

FEDERAL REGISTER

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

[Amdt. 59]

Subpart—Regulations for the 1961 and Succeeding Crop Years

WHEAT CROP INSURANCE

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1964 crop year in the following respects:

1. That portion of the second sentence of paragraph (a) of § 401.3 of this chapter, beginning with "(2)" and ending with a colon, is amended, effective beginning with the 1964 crop year to read as follows:

§ 401.3 Application for insurance.

(a) * * *

(2) in counties where wheat is an insurable crop an application for insurance on wheat may be filed until the March 31 following the closing date in all counties in Montana, in any county in North Dakota and South Dakota in which insurance is not limited to spring wheat only on the county actuarial table, in Klamath and Linn Counties, Oregon, in Modoc and Siskiyou Counties, California, in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, Jefferson, and Madison Counties, Idaho, and in Grant County, Washington, but in any such case for the first wheat crop year of the contract, winter wheat in all of such counties and spring wheat planted on land which is nonirrigated in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, Jefferson, and Madison Counties, Idaho, and in Grant County, Washington, will not be insured:

2. The portion of the table following paragraph (a) of § 401.3 of this chapter under the heading "Wheat" and pertaining to South Dakota is amended effective beginning with the 1964 crop year to read as follows:

(Closing Dates)

WHEAT

South Dakota:

Bennett, Dewey, Faulk, Haakon, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Potter, Stanley, Sully, Tripp and Walworth Counties..... Aug. 31
All other South Dakota Counties... Mar. 31

§ 401.32 [Amendment]

3. In section 8 of the wheat endorsement shown in § 401.32 of this chapter, the table at the end thereof is amended effective beginning with the 1964 crop

year by amending the portion of the table pertaining to South Dakota to read as follows:

State and county	Cancel- lation date	Termi- nation date for indebt- edness
South Dakota: Bennett, Dewey, Faulk, Haakon, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Potter, Stanley, Sully, Tripp, and Walworth Counties.....	Mar. 15 Dec. 31	Aug. 15 Mar. 31
All Other South Dakota counties...		

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 12, 1963.

[SEAL]

EARLL H. NIKKEL,
*Secretary, Federal Crop
Insurance Corporation.*

Approved: June 21, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63-6759; Filed, June 25, 1963;
8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

ORANGE CROP INSURANCE

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the regulations set forth in this part are hereby issued to be in force and effect in counties in California with respect to orange crop insurance contracts for the 1963 and succeeding crop years until amended or superseded. These regulations replace for the 1963 and succeeding crop years with respect to crop insurance on oranges in California §§ 401.1 through 401.11 and § 401.25 of Part 401—Federal Crop Insurance, Subpart—Regulations for the 1961 and Succeeding Crop Years.

Secs.

- 406.1 Availability of California orange crop insurance.
- 406.2 Premium rates and amounts of insurance.
- 406.3 Application for insurance.
- 406.4 Public notice of indemnities paid.
- 406.5 Creditors.
- 406.6 The application and the policy.

AUTHORITY: §§ 406.1 to 406.6 issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended, 7 U.S.C. 1506, 1516.

§ 406.1 Availability of California orange crop insurance.

Orange crop insurance shall be offered for the 1963 and succeeding crop years

under the provisions of § 406.1 through § 406.6 in counties in California within limits prescribed by and in accordance with the provision of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for orange crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 406.2 Premium rates and amounts of insurance.

The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the county office. Such premium rates and amounts of insurance may be changed from year to year.

§ 406.3 Application for insurance.

Application for insurance may be submitted as provided in § 406.6 at the county office for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive prior to the closing date for the filing of applications. Such closing date shall be the September 30 immediately preceding the beginning of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk as to such acreage to be excessive: *Provided, however*, That the insured shall be notified of the exclusion of any such acreage before insurance attaches for the crop year for which the acreage is to be excluded, or prior to acceptance of the application, whichever is applicable.

§ 406.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 406.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 406.6.

§ 406.6 The application and the policy.

The provisions of the Application and Policy for California Orange Crop Insurance for the 1963 and Succeeding Crop years are as follows:

Application and Policy
Form FCI-812-California Orange

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

Application and Policy for California Orange
Crop Insurance (For 196__ and Succeeding
Crop Years)

(Name of insured)

(State and county code and contract num-
ber)

(Address of insured) (County)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest in orange crops (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The insured applies for the amount of insurance shown below which shall be an amount shown on the county actuarial table on file in the Corporation's office for the county. The amounts of insurance available each crop year and prescribed premium rates for each crop year are shown on the county actuarial table from year to year. In counties where alternative amounts of insurance per acre are made available for election by the insured, the insured may change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the county office by the September 30 immediately preceding the beginning of the crop year for which the change is to become effective. Unless the contract of insurance is canceled or terminated pursuant to the terms hereof, the amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose not to exceed the maximum dollar amount per acre shown on the county actuarial table for such crop year, except that when alternative amounts of insurance are not offered, the amount of insurance per acre for a crop year shall be the amount prescribed by the Corporation.

Variety of oranges -----
Amount of insurance elected \$----- per
acre.

2. Cause of loss insured against. The insurance provided is against unavoidable loss resulting from freeze.

3. Insured crop. (a) Application for insurance may be made with respect to both navel and valencia oranges, or with respect to either navel or valencia oranges, produced by the applicant except that the applicant may elect to insure or not insure any acreage in any crop year having a potential of less than 200 standard field boxes per acre: *Provided, however*, That the potential to be used to determine the percent of damage under section 14 shall never be less than 200 standard field boxes per acre. The insured acreage each crop year shall be all that acreage in the county of the variety or varieties of oranges for which the insured has applied for insurance which is shown as insurable acreage on the county actuarial table and not excluded otherwise because of risk and in which the insured has an interest on the date insurance attaches.

(b) Insurance for each crop year of the contract shall cover only oranges setting from the annual bloom occurring in the calendar year in which the insurance period begins.

4. Responsibility of the insured to report acreage and interest. The insured at the time of filing his application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of oranges which is uninsurable or any acreage not insured under the provisions of the preceding section. This report shall be revised for any crop year before insurance attaches if the acreage to be insured or interest therein has changed and the latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the insured acreage and the insured's interest therein.

5. The contract. Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, supplements, and amendments thereto, if any, and the county actuarial tables for each crop year on file in the Corporation's office for the county shall constitute the contract for orange insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. Insurance period. For each crop year insurance shall attach on October 1, unless the application is accepted after September 30 in which event insurance shall attach on the 10th day after the date of acceptance of the application by the Corporation, and as to any portion of the orange crop shall cease upon harvest, or March 31 of the following calendar year, whichever occurs first.

7. Annual premium. (a) The annual premium for each unit shall be earned and payable on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the discount herein provided.

(b) The insured's annual premium for an insured crop shall be reduced 5 percent if he has had three consecutive years of insurance on such crop immediately preceding the current crop year (eliminating any year in which a premium was not earned) without a loss for which an indemnity was paid. For each such additional consecutive year of insurance on such crop without a loss for which an indemnity was paid, the insured's annual premium shall be reduced an additional 5 percent, except that the total reduction shall not exceed 25 percent. If an insured has a loss on a crop for which indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years: *Provided*, That, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

8. This application, when executed by a person as an individual shall not cover his interest in a crop produced by a partnership or other entity.

9. Premium note. In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program admin-

istered by the United States Department of Agriculture.

(Signature of applicant)
-----, 19--
(Date)

(Witness to signature)
10. Recommended for acceptance by:

(Grove inspector)
-----, 19--
(Date)

(Corporation representative)

(County office address)
11. Accepted for the corporation by:

(State director)
-----, 19--
(Date)

12. Life of contract. This contract is non-cancelable the first crop year and shall continue in effect for each succeeding crop year until either the insured or Corporation cancels the contract by giving written notice to the other by July 31 immediately preceding the crop year for which the cancellation is to become effective: *Provided, however*, That if any acreage is excluded from insurance under the contract by the Corporation because of the risk involved after the July 15 immediately preceding the beginning of the crop year for which such exclusion is to become effective, the insured shall have the right to cancel the contract within 15 days after notice thereof is mailed to the insured by the Corporation. The contract shall, however, terminate for non-payment of premium if such premium is not paid by the September 30 of the crop year in which the premium was earned.

13. Notice of damage or loss. (a) It shall be a condition precedent to payment of any indemnity on any insurance unit (hereinafter called "unit") hereunder that the insured report each damage to the insured crop from freeze to the county office immediately after such damage becomes apparent giving the date of such damage. If not so reported within seven days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section.

(b) If damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately. The insured shall not harvest any oranges on any acreage damaged by freeze until the Corporation has inspected such damage. If any oranges are harvested prior to such inspection, no damage shall be considered to have occurred unless satisfactory evidence of freeze damage, and the extent thereof, is furnished in connection with any claim for loss.

