c) *Hearing place.* A formal complaint should be accompanied by a statement of the place at which hearing is desired.

§ 1.32 Formal complaints; prayers for relief.

(a) *Generally.* A formal complaint in which relief for the future is sought should contain a detailed statement of the relief desired. Relief in the alternative or of several different types may be demanded, but the issues raised in the formal complaint should not be broader than those to which complainant's evidence is to be directed at the hearing.

(b) *Specific prayer for damages.* Except under unusual circumstances, and for good cause shown, damages will not be awarded upon a complaint unless specifically prayed for, or upon a new complaint by or for the same complainant which is based upon any finding in the original proceeding.

§ 1.33 Amended and supplemental formal complaints.

An amended or supplemental complaint may be tendered for filing by a complainant against a defendant or defendants named in the original complaint, stating a cause of action alleged to have accrued within the statutory period immediately preceding the date of such tender, in favor of complainant and against the defendant or defendants.

§ 1.34 Service of formal and cross complaints.

The Commission will serve formal complaints. It will also serve supplemental, amended, and cross complaints and specific amendments to all complaints when it has granted leave to file such pleadings. Such service will be made personally upon a carrier or freight forwarder or upon an agent thereof designated for purposes of service, or by mail addressed to the carrier or freight forwarder or to the agent thereof at the address filed. If no agent has been designated, service may be made by posting in the office of the Secretary of the Commission, and if the defendant be a carrier subject to Part II of the Act, by also posting in the office of the secretary or clerk of the motor-carrier regulatory board of the State wherein the motor carrier maintains headquarters. If the complaint involves only the lawfulness of rates, fares, charges, classifications, or practices, service in the manner indicated in the third sentence of this section may be made upon an attorney in fact of a carrier or freight forwarder who has filed a tariff or schedule in behalf of such carrier or freight forwarder, but such service will not be made upon a carrier

subject to Part I unless such carrier has failed to designate an agent for service in the city of Washington.

§ 1.35 Answers and cross complaints to formal complaints.

(a) *Generally.* An answer may simultaneously be responsive to a formal complaint and to any amendment or supplement thereof. It must be drawn so as fully and completely to advise the parties and the Commission of the nature of the defense, including, if a departure from the requirements of section 4(1) of the Act is involved, the number of the particular application or order, if any, which protects such departure; and must admit or deny specifically and in detail each material allegation of the pleading answered. An answer may embrace a detailed statement of any counter-proposal which a defendant may desire to submit. Unless the issue is such that separate answers are required, answer for all defendants may be filed on their behalf by one defendant in one document, in which event the answer must show clearly the names of all defendants joining therein, and their concurrence.

(b) *Cross complaints.* A cross complaint alleging that other persons, parties to the proceeding, have violated the act or requirements established pursuant thereto, or seeking relief against them under the act, may be tendered for filing by a defendant with its answer.

(c) *Time for filing; copies.* Unless otherwise directed by the Commission, an answer to a complaint should be filed within 20 days after the day on which the complaint to which answer is filed was served. The original and six copies of an answer shall be filed with the Commission.

(d) *When issue joined.* If any defendant answers or fails to file and serve answer within the period specified in paragraph (c), issue thereby is joined as to such defendant.

§ 1.36 Motions to dismiss or to make more definite and certain.

(a) *As to complaint.* Defendant may file with his answer, or with his statement under modified or shortened procedure, a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. Defendant may also file with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on face of such complaint.

(b) *As to answer.* No replication to the answer shall be filed, but any party may file, within 10 days after the filing of an answer, or, in the case of modified or shortened procedure, complainant may file with his statement in reply, a motion that the answer, or defendant's statement, as the case may be, be made more definite and certain, such motion to point out the defects complained of and the details desired.

§ 1.37 Satisfaction of complaint.

If a defendant satisfies a formal complaint, either before or after answering,

a statement to that effect signed by the opposing parties must be filed (original only need be filed), setting forth when and how the complaint has been satisfied. This action should be taken as expeditiously as possible.

§ 1.38 Applications.

(a) *Forms and instructions.* An application filed with the Commission shall be prepared in accord with and contain the information called for in the form of application, if any, prescribed by the Commission, or any instructions which may have been issued by the Commission with respect to the filing of an application.

(b) *Copies; service.* Copies of an application shall be furnished in such number, and be filed and served in the manner and upon the persons specified in the form or instruction.

§ 1.39 Applications; notice.

Appropriate notice of the filing of an application will be given by the applicant or by the Commission to the States, to State authorities, or to other persons as may be required by the form or instruction or by the act.

§ 1.40 Protests against applications.

(a) *Content.* A protest against the granting of any application shall set forth specifically the grounds upon which it is made and contain a concise statement of the interest of protestant in the proceeding.

(b) *When filed.* Any protest shall be filed with the Commission promptly after the application is filed. If the proceeding be one respecting which the Commission has issued a notice advising the public of the filing of the application, the protest shall be filed within the time specified in such notice. Failure to file a protest shall not prejudice subsequent participation in the proceeding.

(c) *Copies; service.* A protest filed under this section shall be served upon applicant and, unless otherwise specified in the public notice, the original and six copies of the protest shall be filed with the Commission.

(d) *When rule disregarded.* An application may be set for hearing without awaiting the filing of a protest or of a reply thereto, and also may be disposed of without regard to the prior paragraphs of this section unless the act provides that the particular application may be granted only upon hearing.

§ 1.41 Valuation proceedings; protests.

A protest of a tentative valuation shall contain a concise statement of the essential elements of protest with particular reference to the matters in the tentative valuation concerning which protest is made and shall include a statement of the changes therein desired by protestant. When practicable each object of protest should be set up as a separate item in a separately numbered paragraph. Each item of protest against land values or areas must state the valuation section and zone on the Commission's maps in which the land is located. When protestant claims that property

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owned or used has been omitted, a full description of such property and its location must be included in the protest.

§ 1.42 Petitions for suspension of tariffs or schedules.

(a) *Content.* The protested tariff or schedule sought to be suspended should be identified by making reference to the name of the publishing carrier, freight forwarder, or agent, to the Interstate Commerce Commission number, and to the specific items or particular provisions protested. Reference should also be made to the tariff or schedule, and the specific provisions thereof, proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or schedule is considered to be unlawful, and state what protestant offers by way of substitution. Such protests will be considered as addressed to the discretion of the Commission and no protest shall include a prayer that it also be considered a formal complaint. Should a protestant desire to proceed further against a tariff or schedule which is not suspended, or which has been suspended and the suspension vacated, a separate later formal complaint or petition should be filed.

(b) *When filed.* Protests against, and requests for suspension of, tariffs or schedules filed under the act will not be considered unless made in writing and filed with the Commission at Washington, D.C. Such protests and requests for suspension shall reach the Commission at least 12 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer, unless the protested publications were filed on less than 30-days notice under the authority of this Commission, in which event the protests should be filed not less than 5 days before such effective dates. In an emergency, telegraphic protests will be acceptable if received within the time limits herein specified, provided they also fully comply with paragraph (a) of this section and copies thereof are immediately telegraphed by protestants to the respondent carriers or their publishing agents. Six copies of such telegrams should immediately be mailed by the protestants to the Commission at Washington.

(c) *Copies; service.* Seven copies of each protest or reply filed under this section must be filed with the Commission and one copy of the protest simultaneously be served upon the publishing carrier, freight forwarder, or agent, and upon other persons known by protestant to be interested.

(d) *Reply to protest.* A reply to a protest filed under this section should be filed and served promptly.

§ 1.43 Service of investigation order; default where failure to comply.

An order instituting an investigation will be served by the Commission upon respondents. If within a time period stated in that order a respondent fails to comply with any requirement specified therein respondent shall be deemed in default and to have waived any further

hearing. Thereafter the investigation may be decided without further proceedings.

PETITIONS SEEKING INSTITUTION OF RULEMAKING PROCEEDINGS

§ 1.44 Petitions seeking institutions of rulemaking proceedings.

Any person may file a petition requesting the Commission to institute a proceeding for the purpose of issuing statements, rules, or regulations of general applicability and significance designed to implement or interpret law, or to formulate general policy for future effect. No reply to such a petition may be filed. Whether a proceeding shall be instituted as requested is within the discretion of the Commission and the ruling on the petition will be final.

MODIFIED PROCEDURE

§ 1.45 Modified procedure; how initiated.

(a) *Commission's initiative or by request.* Modified procedure (see § 1.5(j)) will be ordered in a proceeding upon the Commission's initiative or upon its approval of a request filed by any party that the modified procedure shall be observed.

(b) *Order directing modified procedure.* An order directing modified procedure will list the names and addresses of the persons who at that time are parties to the proceeding, and direct that they comply with the modified-procedure rules. As used in §§ 1.49, 1.51, and 1.53 (a) the term "complainant" shall comprehend the term "respondent" or "applicant," and the term "defendant" shall include the term "protestant," according as procedure under §§ 1.45 to 1.54, inclusive, may be ordered in a particular proceeding.

§ 1.46 Modified procedure; effect of order.

(a) *Relief from answer rule.* Issuance of an order directing modified procedure shall relieve defendant from the obligation of answering as provided in § 1.35.

(b) *Default where failure to comply.* If within any time period provided in the modified-procedure rules a party fails to file a pleading required by those rules, or otherwise fails to comply therewith, such party shall be deemed to be in default and to have waived any further hearing. Thereafter the proceeding may be disposed of without further notice to the defaulting party, and without other formal proceedings as to such party.

§ 1.47 Modified procedure; intervention.

Persons permitted to intervene under modified procedure shall file and serve pleadings in conformity with the provisions relating to the parties in whose behalf they intervene.

§ 1.48 Modified procedure; joint pleadings.

Parties having common interests shall arrange for joint preparation of pleadings filed under modified procedure.

§ 1.49 Modified procedure; content of pleadings.

(a) *Generally.* A statement filed under the modified procedure after that procedure has been directed shall state separately the facts and arguments and include the exhibits upon which the party relies. If no answer has been filed pursuant to the waiver provision of § 1.46, defendant's statement must admit or deny specifically and in detail each material allegation of the complaint. In addition defendant's statement and complainant's statement in reply shall specify those statements of fact and arguments of the opposite party to which exception is taken, and include a statement of the facts and arguments in support of such exception. Complainant's statement of reply shall be confined to rebuttal of the defendant's statement.

(b) *Exhibit identification.* In addition to being in compliance with § 1.84 (a) and (b), an exhibit which is part of any pleading filed under modified procedure shall serially be numbered and bear the notation, properly filled out, in the upper right-hand corner: "Complainant (Defendant) _____, Exhibit No. _____, Witness _____."

(c) *Damages.* If an award of damages is sought the paid freight bills or properly certified copies thereof should accompany the original of complainant's statement when there are not more than 10 shipments, but otherwise the documents should be retained.

§ 1.50 Modified procedure; verification.

The facts asserted in any pleading filed under modified procedure must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Except under unusual circumstances, such persons should be those who would appear as witnesses orally to substantiate the facts asserted should hearing become necessary. The original of any pleading filed under modified procedure must show the signature, capacity, and impression seal, if any, of the person administering the oath, and the date thereof.

§ 1.51 Modified procedure; when pleadings filed and served.

Within 20 days from the date of an order requiring modified procedure, complainant shall serve upon the other parties a statement of all the evidence upon which it relies. Within 30 days thereafter defendant shall serve its statement. Within 10 days thereafter complainant shall serve its statement in reply. No further reply may be made by any party except by permission of the Commission.

§ 1.52 Modified procedure; copies of pleadings.

The original and six copies of any statement made pursuant to § 1.51 shall be filed with the Commission. Subsequent pleadings are subject to § 1.54.

§ 1.53 Modified procedure; hearings.

(a) *Request for cross examination or other hearing.* If cross examination of

any witness is desired the name of the witness and the subject matter of the desired cross examination shall, together with any other request for oral hearing, including the basis therefor, be stated at the end of defendant's statement or complainant's statement in reply as the case may be. Unless material facts are in dispute, oral hearing will not be held for the sole purpose of cross examination.

(b) *Hearing issues limited.* The order setting the proceeding for oral hearing, if hearing is deemed necessary, will specify the matters upon which the parties are not in agreement and respecting which oral evidence is to be introduced.

§ 1.54 Modified procedure; subsequent procedure.

Procedure subsequent to that provided in the modified-procedure rules shall be the same as that in proceedings not handled under modified procedure.

NOTICE OF HEARING; SUBPENAS; DEPOSITIONS

§ 1.55 Notice of hearing.

(a) *Assignment; service and posting of notice; requests for postponement.* In those proceedings in which a hearing is to be held, the Commission will, by order or otherwise, assign a time and place for hearing. Notice of such hearing will be posted in the office of the Secretary of the Commission and will be served upon the parties and such other persons as may be entitled to receive notice under the act. A party should be prepared for hearing at its assigned time. Requests for postponement of dates thereof should be made sparingly, and will not be granted except for good and sufficient cause.

(b) *Change of assignment.* The Commission may confine the service of notice of a change of time or place assigned for hearing (other than by publication or posting), or of any adjourned, further, or supplemental hearing to those only who have indicated to the Commission a desire to be notified, at their own expense if telegraphic advice becomes necessary, of any such change.

§ 1.56 Subpenas.

(a) *Requests; particularity.* Unless directed by the Commission upon its own motion, a subpoena to compel a witness to produce documentary evidence will be issued only upon petition showing general relevance and reasonable scope of the evidence sought, which petition must also specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby: *Provided, however,* That for good cause shown, in lieu of a petition, the request for such a subpoena may be made orally upon the record to the officer presiding at the hearing. A request for issuance of a subpoena other than to compel the production of documentary evidence may be made either by letter (original only need be filed with the Commission) or orally upon the record to the officer presiding at the hearing. A showing of general relevance and reasonable scope of the evidence sought may be required and

the subpoena will be issued or denied accordingly.

(b) *Issuance.* A subpoena may be issued by the Commission or by the officer presiding at the hearing, but only under the signature of the Secretary or of a member of the Commission.

(c) *Service.* The original subpoena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be delivered to him by the officer or person making service.

(d) *Return.* If service of subpoena is made by a United States marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpoena in accordance with the form thereon. In case of failure to make service the reasons for the failure shall be stated on the original subpoena. The written acceptance of service of a subpoena by the person named therein shall be sufficient without other evidence of return. The original subpoena, bearing or accompanied by the required return, affidavit, statement, or acceptance of service, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpoena, to the officer presiding at the hearing at which the person subpoenaed is required to appear.

(e) *Witness fees.* A witness who is summoned and responds thereto is entitled to the same fee as is paid for like service in the courts of the United States. Such fee is to be paid by the party at whose instance the testimony is taken at the time the subpoena is served, except that when the subpoena is issued on behalf of the United States or an officer or agency thereof, fees and mileage need not be tendered at the time of service.

§ 1.57 Depositions; preliminary.

(a) *When permissible.* The Commission will either upon its own initiative, or for good cause shown by a party to a proceeding, issue an order to take a deposition.

(b) *Officer before whom taken.* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Within a foreign country a deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission.

(c) *When taken.* Unless under special circumstances and for good cause shown, no deposition shall be taken within 10 days prior to the assigned date of the hearing in such proceeding, and when the deposition is taken in a foreign country it shall not be taken within 30 days prior to such date of hearing.

(d) *Fees.* A witness whose deposition is taken pursuant to these rules and the officer taking same, unless he be employed by the Commission, shall be en-

titled to the same fee paid for like service in the courts of the United States, which fee shall be paid by the party at whose instance the deposition is taken.

§ 1.58 Depositions; petitions.

A petition requesting an order to take a deposition shall be filed with due regard to the time periods specified in § 1.57(c) and shall set forth the name and address of the witness, the place where, the time when, the name and office of the officer before whom, and the cause or reason why such deposition should be taken.

§ 1.59 Depositions; order; interrogatories.

(a) *Order.* If the petition requesting an order to take a deposition is granted which action may be taken without awaiting the possible filing of a reply, the Commission will serve upon the parties an order which will name the witness whose deposition is to be taken, and specify the time when, the place where, and the officer before whom the witness is to testify, but such time and place, and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as set out in the petition.

(b) *Interrogatories.* In lieu of participating in the oral examination, parties served with the order for the taking of a deposition may promptly transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim, but it is not necessary that such interrogatories be served upon the party at whose instance the deposition is taken.

§ 1.60 Depositions; recordation of testimony.

The officer before whom the deposition is to be taken shall observe the provisions respecting appearances (§ 1.71 (a)), and typographical specifications (§ 1.15), put the witness on oath, and shall personally, or by some one acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise to record the evidence.

§ 1.61 Depositions; objections.

All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections.

§ 1.62 Depositions; deponent's signature.

When the testimony is fully transcribed or otherwise recorded the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for

making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall state at the foot thereof the fact of the waiver or of the illness or absence of the witness, or the fact of the refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless, on a motion to suppress, the Commission finds that the reasons given for the refusal to sign are sufficient to require rejection of the deposition in whole or in part.

§ 1.63 Depositions; officer's attestation.

The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that the officer is not of counsel or attorney for any of the parties, and that he is not interested in the event of the proceedings.

§ 1.64 Depositions; return to Commission.

The officer shall securely seal the deposition in an envelope endorsed with the title of the proceeding, and shall promptly send the original and one copy thereof, together with the original and one copy of all exhibits, by registered mail to the Secretary of the Commission. The deposition must reach the Commission not later than 5 days before the date of the hearing at which it is to be offered as evidence.

§ 1.65 Depositions; notice of filing.

The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 1.66 Depositions; copies.

Upon payment of reasonable charges therefor, the officer before whom the deposition is taken shall furnish a copy of it to any interested party or to the deponent.

§ 1.67 Depositions; inclusion in record.

At the oral hearing, if one is held, the deposition shall be offered in evidence by the party at whose instance it was taken. If not offered by such party, it may be offered in whole or in part by the adverse party. If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it, which is relevant to the part introduced, and any party may introduce any other parts. Such deposition shall be admissible in evidence subject to such objections as to competency of the witness, or to the competency, relevancy, or materiality of the testimony as were noted at the time of taking of said deposition, or are made at the time it is offered in evidence.

HEARINGS

§ 1.68 Prehearing conferences.

(a) *Purposes.* Upon written notice by the Commission in any proceeding, or upon written or oral instruction of an

officer, parties or their attorneys may be directed to appear before an officer at a specified time and place for a conference, prior to or during the course of a hearing, or in lieu of personally appearing to submit suggestions in writing, for the purpose of formulating issues and considering:

(1) The simplification of issues;
(2) The necessity or desirability of amending the pleadings either for the purpose of clarification, amplification, or limitation;

(3) The possibility of making admissions of certain averments of fact or stipulations concerning the use by either or both parties of matters of public record, such as annual reports and the like, to the end of avoiding the unnecessary introduction of proof;

(4) The procedure at the hearing;
(5) The limitation of the number of witnesses;

(6) The propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and

(7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

(b) *Facts disclosed privileged.* Facts disclosed in the course of the prehearing conference are privileged and, except by agreement, shall not be used against participating parties either before the Commission or elsewhere unless fully substantiated by other evidence.

(c) *Recordation and order.* Action taken at the conference, including a recitation of the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered and defining the issues, shall be recorded in an appropriate order, unless the parties enter upon a written stipulation as to such matters, or agree to a statement thereof made on the record by the officer.

(d) *Objection to the order; subsequent proceedings.* If an order is entered a reasonable time shall be allowed to the parties to present objections on the ground that it does not fully or correctly embody the agreements reached at such conference. Thereafter the terms of the said order or modification thereof, the written stipulation, or statement of the officer, as the case may be, shall determine the subsequent course of the proceedings, unless modified to prevent manifest injustice.

§ 1.69 Stipulations.

Apart from the procedure contemplated by the prehearing provisions (§ 1.68), and upon permission granted, the parties may in the discretion of the officer, by stipulation in writing filed with the Commission at any stage of the proceeding, or orally made at the hearing, agree upon any pertinent facts in the proceeding. It is desired that the facts be thus agreed upon so far as and whenever practicable.

§ 1.70 Authority of officers.

(a) An officer may grant leave to amend or to file any pleadings, or to intervene, upon request tendered at the hearing, but in no event shall an officer

grant such leave if thereby the issues would be so narrowed as to make a referred matter one which should properly be referred to a different officer. An officer shall have no power to decide any motion to dismiss the proceeding or other motion which involves final determination of the merits of the proceeding. The officer shall regulate the procedure in the hearing before him and take all measures necessary or proper for the efficient performance of the duties assigned him.

(b) Live, delayed, or recorded television or radio broadcasting of Commission hearings, or the taking of pictures in hearing rooms, will not be permitted without special permission of the Chairman of the Commission.

§ 1.71 Appearances; standard of conduct; absence from hearing.

(a) *Who may appear.* Any individual may appear for himself and any member of a partnership which is a party to any proceeding may appear for such partnership upon adequate identification. A bona fide officer or a full-time employee of a corporation, association, or of an individual may appear for such corporation, association, or individual by permission of the officer presiding at the hearing. A party also may be represented by a practitioner.

(b) *Appearances.* An appearance may be either general, that is, without reservation, or it may be special, that is, confined to a particular issue or question. When a practitioner enters an appearance at a hearing he will be expected to represent his client faithfully until the completion of the proceeding in which he has been retained, or until the completion of the part of the proceeding for which he has specially appeared. A practitioner who has entered his appearance at the hearing shall not be permitted to withdraw from the hearing, or wilfully to absent himself therefrom, except for good cause and, wherever practicable, only with the permission of the presiding officer. If a person desires to appear specially, he must expressly so state when he enters his appearance and at that time he shall also state the questions or issues to which he is confining his appearance; otherwise, his appearance will be considered as general.

(c) *Standard of conduct.* Contemptuous conduct by any person appearing at a hearing shall be ground for his exclusion by the presiding officer from the hearing.

(d) *Absence from hearing.* If a party or his representative shall, after entering an appearance, attempt to withdraw from the hearing in a manner other than that specified in paragraph (b) of this section, the Commission on its own motion, or on motion of any party to the proceeding, may take such action as, in the interest of justice and the protection of the lawful rights of all parties to the proceeding, the circumstances of the case may warrant, including the striking out of all or any part of any pleading of the offending party, and including the possible dismissal of the action or proceeding, or any part thereof, the entry of an

order of default against that party, or the disciplining of the practitioner concerned.

§ 1.72 Intervention; petitions.

(a) *Content generally.* A petition for leave to intervene must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the relief sought. If the proceeding be by formal complaint and affirmative relief is sought by petitioner, the petition should conform to the requirements for a formal complaint.

(b) *When filed.* A petition for leave to intervene in any proceeding should be filed prior to or at the time the proceeding is called for hearing, but not after except for good cause shown.

(c) *Broadening issues; filing.* If the petitioner seeks a broadening of the issues and shows that they would not thereby be unduly broadened, and in respect thereof seeks affirmative relief, the petition should be filed in season to permit service upon and answer by the parties in advance of the hearing.

(d) *Copies; service; replies.* When tendered at the hearing, sufficient copies of a petition for leave to intervene must be provided for distribution as motion papers to the parties represented at the hearing. If leave be granted at the hearing, one additional copy must be furnished for the use of the Commission. When a petition for leave to intervene is not tendered at the hearing, the original and two copies of the petition shall be submitted to the Commission together with a certificate that service in accordance with § 1.22 has been made by petitioner. Any reply in opposition to a petition for leave to intervene not tendered at the hearing must be filed within 20 days after service. In the discretion of the Commission leave to intervene may be granted or denied before the expiration of the time allowed for replies.

(e) *Disposition.* Leave will not be granted except on averments reasonably pertinent to the issues already presented and which do not unduly broaden them. If leave is granted the petitioner thereby becomes an intervener and a party to the proceeding.

§ 1.73 Participation without intervention.

In an investigation proceeding, in a proceeding under paragraphs (18) to (20) inclusive of section 1, or sections 5 and 13a of Part I, in application proceedings under parts II, III, and IV, and in a proceeding of any one of the characters herein enumerated when heard on a consolidated record with a complaint proceeding, but in no other proceeding, an appearance may be entered at the hearing without filing a petition in intervention or other pleading, if no affirmative relief is sought, if there is full disclosure of the identity of the person or persons in whose behalf the appearance is to be entered, if the interest of such person in the proceeding and the position intended to be taken are stated fairly, and if the contentions

will be reasonably pertinent to the issues already presented and any right to broaden them unduly is disclaimed. A person in whose behalf an appearance is entered in this manner becomes a party to the proceeding.

§ 1.74 Witness examination; order of procedure.

Witnesses will be orally examined under oath before the officer unless their testimony is taken by deposition or the facts are presented to the Commission in the manner provided under modified or shortened procedure. In formal-complaint, application, and investigation proceedings complainant, applicant, and respondent, respectively, shall open and close at the hearing, except at further hearings granted on petition the petitioner requesting further hearing shall open and close; and except, further, that parties other than the respondent shall open and close in investigations in which the burden of proof is not upon the respondent. Interveners shall follow the party in whose behalf the intervention is made. The foregoing order of presentation may be varied by the officer, who also shall designate the order of presentation in any other type of proceeding, of any other party to any proceeding, or of parties to several proceedings being heard upon a consolidated record.

§ 1.75 Evidence; admissibility generally.

Any evidence which would be admissible under the general statutes of the United States, or under the rules of evidence governing proceedings in matters not involving trial by jury in the courts of the United States, shall be admissible in hearings before the Commission. The rules of evidence shall be applied in any proceeding to the end that needful and proper evidence shall be conveniently, inexpensively, and speedily produced, while preserving the substantial rights of the parties.

§ 1.76 Evidence; cumulative restriction.

It shall be the duty of the officer before whom any proceeding is being heard to limit the number of witnesses whose testimony may be merely cumulative. And in order to enforce this section, the officer may require a clear statement on the record of the nature of the testimony to be given by any witness proffered.

§ 1.77 Evidence; prepared statements.

With the approval of the officer, a witness may read into the record, as his testimony, statements of fact or expressions of his opinion prepared by him, or written answers to interrogatories of counsel, or a prepared statement of a witness who is present at the hearing may be received as an exhibit, provided that the statement shall not include argument; that before any such statement is read, or admitted in evidence the witness shall deliver to the officer, the reporter, and to opposing counsel as may be directed by the officer, a copy of such statement or of such interrogatories and his written answers thereto; and that the admissibility of the evidence con-

tained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner, including the right of cross-examination of the witness. Such approval ordinarily will be denied when in the opinion of the officer the memory or demeanor of the witness may be of importance.

§ 1.78 Evidence; official records.

An official record or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office. A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry. This section does not prevent the proof of official records or of entry or lack of entry therein or official notice thereof by a method authorized by any applicable statute or by the rules of evidence.

§ 1.79 Evidence; entries in regular course of business.

Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, will be admissible as evidence thereof if it shall appear that it was made in the regular course of business, and that it was the regular course of business to make such memorandum or record at the time such record was made, or within a reasonable time thereafter.

§ 1.80 Evidence; documents containing matter not material.

When material and relevant matter offered in evidence is in a document containing other matter not material or relevant, the offering party shall produce the document at the hearing, shall plainly designate the matter so offered, and shall accord to the officer and to participating counsel an opportunity to inspect it. Unless it is

desired to read such matter into the record, and the officer so directs, true copies in proper form of the material and relevant matter taken from the document may be received as an exhibit, but other parties shall be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant. The document itself will not be received.

§ 1.81 Evidence; documents in Commission's files.

(a) *In general.* If any matter contained in a report or other document, not a tariff or schedule, open to public inspection in the files of the Commission is offered in evidence such report or other document need not be produced, but in other respects the provisions of § 1.80 will apply.

(b) *Tariffs and schedules; official notice in investigation proceedings.* If any matter contained in a tariff or schedule on file with the Commission is offered in evidence, such tariff or schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff or schedule. Official notice will be taken without offer or production of that portion of any tariff or schedule which is the subject matter of an order of investigation and suspension.

§ 1.82 Evidence; records in other Commission proceedings.

If any portion of the record before the Commission in any proceeding other than the one on hearing is offered in evidence a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) The party offering the same agrees to supply such copy later at his own expense, if and when required by the Commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any other portion offered by any other party may be incorporated by like reference subject to paragraphs (a) and (b) of this section; and

(d) The officer directs such incorporation. Any such portion so offered, whether in the form of an exhibit or by reference, shall be subject to objection.

§ 1.83 Evidence; abstracts of documents.

When documents, such as freight bills or bills of lading, are numerous, the officer may refuse to receive in evidence other than a limited number of such documents said to be typical. Instead he may instruct, if the proffer be for the purpose of proving damage, that introduction be deferred until there is opportunity to comply with § 1.100. If the proffer be for other purpose the officer may require the party in orderly fashion to abstract the relevant data from the documents, affording other

parties reasonable opportunity to examine both the documents and the abstract, and thereupon offer such abstract in evidence in exhibit form.

§ 1.84 Evidence; exhibits.

(a) *Generally.* Exhibits of a documentary character may have a maximum width of 22 inches by 12½ inches in height. Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered. If the exhibit consists of five or more sheets the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained therein. The exhibit should bear an identifying number, letter, or short title which will readily distinguish it from other exhibits offered by the same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Whenever practicable, especially in proceedings in which it is likely that many documents will be offered, all the documents produced by a single witness should be assembled and bound together, suitably arranged and indexed, so that they may be identified and offered as one exhibit. Exhibits should not be argumentative and should be limited to statements of fact, and be relevant and material to the issue, which can better be shown in that form than by oral testimony.

(b) *Reference to tariff authority, routes, and distances.* All exhibits showing rates, fares, charges, or other tariff or schedule provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff or schedule authority therefor, and if distances are shown must also show the authority therefor and, by lines, highways, or waterways, and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff or schedule lawfully on file with the Commission, or definitely ascertainable from a tariff or schedule on file with the Commission showing rates prescribed by the Commission and based on short-line distances, or short-highway distances, provided the exhibit makes specific reference to such tariff or schedules as provided by this section.