14. Amount of loss and proof of loss. (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be adjusted separately for each insurance unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of oranges on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the average percent of damage (determined in accordance with subsection (c) of this section) in

RULES AND REGULATIONS

excess of 10 percent, and (3) multiplying the result by the insured interest.

(c) Subject to the provisions of paragraph (d) of this section the average percent of damage to oranges on an insurance unit shall be the ratio of the number of standard field boxes of oranges lost from freeze to the total number of standard field boxes which would have been produced (herein called the "potential"). The potential shall not be less than 200 standard field boxes per acre and shall include (1) oranges picked before the insured damage occurred, (2) oranges remaining on the trees after the damage occurred, (3) oranges lost from freeze, and (4) any other oranges not included in items (1) through (3), including oranges lost from causes not insured against other than normal "rots", "splits", and dropping. Oranges lost from freeze shall be oranges to which damage from freeze is serious as defined in the Agricultural Code of California as determined by the Corporation from grove inspections, marketing agency records, proof furnished by the insured, or from any other evidence that may be made available. The Corporation reserves the right to delay the determination of the extent of damage from freeze and the settlement of any loss until the insured makes available to it complete records of the marketing of the insured crop for the crop year.

(d) If the Corporation finds that the damage to oranges from freeze is so severe that the damaged and undamaged fruit cannot be separated by existing packing plant facilities available to the insured, as determined by the Corporation, it shall be determined by the Corporation that the damage to such oranges is 100 percent. It shall be a condition precedent to payment of any claim that the insured furnish any production records and any other information required by the Corporation regarding the manner and extent of damage or loss.

15. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

16. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Notice thereof shall be mailed to the insured or made available at the county office by the July 15 immediately preceding the beginning of the crop year for which such amendment is to become effective. Acceptance of the changes will be conclusive in the absence of any notice from the insured to cancel the contract as provided in paragraph 12, above.

17. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

18. *Insured interest.* For the purpose of determining the amount of indemnity the interest insured shall not exceed the interest of the insured at the time of damage as determined by the Corporation.

19. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for any earned premium(s) if at any time the insured has concealed or misrepresented any material fact or committed any fraudulent act against the Corporation and such voidance shall be effective as of the beginning of the crop year which relates to the insured crop with re-

spect to which any such act or omission occurred.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Payment of indemnity.* (a) Any indemnity will be paid within 30 days after a claim therefor is approved by the Corporation but in no event shall the Corporation be liable for interest or damages in connection with such claim.

(b) If the insured dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of death or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person or persons the Corporation determines to be beneficially entitled thereto.

22. *Meaning of terms.* For purposes of insurance on oranges the terms:

(a) "County actuarial table" means the forms and related material approved by the Corporation which are on file for public inspection in the county office, and which show the applicable amounts of insurance, premium rates, and related information with respect to orange crop insurance for the crop year in the county.

(b) "County office" means the Corporation's office for the county shown in this application and policy or such office as may be designated by the Corporation from time to time.

(c) "County" means the area shown on the county actuarial table which may include units located in a local producing area bordering on the county.

(d) "Crop year" means the period beginning October 1 and extending through September 30 of the following calendar year and shall be designated by reference to the calendar year in which the insurance period begins.

(e) "Harvest" means any severance of oranges from the tree either by pulling or picking, or picking the marketable oranges from the ground.

(f) "Insurance unit" means all insurable acreage in the county of any one insured variety of oranges (navel or valencia) (1) in which variety of oranges the insured has 100 percent interest on the date insurance attaches for the crop year and which variety is located on contiguous land under the same ownership, or (2) in which variety of oranges two or more persons have 100 percent interest on the date insurance attaches for the crop year and which variety is located on contiguous land under the same ownership, excluding any other acreage of such variety of oranges in which such persons do not have 100 percent interest in such oranges on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

(g) "Oranges" and "orange crop" except for the purposes of paragraph (f) of this section shall mean either navel oranges, or valencia oranges, or both navel and valencia oranges, whichever is designated in section 1 hereof by the insured in applying for insurance.

(h) "Standard field box" means a standard citrus field picking box as prescribed in the Agricultural Code of California.

NOTE: The reporting requirements contained herein have been approved by the

Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on June 12, 1963.

[SEAL]

EARL L. H. NIKKEL,
Secretary, Federal Crop
Insurance Corporation.

Approved: June 21, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63-6758; Filed, June 25, 1963;
8:50 a.m.]

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

[Lemon Reg. 67, Amdt. 1]

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; 27 F.R. 8346), 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 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 restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.367 (Lemon Regulation 67, 28 F.R. 6185) are hereby amended to read as follows:

(ii) District 2: 418,500 cartons.

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

Dated: June 21, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 63-6687; Filed, June 25, 1963;
8:49 a.m.]

[Apricot Reg. 2]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 922.302 Apricot Regulation 2.

(a) *Findings.* (1) Pursuant to 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), and upon the basis of the recommendations of the Washington Apricot Marketing Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein 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 section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 1, 1963. A reasonable determination as to the supply of, and the demand for, such apricots must await the development of the crop and adequate information thereon was not available to the Washington Apricot Marketing Committee until May 29, 1963; recommendation as to the need for, and the extent of, regulation of shipments of such apricots was made at the meeting of said committee on May 29, 1963, after consideration of all available information relative to the supply and demand conditions for such apricots, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until June 13, 1963; shipments of the current crop of such apricots will begin on or about July 1, 1963, and this section should be applicable, insofar as practicable, to all shipments of such apricots in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 1, 1963, and ending at 12:01 a.m., P.s.t., October 1, 1963, no handler shall handle any container of apricots unless:

(i) Such apricots grade not less than Washington No. 1: *Provided*, That such apricots are at least reasonably uniform in color;

(ii) Such apricots measure not less than 1½ inches in diameter: *Provided*, That apricots of the Blenheim variety and apricots of the Tilton variety when packed in unlidded wooden boxes may measure not less than 1¼ inches; and: *Provided*, further, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement; and

(iii) Such apricots when packed in lidded containers are row-faced: *Provided*, That this requirement shall not apply to apricots in experimental containers approved pursuant to § 922.110.

(2) All apricots handled during the period specified in this section are subject also to all applicable container restrictions which are in effect pursuant to this part during such period.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which (i) does not, in the aggregate, exceed 150 pounds may be handled without regard to the restrictions specified in this paragraph (grade, size, pack, and container) or in §§ 922.41 (Assessments) or 922.55 (Certification), (ii) is sold at the orchard, is in excess of 150 pounds but not in excess of 500 pounds, and is for home use only and not for resale in commercial channels may be handled without regard to the restrictions in § 922.55 (Certification) or the pack and container requirements of this paragraph: *Provided*, That the fruit so shipped meets the grade and size requirements of this paragraph and is subject to § 922.41 (Assessments) and is reported to the committee on forms furnished by the committee in the manner specified therein.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Apricots (1953); and "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots.

(Secs. 1-9, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 20, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F.R. Doc. 63-6689; Filed, June 25, 1963;
8:50 a.m.]

[950.309 Amdt. 1]

PART 950—IRISH POTATOES GROWN IN MAINE

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 950,

both as amended (7 CFR Part 950), regulating the handling of Irish potatoes grown in the State of Maine effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to the amended marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1962-63 crop Maine potatoes are practically completed, (2) to maximize benefits to growers, this amendment should apply to as many of the remaining potato shipments as possible, and (3) special preparation on the part of handlers is not required since this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. In § 950.309 *Limitation of shipments* (27 F.R. 9644) delete subparagraph (a)(1) and in lieu thereof substitute a new subparagraph (a)(1) as set forth below.

§ 950.309 Limitation of shipments.

(a) *Minimum grade, size, and cleanliness requirements—*(1) *Round varieties.* U.S. No. 1, or better, grade, 2 inches minimum diameter and 4 inches maximum diameter.

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

Dated: June 20, 1963, to become effective June 21, 1963.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-6688; Filed, June 25, 1963;
8:50 a.m.]

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

[Milk Order 133]

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Inland Empire marketing area (7 CFR Part 1133), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the de-

clared policy of the Act for the months of July and August 1963:

(1) In § 1133.12(c)(1) the phrase "during the months of December through June."

(2) In § 1133.15(c)(1) the phrase "during any of the months of December through June."

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

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

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

(3) This suspension will permit handlers, including cooperative associations, to divert producer milk to nonpool plants during July and August. The order presently provides for diversion only during the months of December through June. However, a pool distributing plant ceases operations June 25. As a result the producers who have been regularly supplying this plant have no immediately available pool outlet for their milk. This action will enable these producers to continue to have their milk pooled without undue expense during the temporary period required for re-alignment of the market supply so that their milk may be regularly received at pool plants.

(4) This suspension action is based on the request of producer associations representing more than 75 percent of the producers supplying the market.

Therefore, good cause exists for making this order effective July 1, 1963.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period July 1, 1963, through August 31, 1963.

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

Effective date: July 1, 1963.

Signed at Washington, D.C., on June 21, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63-6755; Filed, June 25, 1963; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 2]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair

PAYMENT RATE FOR 1962 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Mohair, as amended (27 F.R. 7417; 28 F.R. 579, 1033), are hereby

further amended by inserting the letter "(a)" immediately after the heading of § 1468.205 and adding the following new paragraph (b) at the end of that section:

(b) The national average price received by producers for mohair marketed during the 1962 marketing year was 71.4 cents a pound, grease basis, which was 2.6 cents a pound below the support price of 74 cents. Therefore, the rate of payment for the 1962 marketing year is 3.6 percent.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912, secs. 401-403, 72 Stat. 994-995, sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781-1787, 1446)

Effective date: Date of signature.

Signed at Washington, D.C., on June 21, 1963.

RAY FITZGERALD,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63-6756; Filed, June 25, 1963; 8:49 a.m.]

[Amdt. 3]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

PAYMENT RATES FOR 1962 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), as amended (27 F.R. 933, 9714; 28 F.R. 579, 1034), are further amended as follows:

1. In § 1472.1105 the letter "(a)" is inserted immediately after the heading of that section and at the end of the section the following new paragraph (b) is added:

(b) The national average price received by producers for shorn wool marketed during the 1962 marketing year was 47.7 cents a pound, grease basis, which was 14.3 cents a pound below the incentive price of 62 cents. Therefore, the rate of incentive payment for the 1962 marketing year is 30 percent.

2. In § 1472.1121, the letter "(a)" is inserted immediately after the heading of that section, and at the end of the section the following new paragraph (b) is added:

(b) The rate of payment on unshorn lambs sold during the 1962 marketing year is 57 cents per hundredweight of live animals based on a difference of 14.3 cents a pound between the incentive price of 62 cents and the national average price of 47.7 cents a pound received by producers for shorn wool during the 1962 marketing year (§ 1472.1105(b)).

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912, secs. 401-403,

72 Stat. 994-995, sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781-1787, 1446)

Effective date: Date of signature.

Signed at Washington, D.C., on June 21, 1963.

RAY FITZGERALD,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63-6757; Filed, June 25, 1963; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

Notice is hereby given that the new definitions of a small business (§ 121.3-8) which will become effective on July 1, 1963, pursuant to Amendment 4 to the Small Business Size Standards Regulation (Revision 3), as amended (28 F.R. 3323, April 5, 1963), and subsequent amendments related thereto, shall apply in the case of Government prime contracts only to those procurements for which invitations for bids or requests for proposals are issued on or after July 1, 1963.

Dated: June 18, 1963.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 63-6683; Filed, June 25, 1963; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1806; Amdt. 103]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the

Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.648 *Blue Federal airway 48* is amended by adding:

From Gulfstream INT, Fla.; to Miami, Fla., LFR/RBN; MEA 2,000. *1,300—MOCA.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Elko, Nev., LFR/RBN; to Boise, Idaho, LFR; MEA 12,500.

From Hampshire INT, Tenn.; to Nashville, Tenn.; VOR; MEA 3,000.

From Birmingham, Ala., VOR; to La-Grange, Ga., VOR; MEA 3,900.

From Waxie INT, Tex.; to Red Bird INT, Tex.; MEA 2,700.

From Muskegon, Mich., LFR; to Chicago, Ill., LFR; MEA 2,500.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Cold Bay, Alaska, LFR; to Nikolski, Alaska, LFR/RBN; MEA 11,500.

From Nikolski, Alaska, LFR/RBN; to Adak, Alaska, LFR; MEA 9,000.

From Cold Bay, Alaska, LFR; to Port Helden, Alaska, LFR/RBN; MEA 10,200.

From Cold Bay, Alaska, LFR; to Adak, Alaska, LFR; MEA 11,400.

From Todd INT, La.; to New Orleans, La., VOR via MSY 116 M rad; MEA 2,000.

From Dulac INT, La.; to New Orleans, La., VOR via MSY 208 M rad; MEA 2,200.

From Dulac INT, La.; to Tibby, La., VOR via TBD 163 M rad; MEA 2,200.

From Tibby, La., VOR; to Welcome INT, La., via TBD 002 M rad; MEA 1,500.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Richmond, Ind., LFR/RBN; to Indianapolis, Ind., LFR/RBN; MEA 2,900.

From Poughkeepsie, N.Y., LFR; to White Plains, N.Y., LOM; MEA 2,600.

Puerto Rico

From Route 2, Isla Verde INT, Puerto Rico; to Fajardo INT, Puerto Rico; MEA 1,500. *1,300—MOCA.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Thurman, Colo., VOR via N alter.; to Goodland, Kans., VOR via N alter.; MEA 6,500. *5,800—MOCA.

From Salina, Kans., VOR; to Ft. Riley INT, Kans.; MEA 3,000. *2,800—MOCA.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Wells, Nev., VOR; to Lucin, Utah, VOR; MEA 11,000.

From Lucin, Utah, VOR; to Ogden, Utah, VOR; MEA 9,000. *11,000—MCA Ogden VOR, eastbound.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From Pueblo, Colo., VOR to Ordway INT, Colo.; MEA 6,600.

From Ordway INT, Colo.; to Lamar, Colo., VOR; MEA 6,000.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Gage, Okla., VOR; to *Capron INT, Okla.; MEA 3,500. *5,000—MRA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Fairbanks INT, Tex.; to Magnolia INT, Tex.; MEA 3,000. *1,600—MOCA.

From Magnolia INT, Tex.; to College Station, Tex., VOR; MEA 2,000.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Ontario, Calif., VOR; to *Edgemont INT, Calif.; MEA 5,500. *7,000—MRA.

From Edgemont INT, Calif.; to *Moreno INT, Calif.; MEA 5,500. *12,000—MCA Moreno INT, eastbound.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Jackson, Miss., VOR via S alter.; to Johns INT, Miss., via S alter.; MEA 2,000. *1,700—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Pueblo, Colo., VOR via E alter.; to Kiowa, Colo., VOR via E alter.; MEA 8,200.

From Denver, Colo., VOR; to *Platte INT, Colo.; MEA **7,500. *10,500—MRA. **6,900—MOCA.

From Platte INT, Colo.; to Nunn INT, Colo., MEA 7,500. *6,900—MOCA.

From Nunn INT, Colo.; to Cheyenne, Wyo., VOR; MEA 7,800.

From Cheyenne, Wyo., VOR via E alter.; to Douglas, Wyo., VOR via E alter.; MEA 7,800.

From Douglas, Wyo., VOR via E alter.; to Casper, Wyo., VOR via E alter.; MEA 7,700.

From Cimarron, N. Mex., VOR via E alter.; to *Earl INT, Colo., via E alter.; MEA 11,000. *10,600—MCA Earl INT, southbound.

Section 610.6023 *VOR Federal airway 23* is amended to delete:

From Los Angeles, Calif., VOR; to Valley INT, Calif., northbound; MEA 5,000; southbound; MEA 4,000.

From Valley INT, Calif.; to *Lang INT, Calif.; MEA 6,500. *7,000—MRA.

From Lang INT, Calif.; to Saugus INT, Calif.; MEA 7,000.

From Saugus INT, Calif.; to Lake Hughes, Calif.; MEA 9,000.

From Lake Hughes, Calif., VOR; to VOR Whitman INT, Calif.; MEA 9,000.

From Whitman INT, Calif.; to *Lamont INT, Calif., northbound; MEA 6,000; southbound; MEA 9,000. *6,100—MCA Lamont INT, southbound.

From Lamont INT, Calif.; to Bakersfield, Calif., VOR northbound; MEA 3,000; southbound; MEA 4,000.

From Bakersfield, Calif., VOR via E alter.; to Dinuba INT, Calif., via E alter.; MEA 3,500.

From Dinuba INT, Calif., via E alter.; to Fresno, Calif., VOR via E alter.; northwestbound; MEA 2,000; southeastbound; MEA 3,500.

Section 610.6023 *VOR Federal airway 23* is amended by adding:

From *Los Angeles, Calif., VOR; to Canoga INT, Calif., northbound; MEA 5,000; southbound; MEA 4,000. *3,000—MCA Los Angeles VOR, northbound.

From Canoga INT, Calif.; to *Castaic INT, Calif.; MEA 6,000. *9,000—MCA Castaic INT, northbound.

From Castaic INT, Calif.; to Gorman, Calif., VOR; MEA 10,000.

From Gorman, Calif., VOR; to Grapevine INT, Calif.; MEA 10,000.

From Grapevine INT, Calif.; to *River INT, Calif., northbound; MEA 5,000; southbound; MEA 10,000. *5,400—MCA River INT, southbound.

From River INT, Calif., to Bakersfield, Calif., VOR northbound; MEA 3,000; southbound; MEA 4,000.

From *Los Angeles, Calif., VOR; via E alter.; to Valley INT, Calif., via E alter. northbound; MEA 5,000; southbound; MEA 4,000. *3,000—MCA Los Angeles VOR, northbound.