(c) *Copies.* Unless the officer shall otherwise direct, the original and one copy of each exhibit of a documentary character shall be furnished for the use of the Commission—original to be delivered to the reporter, and the copy to the officer. If the hearing be before a board, a copy of the exhibit shall be furnished to each member of the board, unless the board otherwise directs. Unless the officer for cause directs otherwise, a reasonable number of copies shall be furnished to counsel in attendance at the hearing. Unless the officer shall otherwise direct, in proceedings under the Uniform Bankruptcy Act, the original and three copies of every exhibit of a documentary character shall be furnished for use of the

Commission—original to be delivered to the reporter, and the three copies to the officer.

(d) *Interchange prior to hearing.* Whenever practicable, the parties should interchange copies of exhibits or other pertinent material or matter before or at the commencement of the hearing; and the Commission or presiding officer may so direct.

(e) *When excluded how treated.* In case an exhibit has been identified, objected to, and excluded, the officer will develop whether the party offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn it should be given an exhibit number for identification and be incorporated in the record. Exhibit numbers once used for identification will not be duplicated thereafter.

§ 1.85 Record in referred matter unaffected by a second reference.

If for any reason an order referring a matter to a particular officer is vacated and the matter referred to a different officer, any testimony already taken in such proceeding shall be part of the record along with any testimony which thereafter may be taken.

§ 1.86 Evidence; filing of subsequent to hearing; copies.

Except as provided below or as expressly may be permitted in a particular instance, the Commission will not receive in evidence or consider as part of the record any documents, letters, or other writings submitted for consideration in connection with any proceeding after close of the hearing, and may return any such documents to the sender. Before the close of a hearing the officer may, at the request of a party or upon his own motion, or upon agreement of the parties, require that a party furnish additional documentary evidence supplementary to the existing record, within a stated period of time. Documentary evidence thus to be furnished will not be assigned an exhibit number at the hearing, but the document will be given an exhibit number at the time of filing and the parties accordingly advised. Unless otherwise directed by the officer, the original and one copy of such submission shall be filed with the Commission.

§ 1.87 Evidence; objections to.

Formal exception to a ruling of an officer at a hearing is unnecessary. It is sufficient that a party, at the time the ruling is made or sought, make known to the officer on the record the action which he desires the officer to take or his objection to the action of the officer and his grounds therefor. An objection not pressed in brief will be considered as waived. Where no brief is filed an objection will be considered as waived if not pressed in exceptions or reply to exceptions, if filed, or in a separate petition dealing only with that objection.

§ 1.88 Oral argument before officer.

If oral argument before the officer is desired, he should be so notified at or

before the hearing and may arrange to hear the argument at the close of the testimony within such limits of time as he may determine, having regard to other assignments for hearing before him. Such argument will be transcribed and bound with the transcript of testimony, and will be available to the Commission for consideration in deciding the case. The making of such argument shall not preclude oral argument before the Commission and request therefor may be made as provided in § 1.98.

§ 1.89 Continuance for further hearing.

A continuance may be granted by the presiding officer if it is impossible to conclude a hearing within the time available, or for any reason a continuance is necessary or advisable, but a joint board shall not set a date and place for a continued hearing without first consulting the Commission. If consultation with the Commission is impracticable, the hearing shall be adjourned by the joint board to such time and place as the Commission subsequently shall determine.

§ 1.90 Transcript of record.

(a) *Filing.* After the close of the hearing the complete transcript of testimony taken and the exhibits shall be filed with the Commission.

(b) *Corrections.* A suggested correction in a transcript ordinarily will be considered only if offered not later than 20 days after the date each transcript is filed with the Commission. A copy of the letter (original only need be filed with the Commission) requesting the suggested corrections shall be served upon all parties of record and with 2 copies to the official reporter.

(c) *No free copies.* No free copies of transcript will be furnished to any party to any proceeding.

BRIEFS; REPORTS; ORAL ARGUMENT

§ 1.91 Briefs; content and arrangement.

(a) *Due date.* The due date of each brief must appear on its front cover or title page.

(b) *Table of contents; citations.* A brief of more than 20 pages shall contain on its front flyleaves a table of contents and points made with page references, the table of contents to be supplemented by a list of citations, alphabetically arranged, with references to the pages where they appear.

(c) *Sketch or chart.* In proceedings wherein misrouting or undue prejudice or preference are alleged, the complainant should include as part of the brief a small sketch or chart adequately reflecting the situation.

(d) *Evidence abstract.* A brief filed after a hearing should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects, with reference to the pages of the record or exhibit where the evidence appears. The abstract should follow the statement of the case and precede the argument. In the event the party elects not to include a separate abstract in his brief, he should give specific reference to the portions of the rec-

ord, whether transcript or otherwise, relied upon in support of the respective statements of fact made throughout the brief.

(e) *Requested findings.* Each brief should include such requests for specific findings, separately stated and numbered, as the party desires the Commission to make.

(f) *Exhibit reproduction.* Exhibits should not be reproduced in the brief, but may, if desired, be shown, within reasonable limits, in an appendix to the brief. Analyses of such exhibits should be included in the abstract of evidence under the subjects to which they pertain.

§ 1.92 Briefs; when officer's report is served.

In a proceeding which has been the subject of oral hearing, and in which an officer's report is to be prepared and served, which fact will be stated by the officer on the record, only one brief shall be filed by each party. The officer shall fix for all parties the same time within which to file briefs, which time shall not exceed 45 days from the close of the hearing unless otherwise ordered by the Commission. Reply briefs are not permitted unless ordered by the Commission.

§ 1.93 Briefs; when officer's report is not served.

In a proceeding which has been the subject of oral hearing, and in which no officer's report is to be prepared and served, which fact will be stated by the officer on the record, only one brief shall be filed by each party. The officer shall fix for all parties the same time within which to file briefs, which time shall not exceed 45 days from the close of the hearing unless otherwise ordered by the Commission. Reply briefs are not permitted unless ordered by the Commission.

§ 1.94 Briefs of interveners.

Briefs of interveners shall be filed and served within the time fixed for the brief or the party in whose behalf the intervention is made.

§ 1.95 Officer's report; when and how served.

After expiration of the time set for filing briefs, if the proceeding be one in which a hearing has been held, the officer's report will be prepared and served by mailing a copy to each party. An officer's report prepared in a proceeding in which a hearing has not been held will be served by mailing a copy to each party of record and to any other persons not parties to the proceeding who are believed to have an interest in the proceeding.

§ 1.96 Exceptions to officer's report.

(a) *Generally.* Exceptions to the officer's report with respect to statements of fact or matters of law must be specific and must be stated and numbered separately. If exception is taken to conclusions in the report, the points relied upon to support the exception must be stated and numbered separately. When exception is taken to a statement of fact

contained in the report, reference also must be made to the page or part of the record relied upon to support the exception and a corrected statement must be incorporated.

(b) *When filed.* Within 30 days after service of the officer's report, any party may file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed as provided in § 1.23. In any case the Commission may, in its discretion, upon notice to the parties reduce or extend the time for filing exceptions or replies.

(c) *Exceptions and request for hearing by person not party.* If the proceeding is one in which no oral hearing has been held, any person not a party to the proceeding, but having an interest therein, may file and serve upon applicant, or complainant, as the case may be, exceptions to the officer's report and reasons in support thereof. A request for hearing may be included therein but the exceptions need not include a request for hearing if none is deemed necessary.

§ 1.97 Effect of exceptions or absence thereof.

(a) *Upon report and recommended order.* The filing of exceptions to a recommended order operates to stay the effectiveness of the order and thereafter decision by the Commission will be made in due course. If no exception is filed to the recommended order and the Commission does not stay it, the recommended order becomes the order of the Commission upon expiration of the period for filing exceptions provided in § 1.96 (b), or of any postponement of such period, or postponement of the effective date of such order, and a notice stating that the recommended order has, giving the date, become the order of the Commission will be mailed to the parties by the Commission.

(b) *Upon proposed report.* A proposed report will not become the decision of the Commission through failure to file objections, but in the absence of exceptions or of ascertained error the officer's statement of the issues and of the facts ordinarily will be taken by the Commission as the basis of its decision.

§ 1.98 Oral argument before Commission.

(a) *Request; how made.* If no officer's report is to be served, request for oral argument before the Commission must be made at hearing or by letter (original only need be filed with the Commission) within 10 days after the hearing. If an officer's report is to be served, the request for oral argument must be included as part of the exceptions brief or reply thereto.

(b) *Request for time allotment.* If the petition is granted a notice will be served by the Commission upon the parties setting the date for the oral argument. At least 10 days before that date any party desiring to participate in the oral argument must make request by letter (original only need be filed with the Commission) for an allotment of time. Only those making request in this manner will be permitted to participate.

ORDER COMPLIANCE; DAMAGE STATEMENTS

§ 1.99 Compliance with Commission's orders.

When in consequence of proceedings under the act, the Commission has by its order directed a defendant or a respondent to do or desist from doing a particular thing, such defendant or respondent must notify the Commission on or before the date upon which such order becomes effective whether or not compliance has been made therewith. If a change in rates or schedules is required the notification must be given in addition to the filing of proper tariffs or schedules, and must specify the Interstate Commerce Commission numbers of the tariffs or schedules so filed.

§ 1.190 Statements of claimed damages based on Commission findings.

When the Commission finds that damages are due, but that the amount cannot be ascertained upon the record before it, the complainant should immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with the form No. 5. (See Appendix B.) The statement should not include any shipment not covered by the Commission's findings, or any shipment on which complaint was not filed with the Commission within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments moved over more than one route a separate statement should be prepared for each route, and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes. The statement, together with the paid freight bills on the shipments, or true copies thereof, should then be forwarded to the carrier which collected the charges for verification and certification as to its accuracy. If the statement is not forwarded immediately to the collecting carrier for certification, a letter request from defendants that forwarding be expedited will be considered to the end that steps be taken to have the statement forwarded immediately. All discrepancies, duplications, or other errors in the statements should be adjusted by the parties and correct agreed statements submitted to the Commission. The certificate must be signed in ink by a general accounting officer of the carrier and should cover all of the information shown in the statement. If the carrier which collected the charges is not a defendant in the case its certificate must be concurred in by like signature on behalf of a carrier defendant. Statements so prepared and certified shall be filed with the Commission whereupon it will consider entry of an order awarding damages.

REHEARING; REARGUMENT; OR RECONSIDERATION

§ 1.101 Petitions for rehearing, reargument, or reconsideration.

(a) *In general.* (1) A petition seeking any change in a decision, order, or re-

quirement of the Commission should specify whether the prayer is for reconsideration, reargument, rehearing, further hearing, modification of effective date, vacation, suspension, or otherwise.

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

(3) *Limitations on petitions for review of division decisions.* Pursuant to authority granted in section 17(6) of the Interstate Commerce Act, the right to apply to the entire Commission for rehearing, reargument, or reconsideration of a decision, order, or requirement of a division of the Commission in any proceeding shall be limited and restricted to those proceedings in which the entire Commission, on its own motion, determines and announces that an issue of general transportation importance is involved. In proceedings in which no such announcement has been made, but in which a division reverses, changes, or modifies a prior decision by a hearing officer or where the initial decision is made by a division, a petition to the same division for rehearing, reargument, or reconsideration of its decision will be permitted and will be considered and disposed of by such division in an appellate capacity and with administrative finality.

(4) *Petitions seeking a finding that an issue of general transportation importance is involved; 3-page limitation; time for filing; no reply permitted.* In any proceeding which has involved the taking of evidence at oral hearing or by modified procedure in which the Commission has not noted the presence of an issue of general transportation importance, any party may, within 15 days after the service of a final decision, order, or requirement of a division or appellate division, as to which the filing of a petition for rehearing, reargument, or reconsideration is not permitted, file a petition requesting the Commission to find on its own motion that the proceeding is one involving an issue of general transportation importance. Any petition seeking such a finding shall not be considered an application for rehearing, reargument, or reconsideration within the meaning of section 17 of the act and shall not exceed 3 pages. No reply thereto may be filed and the ruling thereon will be final. Petitions seeking the relief specifically covered herein will not be entertained at any other stage of the proceeding.

(5) *Copies of petitions and replies.* In cases in which it has been determined and announced that an issue of general

transportation importance is involved, there shall be furnished for the use of the Commission the original and 14 copies of each petition filed under this section and of replies to such petitions. A like number of copies shall be furnished of petitions seeking a finding that the proceeding involves an issue of general transportation importance. In all other cases, the original and 6 copies of such petitions and replies shall be furnished for the use of the Commission.

(b) *Rehearing or further hearing.* When in a petition filed under this section opportunity is sought to introduce evidence, the evidence to be adduced must be stated briefly, such evidence must not appear to be cumulative, and explanation must be given why such evidence was not previously adduced.

(c) *Modification of effective date.* A petition under this section seeking only modification of the effective date of a decision, order, or requirement, or in the period of notice, or other period or date prescribed therein, must be filed seasonably, except that, in case of unforeseen emergency satisfactorily shown by petitioner, such relief may be sought informally by telegram or otherwise, provided like notice is simultaneously communicated to all parties of record.

(d) *Reconsideration.* If relief under this section other than under paragraphs (b) and (c) is sought, the matters claimed to have been erroneously decided and the alleged errors or relief sought must be specified with the particularity respecting exceptions as outlined in § 1.96 (a), as should also any substitute finding or other substitute requirement desired by petitioner.

(e) *Time for filing.* Except for good cause shown, and upon leave granted, petitions under this section must be filed within 30 days after the date of service of a decision or order.

(f) *Successive petitions on same grounds, not entertained.* A successive petition under this section submitted by the same party or parties, and upon substantially the same grounds as a former petition, which has been considered and denied by the entire Commission will not be entertained.

(g) *Petitions for reconsideration of appellate division decisions on review of board decisions.* When an appellate division has denied a petition seeking a reversal, change, or modification of an original determination by a board of employees, any further petition for reconsideration by the same party or parties upon substantially the same grounds will not be entertained. If in the consideration of such a petition, however, by the appellate division, the previous determination of the board of employees has been reversed, changed, or modified, a further petition may be filed by any party to the proceeding adversely affected by the decision of the appellate division, within the time specified in paragraph (e) of this section, and the petition will be considered and disposed of by the same appellate division which passed upon the initial petition.

§ 1.102 Petitions not otherwise covered.

When the subject matter of any desired relief is not specifically covered by the rules in this part, a petition seeking such relief, which relief shall be construed as including appropriate discovery procedures, and stating the reasons therefor may be served and filed.

SPECIAL RULES OF PRACTICE

§ 1.200 Special rules of practice governing procedure in certain suspension and fourth-section matters.

(a) The proceedings of the Board of Suspension and the Fourth Section Board shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) Petitions for reconsideration of orders of the following may be filed by any interested person within 20 days after the date of the service of the order:

- (1) Board of Suspension,
- (2) Fourth Section Board,
- (3) Appellate Division 2 reversing, changing, or modifying a previous determination of an employee board, and
- (4) Division 2 suspending schedules or granting or denying fourth-section relief prior to hearing in proceedings not subject to a prior determination by an employee board.