From Valley INT, Calif., via E alter.; to *Lang INT, Calif., via E alter. northbound; MEA 7,000; southbound; MEA 6,500. *7,000—MRA.

From Lang INT, Calif. via E alter.; to Saugus INT, Calif., via E alter.; MEA 7,000.

From Saugus INT, Calif., via E alter.; to Lake Hughes, Calif., VOR via E alter.; MEA 8,000.

From Lake Hughes, Calif., VOR via E alter.; to Lamont INT, Calif., via E alter.; MEA 9,000.

From *Lamont INT, Calif., via E alter.; to Bakersfield, Calif., VOR via E alter.; MEA 3,000. *7,200—MCA Lamont INT, southbound.

From Bakersfield, Calif., VOR via E alter.; to Porterville, Calif., VOR via E alter.; MEA 3,000.

From Porterville, Calif., VOR via E alter.; to Exeter INT, Calif., via E alter.; MEA 3,500.

From Exeter INT, Calif., via E alter.; to Dinuba INT, Calif., via E alter.; MEA 3,500.

From Dinuba INT, Calif., via E alter.; to Fresno, Calif., VOR via E alter.; northwestbound, MEA 2,500; southeastbound, MEA 3,500.

Section 610.6024 *VOR Federal airway 24* is amended to read in part:

From Waukon, Iowa, VOR via S alter.; to Lone Rock, Wis., VOR via S alter.; MEA 3,000. *2,500—MOCA.

Section 610.6030 *VOR Federal airway 30* is amended to read in part:

From Waterville, Ohio, VOR to Attica, Ohio, VOR; MEA 2,400.

Section 610.6032 *VOR Federal airway 32* is amended to read in part:

From Elko, Nev., VOR via N alter.; to *Wells, Nev., VOR via N alter.; MEA 12,000. *12,000—MCA Wells VOR, southwestbound.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From Allendale, S.C., VOR; to *North INT, S.C.; MEA **1,800. *2,000—MRA. **1,700—MOCA.

From North INT, S.C.; to Columbia, S.C., VOR; MEA 1,800. *1,700—MOCA.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From St. George INT, S.C.; to Columbia, S.C., VOR; MEA 1,800. *1,700—MOCA.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From *Dodson INT, Ark.; to Memphis, Tenn., VOR; MEA **1,800. *5,000—MRA. **1,700—MOCA.

From Memphis, Tenn., VOR via S alter.; to Miller INT, Miss., via S alter.; MEA 1,900.

Section 610.6056 *VOR Federal airway 56* is amended to read in part:

From Monetta INT, S.C., via N alter.; to *Summit INT, S.C., via N alter.; MEA **1,800. *2,300—MRA. **1,700—MOCA.

From Summit INT, S.C., via N alter.; to Columbia, S.C., VOR via N alter.; MEA 1,800. *1,700—MOCA.

Section 610.6057 *VOR Federal airway 57* is amended to read in part:

From Muscle Shoals, Ala., VOR; to Graham, Tenn., VOR; MEA 3,100.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Skidmore INT, Tex.; to Sinton INT, Tex.; MEA 2,000. *1,500—MOCA.

From Sinton INT, Tex.; to Corpus Christi, Tex., VOR; MEA 1,700.

Section 610.6082 *VOR Federal airway 82* is amended to read in part:

From Bemidji, Minn., VOR; to Brainerd, Minn., VOR; MEA 3,400.

Section 610.6085 *VOR Federal airway 85* is amended to read in part:

From Medicine Bow, Wyo., VOR; to Mountain INT, Wyo.; MEA 11,000.

From Mountain INT, Wyo.; to *Casper, Wyo., VOR; northbound, MEA 8,000; southbound, MEA 11,000. *9,500—MCA Casper VOR, southbound.

Section 610.6089 *VOR Federal airway 89* is amended to read in part:

From Gill, Colo., VOR via E alter.; to Cheyenne, Wyo., VOR via E alter.; MEA 7,800.

From Cheyenne, Wyo., VOR; to Chadron, Nebr., VOR; MEA 7,800.

Section 610.6091 *VOR Federal airway 91* is amended to read in part:

From *Medway INT, N.Y.; to Albany, N.Y., VOR; MEA 2,600. *3,000—MRA.

Section 610.6092 *VOR Federal airway 92* is amended to read in part:

From Waterville, Ohio, VOR; to Attica, Ohio, VOR; MEA 2,400.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From *Crystal INT, Fla.; to Shrimp INT, Fla.; MEA *2,700. *2,200—MRA. **1,000—MOCA.

Section 610.6101 *VOR Federal airway 101* is amended to read in part:

From Ogden, Utah, VOR; to Hansel INT, Utah; MEA 9,000.

Section 610.6108 *VOR Federal airway 108* is amended to read in part:

From Hugo, Colo., VOR; to Goodland, Kans., VOR; MEA *7,000. *6,000—MOCA.

Section 610.6115 *VOR Federal airway 115* is amended to read in part:

From Crestview, Fla., VOR; to Andalusia INT, Ala.; MEA *2,200. *1,500—MOCA.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From Akron, Colo., VOR; to Int. 072 M rad Thurman VOR and 292 M rad Goodland VOR; MEA *6,500. *5,500—MOCA.

From Int. 072 M rad Thurman VOR and 292 M rad Goodland VOR; to Goodland, Kans., VOR; MEA *6,500. *5,800—MOCA.

From Cheyenne, Wyo., VOR; to Carpenter INT, Wyo.; MEA 7,800.

Section 610.6141 *VOR Federal airway 141* is amended to read in part:

From Concord, N.H., VOR via E alter.; to Int. 027 M rad Concord VOR and 298 M rad Kennebunk VOR via E alter.; MEA *4,000. *3,800—MOCA.

From Int. 027 M rad Concord VOR and 298 M rad Kennebunk VOR via E alter.; to Lebanon, N.H., VOR via E alter.; MEA *6,000. *5,200—MOCA.

Section 610.6148 *VOR Federal airway 148* is amended to read in part:

From Kiowa, Colo., VOR; to Thurman, Colo., VOR; MEA *8,000. *7,800—MOCA.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Memphis, Tenn., VOR via S alter.; to Miller INT, Miss., via S alter.; MEA 1,900.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Gage, Okla., VOR; to *Capron INT, Okla.; MEA 3,500. *5,000—MRA.

From Capron INT, Okla.; to Ponca City, Okla., VOR; MEA *5,000. *2,500—MOCA.

Section 610.6216 *VOR Federal airway 216* is amended to read in part:

From Mankato, Kans., VOR; to O'Dell INT, Nebr.; MEA 3,000.

From O'Dell INT, Nebr.; to Pawnee City, Nebr., VOR; MEA *3,000. *2,700—MOCA.

Section 610.6230 *VOR Federal airway 230* is amended by adding:

From Fresno, Calif., VOR; to Friant, Calif., VOR; MEA 5,000.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Pueblo, Colo., VOR; to Ordway INT, Colo.; MEA 6,600.

From Ordway INT, Colo.; to Lamar, Colo., VOR; MEA 6,000.

From LaSal, Utah, VOR; to *Gunnison, Colo., VOR; MEA 12,000. *12,500—MCA Gunnison VOR, eastbound.

From Int. 262 M rad Pueblo VOR and 351 M rad Alamosa VOR; to Florence INT, Colo., eastbound only; MEA *12,000. *Westbound not authorized.

From Florence INT, Colo.; to Pueblo, Colo., VOR, eastbound only; MEA *8,000. *Westbound not authorized.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From Promontory Point INT, Utah, via W alter.; to Malad City, Idaho VOR via W alter., MEA 10,000.

Section 610.6264 *VOR Federal airway 264* is amended to read in part:

From Ontario, Calif., VOR; to *Edgemont INT, Calif.; MEA 5,500. *7,000—MRA.

From Edgemont INT, Calif.; to *Moreno INT, Calif.; MEA 5,500. *12,000—MCA Moreno INT, eastbound.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From Dover INT, Kans.; to Topeka, Kans., VOR; MEA *3,100. *3,000—MOCA.

Section 610.6299 *VOR Federal airway 299* is amended to read:

From *Los Angeles, Calif., VOR to Bay INT, Calif., westbound, MEA 5,000; eastbound, MEA 4,000. *2,400—MCA Los Angeles VOR, westbound.

From Bay INT, Calif.; to Fillmore, Calif., VOR; MEA 5,000.

From *Fillmore, Calif., VOR; to Gorman, Calif., VOR; MEA 10,000. *8,000—MCA Fillmore VOR, northbound.

Section 610.6436 *VOR Federal airway 436* is amended to read in part:

From King Salmon, Alaska, VOR; to Battle INT, Alaska; MEA 5,000.

From Battle INT, Alaska; to Augustine INT, Alaska; MEA 7,000.

From Augustine INT, Alaska; to Ninilchik INT, Alaska; MEA *7,000. *1,700—MOCA.

From Ninilchik INT, Alaska; to Kenai, Alaska VOR; MEA *2,000. *1,700—MOCA.

From Augustine INT, Alaska, via E alter.; to Homer, Alaska, VOR via E alter.; MEA *7,000. *3,600—MOCA.

Section 610.6459 *VOR Federal airway 459* is amended to read:

From *Long Beach, Calif., VOR; to Berry INT, Calif., northwestbound, MEA 8,000; southeastbound, MEA 3,700. *2,500—MCA Long Beach VOR, northbound.

From Berry INT, Calif.; to Lake Hughes, Calif., VOR; MEA 8,000.

From Lake Hughes, Calif., VOR; to Woody INT, Calif.; MEA 9,000.

From Woody INT, Calif.; to Porterville, Calif., VOR; MEA 5,000.

From Porterville, Calif., VOR; to Exeter INT, Calif.; MEA 3,500.

Exeter INT, Calif., to Friant, Calif., VOR; MEA 5,000.

Section 610.6477 *VOR Federal airway 477* is amended to read in part:

From Fairbanks INT, Tex., via W alter.; to Bedias INT, Tex., via W alter.; MEA *3,000. *1,600—MOCA.

Section 610.6484 *VOR Federal airway 484* is amended to read in part:

From Grand Junction, Colo., VOR via S alter.; to *Cerro INT, Colo., via S alter.; MEA *11,000. *12,000—MCA Cerro INT, eastbound. **10,500—MOCA.

From Cerro INT, Colo., via S alter.; to Gunnison, Colo., VOR via S alter.; MEA 12,000.

Section 610.6489 *VOR Federal airway 489* is amended to read in part:

From *Medway INT, N.Y.; to Albany, N.Y., VOR; MEA 2,600. *3,000—MRA.

Section 610.6494 *VOR Federal airway 494* is amended to read in part:

From Elko, Nev., VOR; to *Wells, Nev., VOR; MEA 13,000. *12,000—MCA Wells VOR, southwestbound.

Section 610.6819 *VOR Federal airway 819* is amended to read in part:

From Miami, Fla., VOR; to *Hammock INT, Fla.; MEA 1,200. *2,000—MRA.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From Allendale, S.C., VOR; to *North INT, S.C.; MEA *1,800. *2,000—MRA. **1,700—MOCA.

From North INT, S.C., to Columbia, S.C., VOR; MEA *1,800. *1,700—MOCA.

Section 610.1625 *VOR Federal airway 1625* is amended to delete:

From Truth or Consequences, N. Mex., VOR; to St. Johns, Ariz., VOR; MEA 14,500, MAA 24,000.

From St. Johns, Ariz., VOR; to Zuni, N. Mex., VOR; MEA 14,500, MAA 24,000.

Section 610.1645 *VOR Federal airway 1645* is amended to delete:

From Las Vegas, N. Mex., VOR; to Tobe, Colo., VOR; MEA 14,500, MAA 24,000.

From Tobe, Colo., VOR; to Lamar, Colo., VOR; MEA 14,500, MAA 24,000.

From Lamar, Colo., VOR; to Hayes Center, Nebr., VOR; MEA 14,500, MAA 24,000.

From Hayes Center, Nebr., VOR; to North Platte, Nebr., VOR; MEA 14,500, MAA 24,000.

Section 610.1671 *VOR Federal airway 1671* is amended to read in part:

From Pittsburgh, Pa., VOR; to Akron, Ohio, VOR; MEA 14,500, MAA 24,000.

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

These rules shall become effective July 25, 1963.

Issued in Washington, D.C., on June 20, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-6647; Filed, June 25, 1963; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter V—Weather Bureau, Department of Commerce

PART 503—SCHEDULE OF CHARGES FOR SERVICES

Charges for Furnishing Copies of Weather Records

Part 503 of Chapter V of Subtitle B of Title 15 of the Code of Federal Regulations is revised to read as follows:

§ 503.1 Charges for furnishing copies of weather records.

(a) Duplicating machine copies.

- (1) Ozalid, Bruning, and similar processes:
- (i) Synoptic maps and charts:
 - (a) Up to 360 sq. inches \$0.29 per copy.
 - (b) 361 to 510 sq. inches \$0.30 per copy.
 - (c) 511 to 800 sq. inches \$0.31 per copy.
 - (d) 801 to 1000 sq. inches \$0.32 per copy.
 - (e) 1001 to 1220 sq. inches \$0.34 per copy.
 - (f) Above 1220 sq. inches \$0.34 for first 1220 sq. inches and \$0.02 for each additional 144 sq. inches.
 - (ii) Other than synoptic maps and charts:
 - 8x10½ (per print)----- 0.10
 - Over 8x10½ (per sq. ft.)----- 0.07

- (2) Photocopy prints (photostat, etc.):
- 8½x11 or smaller----- 0.35
 - 9x12 to 12x17----- 0.50
 - 14x17 to 18x24----- 0.85

(3) Thermofax copies or direct contact prints:

- 8½x11----- 0.11
- Larger than 8½x11 (per sq. ft.)-- 0.16

(4) Transcopy prints:

- 8½x10----- 0.40
- 10x12----- 0.40

- (5) Xerox copies (maximum size 9x14) ----- 0.12

(b) Photography.

- (1) Prints, black and white:

(i) Contact:

- 8x10 ----- 0.35
- 11x14 ----- 0.50
- 14x17 ----- 0.70
- 16x20 ----- 1.00
- 20x24 ----- 1.25
- 30x40 ----- 2.25

(ii) Enlargements by conventional processes:

- 5x7 ----- 0.45
- 8x10 ----- 0.60
- 11x14 ----- 1.00
- 20x24 ----- 1.50

(iii) Enlargements from available microfilm using microfilm-printing equipment, e.g. 3M Reader-Printer:

- Up to 8½x11----- 0.35

(2) Microfilm:

Negative film (one or two pages to exposure on panchromatic contrast film):

- Per frame or exposure----- 35 mm 0.05
- 16 mm 0.04

Positive silver halide film copy (unsprocketed) from negative of uniform density:

- Per 100 ft.----- 35 mm 10.00
- 16 mm 8.00

Diazo process or Kalvar process film copy (unsprocketed) from negative of uniform density:

- Per 100 ft.----- 35 mm 6.00
- 16 mm 5.00

For sprocketed film, for Diazo or Kalvar process:

- Per 100 ft.----- 35 mm 6.50
- (Price per 100 ft. includes metal spool and box.)

(c) Labor entailed in furnishing copies. Time spent by field station and National Weather Records Center employees in performing the following services will be charged at the rate of \$4.20 per hour if services are performed during normal working hours, or at the rate of \$5.30 per hour if performed on overtime.

(1) Hand transcription of official meteorological records.

(2) Searching map or record files to assemble material.

(3) Unbinding and reassembling bound volumes of maps or records preparatory to making ozalid, photostat, or other reproductions.

(d) Preparation and Reproduction of Punched Cards: Production of punched cards will be charged on the basis of actual costs, including those of selection, inventory, duplication, refilling, and packing. Requests for estimates should be directed to Director, National Weather Records Center, Asheville, North Carolina. Shipments of punched cards will be made shipping charges collect, FOB duplication point.

A minimum charge of \$2.00 will be made for a single order on any of the above items.

(59 Stat. 1067, Sec. 501, 65 Stat. 290, 5 U.S.C. 606, 140)

Effective date: July 1, 1963.

J. W. OSMUN,
Acting Chief of Bureau.

[F.R. Doc. 63-6719; Filed, June 25, 1963; 8:56 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE, AND ORDERS

[Docket C-505]

PART 13—PROHIBITED TRADE PRACTICES

Oz Publishing Corp. et al.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Oz Publishing Corporation et al., New York, N.Y., Docket C-505, June 12, 1963]

In the Matter of Oz Publishing Corporation, a Corporation, Oz Greeting Cards, Inc., a Corporation, Oz Cardlines, Inc., a Corporation, Harry Friedgut, Oscar D. Freedgood, and Milton Warshaw, Individually and as Officers and Directors of Respondent Corporations

Consent order requiring a New York City manufacturer of greeting cards, souvenir postcards, calendars, etc., and its corporate sales subsidiaries, with annual sales in excess of \$2 million, to cease violating section 2(a) of the Clayton Act by such practices as selling their products to the F. W. Woolworth Co. variety chain and to Cunningham Drug Stores, Inc., drug store chain operating in Ohio and Michigan, at list price less 50 percent and 5 percent while selling to numerous retail competitors of the two chains at list less 50 percent.

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

It is ordered, That respondents, Oz Publishing Corporation, Oz Greeting Cards, Inc., Oz Cardlines, Inc., their officers, agents, representatives and employees, and Harry Friedgut, Oscar D. Freedgood and Milton Warshaw, individually and as officers and directors of each of respondent corporations, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of greeting cards and related products in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling such products to any purchaser at net prices higher than the net prices charged any other purchaser who competes with the purchaser paying the higher price in the resale or distribution of such products.