Except as to said subparagraph (4) of this paragraph, respecting which an original and 14 copies are required, the original and six copies of every pleading, document or paper filed under this section shall be furnished for the use of the Commission. Any interested person may file and serve a reply to any petition for reconsideration permitted under this paragraph within 20 days after the filing of such petition with the Commission but if the facts stated in any such petition disclose a need for accelerated action, such action may be taken before expiration of the time allowed for reply. In all other respects, such petitions and replies thereto will be governed by the Commission's general rules of practice.

(c) When the Board of Suspension has declined to suspend a proposed tariff or schedule, or any part thereof, a petition in writing by any protestant or protestants may be filed with the Commission for reconsideration by the designated appellate division provided it reaches the Commission at least two work-days prior to the effective date of the tariff or schedule in question. For the purposes of this section, a work-day shall be considered any day except Saturday, Sunday, or a legal holiday in the District of Columbia. (A legal holiday of less than one day shall be considered a work-day within the meaning of this section.) Petitions submitted under this section shall be filed with the Secretary of the Commission by 4:00 p. m., United States Standard Time (or by 4:00 p. m., Local Daylight Saving Time if that time is observed in the District of Columbia). Telegraphic notice or the equivalent thereof must be given by the petitioners to the respondent or respondents. As

no replies to the petitions for reconsideration are contemplated under this rule, petitioners will be expected, except in unusual circumstances, to rely wholly on the information previously filed with the Board of Suspension. Written or telegraphic communication in intelligible form requesting reconsideration will be sufficient. Such request shall contain the following prefatory statement: "This matter requires expedited handling under the Commission's Special Rules of Practice." A petition not timely filed shall be rejected by the Secretary.

§ 1.225 Special rules of practice governing the procedure of the Temporary Authorities Board, the Transfer Board, Finance Boards¹ Nos. 1, 2, and 3, the Safety and Service Boards, the Motor Carrier Boards, the Special Permission Board, the Released Rates Board, and Operating Rights Boards¹ Nos. 1 and 2.

(a) The proceedings of the Temporary Authorities Board, the Transfer Board, Finance Boards Nos. 1, 2, and 3, the Safety and Service Boards, the Motor Carrier Boards, the Special Permission Board, the Released Rates Board, and Operating Rights Boards Nos. 1 and 2 shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of an order of (1) the Temporary Authorities Board, the Transfer Board, a Safety and Service Board, a Motor Carrier Board, the Special Permission Board, the Released Rates Board, or Operating Rights Board No. 2 may be filed by any interested person, and (2) Operating Rights Board No. 1 and the Finance Boards may only be filed by a party to the proceeding. Such petition and reply thereto will be governed by the Commission's general rules of practice, except as otherwise provided in paragraphs (c), (d), and (e) of this section.

(c) The original and six copies of every pleading, document, or paper permitted or required to be filed under this section, shall be furnished for the use of the Commission.

(d) A petition seeking reconsideration of an order of the Temporary Authorities Board entered under section 210a(a) or of a Finance Board entered under sections 210a(b) or 311(b) of the Interstate Commerce Act must be filed within 20 days after the date of service of the order. Within 20 days after the filing of such petition with the Commission any interested person may file and serve a reply thereto.

(e) A petition seeking reconsideration of an affirmative order of the Transfer Board entered pursuant to the rules and regulations governing transfers of property brokers' licenses, Part 167 of this chapter, passenger brokers' licenses, Part 169 of this chapter, motor carrier oper-

ating rights, Part 179 of this chapter, water carrier operating rights, Part 306 of this chapter, and freight forwarder permits, Part 415 of this chapter, must be filed within 20 days following publication of a synopsis of such order in the FEDERAL REGISTER. In such a petition the matters claimed to have been erroneously decided and the alleged errors must be specified with particularity. If the petition contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form. Within 20 days after the final date for filing of such petitions with the Commission, any interested person may file and serve a reply thereto.

§ 1.240 Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(2) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto.

(a) *Scope of special rules.* These special rules govern the filing and handling of (1) applications under section 5(2) or the Interstate Commerce Act respecting control, lease, and unification of operating rights and properties of motor carriers of property or passengers, and (2) applications for approval under section 210a(b) of the act of the temporary operation of motor carrier properties sought to be acquired in an application under section 5(2) of the act. Except as otherwise herein provided, the General Rules of Practice shall apply.

(b) *Notice to interested persons.* (1) Notice of the filing of applications under section 5(2) will be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission, and it shall be the responsibility of applicants promptly to advise the Commission if the summary does not properly describe the authority sought.

(2) If applicants propose that any portion of the operating rights involved in the transaction be canceled or restricted, such proposal will be included in the summary.

(3) The summary will state whether an application has or has not been filed for temporary authority under section 210a(b) of the act.

(4) No notice by applicants to interested persons is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers as may be required by the prescribed form of application, and except as hereinafter provided in paragraph (d) (3) of this section.

(5) Except for good cause shown, amendments to applications which broaden the scope of the proposed transaction will not be allowed if tendered after notice of the filing of an application has been published in the FEDERAL REGISTER. Restrictive amendments may be submitted at any time, but if tendered after such publication, they may be al-

¹The general rules of practice apply to the procedure of all employee boards except to the extent specifically provided for in §§ 1.200 and 1.225.

lowed only in the discretion of the Commission, or by the hearing officer if the matter is assigned for hearing or pre-hearing conference.

(c) *Protests and requests for hearing under section 5(2).* (1) Protests to the granting of an application under section 5(2) of the act shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. A protest filed under these rules shall be served upon applicants' representatives named in the notice of filing published in the FEDERAL REGISTER. Unless otherwise specified in the notice, the original and one copy of the protest shall be filed with the Commission. Protests not in reasonable compliance with the requirements of this section may be rejected in the discretion of the Commission.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding.

(3) A protest against an application shall set forth specifically the grounds upon which it is made and the protestant's interest in the proceeding, shall request an oral hearing if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally.

(4) Any request for an oral hearing shall be supported by a specific explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits, and shall set forth the approximate number of witnesses who would be presented by the protestant, an estimate of the hearing time required for such presentation, and whether a hearing at Washington, D.C., would be objectionable, and, if so, what place would be more suitable; and protestant shall certify in its protest that, if an oral hearing is held, it will appear and present evidence.

(5) Where a person has a limited interest in an application, which possibly could be eliminated by a restrictive amendment of the proposed transaction, such person may also include in a protest filed in conformity with this paragraph an offer to withdraw the protest in the event of acceptance by applicants of such amendment.

(6) Except as provided in subparagraph (5) of this paragraph, or for good cause shown, the failure of any person filing a protest to an application to appear at a hearing scheduled thereon shall be construed as a waiver of his right to participate further in the proceeding; such person shall no longer be considered as a party to the proceeding, and such person and any representative responsible for his participation in the proceeding may be subject to censure for failure to appear.

(7) Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, conference, or other proceedings shall notify the Commission by telegram or letter within 30 days from the date of the publication of the notice of the filing of the application in the FEDERAL REGISTER.

(d) *Procedure to be followed under section 210a(b).* (1) Subject to subparagraph (4) of this paragraph, protests to the granting of an application for temporary authority under section 210a(b) may be filed by persons who oppose, or intend seasonably to oppose, the application under section 5(2).

(2) The protest to temporary approval may be by telegram, letter, or other writing, of which only an original need be filed, or may be included in a protest filed under paragraph (c) of this section. It should state the interest of the protestant and the grounds for the position taken in opposition to temporary approval, and should show service upon applicants' representatives.

(3) If an application for temporary authority is filed in a contested proceeding after the period for filing protests under paragraph (c) of this section has expired, applicants are required to furnish copies of such application to protestants. Notice will not thereafter be given by publication in the FEDERAL REGISTER.

(4) Applications for temporary authority under section 210a(b) will be disposed of without hearings or other proceedings, and without necessarily awaiting expiration of the period allowed for protests.

(5) Unless circumstances requiring immediate action are shown, applications for temporary authority under section 210a(b) will not be disposed of before 10 days after the date the notice of filing of the application under section 5(2) is published in the FEDERAL REGISTER, or 10 days after the date an amended notice is published, if the application for temporary authority is filed within 30 days after the date of initial publication; or, if the application for temporary authority is filed after expiration of the 30 days from the date of initial publication of notice of the section 5 application, and protests have been filed, copies of the temporary authority application shall be served on protestants, and action will not be taken in less than 20 days from the date of such service, unless circumstances require immediate action.

(e) *Hearing or other procedures under section 5(2).* (1) The Commission will determine whether an assignment for oral hearing should be made, after notice to interested persons of the filing of the application has been published in the FEDERAL REGISTER and the period for filing protests has expired. At or prior to such time, applicants who do not intend to prosecute their application should promptly request dismissal thereof.

(2) Applicants who believe their application is not susceptible of handling without oral hearing may request oral hearing when the application is filed, or later, if additional evidence which cannot reasonably be submitted in the form of affidavits is required.

(3) If applicants request an oral hearing and show that such hearing is necessary, or if the proceeding is contested, applicants shall advise the approximate number of witnesses who will be pre-

ented, furnish an estimate of the hearing time required for such presentation, and state whether a hearing at Washington, D.C., would be objectionable, and, if so, what place would be more suitable.

(f) *Notice of hearing, conference or other proceedings.* (1) Notice of the time and place of any hearing, conference, or other proceedings will be given to applicants' representatives, applicants, protestants, and other interested parties by mailing to them the order or notice assigning the application for hearing, conference, or other procedure.

(2) A request by any party for a change in the time or place of an assigned hearing must set forth good and sufficient cause for the action requested, must be in writing and filed with the Commission not less than 10 days before the assigned hearing date, except in emergency circumstances, and must be served on all known parties of record at the same time and by the same method of communication as service is made on the Commission. Where such requests are filed less than 10 days before the date of hearing, the petitioning party shall state the reasons for his failure to make such request within the prescribed time.

(3) The applicants' representatives, protestants, and those who request notice of changes in time or place of hearing, conference, or other proceedings will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

(4) Upon receipt of an order or notice of a hearing assignment, applicants who no longer intend to proceed to hearing shall immediately and jointly request dismissal of their application, with appropriate notification to all protestants, failing in which applicants or their representatives, or both, may be subject to censure.

(g) *Intervention.* Section 1.73 relating to participation without intervention is inapplicable to applications subject to this section, except with respect to persons seeking to intervene in support. No person who fails to file a protest as provided in these rules will be permitted to intervene in opposition except upon a showing of substantial reasons in a petition submitted in accordance with § 1.72.

§ 1.242 *Special rules governing notice of institution of proceedings under section 212(c) of the Interstate Commerce Act, and certain other procedural matters with respect thereto.*

(a) *Scope of special rules.* These special rules govern the institution of proceedings upon the Commission's own initiative or upon application of the holder of motor contract-carrier authority issued on or before August 22, 1957, for the revocation of such outstanding motor contract-carrier authority and issuance in lieu thereof of a certificate of public convenience and necessity, under section 212(c) of the Interstate Commerce Act. Except as otherwise herein provided, the general rules of practice shall apply.

(b) *Notice to interested persons.* Notice to interested persons of institution of such proceedings shall be given by publication in the FEDERAL REGISTER of a summary, prepared by the Commission, of the authority in issue. No other notice to interested persons of the institution of the proceeding is required, except that applicants are not relieved from the obligation to file copies of their applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers, as required by the instructions which are part of the prescribed form of application.

(c) *Protests to issuance of a common carrier certificate—(1) Content.* A protest against the issuance of a certificate in lieu of contract carrier authority outstanding as of August 22, 1957, shall set forth with particularity the facts, matters and things relied upon, and contain a concise statement of the interest of protestants in the proceeding. It shall not include issues or allegations phrased generally, but shall include a request for oral hearing if one is desired. Protests containing general allegations may be rejected.

(2) *When filed.* Any protest shall be filed with the Commission within 30 days after the date notice of the proceeding is published in the FEDERAL REGISTER.

(3) *Copies, service.* A protest filed under this section shall be served upon the carrier seeking conversion of its contract-carrier authority, and the original and six copies of the protest shall be filed with the Commission.

(4) *Failure to file protest.* Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding except in proceedings assigned for oral hearing.

(d) *Hearing—(1) Oral, determination.* The Commission will determine whether an assignment for oral hearing should be made, after notice to interested persons has been published in the FEDERAL REGISTER and the period for filing protests has expired.

(2) *Oral hearing, notice.* If it is determined that an oral hearing should be assigned, or if a pre-hearing conference is to be held, the date, hour, and place of the hearing or pre-hearing conference, together with the name of the examiner or number of the Joint Board before whom the matter is assigned, shall be served on all parties of record. Notice of a change in the time or place of hearing will be given as provided in paragraph (f) of this section.

(3) *Notice of intent to protest.* Any person opposed to a proceeding assigned for oral hearing who previously has not filed a formal protest may become a party protestant at the oral hearing provided he has notified the applicant or respondent and the Commission of his intention to protest. Such notification shall be made by letter or telegram dispatched so as to reach the representative of applicant or respondent (or applicant or respondent if not practitioner representing him is named in the notice) at

least 10 days prior to the date of hearing. Two dated copies of such notification simultaneously shall be mailed to the Commission. No persons other than those who file a formal protest or those who notify the applicant or respondent of their intention to protest will be permitted to intervene in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with § 1.72.

(e) *Modified procedure—(1) Uncontested proceedings.* Proceedings in which no protests are filed within 30 days after publication of notice in the FEDERAL REGISTER and which are not assigned for oral hearing will be determined on the basis of the verified statements contained in response to the questionnaire filed by the carrier in connection with whose operations the proceeding is instituted.

(2) *Contested proceedings.* Proceedings in which protests are filed but which are not assigned for oral hearing will be handled in accordance with §§ 1.45(b), 1.46(b), and 1.47 to 1.54, inclusive.

(f) *Notice of changes in time or place of hearing.* Those who file protests or notice of intention to protest and any person who requests notice of changes in the time or place of hearing will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

§ 1.243 *Special Rules governing notice of filing of applications by motor carriers of property under section 7(c) of the Transportation Act of 1958, by motor and water carriers of persons and property under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a) and 309(f), and by freight forwarders of property under sections 410(a)(2) and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960, and certain other procedural matters with respect thereto.*

(a) *Scope of special rules.* These special rules govern the filing and handling of "grandfather" and "interim" applications by motor carriers of property under section 7(c) of the Transportation Act of 1958, by motor and water carriers of persons and property under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a) and 309(f), and by freight forwarders of property under sections 410(a)(2), and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960. Except as otherwise herein provided, the general rules of practice shall apply.

(b) *Notice to interested persons.* Notice of the filing of such applications to interested persons shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligations to

file copies of the applications with State Boards and the District Directors of the Commission's Bureau of Motor Carriers as required by the instructions which are a part of the prescribed form of application.

(c) *Protests.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER, except protests to the granting of an application involving operations from, to, or between points in Alaska or Hawaii shall be filed with the Commission within 75 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding.

(3) Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected.

(4) A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing published in the FEDERAL REGISTER). The original and six copies of the protest shall be filed with the Commission.

(5) Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, conference, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of the publication of the notice of the filing of the application in the FEDERAL REGISTER.

(d) *Notice of hearing, conference, or other proceedings.* Notice of the time and place of any hearing, conference, or other proceeding will be given to applicant's representative, applicant, protestants, and other interested parties by mailing to them the order or notice assigning the application for hearing, conference, or other proceeding.

(e) *Intervention.* Section 1.73 relating to participation without intervention is inapplicable to applications subject to this paragraph. No person who fails to file a protest as provided in this paragraph will be permitted to intervene in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with § 1.72.

(f) *Notice of changes in time or place of hearing, conference, or other proceeding.* The applicant's representative (or applicant if he has no representative), protestants, and those who request notice of changes in time or place of hearing, conference, or other proceeding will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

§ 1.244 Special rules governing notice of filing of applications for certificates of registration by motor common carriers under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962, and certain other procedural matters with respect thereto.

(a) *Scope of special rules.* These special rules govern the filing and handling of applications for "grandfather" certificates of registration by motor common carriers under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. Except as otherwise herein provided, the general rules of practice shall apply.

(b) *Notice to interested persons.* Notice to interested persons of the filing of such applications shall be given by the publication in the FEDERAL REGISTER of the applicant's name and address, the name and address of applicant's representative, if any, and appropriate identification (by number, date of issuance, and name of issuing authority) of the State certificate(s) and any amendments thereto to be registered. The operating authority embraced in such State certificates will not be published. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligations to file copies of the applications with State Boards and the District Directors of the Commission's Bureau of Motor Carriers as required by the instructions which are a part of the prescribed form of application.

(c) *Protests.* (1) Protests to the granting of an application may be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding.

(3) Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected.

(4) A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing published in the FEDERAL REGISTER). The original and six copies of the protest shall be filed with the Commission.

(d) *Requests for hearing.* Any request for an oral hearing shall set forth specifically the grounds therefor. The Commission will determine whether or not assignment of the application for hearing is necessary or desirable.

§ 1.245 Special rules governing procedures for the issuance to single-State common carriers by motor vehicle of Certificates of Registration under section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962, authorizing motor common carrier operations in interstate and foreign commerce, and certain other procedural matters with respect thereto.

(a) *Scope of special rules.* These special rules govern (1) the matter of giving notice to interested persons, by publication in the FEDERAL REGISTER, of the filing of applications for State certificates of public convenience and necessity authorizing motor common carrier operations in the transportation of property or passengers in intrastate commerce, in connection with which the applicant also desires to engage in transportation in interstate and foreign commerce under the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962, and certain related matters.

(2) The filing with the Interstate Commerce Commission of applications for Certificates of Registration based upon intrastate certificates of public convenience and necessity issued by a State Commission which contain a concurrent finding that the public convenience and necessity require operations in interstate and foreign commerce in accordance with the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962.

(3) The filing with, and the handling by, the Interstate Commerce Commission of petitions for reconsideration of the decisions of State Commissions, made pursuant to the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962, finding that the public convenience and necessity require motor common carrier operations in the transportation of property or passengers, in interstate and foreign commerce, which do not exceed the scope of the concurrently authorized motor common carrier operations in intrastate commerce contained in certificates of public convenience and necessity issued by such State Commissions. Except as otherwise herein provided, the general rules of practice shall apply.

(b) *Notice to interested persons of the filing of State Applications.* In accordance with such rules and regulations as may be prescribed by the State Commissions, any person seeking an intrastate certificate of public convenience and necessity, who or which also desires to engage in transportation in interstate and foreign commerce pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962, shall so notify the State Commission with which the intrastate application is filed at the time of filing the intrastate application. Notice to interested persons of the filing of such an application, and of the applicant's desire also to engage in transportation in interstate and foreign commerce, shall be given by the

publication in the FEDERAL REGISTER of a summary of the authority sought as prepared by the State Commission and transmitted to the Interstate Commerce Commission at Washington, D.C. (See approved Form No. 7 in Appendix B.) In order to afford interested persons a reasonable opportunity to be heard, such summaries must be forwarded to the Interstate Commerce Commission sufficiently in advance of any hearings that may be scheduled on the application so noticed. Except as otherwise may be required by the State Commission, no other notice by applicant to interested persons is necessary.

(c) *Conduct of, and participation in, State Commission application proceedings.* Subject to the requirement of section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962, that interested persons be afforded a reasonable opportunity to be heard, the rules and regulations of the State Commission with which the intrastate application is filed shall govern the conduct of, and participation in, any State hearings or other State Commission proceedings that may be held with respect to such application, notice of the filing of which has been published in the FEDERAL REGISTER pursuant to paragraph (b) of this section. Protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission. The record made in the State Commission proceeding shall be made available to the parties to such proceeding upon payment of such costs as may be fixed or prescribed by the State Commission.

(d) *Applications to the Interstate Commerce Commission for Certificates of Registration.* (1) Within 30 days after service by the State Commission of a certificate of public convenience and necessity authorizing motor common carrier operations in intrastate commerce and containing the recitations required by section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962, the holder of such State certificate shall file with the Interstate Commerce Commission at Washington, D.C., an Application for Motor Carrier Certificate of Registration, Form BOR-100, § 7.100 of this chapter. Such application shall be prepared in accordance with and contain all information called for in the form of application and the instructions thereto. Copies of such application shall be furnished in such number, and be filed and served in the manner and upon the persons specified in the form of application.

(2) Upon receipt, an application for a Certificate of Registration will be assigned a docket number; and thereafter notice of the date of filing of the application and the docket number assigned

thereto will be transmitted by the Interstate Commerce Commission to the applicant and those persons upon whom copies of the application were served by the applicant as specified in the form of application; and thenceforth all further proceedings therein before the Interstate Commerce Commission will be under such docket designation.

(3) Any party in interest, who or which opposed in the State Commission proceeding the authorization of operations in interstate or foreign commerce, shall be deemed to be a party in the corresponding application proceeding instituted in accordance with subparagraph (1) of this paragraph. No other person will be permitted to participate in such proceeding except upon a showing of substantial reasons in a petition submitted in accordance with § 1.72 of the Commission's general rules of practice.

(4) Except for good cause shown, and upon leave granted, failure to file an application for a Certificate of Registration within the 30-day time period specified in subparagraph (1) of this paragraph shall be construed as a waiver of any right thereafter to file for and obtain such a certificate.

(e) *Petitions for reconsideration of State Commission decisions made the subject of applications for Certificates of Registration*—(1) *Parties*. Any party in interest, who or which opposed in the State Commission proceeding the authorization of operations in interstate or foreign commerce, may file with the Interstate Commerce Commission at Washington, D.C., a petition seeking reconsideration of the State Commission decision which is the basis for an application for a Certificate of Registration.

(2) *Filing requirements*. Except for good cause shown, and upon leave granted, petitions under this rule shall be filed within 30 days after the date of the filing of an application with the Interstate Commerce Commission pursuant to paragraph (d) (1) of this section for a Certificate of Registration authorizing motor common carrier operations in interstate and foreign commerce under the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962, and such petition shall be filed under the docket number assigned to the related application proceeding.

(3) *Contents*. Any such petition shall specify with particularity the facts, matters, and arguments relied upon; and unless a copy of such record already has been submitted by another petitioner, such petition shall be accompanied by a certified copy of the complete record made before the State Commission, including a transcript of any testimony taken and any exhibits filed before such State Commission, such copy to be provided by, and at the expense of, the petitioner. The petition shall conform in all respects to requirement of §§ 1.15 and 1.17 of this Commission's general rules of practice. The original and 6 copies of the petition, and one certified copy of the record made before the State Commission, shall be furnished for the

use of the Interstate Commerce Commission.

(4) *Replies to petitions*. A reply to a petition filed under these rules may be filed and served within 20 days after the final date for filing such petitions. The original and 6 copies of the reply shall be furnished for the use of the Interstate Commerce Commission.

(5) *Service of petitions and replies*. Copies of each petition and reply filed under these rules shall be served on the State Commission involved and on all other parties to the State Commission proceeding in accordance with the requirements of § 1.22 of the Commission's general rules of practice.

(6) *Effect of petitions*. The filing under these rules of a petition for reconsideration shall not preclude or affect the institution of the motor carrier operations in intrastate commerce authorized by the State certificate; and failure seasonably to file a petition for reconsideration under these rules will be construed as a waiver of opposition and further participation in the related application proceeding for a Certificate of Registration.

(f) *Disposition of Applications for Certificates of Registration and related petitions for reconsideration*. Applications for Certificates of Registration and related petitions for reconsideration filed under these rules will be handled together and processed in a single proceeding and will be disposed of by the division of the Interstate Commerce Commission to which these matters may be assigned, acting as an Appellate Division. Except as the Interstate Commerce Commission may, in its discretion, otherwise direct, a decision or order issued by the Appellate Division disposing of such an application and petition will be administratively final and petitions by any of the parties for reconsideration of such Division's actions will not be entertained.

(g) *Disposition of Unopposed Applications for Certificates of Registration*. Where the State Commission proceeding which resulted in the issuance of the State Certificate sought to be made the basis of a Certificate of Registration was unopposed, or where petitions for reconsideration of the finding of the State Commission that the public convenience and necessity require operations in interstate and foreign commerce are not seasonably filed, the application for a Certificate of Registration will be disposed of in the most expeditious manner and, so far as practicable and legally permissible, without formal hearings or other proceedings.

§ 1.246 Special rules pertaining to proceedings for the discontinuance or change of train or ferry service.

(a) *Scope of special rules*. These special rules govern procedure before the Commission in proceedings commenced by carriers subject to part I of the Interstate Commerce Act, under and pursuant to the provisions of section 13a of said Act, upon a notice under paragraph (1) of said section or by a petition under paragraph (2) thereof, with respect to a proposed discontinuance or change, in

whole or in part, of the operation or service of any train or ferry.

(b) *General rules otherwise applicable*. Except as provided otherwise in these special rules, proceedings upon notices and petitions filed under section 13a shall be governed by the Commission's general rules of practice.

(c) *Notices and petitions by carriers*. A notice filed under paragraph (1), and a petition under paragraph (2), of said section 13a shall be prepared in accordance with and contain the information called for by rules and regulations then in force with respect to such a notice or petition. See Part 43 of this chapter.

(d) *Notice to interested parties*. Notice of the institution of any investigation or of the time and place of any hearing, conference, or other proceeding will be given by the Commission to the carrier or carriers involved, the Governor and appropriate regulatory agency of each State in which the train or ferry affected is operated, protestants, and other interested parties of record, by mailing to them the order or notice instituting the investigation or assigning the hearing, conference, or other proceeding. Similar notice will be given to the same parties of changes in the time or place of hearing, conference, or other proceeding when time permits notice by mail; but, if telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who have requested telegraphic notice at their expense.

(e) *Participation at hearings without intervention*. In an investigation proceeding under section 13a(1), or in proceedings upon a petition filed under section 13a(2), an appearance may be entered at the hearing without filing a petition in intervention or other pleading, if there is full disclosure of the identity of the person or persons in whose behalf the appearance is to be entered, if the interest of such person in the proceeding and the position intended to be taken are stated fairly, and if the contentions will be reasonably pertinent to the issues already presented. A person in whose behalf an appearance is entered in this manner becomes a party to the proceeding.

(f) *Complaints and protests*. When a notice is filed with the Commission pursuant to the provisions of section 13a(1), proposing to discontinue or change, in whole or in part, the operation or service of any train or ferry operating from a point in one State to a point in any other State or in the District of Columbia, or from a point in the District of Columbia to a point in any State, any interested person opposed to such proposal may make his opposition known by filing with the Commission a complaint or protest. The complaint or protest may be by telegram, letter, or other writing, of which only an original need be filed. Service of copies thereof upon the carrier proposing the discontinuance or change is not required. A complaint or protest should identify the proceeding by reference to the name of the carrier and to the particular train

or ferry involved, and should state the interest of the complainant or protestant and the grounds for the position taken in opposition to the proposal. In order to be considered by the Commission, a complaint or protest must be filed with the Commission in Washington, D.C., not later than 15 days before the date when the carrier proposes to make effective the subject discontinuance or change. Replies to a protest or complaint are not contemplated, and failure to reply will not be construed as an admission of any allegations contained therein.

(g) *Petitions for reconsideration of orders instituting an investigation.* Petitions for reconsideration of an order instituting an investigation in relation to a proposed change or discontinuance may be filed by the carrier or carriers affected within 15 days after the date of service of the order. An original and 6 copies shall be furnished for the use of the Commission, and copies thereof shall be served upon the persons to whom copies of the notice of the carrier were required to be mailed by the rules and regulations prescribed by the Commission. See § 43.5 of this chapter. Any interested person may file and serve a reply to any petition for reconsideration permitted under this paragraph within 15 days after the filing of such petition with the Commission.

(h) *Reconsideration of decision not to institute an investigation.* A decision not to institute an investigation concerning a proposed discontinuance or change of service may be made the subject of a petition for reconsideration by any interested person, provided the petition reaches the Commission at least two workdays prior to the effective date of the proposed discontinuance or change of service. If an order is desired requiring continuance of the service pending hearing and decision upon investigation, the petition should reach the Commission at least two workdays before the Commission's authority to enter such an order will expire.¹ For the purposes of this section, a workday shall be considered any day except Saturday, Sunday, or a legal holiday in the District of Columbia. (A legal holiday of less than one day shall be considered a workday within the meaning of this section.) Petitions submitted under this paragraph shall be filed with the Secretary of the Commission by 4:00 p.m., United States Standard Time (or by 4:00 p.m., Local Daylight Saving Time if that time is observed in the District of Columbia.) Written or telegraphic communication in intelligible form requesting reconsideration will be sufficient. The request for reconsideration shall contain the following prefatory statement: "This matter requires expedited handling under the Commission's spe-

¹ Under the provisions of section 13a(1) of the Act, an order of the Commission requiring continuance of the operation or service, pending hearing and decision in an investigation, must be served upon the carrier or carriers affected thereby at least 10 days before a discontinuance or change would otherwise become effective.

cial rules of practice". If in writing, an original and six copies of the petition shall be furnished for the use of the Commission. Telegraphic notice or its equivalent must be given by the petitioner to the carrier or carriers affected, and certification that such notice has been given must accompany the request for reconsideration. Action may be taken upon the petition without awaiting a reply, but if a reply is received prior to a decision upon the petition it will be given consideration. A petition not timely filed will be rejected by the Secretary.

(i) *Protests.* As the applicable statute requires a full hearing in the State involved before the Commission may grant a petition under the provisions of section 13a(2), for authority to discontinue or change the operation or service of any train or ferry operated wholly within the boundaries of a single State, it is not necessary that persons opposed to such a petition file a protest in order to obtain a hearing on the proposal, but interested persons may file protests by complying with § 1.40 or they may register their opposition by letter addressed to the Secretary, Interstate Commerce Commission, Washington 25, D.C., for the purpose of receiving notice of the time and place of hearing when assigned. See paragraph (e) of this section in regard to participation at hearings.