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

Issued: June 12, 1963.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-6680; Filed, June 25, 1963; 8:49 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

APPLICATION OF ACT TO PARTICULAR TYPES OF PRODUCTS

On April 24, 1963, a notice of proposed rule making was issued by the Commission and published in the FEDERAL REGISTER on April 25, 1963. Such notice stated that the Commission would on May 15, 1963 at its offices in the City of Washington, District of Columbia, give considera-

tion to an amendment of § 302.6 (Rule 6) of Part 302, Rules and Regulations under Flammable Fabrics Act. Such notice provided that interested parties might participate by submitting in writing to the Commission on or before such date, their views, arguments, or other data, and further provided that written rebuttal could be submitted until May 22, 1963.

Pursuant to such notice, interested parties were afforded an opportunity to submit their views, arguments, or other data in writing through May 15, 1963. An opportunity was afforded for the submission of written rebuttal until May 22, 1963.

After due consideration of the proposed amendment, suggested revisions, deletions and additions thereto, together with all views, arguments or other data submitted, the following amendment of § 302.6 (Rule 6) of Part 302, Rules and Regulations under the Flammable Fabrics Act (67 Stat. 111, 15 U.S.C. 1191) is hereby promulgated. Such amendment shall become effective thirty days after publication in the FEDERAL REGISTER.

The amendment is as follows:

An amendment of § 302.6 (Rule 6) of the Rules and Regulations under the Flammable Fabrics Act so as to change the title thereof and so as to add two new paragraphs thereto to clarify and delineate the application of such Act to handkerchiefs and other articles affixed to, incorporated in, or sold as a part of articles of wearing apparel or intended or sold for such purposes.

Section 302.6 shall hereafter read:

§ 302.6 Application of act to particular types of products.

(a) Fabrics intended for processing into interlinings or other covered or unexposed parts of articles of wearing apparel shall not be subject to the provisions of section 3 of the Act, providing an invoice or other paper covering the marketing or handling of such fabrics is given which specifically designates their intended end use.

(b) Fabrics intended or sold for use in those hats, gloves and footwear which are excluded under the definition of articles of wearing apparel in section 2(d) of the Act, shall not be subject to the provisions of section 3 of the Act, providing an invoice or other paper covering the marketing or handling of such fabrics is given which specifically designates their intended use in such products.

(c) Except as provided in paragraph (d) of this section, handkerchiefs not exceeding a finished size of twenty-four (24) inches on any side or not exceeding five hundred seventy-six (576) square inches in area are not deemed "articles of wearing apparel" as that term is used in the Act.

(d) Handkerchiefs or other articles affixed to, incorporated in, or sold as a part of articles of wearing apparel as decoration, trimming, or for any other purpose, are considered an integral part of such articles of wearing apparel, and the articles of wearing apparel and all parts thereof are subject to the provisions of the Act. Handkerchiefs or other

articles intended or sold to be affixed to, incorporated in, or sold as a part of articles of wearing apparel as aforesaid constitute "fabric" as that term is defined in section 2(e) of the Act and are subject to the provisions of the Act where such handkerchiefs or other articles constitute textile fabrics as the term "textile fabric" is defined in paragraph (a) (6) of § 302.1.

(Sec. 5, 67 Stat. 112; 15 U.S.C. 1194)

Issued: June 25, 1963.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-6761; Filed, June 25, 1963;
8:51 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER R—Irrigation Projects

PART 218—REIMBURSEMENT OF CONSTRUCTION COSTS WAPATO- SATUS UNIT, WAPATO INDIAN IR- RIGATION PROJECT, WASHINGTON

There was published in the FEDERAL REGISTER on February 7, 1963 (27 F.R. 1226), a notice to add a new Part 218 to the Code of Federal Regulations, Title 25—Indians. The purpose of this new part is to establish the total construction costs for the Wapato-Satus Unit, Wapato Indian Irrigation Project, Washington, and prescribe regulations for the collection of construction costs due the Federal Government.

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

STEWART L. UDALL,
Secretary of the Interior.

JUNE 20, 1963.

The new Part 218 is to read as follows:

Sec.

218.1 Construction costs and assessable acreage.

218.2 Repayment of construction costs.

218.3 Payments.

218.4 Deferment of assessment of lands remaining in Indian ownership.

218.5 Assessment after the Indian title has been extinguished.

AUTHORITY: §§ 281.1 to 218.5 issued under 41 Stat. 409, 45 Stat. 210, 75 Stat. 680.

§ 218.1 Construction costs and assessable acreage.

The construction program has been completed on the Wapato-Satus Unit of the Wapato Indian Irrigation Project, and the construction costs have been established by Designation Report dated

August 1962 as \$7,903,823.12 for the project and \$1,499,073.62 for the "B" lands share of the construction costs of the Bureau of Reclamation reservoirs on the Yakima River. The area benefited by this development has been established at 136,559.59 acres divided into 79,025.68 acres of "A" land and 57,533.91 acres of "B" land. Under the requirements of the acts of February 14, 1920 (41 Stat. 409), and March 7, 1928 (45 Stat. 210), these costs are to be repaid to the United States Treasury by the owners of the lands benefited.

§ 218.2 Repayment of construction costs.

The cost per acre of the construction under § 218.1 is, therefore, calculated at \$57.8782 for "A" lands and \$83.9337 for "B" lands in non-Indian ownership as established by Designation Report dated August 1962. Under the provisions of the acts cited in § 218.1 the annual per acre assessment for forty equal annual payments, is hereby fixed at \$1.45 per acre for "A" lands and \$2.10 per acre for "B" lands for the year 1962 and each succeeding year, until the entire cost for each tract shall have been repaid to the United States Treasury. On those tracts where payments have been made pursuant to uncodified special regulations, annual assessments beginning with the year 1962 at the rate of \$1.45 per acre for "A" lands and \$2.10 per acre for "B" lands will be made until the entire cost of \$57.8782 per acre for "A" lands and \$83.9337 per acre for "B" lands shall have been repaid to the United States Treasury. Landowners may pay at any time the total of the then remaining indebtedness. Under the act of March 10, 1928 (45 Stat. 210), the unpaid charges stand as a lien against the lands until paid.

§ 218.3 Payments.

Payments are due on December 31 of each year and shall be made to the official in charge of collections for the project.

§ 218.4 Deferment of assessments on lands remaining in Indian ownership.

In conformity with the act of July 1, 1932 (47 Stat. 564; U.S.C. 386(a)), no assessment shall be made on behalf of construction costs against Indian-owned land within the project until the Indian title thereto has been extinguished.

§ 218.5 Assessments after the Indian title has been extinguished.

Indian-owned lands passing to non-Indian ownership shall be assessed for construction costs and the first assessment shall be due on December 31 of the year that the Indian title is extinguished. The construction costs against this land will be established as provided by section 5 of the act of September 26, 1961 (75 Stat. 680). The annual per acre assessment rate will be determined by dividing the established construction cost per acre into forty equal payments. "B" lands will also be assessed for reservoir construction costs at the annual per acre rate as established in the Designation Report dated August 1962. Assessments against this land will continue

until the entire established construction costs shall have been repaid to the United States Treasury. Landowners may pay at any time the total of the then remaining indebtedness. Under the act of March 10, 1928 (45 Stat. 210), the unpaid charges stand as a lien against the lands until paid.

[F.R. Doc. 63-6663; Filed, June 25, 1963; 8:45 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

State Certificates of Age

The age, employment, or working certificates or permits of several States are designated in 29 CFR 1500.21 as having the same force and effect as Federal certificates of age issued under section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 as amended; 29 U.S.C. 203).

In a document promulgated on June 22, 1962, and published in the FEDERAL REGISTER on June 29, 1962 (27 F.R. 6120) it was provided that these designations would expire on June 30, 1963.

Pursuant to subsection 3(1) and subsection 11(b) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 and 1066 as amended; 29 U.S.C. 203 and 211), and Reorganization Plan No. 2 of 1946 (3 CFR 1943-1948 Comp., p. 1064), I hereby extend the designations contained in 29 CFR 1500.21 until June 30, 1964.

Signed at Washington, D.C., this 20th day of June 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-6667; Filed, June 25, 1963; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Planning

PART 1710—FEDERAL DISASTER ASSISTANCE

Certification of Minimum State and Local Expenditures

1. Section 1710.15 is amended by adding the following paragraph:

(c) The certification by the Governor of total State and local expenditures and obligations shall contain the following provisions:

Pursuant to Section 1710.15, Federal Disaster Assistance Regulations, I certify that the total of expenditures and obligations (or resources utilized) by the Government of the State of _____, its local governments or other public agencies thereof, for disaster relief purposes for this disaster and all other disasters during the twelve-month period immediately preceding this request, and for which no Federal reimbursement has been or will be received, exceeds \$_____.

These disaster relief expenditures and obligations, all of which were over and above normal, consist of the following categories:

Category	Amount	
	State	Local
Personnel.....	\$.....	
Materials and supplies.....		
Equipment rental.....		
Contracted work.....		
Other.....		
Total.....		