§ 1.247 *Special rules governing notice of filing of applications by motor carriers of property or passengers and brokers under sections 206 (except section 206(a)(6) relating to Certificates of Registration), 209 and 211, by water carriers under sections 302(e), 303, and 309, and by freight forwarders under section 410 of the Interstate Commerce Act, and certain other procedural matters with respect thereto.*

(a) *Scope and applicability of special rules—(1) Scope.* These special rules govern the filing and handling pursuant to the provisions of the Interstate Commerce Act of (i) applications for certificates, permits, and licenses respecting the transportation of property or passengers under sections 206 (except section 206(a)(6) relating to Certificates of Registration), 209, and 211, (ii) applications for certificates, permits, and exemptions respecting the water transportation of property or passengers under sections 302(e), 303, and 309, and (iii) applications for permits to operate as freight forwarders and for certificates of abandonment under section 410. Except as otherwise herein provided, the general rules of practice shall apply.

(2) *Applicability.* These special rules shall apply to all applications enumerated in subparagraph (1) of this paragraph and filed with the Commission on and after May 20, 1966, and to such of those applications filed prior to that time as the Commission may designate by appropriate publication in the FEDERAL REGISTER.

(b) *Applications—(1) Form and content.* An application filed with the Commission under these special rules shall be prepared in accord with and contain

the information called for in the form of application prescribed by the Commission or in instructions which may have been issued by the Commission with respect to the filing of such an application.

(2) *Copies and service.* Copies of an application filed under these special rules shall be furnished in such number and shall be filed and served in the manner and upon the persons specified in the form or instructions.

(3) *Requests for handling applications without oral hearing.* An applicant who believes its application is susceptible of handling without oral hearing may request such handling when the application is filed. If such a request is made at that time, the applicant shall submit with its application original verified statements of the facts to which its witnesses would testify at an oral hearing if one were held, together with one copy thereof which need not be verified. Applicant shall furnish copies of its verified statements to interested persons upon request from such interested persons.

(c) *Notice to interested persons.* (1) Notice of the filing of applications to competitors and other interested persons will be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission, and it shall be the responsibility of applicant promptly to advise the Commission if the summary does not properly describe the authority sought. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and Regional Directors of the Commission's Bureau of Operations and Compliance as may be required by the prescribed form of the application.

(2) *Amendments.* Except for good cause shown, amendments to applications which broaden the scope of the proposed operations will not be allowed if tendered after notice of the filing of an application has been published in the FEDERAL REGISTER. Restrictive amendments acceptable to the Commission may be submitted at any time, but if tendered after such publication, they may be allowed only in the discretion of the Commission or by the hearing officer if the matter is assigned for hearing or prehearing conference.

(d) *Protests and request for hearing.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. A protest filed under these rules shall certify that it has been served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing published in the FEDERAL REGISTER). Unless otherwise specified in the published notice, the original and one copy of the protest shall be filed with the Commission. Protests not in reasonable compliance with the requirements of these rules may be rejected in the discretion of the Commission.

(2) Failure seasonably to file a protest will be construed as a waiver of

opposition and participation in the proceeding.

(3) A protest against any application shall set forth specifically the grounds upon which it is made and contain a detailed statement of the protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method (whether by joinder, interline, or other means) by which protestant would use such authority to provide all or part of the service proposed), shall request an oral hearing if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests phrased in general terms and not complying with these specifications may be rejected.

(4) Any request for an oral hearing shall be supported by a specific explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits, and shall set forth the number of witnesses which would be presented by the protestant and an estimate of the hearing time required for such presentation. Protests embracing a request for oral hearing shall contain the following certification without further qualification:

The undersigned hereby certifies that, if an oral hearing is held, protestant(s) will appear and present evidence of protestant(s) own operations and particular interest(s) in the outcome of this application unless this application is amended so as to eliminate the interest(s) of protestant(s) as set forth in this protest.

(5) Where a person has a limited interest in an application, which possibly could be eliminated by a restrictive amendment to the application, which amendment must be acceptable to the Commission, it may also include in a protest filed in conformity with this paragraph an offer to withdraw the protest in the event of acceptance by applicant and the Commission of such amendment.

(6) Except where a restrictive amendment has been made as provided in subparagraph (5) of this paragraph, or for good cause shown, the failure of any person filing a protest to an application to appear at a hearing scheduled thereon shall be construed as a waiver of its right to participate further in the proceeding; such person shall no longer be considered as a party to the proceeding, and it and any representative responsible for its participation in the proceeding may be subject to censure for failure to appear. In addition, the mere appearance of protestant without the presentation of evidence of protestant's own operations and particular interest in the application may, in the absence of good cause shown, subject protestant and its representative to similar censure.

(7) An interested person, not a protestant, desiring to receive notice of the time and place of any hearing, conference, or other proceedings shall notify the Commission by telegram or letter (original and one copy) within 30 days from the date of the publication of the

notice of the filing of the application in the FEDERAL REGISTER.

(e) *Hearing or other procedures to be followed*—(1) *Determination*. The Commission will determine whether an assignment for oral hearing should be made, after notice to interested persons of the filing of the application has been published in the FEDERAL REGISTER and the period for filing protests has expired. At or prior to such time, any applicant who does not intend to prosecute its application should promptly request dismissal thereof.

(2) *Uncontested proceedings*. Proceedings in which no protests are filed within 30 days after publication of notice in the FEDERAL REGISTER, and which are not assigned for oral hearing, will be determined on the basis of verified statements submitted by applicant. Where not submitted previously along with the application as provided in paragraph (b) (3) of this section, such statements, by order, will be required to be filed by the applicant with the Commission within the time prescribed in said order, failing which the application may be summarily dismissed for want of prosecution.

(3) *Contested proceedings*. In those contested proceedings which the Commission determines that assignment of an application for oral hearing is unnecessary, thereafter the procedure shall be in accordance with §§ 1.45(b), 1.46(b), and 1.47-1.54, inclusive, of the general rules of practice, except that only the original and one copy of any statement made pursuant to § 1.51 need be filed with the Commission. All other contested proceedings which are subject to these rules will be assigned for oral hearing, unless other procedures are ordered.

(f) *Withdrawal or dismissal of contested applications*. If protests to its application have been filed, applicant shall, within 30 days after the period for filing protests has expired, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application. Failure so to notify the Commission will be construed to mean that applicant has no further interest in the application, and the application will thereupon be dismissed by the Commission. Withdrawal of the application after the 30-day period or failure by applicant to appear at a hearing scheduled thereon will, except for good cause shown, subject applicant and its representative to censure.

(g) *Notice of hearing, conference or other proceedings*—(1) *Initial assignment*. Notice of the time and place of any hearing, conference, or other proceedings will be given to applicant's representative, applicant, protestants, and other interested parties by mailing to them the order or notice assigning the application for hearing, conference, or other procedure.

(2) *Assignment of an application for hearing concurrently with notice of its filing*. For the convenience of the Commission in handling applications related to one or more applications which already have been noticed in the FEDERAL REGISTER, when, in the Commission's dis-

cretion, the public interest would be served, an application may be concurrently noticed and assigned for hearing provided appropriate publication in the FEDERAL REGISTER can be made at least 1 week prior to the assigned date of hearing. Where such action is taken, and regardless of any prior publication of the application, any interested person may, without filing a protest prior to the assigned hearing, appear at the hearing in opposition to the application so assigned and become a party and be entitled to participate in that proceeding.

(3) *Requests for change*. A request by any party for a change in the time or place of an assigned hearing must set forth good and sufficient cause for the action requested, must be in writing and filed with the Commission not less than 10 days before the assigned hearing date, except in emergency circumstances, and must be served on all known parties of record at the same time and by the same method of communication as service is made on the Commission. Where such requests are filed less than 10 days before the date of hearing, the petitioning party shall state the reasons for his failure to make such request within the prescribed 10 days.

(4) *Notice of changes*. The applicant's representative (or applicant if it has no representative), protestants, and those who request notice of changes in time or place of hearing, conference, or other proceeding will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

(h) *Intervention*. Section 1.73 relating to participation without intervention is inapplicable to applications subject to this section, except with respect to those persons seeking to intervene in support. No person who fails to file a protest as provided in these rules will be permitted to intervene in opposition in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with § 1.72.

(i) *Drafting of recommended order and report by prevailing party*. Applications in which oral hearings are held and in which the hearing officer can announce his decision on the record after the close of the taking of testimony may be made the subject of a report and recommended order, prepared by the party or parties in whose favor the hearing officer decides, within a period specified by the hearing officer. The hearing officer will make such changes as he considers appropriate in the draft prepared for him.

NOTE: The following General Policy Statement Concerning Motor Carrier Licensing Procedures (Ex Parte No. 55) was published May 3, 1966, at 31 F.R. 6600:

The number of applications filed for authority to conduct operations, in interstate or foreign commerce, as common and contract carriers by motor vehicle, long has been on the increase. The rate of this increase has accelerated markedly in recent years and shows no signs of abating. Motor carrier applications alone, which now make up about 85 percent of the Commission's formal case

docket, increased from 5,655 new filings in 1964 to 7,658 new filings in 1965. In the first quarter of 1966, 2,454 motor carrier applications already have been opened. The pending docket of this category of cases alone on April 1, 1966, totaled 6,534.

Motor carrier application proceedings involve issues of substantial interest not only to the regulated transportation industry, but to every shipper and receiver of goods, regardless of the size of his operation; to manufacturers, wholesalers, distributors, and retailers; and to all members of the general public, both as buyers and consumers, and as travelers over the lines of the Nation's common carriers of passengers. To delay a determination that a newly proposed motor transportation is required by the public convenience and necessity or would be consistent with the public interest and the national transportation policy can result in an irretrievable loss of sales and can unjustifiably deprive the public of needed products and transportation services. For the regulated surface transportation industry to continue to thrive, to grow, and to keep pace with the expanding national economy, the mechanics of regulation must be such that administrative decisions are not only fair and impartial, but are rendered with reasonable dispatch and efficiency. The regulatory process in which competing claims are considered and adjudicated must be geared to the type of proceeding involved, and must not entail an expenditure of time and money, either for the parties or the Government, which is disproportionate to the scope, importance, and economic significance of the particular proceeding.

Operating under its present procedures, the Commission no longer is able to deal with motor carrier application proceedings with the promptness and efficiency to which the parties are entitled, and which the nature of the proceedings themselves and the public interest require. The due and timely execution of the Commission's functions, therefore, imperatively and unavoidably, requires that these procedures be modified to eliminate those steps and procedural requirements which result in undue and unnecessary delay and in unjustified expense.

To achieve the foregoing ends and to insure that application proceedings are adjudicated with the maximum possible speed and efficiency consistent with the requirements of due process of law, this Commission has adopted, among other things, a number of general policies and internal procedures governing the handling and processing of motor carrier operating authority applications. A new form for applying for operating rights has been approved and released, and revised special rules of practice have been issued.

In processing the motor carrier caseload, the scheduling of unnecessary oral hearings will be avoided to the extent possible. Where the issues presented are well defined or where the matters involved are not of sufficient moment to justify the expense of an oral hearing, parties will be required to submit their evidence in the form of verified statements under the modified procedure, and the issuance of an initial report by a hearing officer will be dispensed with. Oral hearings for the sole purpose of cross-examination will be scheduled only where material facts are in dispute.

All applications for motor carrier operating rights will be noticed in the FEDERAL REGISTER as at present. After the 30-day period for filing protests has expired, the Commission will determine whether an ap-

plication should be placed on the hearing docket or the modified procedure docket.

All unopposed applications will be assigned directly to the Commission's Operating Rights Board No. 1, as is done at present. Where the necessary supporting information has not been filed with the application, an order will be entered calling for the filing of the necessary supporting verified statements, after which the case will be disposed of by that Board.

All opposed applications will be placed either on the hearing docket or the modified procedure docket. To the hearing docket will be assigned the more complex cases, and those which, for one reason or another, might be handled more expeditiously and effectively with an oral hearing. Applications placed on the hearing docket will be processed through oral hearing and the issuance of a report and recommended order.

To the modified procedure docket will be assigned those applications in which an oral hearing is not deemed necessary for their proper disposition. Assignments to the modified procedure docket will be followed by the entry of an order requiring the submission of the supporting and opposing evidence under the present general rules of practice. Such order will provide that "except for good cause shown" all preliminary motions or other requests for relief filed prior to a decision will not be handled separately but will be acted upon by those making the decision in the case.

Following the filing of all verified statements under the modified procedure in opposed application proceedings, the cases will be submitted to one of the three existing Operating Rights Review Boards, in rotation, to the extent practicable, for the issuance of final reports. The Boards' decision will be subject to petitions to Appellate Division 1.

A request for cross-examination by any party will be disposed of by the Review Board. If the Board concludes that the request has merit, it will have the authority to refer the case for hearing for the purpose of cross-examination. Requests which are found to be without merit will be denied in the Board's report, with the reasons for the action taken. The Review Board also will have authority to refer for full oral hearing any case in which it believes such treatment is warranted.

APPENDIX A—CODE OF ETHICS FOR PRACTITIONERS BEFORE THE INTERSTATE COMMERCE COMMISSION

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PREAMBLE

No rules of conduct can be framed which will particularize all the duties of the practitioner in the varying phases of litigation or in his relations to clients, adversaries, other practitioners, the Commission and the public. The following canons of ethics are adopted as a general guide for those admitted to practice before the Interstate Commerce Commission.

It will be remembered that the practitioners before the Commission include (a) lawyers, who have been regularly admitted to practice law, and (b) others having traffic or other technical experience qualifying them to aid the Commission in administration of the Interstate Commerce Act and related acts of Congress. The former are bound by a broad code of ethics and unwritten rules of professional conduct which apply to every activity of a lawyer; for the latter, no code of ethics has been written heretofore. The following canons do not release the lawyer from any of the duties or principles of professional conduct by which lawyers are bound. They apply alike to all practitioners before the Commission and the setting forth therein of particular duties or principles of conduct should not be construed as a denial of the existence of others equally imperative although not specifically mentioned. The word "Commission" as used herein includes Divisions of the Commission, and the representatives of the Commission, whether members, examiners, or other employees connected with the matter in hand.

CANONS OF ETHICS

1. *Standards of ethical conduct in courts of United States to be observed.* These canons are in furtherance of the purpose of the Commission's rules of practice which enjoin upon all persons appearing in proceedings before it to conform, as nearly as may be, to the standards of ethical conduct required of practitioners before the courts of the United States; and such standards are taken as the basis for these specifications, modified in so far as the nature of the practice before the Commission requires.

2. *The duty of the practitioner to and his attitude towards the Commission.* It is the duty of the practitioner to maintain towards the Commission a respectful attitude, not for the sake of the temporary incumbent of the office, but for the maintenance of the importance of the functions he administers. In many respects the Commission functions as a Court, and practitioners should regard themselves as officers of that Court and strive to uphold its honor and dignity. The Commission, not being wholly free to defend itself is peculiarly entitled to receive the support of the practitioner against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a member or employee of the Commission it is the right and duty of the practitioner to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

3. *Punctuality and expedition.* It is the duty of the practitioner not only to his client, but also to the Commission and to the public, to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

4. *Attempts to exert political influence on the Commission.* It is unethical for a practitioner to attempt to sway the judgment of the Commission by propaganda, or by enlisting the influence or intercession of members of the Congress or other public officers, or by threats of political or personal reprisal.

5. *Attempts to exert personal influence on the Commission.* Marked attention and unusual hospitality on the part of a practitioner to a Commissioner, examiner, or other representative of the Commission, uncalled for and unwarranted by the personal relations of the parties, subject both to misconstruction of motive and should be avoided. A self-respecting independence in the discharge of duty, without denial or diminution of the courtesy and respect due the official station is the only proper foundation for cordial personal and official relations between Commission and practitioners.

6. *The selection of Commissioners.* The nomination of Commissioners is a duty of the President, and confirmation, of the Senate. It is the duty of the practitioners in so far as they attempt to advise the appointing or confirming officers, to endeavor to prevent any consideration from outweighing fitness in the selection.

7. *The practitioner's duty in its last analysis.* No client, corporate or individual, however powerful, no cause, civil or political, however important, is entitled to receive, and no practitioner should render, any service or advice involving disloyalty to the law or disrespect of its official ministers, or corruption of any person or persons exercising a public office or employment or private trust, or deception or betrayal of the public. In rendering any such improper service or advice the practitioner invites and merits stern and just condemnation. Correspondingly, he advances the honor of his calling and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, although until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all he will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

8. *Private communications with the Commission.* In the disposition of contested proceedings brought under the Interstate

Commerce Act the Commission exercises quasi-legislative powers, but it is nevertheless acting in a quasi-judicial capacity. It is required to administer the Act and to consider at all times the public interest beyond the mere interest of the particular litigants before it. To the extent that it acts in a quasi-judicial capacity, it is grossly improper for litigants, directly or through any counsel or representative, to communicate privately with a commissioner, examiner or other representative of the Commission about a pending cause, or to argue privately the merits thereof in the absence of their adversaries or without notice to them. Practitioners at all times should scrupulously refrain in their communications to and discussions with the Commission and its staff from going beyond ex parte representations that are clearly proper in view of the administrative work of the Commission.

9. *Adverse influences and conflicting interests.* It is the duty of a practitioner at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of the person to represent or assist him.

It is unethical to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon a practitioner represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

10. *Joint association of practitioners and conflicts of opinion.* A client's proffer of the assistance of additional practitioner should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A practitioner should decline association as colleague if it is objectionable to the practitioner first retained, but if the client should relieve the practitioner first retained, another may come into the case.

When practitioners jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted by them unless the nature of the difference makes it impracticable for the practitioner whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another practitioner are unworthy of those who should be brethren, but, nevertheless, it is the right of any practitioner, without fear or favor, to give proper advice to those seeking relief against an unfaithful or neglectful practitioner, generally after communication with the practitioner of whom the complaint is made.

11. *Withdrawal from employment.* The right of a practitioner to withdraw from employment, once assumed, arises only from good cause. Even the desire or consent of the client is not always sufficient. The practitioner representing him should not throw up the unfinished task to the detriment of his client except for reasons of honor or self-respect. If the client insists upon an unjust or immoral course in the conduct of his case, or if he persists over the practitioner's remonstrance in presenting frivolous defenses, or if he deliberately disregards an agreement or obligation as to fees or expenses, the

practitioner may be warranted in withdrawing on due notice to the client, allowing him time to employ another. So also when a practitioner discovers that his client has no case and the client is determined to continue it; or even if he finds himself incapable of conducting the case effectively. Sundry other instances may arise in which withdrawal is to be justified. Upon withdrawing from a case after a retainer has been paid, he should refund such part of the retainer as has not been clearly earned.

12. *Advising upon the merits of a client's cause.* A practitioner should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. He should beware of bold and confident assurances to clients, especially where employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

13. *Negotiations with opposing party.* A practitioner should not in any way communicate upon the subject of controversy with a party represented by another practitioner except upon express agreement with the practitioner representing such party; much less should he undertake to negotiate or compromise the matter with him, but should deal only with the practitioner who represents the other party. It is incumbent upon the practitioner most particularly to avoid everything that may tend to mislead a party not represented by a practitioner, and he should not undertake to advise him as to the law.

14. *Fixing the amount of the fee.* In fixing fees, practitioners should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, although his poverty may require a less charge, or even none at all.

15. *Compensation, commission and rebates.* A practitioner should accept no compensation, commissions, rebates, or other advantages from parties to the proceeding other than his client without the knowledge and consent of his client after full disclosure.

16. *Contingent fees.* Contingent fees should be such only as are sanctioned by law. In no case, except a charity case, should they be entirely contingent upon success.

17. *Division of fees.* No division of fees for services is proper, except with a member of the bar or with another practitioner, based upon a division of service or responsibility. It is unethical for a practitioner to retain laymen to solicit his employment in pending or prospective cases, and reward them by a division of fees, and such a practice cannot be too severely condemned.

18. *Suing clients for fees.* Controversies with clients concerning compensation are to be avoided in so far as compatible with self-respect and with the right to receive reasonable recompense for services; and lawsuits against clients should be resorted to only to prevent injustice, imposition or fraud.

19. *Acquiring interest in litigation.* The practitioner shall not purchase or otherwise acquire any pecuniary interest in the subject matter of the litigation which he is conducting.

20. *Expenses.* A practitioner may not properly agree with a client that the practitioner shall pay or bear the expenses of litigation. He may in good faith advance expenses as a matter of convenience but subject to reimbursement by the client.

21. *Witnesses.* A practitioner shall not undertake that the compensation of a witness shall be contingent upon the success of the cause in which he is called. If the ascertainment of truth requires that a prac-

itioner should seek information from one connected with or reputed to be biased in favor of an adverse party, he is not thereby deterred from seeking to ascertain the truth from such person in the interest of his client.

22. *Dealing with trust property.* Money of the client or other trust property coming into the possession of the practitioner should be reported promptly, and, except with the client's knowledge and consent, should not be commingled with the practitioner's private property or be used by him.

23. *How far a practitioner may go in supporting a client's cause.* Nothing will operate more certainly to create or foster popular prejudice against practitioners as a class, and deprive them of that full measure of public esteem and confidence which belongs to the proper discharge of their duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the practitioner to do whatever may enable him to succeed in winning his client's cause.

The practitioner owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of the disfavor of the Commission or public unpopularity should restrain him from full discharge of his duty. The client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his counsel to assert every such remedy or defense. But it is to be steadfastly borne in mind that this great trust is to be performed within and not without the bounds of the law. Admission to the privilege of appearing before the Commission as representing another does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicanery. He must obey his own conscience and not that of his client.

24. *Restraining clients from improprieties.* A practitioner should use his best efforts to restrain and to prevent his clients from doing those things which he himself ought not to do, particularly with reference to their conduct towards the Commission, other practitioners, witnesses and suitors. If a client persists in such wrong-doing the practitioner should terminate their relations.

25. *Ill-feeling and personalities between advocates.* Clients, not their representatives, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence practitioners in their conduct and demeanor toward each other or toward suitors in the case. All personalities between practitioners should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of practitioners on the other side. Personal colloquies between practitioners which cause delay and promote unseemly wrangling should also be carefully avoided. Their statements should be addressed to the Commission.

26. *Treatment of witnesses and litigants.* A practitioner should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudice of a client in the trial or conduct of a cause. The client cannot be made the keeper of the practitioner's conscience in such matters. He has no right to demand that the practitioner representing him shall abuse the opposing party or indulge in offensive personal remarks on the ground that it is what the client would say if speaking in his own behalf.

27. (None.)

28. *Discussion of pending litigation in public press.* Attempts to influence the action and attitude of the members and examiners of the Commission through propaganda, or through colored or distorted articles, in the public press, are more apt to react against than in favor of the parties resorting to such measures. On the other hand, it is not against the public interest or unfair to the Commission that the facts of pending litigation shall be made known to the public through the press in a fair and unbiased manner and in dispassionate terms. Practitioners should themselves avoid, and should counsel their clients against, giving to the public press any press notices or statements of a nature intended to inflame the public mind, to stir up possible hostility toward the Commission, or to influence the Commission's course and judgment as to pending or anticipated litigation. When the circumstances of a particular case appear to justify a statement to the public through the press, it is unethical to make it anonymously.

29. *Candor and fairness.* The conduct of practitioners before the Commission and with other practitioners should be characterized by candor and fairness. The non-technical character and liberality of the Commission's practice call for scrupulous observance of the principles of fair dealing and just consideration for the rights of others.

It is not candid or fair for a practitioner knowingly to misstate or misquote the contents of a paper, the testimony of a witness, the language or the argument of an opposing practitioner, or the language or effect of a decision or a text book; or, with knowledge of its invalidity to cite as authority a decision which has been overruled or otherwise impaired as a precedent or a statute which has been repealed; or in argument to assert as a fact that which has not been proved, or to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A practitioner should not offer evidence, which he knows the Commission should reject, in order to get the same before the Commission by argument for its admissibility, or arguments upon any point not properly calling for determination. He should not introduce into an argument remarks or statements intended to influence the by-standers.

These and all kindred practices are unethical and unworthy of a practitioner.

30. *Right of practitioner to control the incidents of the trial.* As to incidental matters pending the trial, not affecting the merits of the cause or working substantial prejudice to the rights of the client, such as forcing the opposing practitioner to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposing practitioner when no harm will result from trial at a different time, agreeing to extensions of time and the like, the practitioner and not the client, must be allowed to judge. In such matters no client has a right to demand that his practitioner shall be illiberal or do anything therein repugnant to the practitioner's sense of honor and propriety.

31. *Taking technical advantage of opposing practitioner; agreements with him.* A practitioner should not ignore known customs or practice of the Commission, even when the law permits, without giving timely notice to the opposing practitioner. In so far as possible, important agreements affecting the rights of clients should be reduced to writing; but it is dishonorable to avoid

performance of an agreement fairly made because it is not reduced to writing.

32. *Advertising, direct or indirect.* The most worthy and effective advertisement possible is the establishment of a well-merited reputation for capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not improper. But solicitation of employment by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unethical. It is equally unethical to procure business by indirection through touters of any kind. Indirect advertisement for employment by furnishing or inspiring newspaper comments concerning causes in which the practitioner has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the practitioner's positions, and all other like self-laudation, lower the tone of the calling and are intolerable.

33. *Professional card.* The simple professional card mentioned in Canon 32 may with propriety contain only a statement of the practitioner's name (and those of his associates), occupation, address, telephone number, and special branch or branches of practice. Such cards may be inserted in reputable lists and may give authorized references, or name clients with their permission.

34. *Stirring up litigation, directly or through agents.* It is unethical for a practitioner to volunteer advice that a proceeding be brought before the Commission, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unethical but it is indictable at common law. It is disreputable for a practitioner to hunt up defects or other causes of action and disclose them in order to be employed to bring complaint, or to breed litigation by seeking out those having claims for damages or any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office to seek his services. No complaint should be brought before the Commission by a practitioner except with the distinct knowledge and specific consent of the client in the particular case. A duty to the public and to the Association devolves upon every member having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disciplined or disbarred.

35. *Justifiable and unjustifiable litigation.* The practitioner must decline to conduct a cause or to make a defense when convinced that it is intended merely to harass or to injure the opposing party, or to work oppression or wrong. But otherwise it is his right, and having accepted retainer, it becomes his duty, to insist upon the judgment of the Commission as to the merits of his client's claim. His appearance should be deemed equivalent to an assertion upon his honor that in his opinion his client's case is one proper for determination.

36. *Responsibility for litigation.* No practitioner is obliged to act either as adviser or advocate for every person who may seek to become his client. He has the right to decline employment. Every practitioner upon his own responsibility must decide what employment he will accept, what causes he will bring before the Commission for complainants, or contest for defendants or respondents. The responsibility for advising as to questionable transactions, for bringing questionable proceedings, for urging questionable defenses is his alone. He cannot

escape it by urging as excuses that he is only following his client's instructions, or that he is under a stated retainer or in the regular employment of his client.

37. *Discovery of imposition and deception.* When a practitioner discovers that some fraud or deception has been practiced, which has unjustly imposed upon the Commission or a party, he should endeavor to rectify it; first by advising his client to forego any advantage thus unjustly gained and, if his client refuses, by promptly informing the injured person or his counsel (practitioner), so that appropriate steps may be taken.

38. *Upholding the honor of the calling.* Practitioners should expose without fear or favor before the proper tribunals corrupt or dishonest conduct and should accept without hesitation employment against a practitioner who has wronged his client. The practitioner upon the trial of a cause in which perjury has been committed owes it to the Commission and to the public to bring the matter to the knowledge of the prosecuting authorities. The practitioner should aid in guarding the bar of the Commission against admission thereto of candidates unfit or unqualified because deficient in either moral character or education. A practitioner should propose no person for admission to practice before the Commission unless from personal knowledge or upon reasonable inquiry he sincerely believes and is able to vouch that such person possesses the qualifications prescribed in the Commission's rules of practice. He should strive at all times to uphold the honor and maintain the dignity of his calling and to improve not only the law but the administration of justice.

39. *Intermediaries.* The services of a practitioner should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and practitioner. His responsibility and qualifications are individual. He should avoid all relations which direct the performance of his duties in the interest of such intermediaries. His relation to the client should be personal, and the responsibility should be direct to the client.

He may accept employment from any organization such as an association, club or trade organization, authorized by law to be a party to proceedings before the Commission, to render services in such proceedings in any matter in which the organization, as an entity, is interested. This employment should only include the rendering of such services to the members of the organization in respect to their individual affairs as are consistent with the free and untrammelled performance of his duties to the Commission.

Nothing in this canon shall be construed as conflicting with canon 17.

40. *Retirement from public employment.* A practitioner, having once held public office or having been in the public employ, should not after his retirement, accept employment as an advocate or adviser in the same proceeding or as to the same, or substantially the same, facts as were involved in any specific question which he investigated or passed upon in a judicial or quasi-judicial capacity while in such office or employ, whether the same or different parties are concerned.

41. *Confidences of a client.* The duty to preserve his client's confidences in the course of his employment outlasts the practitioner's employment, and extends as well to his employees. None of them should accept employment which involves the disclosure or use of these confidences, either for the private advantage of the practitioner or his employees or to the disadvantage of the client, without knowledge and consent of the client even though there are other available sources of such information. A practitioner should not continue employment when he

discovers that this obligation prevents the performance of his full duty to his former or to his new client.

If a practitioner is falsely accused by his client, he is not precluded from disclosing the truth in respect to the false accusation. The announced intention of a client to commit a crime is not included within the confidences which a practitioner is bound to respect. He may properly make such disclosures as to prevent the act or protect those against whom it is threatened.