2. This amendment shall be effective July 1, 1964.

Dated: June 5, 1963.

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

[F.R. Doc. 63-6693; Filed, June 25, 1963; 8:51 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 27—OFFICIAL MAIL

PART 28—FOR THE BLIND

PART 44—CONDITIONS OF DELIVERY

PART 52—INSURANCE

PART 62—NONPOSTAL STAMPS AND BONDS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. Section 27.7 is amended to show that free franking privilege of former Presidents is extended to matters marked "Air Mail". As so amended, § 27.7 reads as follows:

§ 27.7 Former Presidents.

All mail of former United States Presidents Herbert Hoover, Harry S. Truman, and Dwight D. Eisenhower shall be accepted without prepayment of postage if it bears the written signature of sender, or a facsimile signature, in the upper right corner of the address side. Such matter may be dispatched by air if it bears the words "Air Mail" on the address side.

NOTE: The corresponding Postal Manual section is 137.7.

II. In § 28.4 paragraph (a) as amended by 28 F.R. 1473, is amended for the purpose of clarification to read as follows:

§ 28.4 Reproducers, sound recordings, other materials and appliances for the preparation of reading matter for blind persons.

(a) Reproducers, or parts thereof, for sound recordings for blind persons, braille writers, and other appliances for the preparation of reading matter for blind persons, or parts thereof, are mailable free of postage under the following conditions:

(1) Reproducers or parts thereof which are the property of United States Gov-

ernment when sent for repair or returned after repair, or

(2) Reproducers, braille writers, other appliances and parts thereof that are the property of:

(i) A State government or any subdivision thereof;

(ii) A public library;

(iii) A private agency for the blind not conducted for private profit; or

(iv) A blind person.

(3) They must be sent by:

(i) Organization, institution, public library, or association for blind persons, not conducted for private profit, to a blind person or to another such agency;

(ii) Blind person to an organization, institution, public library, or association for blind persons, not conducted for private profit.

NOTE: The corresponding Postal Manual section is 138.4.

III. In § 44.1 paragraph (a) is amended to provide that: (1) any person may file a written request with his local post office to detain obscene, lewd, lascivious, or indecent matter addressed to him (section 307, Public Law 87-793); (2) refused matter, including mail withheld from delivery in accordance with the addressee's request, will be treated as undeliverable as provided in Part 48 of this chapter. As so amended, paragraph (a) reads as follows:

§ 44.1 Delivery to persons.

(a) *Delivery to addressee.* The addressee may control delivery of his mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. The addressee may refuse to accept a piece of mail at the time it is offered for delivery. Also, he may request his postmaster in writing to withhold from delivery for a period not to exceed 2 years specifically described items of foreign printed matter or any obscene, lewd, lascivious, or indecent matter. After delivery, he may mark a piece of mail "Refused" and return it unopened to the mails, except registered, insured, certified and COD mail which may not be returned after delivery has been effected. Refused matter, including mail withheld from delivery in accordance with the addressee's request, will be treated as undeliverable as provided in Part 48 of this chapter. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant.

NOTE: The corresponding Postal Manual section is 154.11.

IV. In § 52.3, paragraph (f) is amended to show that rural carriers will issue a receipt at the time they accept insured mail. As so amended, paragraph (f) reads as follows:

§ 52.3 Mailing.

(f) *Mailing on rural routes.* Mailers may give the mail to the rural carriers; or they may leave the mail in rural mail boxes, provided stamps are affixed for

postage and fee, or money for postage and fee is left in the box. Mailers must leave a note stating the amount of insurance desired. The carrier will issue a receipt at the time the mail is received. The Postal Service assumes no responsibility for articles or money left in rural mail boxes until the articles are receipted for by the carrier.

NOTE: The corresponding Postal Manual section 162.36.

V. In § 62.5, paragraph (d) is amended by redesignating subparagraphs (1) through (4) as subparagraphs (2) through (5) respectively; and by inserting a new subparagraph (1) to read as follows:

§ 62.5 United States savings bonds.

(d) *Issuance of bonds*—(1) *Authority to issue*. Bonds may be issued at post offices in the names of natural persons in their own right only. Persons desiring to purchase them in other forms of registration authorized by Treasury Department Circular 530 may obtain them from Federal Reserve Banks and Branches and from the Treasury Department, Washington, D.C. 20220.

NOTE: The corresponding Postal Manual section is 172.541.

(R.S. 161 as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-6721; Filed, June 25, 1963;
8:56 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Part 1-1 is amended as follows:

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

1. The table of contents is revised as follows:

Sec.	
1-1.700	General.
1-1.701	Definitions.
1-1.701-1	Small business concern (for Government procurement).
1-1.701-2	Affiliates.
1-1.701-3	Dominance in field of operation.
1-1.701-4	Non-manufacturer.
1-1.701-5	Number of employees.
1-1.701-6	Industry.
1-1.701-7	Certificate of competency.
1-1.701-8	Set-aside for small business.
1-1.701-9	Small business restricted advertising.
1-1.702	Small business policies.
1-1.703	Determination of status as a small business concern.
1-1.703-1	Representation by bidder or offeror.
1-1.703-2	Protest regarding small business status.
1-1.704	Agency program direction and operation [Reserved].
1-1.705	Cooperation with the Small Business Administration.

Sec.	
1-1.705-1	General.
1-1.705-2	SBA representatives.
1-1.705-3	Screening of procurements.
1-1.705-4	Access to information.
1-1.705-5	Joint small business set-asides.
1-1.705-6	Certificates of competency.
1-1.705-7	Performance of contract by SBA.
1-1.706	Procurement set-asides for small business.
1-1.706-1	General.
1-1.706-2	Review of SBA set-aside proposals.
1-1.706-3	Withdrawal or modification of set-asides.
1-1.706-4	Reporting for Department of Commerce Procurement Synopsis.
1-1.706-5	Total set-asides.
1-1.706-6	Partial set-asides.
1-1.706-7	Automatic dissolution of set-asides.
1-1.706-8	Contract authority.
1-1.707	[Reserved]
1-1.708	Certificate of competency program.
1-1.708-1	General.
1-1.708-2	Applicability and procedure.
1-1.708-3	Conclusiveness of certificate of competency.
1-1.709	Records and reports.
1-1.710	Subcontracting with small business concerns.
1-1.710-1	General.
1-1.710-2	Small business subcontracting program.
1-1.710-3	Required clauses.
1-1.710-4	Review of subcontracting program.

2. Sections 1-1.701-1, 1-1.701-5, and 1-1.701-6 are amended to read as follows:

§ 1-1.701-1 Small business concern (for Government procurement).

(a) *General*. A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in this section. ("Concern" means any business entity organized for profit with a place of business located in the United States, its possessions, and Puerto Rico, including but not limited to, an individual, partnership, corporation, joint venture, association, or cooperative. "Annual receipts" means the annual receipts less returns and allowances of a concern and its affiliates.) For the purpose of a procurement of a product classified into two or more industries with different size standards, the smallest of such size standards shall be used in determining a bidder's size status.

(b) *Construction*. Any concern bidding on a contract for construction, alteration, or repair (including painting and decorating) of buildings, bridges, roads, or other real property is classified:

(1) As small if its average annual receipts for its preceding three fiscal years do not exceed \$7,500,000 (except that if the concern is located in Alaska, such receipts do not exceed \$9,375,000).

(2) As small if it is bidding on a contract for dredging and its average annual receipts for its preceding three fiscal years do not exceed \$5,000,000 (except that if the concern is located in

Alaska, such receipts do not exceed \$6,250,000).

(c) *Manufacturing*. Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in the Federal Unemployment Tax Act, 26 U.S.C. 3306 (k).

(2) As small if it is bidding on a contract for petroleum, other than lubricants and miscellaneous petroleum products, and its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels per day crude oil capacity from owned or leased facilities. ("Crude-oil capacity" means the minimum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.)

(3) As small if it is bidding on a contract for a product classified within an industry set forth in paragraph (h) of this section and its number of employees does not exceed the size standard established for that industry.

(4) As small if it is bidding on a contract for a product classified within an industry not set forth in paragraph (h) of this section and its number of employees does exceed 500 persons.

(d) *Small business non-manufacturer*. Any concern which submits a bid or offer in its own name, other than for a construction or service contract, but which proposed to furnish a product not manufactured by itself, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of § 1-1.701-1(a);

(2) Its number of employees does not exceed 500 persons; and

(3) In the case of Government procurement reserved for or involving the preferential treatment of small business concerns (including equal low bids), such non-manufacturer shall furnish in the performance of the contract products (i) of a small business manufacturer or producer, and (ii) which are manufactured or produced in the United States, its possessions, or Puerto Rico. However, if the goods to be furnished are wool, worsted, knitwear, duck, webbing, and thread (spinning and finishing), non-manufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

(e) *Services*. Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual sales or receipts for its preceding three fiscal years do not exceed \$1,000,000 (except that if the concern is located in Alaska, such receipts do not exceed \$1,250,000).