42. *Partnerships-names.* Partnerships among practitioners for the practice of their calling are very common and are not to be condemned. The rules of the Commission provide that corporations or firms will not be recognized. Practitioners before the Commission should therefore appear individually and not as members of partnerships. In the formation of partnerships care should be taken not to violate any law locally applicable; care should also be taken to avoid any misleading name or representation which would create a false impression as to the position or privileges of a member not locally admitted, or who is not duly authorized to practice, and as such amenable to discipline. No person should be held out as a practitioner or member who is not so admitted. No practitioner who is not admitted to practice in the courts should be held out in a way which will give the impression that he is so admitted. No false or assumed or trade name should be used to disguise the practitioner or his partnership. The continued use of the name of a deceased or former partner is or may be permissible by local custom, but care should be taken that no imposition or deception is practiced through this use. If a member of the firm becomes a Commissioner, or an Examiner or other employee of the Commission his name should not be retained in the firm name, as such retention may give color to the impression that an improper relation or influence is continued or possessed by the firm.

This canon does not inhibit the association of a practitioner with a mercantile, manufacturing, or other commercial institution, in the capacity of its representative or adviser.

43. *Titles.* No member of the Association not admitted to the bar shall use the title "Attorney" or "Counsel" but should use the title "Traffic Manager," "Practitioner before the Interstate Commerce Commission," "Registered Practitioner," or other appropriate title or designation.

APPENDIX B—APPROVED FORMS

TABLE OF CONTENTS

1. Complaint; verification.
2. Answer.
3. Certificate of service.
4. Petition for leave to intervene.
5. Form of reparation statement under § 1.100.
6. Verification for statements of fact filed under modified procedure.
7. Approved Form No. 7 under § 1.245.

[These forms may be used in cases to which they are applicable, with such alterations as the circumstances may render necessary. Before using such forms the pertinent rules, particularly those referred to in the footnotes, should carefully be studied.]

No. 1. COMPLAINT¹

Before the Interstate Commerce Commission

COMPLAINT

v.

¹ See §§ 1.26 to 1.33, inclusive.

[Insert without abbreviation the names of complainant and defendant (including each of the receivers, operating trustees, or other legal representatives of defendant), and whether a corporation, firm, or partnership, specifying the individual names of the parties composing the partnership; and the postoffice address of any motor-carrier defendant.]

The Complaint of the above-named complainant respectfully shows:

I. That [complainant should here state nature and place of business, also whether a corporation, firm, or partnership, and if a firm or partnership, the individual names of the parties composing the same.]

II. That the defendant above named is [here state whether: (a) carrier by railroad, express, motor vehicle (common or contract), water (common or contract), a freight forwarder, or otherwise; (b) the transportation is of property or passengers, or both; and (c) the transportation involves a freight forwarder or more than one type of carrier, specifying particulars] between points in the State of _____ and points in the State of _____ [a complaint under part II should specifically name the States in and through which the transportation which gives rise to the complaint is performed] and as such defendant is subject to the provisions of the Interstate Commerce Act.

III. That [state in this and subsequent paragraphs to be numbered IV, V, etc., the matter or matters intended to be complained of, naming every rate, fare, charge, classification, regulation, or practice the lawfulness of which is challenged, and also, if practicable, the points between which the rates, etc., complained of are applied. Where it is impracticable to designate each point, describe clearly the rate territory or rate group involved. Whenever practicable tariff or schedule reference should be given.]

[Where unlawful discrimination, preference, or prejudice is alleged the particular elements specified in the act as constituting such violation (see sections 2, 3, 4, 13, 216, 217, 218, 305, and 406) and the facts upon which complainant relies to establish the violation should be stated clearly. Where any provision of the act other than those just mentioned, or any requirement established pursuant to the act, is alleged to be violated, the pertinent statutory provision, or established requirement, together with the facts which are alleged to constitute the violation, should be stated. If two or more subsections of the act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one subsection, or requirement, should be stated separately from those claimed to constitute a violation of another subsection, or requirement, wherever that can be done by reference or otherwise without undue repetition.]

X. That by reason of the facts stated in the foregoing paragraphs complainant has been subjected to the payment of rates [fares or charges, etc.] for transportation which were when exacted and still are (1) unjust and unreasonable in violation of section _____ of the Interstate Commerce Act, and (2) unjustly discriminatory in violation of section _____, and (3) unduly preferential or prejudicial in violation of section _____, and (4) in violation of the long-and-short haul [or aggregate of intermediate rates] provision of section 4 thereof. [Use one or more of the allegations numbered (1), (2), (3), (4), or other appropriate allegation according to the nature of the complaint.] That [if recovery of damages is sought] complainant has been injured thereby to his damage in the sum of \$_____.

Wherefore complainant prays that defendant be required to answer the charges here-

in; that after due hearing and investigation an order be made commanding said defendant [and each of them] to cease and desist from the aforesaid violations of said act, and establish and put in force and apply in future to the transportation of... between the origin and destination points named in paragraph... hereof, in lieu of the rates [fares, or charges, etc.], named in said paragraph, such other rates [fares, or charges, etc.], as the Commission may deem reasonable and just [and also, if recovery of damages is sought, pay to complainant by way of reparation for the unlawful charges hereinbefore alleged the sum of \$... or such other sum as, in view of the evidence to be adduced herein, the Commission shall determine that complainant is entitled to an award of damages under the provisions of said act for violation thereof], and that such other and further order or orders be made as the Commission may consider proper in the premises.

Dated at _____, 19____
(Complainant's signature *)
(Office and post-office address)
(Signature of practitioner)
(Post-office address)

VERIFICATION 3

STATE OF _____ }
County of _____ } ss:
_____, being duly sworn, deposes and says: that he is the complainant (or, one of the complainants; or, is the (insert title of the affiant if complainant is a corporation) of the _____ company, complainant) in the above-entitled proceeding; that he has read the foregoing complaint, and knows the contents thereof; that the same are true as stated, except as to matters and things if any, stated on information and belief, and that as to those matters and things, he believes them to be true.

Subscribed in my presence, and sworn to before me, by the affiant above named, this day of _____, 19____
[USE AN L. S. IMPRESSION SEAL]

[Title of Officer]
Commission expires _____

No. 2. ANSWER 4

Before the Interstate Commerce Commission

ANSWER

Docket No. _____

v.

The above-named defendant, for answer to the complaint in this proceeding, respectively states:

I. [Here set forth appropriate and responsive admissions, denials, and averments, specifically answering the complaint paragraph by paragraph.]

Wherefore defendant prays that _____
Dated _____, 19____

[Name of defendant]
By _____
[Title of officer]

* See footnote to Verification.
* Signature and verification by complainant unnecessary if complaint is signed by a practitioner. See § 1.17.
* See §§ 1.35 to 1.37, inclusive.
* See § 1.17.

[Office and post-office address]

[Signature of practitioner]

[Post-office address]

No. 3. CERTIFICATE OF SERVICE *

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (here state the precise manner of making service, which must be consistent with the provisions of Rule 22).

Dated at _____, this ____ day of _____, 19____
(Signature)

No. 4. PETITION FOR LEAVE TO INTERVENE 7
Before the Interstate Commerce Commission
PETITION

_____,
v. _____ } Docket No. _____
[or state other title]

* See § 1.22.
7 See § 1.72.

No. 5. FORM OF REPARATION STATEMENT UNDER § 1.100

Claim of _____ under decision of the Interstate Commerce Commission in Docket No. _____

Date of shipment	Date of delivery or tender of delivery	Date charges were paid	Car 1 initials	Car 2 number	Origin	Destination	Route	Commodity	Weight	As charged		Should be		Reparation on basis of the Commissioner's decision	Charges paid by 1
										Rate	Amount	Rate	Amount		

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the Commission by or on behalf of claimant or, so far as claimant knows, by or on behalf of any other person, in any other proceedings, except as follows: (Here indicate any exceptions, and explanation thereof).

Claimant
By _____
Practitioner

Address

Date

Total amount of reparation \$ _____
The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.
Date _____ Concurred 4 in: _____ Company
By _____, Auditor. By _____, Auditor.

1 Substitute "Vessel" if water carrier involved. 2 Substitute "Voyage No." if water carrier involved.
3 Here insert name of person paying charges in the first instance, and state whether as consignee, consignee, or in what other capacity.
4 If not a defendant, strike out word "defendant."
5 For concurring certificate in case collecting carrier is not a defendant.

No. 6. VERIFICATION FOR STATEMENTS OF FACT FILED UNDER MODIFIED PROCEDURE *

STATE OF _____,
County of _____, ss:

_____ being duly sworn, deposes and says that he has read the foregoing statement, knows the contents thereof, and that the same are true as stated.

(Signed) _____
Subscribed and sworn to before me this _____ day of _____
Notary Public of _____
My Commission expires _____

* See § 1.50.

Comes now your petitioner, _____, and respectfully represents that he has an interest in the matters in controversy in the above-entitled proceeding and desires to intervene in and become a party to said proceeding, and for grounds of the proposed intervention says:

I. That [petitioner should here state nature and place of business, and whether a corporation, firm, or partnership, etc., as in form No. 1].

II. [Petitioner should here set out specifically his position and interest in the proceeding.]

III. [If affirmative relief is sought see paragraphs III and X and prayer in form No. 1]

Wherefore said _____ prays leave to intervene and be treated as a party hereto with the right to have notice of and appear at the taking of testimony, produce and cross examine witnesses, and be heard in person or by counsel upon brief and at the oral argument, if oral argument is granted.

[If affirmative relief is sought insert appropriate prayer here.]

Dated at _____, 19____
[See forms Nos. 1 and 3 as to subscription, verification, and certificate of service.]

NOTICE OF FILING OF APPLICATION FOR PUBLICATION IN FEDERAL REGISTER UNDER SECTION 206 (a) (6) OF THE INTERSTATE COMMERCE ACT, AS AMENDED
(See instructions)

PART I

(To be completed by applicant)

Notice is hereby given that the below-named applicant has filed with

_____ (Name of State commission) an application for a certificate to conduct motor common carrier operations in intrastate commerce; that, in connection with such operations, applicant also is seeking authority to engage in transportation in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations which may be authorized to be conducted; and that the intrastate and

interstate operations proposed to be conducted are as set forth below.

1. -----
 (Name and business address of applicant)

 (Street) (City) (State)

2. -----
 (Name and address of applicant's representative, if any)

 (Street) (City) (State)

3. Describe below in full the operations proposed to be conducted in intrastate commerce, together with the extent to which applicant is seeking authority in connection with such intrastate operations to engage in transportation in interstate and foreign commerce. (If additional space is necessary, use reverse side.)

 (Signature)

 (Title)

Date ----- 19--

PART II

(To be completed by State commission)

Date of filing application -----
 Docket number assigned -----
 Date and time and place application has been assigned for hearing, if known -----

 (Signature)

 (Title)

 (Name of State commission)

Date this notice forwarded to Interstate Commerce Commission, Washington 25, D.C., ----- 19--

INSTRUCTIONS

This form is for use in giving notice to interested persons regarding the filing of intrastate motor carrier applications in connection with which the applicant also desires authority to engage in interstate and foreign commerce pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962, by Public Law 87-805. It should be filed in duplicate (along with the intrastate application) with the State commission, which will forward it to the Interstate Commerce Commission, Washington 25, D.C.

The description in Part I, item 3 should include the commodities (or passengers) sought to be transported, the points to be served, and the routes over which, or territories within which, such transportation is to be performed. Care should be taken to insure that the description, which will be published in the FEDERAL REGISTER, fully informs interested persons of the type and

scope of the proposed intrastate operations, and the extent to which applicant desires authority to engage in transportation in interstate and foreign commerce in connection with such intrastate operations.

APPENDIX C—EX PARTE COMMUNICATIONS

1. *Ex parte communications.* (a) No person who is a party to, or counsel or agent of a party, or who intercedes in, any on-the-record proceeding, shall submit any ex parte communication concerning the merits of the proceeding to any member of the Commission, hearing officer, member of a joint board, or to any employee of the Commission participating in the decision in such proceeding.

(b) No member of the Commission, hearing officer, member of a joint board, or employee of the Commission participating in the decision in such proceeding shall invite or knowingly entertain any prohibited ex parte communication, or make any such communication to any party to, or counsel or agent of a party, or any other person who he has reason to know may transmit such communication to a party or party's agent.

2. The prohibitions of paragraph 1 apply from the time an on-the-record proceeding is noticed for oral hearing or the taking of evidence by modified procedure or from such earlier time as the Commission may fix by rule or order in the particular case.

3. For the purposes hereof:

(a) "On-the-record proceeding" means a proceeding required by the Constitution, by statute, by Commission rule, or by order in the particular case, to be decided solely upon the record made in a Commission hearing.

(b) "Person who intercedes in any proceeding" means any individual outside the Commission (whether in public or private life), partnership, corporation, or association, other than a party or an agent of a party, who volunteers a communication which he may be expected to know may advance or adversely affect the interest of a particular party to the proceeding, whether or not he acts with the knowledge or consent of any party or any party's agent.

(c) "Ex parte communication concerning the merits" includes both oral and written communications, but the following classes of ex parte communications shall not be prohibited:

(1) Any oral or written communication which all the parties to the proceeding agree, or which the Commission, the hearing officer, or joint board formally rules, may be made on an ex parte basis.

(2) Any oral or written communication of facts or contentions which have general significance for an industry subject to regulation if the communicator cannot reasonably be expected to know that the facts or

contentions are material to a substantive issue in a pending on-the-record proceeding in which he is interested.

(3) Any communication by means of any news medium which in the ordinary course of business of the publisher is intended to inform the general public, members of the organization involved, or subscribers to such publications with respect to pending on-the-record proceedings.

(d) "Any employee of the Commission participating in the decision" includes personal assistants to members of the Commission, members of an employee review board appointed pursuant to Public Law 87-247 (1961) to whom the proceeding may be referred for decision, employees of the Commission Bureau (e.g., Operating Rights, Finance, Rates and Practices) whose responsibilities correspond to the nature of the proceeding, and the staff of the General Counsel's Office.

4. Any member of the Commission, hearing officer, employee of the Commission, or member of a joint board, participating in the decision who personally receives a written or oral communication which he believes is prohibited at the time received, shall transmit the written communication or a written summary of the substance of an oral communication promptly to the Chairman of the Commission together with a written statement of the circumstances under which the communication was made, if not apparent from the communication itself. If the Chairman concludes that the communication is prohibited, or that the dictates of fairness require that it be made public, he shall instruct the Secretary to place the written communication or summary of the oral communication in the correspondence part of the public docket of the proceeding or take such other or further action as may be appropriate under all of the circumstances.

5. The Commission may censure, or suspend or revoke the privilege to practice before the agency, of any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication.

6. To the extent permitted by law, the relief or benefit sought by a party to a proceeding may be denied if the party, or an agent of the party, knowingly and willfully makes or solicits the making of a prohibited communication.

7. The Commission may censure, suspend, or dismiss, or institute proceedings for the suspension or dismissal of, any Commission employee who knowingly and willfully violates the foregoing prohibitions or requirements.

[F.R. Doc. 66-7880; Filed, July 20, 1966; 8:45 a.m.]