(f) *Transportation*. Any concern bidding on a contract for passenger or

freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,000 persons.

(3) As small if it is bidding on a contract for trucking and/or warehousing and its annual receipts do not exceed \$3,000,000 (except that if the concern is located in Alaska, such receipts do not exceed \$3,750,000). No concern will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line, provided that its annual receipts have not exceeded \$3,000,000 during the concern's most recently completed fiscal year and provided further no more than 50 percent of such annual receipts are directly attributable to the applicant's relationship with an interstate van line.

(g) *Small business Government sub-contractors.*

(1) Any concern, in connection with subcontracts of \$2,500 or less which relate to Government procurement, will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(2) Any concern, in connection with subcontracts exceeding \$2,500 which relate to Government procurement, will be considered a small business concern if it qualifies as such under this § 1-1.701-1.

(h) *Table of specific industry employment size standards for the purpose of Government procurement.* (See footnotes at end of table.)

MANUFACTURING

MAJOR GROUP 10—ORDNANCE AND ACCESSORIES

Census classification code	Industry	Employment size standard (number of employees) ¹
1931	Tanks and tank components.....	1,000
1951	Small arms.....	1,000
1961	Small arms ammunition.....	1,000

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

2032	Canned specialties.....	1,000
2043	Cereal preparations.....	1,000
2046	Wet corn milling.....	750
2052	Biscuit, crackers, and pretzels.....	750
2062	Cane sugar refining.....	750
2063	Beet sugar.....	750
2085	Distilled, rectified, and blended liquors.....	750
2093	Vegetable oil mills, except cottonseed and soybean.....	1,000
2096	Shortening, table oils, margarine and other edible fats and oils, not elsewhere classified.....	750

MAJOR GROUP 21—TOBACCO MANUFACTURES

2111	Cigarettes.....	1,000
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MAJOR GROUP 22—TEXTILE MILL PRODUCTS

2211	Broad woven fabric mills, cotton.....	1,000
2271	Woven carpets and rugs.....	750
2296	Tire cord and fabric.....	1,000

See footnotes at end of table.

MANUFACTURING—Continued

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Census classification code	Industry	Employment size standard (number of employees) ¹
2611	Pulp mills.....	750
2621	Paper mills, except building paper mills.....	750
2631	Paperboard mills.....	750
2646	Pressed and molded pulp goods.....	750
2654	Sanitary food containers.....	750
2661	Building paper and building board mills.....	750

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

2812	Alkalies and chlorine.....	1,000
2813	Industrial gases.....	1,000
2815	Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners).....	750
2816	Inorganic pigments.....	1,000
2818	Industrial organic chemicals, not elsewhere classified.....	1,000
2819	Industrial inorganic chemicals, not elsewhere classified.....	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers.....	750
2822	Synthetic rubber (vulcanizable elastomers).....	1,000
2823	Cellulose man-made fibers.....	1,000
2824	Synthetic organic fibers, except cellulosic.....	1,000
2833	Medicinal chemicals and botanical products.....	750
2834	Pharmaceutical preparations.....	750
2841	Soap and other detergents, except specialty cleaners.....	750
2892	Explosives.....	750

MAJOR GROUP 29—PETROLEUM REFINING AND ALLIED PRODUCTS

2911	Petroleum refining ²	1,000
2952	Asphalt felts and coatings.....	750

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

3011	Tires and inner tubes.....	1,000
3021	Rubber footwear.....	1,000
3031	Reclaimed rubber.....	750

MAJOR GROUP 32—STONE, CLAY, AND GLASS PRODUCTS

3211	Flat glass.....	1,000
3221	Glass containers.....	750
3229	Pressed and blown glass and glassware, not elsewhere classified.....	750
3241	Cement, hydraulic.....	750
3261	Vitreous china plumbing fixtures and china, and earthenware fittings and bathroom accessories.....	750
3275	Gypsum products.....	1,000
3292	Asbestos products.....	750
3296	Mineral wool.....	750
3297	Nonclay refractories.....	750

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

3312	Blast furnaces (including coke ovens), steel works, and rolling-mills.....	1,000
3313	Electrometallurgical products.....	750
3315	Steel wire drawing and steel nails and spikes.....	1,000
3316	Cold rolled sheet, strip and bars.....	1,000
3317	Steel pipe and tubes.....	1,000
3331	Primary smelting and refining of copper.....	1,000
3332	Primary smelting and refining of lead.....	1,000
3333	Primary smelting and refining of zinc.....	750
3334	Primary production of aluminum.....	1,000
3339	Primary smelting and refining of nonferrous metals, not elsewhere classified.....	750
3351	Rolling, drawing, and extruding of copper.....	750
3352	Rolling, drawing, and extruding of aluminum.....	750

MANUFACTURING—Continued

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES—continued

Census classification code	Industry	Employment size standard (number of employees) ¹
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum.....	750
3357	Drawing and insulating of nonferrous wire.....	1,000
3399	Primary metal industries, not elsewhere classified.....	750

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

3411	Metal cans.....	1,000
3431	Enameled iron and metal sanitary ware.....	750

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

3511	Steam engines, steam, gas and hydraulic turbines, and steam gas, and hydraulic turbine generator set units.....	1,000
3519	Internal combustion engines, not elsewhere classified.....	1,000
3531	Construction machinery and equipment.....	750
3562	Ball and roller bearings.....	750
3571	Computing and accounting machines, including cash registers.....	1,000
3572	Typewriters.....	1,000
3585	Refrigerators, refrigeration machinery, except household; and complete air conditioning units.....	750

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT AND SUPPLIES

3612	Power, distribution, and specialty transformers.....	750
3613	Switchgear and switchboard apparatus.....	750
3621	Motors and generators.....	1,000
3622	Industrial controls.....	750
3624	Carbon and graphite products.....	750
3631	Household cooking equipment.....	750
3632	Household refrigerators and home and farm freezers.....	1,000
3633	Household laundry equipment.....	1,000
3634	Electric housewares and fans.....	750
3635	Household vacuum cleaners.....	750
3636	Sewing machines.....	750
3641	Electric lamps.....	1,000
3651	Radio and television receiving sets, except communication types.....	750
3652	Phonograph records.....	750
3661	Telephone and telegraph apparatus.....	1,000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus.....	750
3671	Radio and television receiving type electron tubes, except cathode ray.....	1,000
3672	Cathode ray picture tubes.....	750
3673	Transmitting, industrial, and special purpose electron tubes.....	750
3692	Primary batteries, dry and wet.....	1,000
3694	Electrical equipment for internal combustion engines.....	750

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

3717	Motor vehicles and parts ³	1,000
3721	Aircraft ⁴	1,000
3722	Aircraft engines and engine parts ⁴	1,000
3723	Aircraft propellers and propeller parts.....	1,000
3729	Aircraft parts and auxiliary equipment, not elsewhere classified ⁴	1,000
3731	Shipbuilding and repairing.....	1,000
3741	Locomotives and parts.....	1,000
3742	Railroad and street cars.....	750

MANUFACTURING—Continued

MAJOR GROUP 39—MISCELLANEOUS MANUFACTURING INDUSTRIES

Census classification code	Industry	Employment size standard (number of employees) ¹
3982	Linoleum, asphalted-felt-base, and other hard surface floor coverings, not elsewhere classified	750

¹ The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the 3d month in each calendar quarter for the preceding 4 quarters.

² Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

³ The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

⁴ Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"Maintenance" means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance."

"Preventive maintenance" means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

⁵ Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

§ 1-1.701-5 Number of employees.

In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full time, part time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month.

§ 1-1.701-6 Industry.

"Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual prepared and published by the Bureau of the Budget, Executive Office of the President.

3. Sections 1-1.703-1 and 1-1.703-2 are amended to read as follows:

§ 1-1.703-1 Representation by bidder or offeror.

In the absence of a written protest or question, the contracting officer shall accept as conclusive for the purpose of a specific procurement a representation by the bidder or offeror that it is a small business concern as defined by SBA.

§ 1-1.703-2 Protest regarding small business status.

(a) Any responsive bidder or offeror may, before award, question the small

business status of any apparently low bidder or offeror by sending a written protest, as defined in (b) of this § 1-1.703-2, to the contracting officer responsible for the particular procurement. Any contracting officer who receives such protest, or who wishes to question the small business status of a bidder or offeror, shall forward such protest record (or submit his protest) to the SBA regional office serving the area in which the protested concern is located.

(b) As used in this section, "protest" means a statement in writing which contains the basis for the protest together with specific detailed evidence supporting the protestant's claim that such bidder is not a small business concern. A complaint received after award of a contract or a complaint received that a concern is not a small business concern, but which does not meet the requirements of this paragraph, will not be considered a "protest" and will not be acted upon.

(c) Upon receipt of a protest, the SBA Regional Director or his delegate will promptly notify the contracting officer of the date it was received, and will inform the affected bidder or offeror that its size status is under review.

(d) SBA will, within 10 working days, if possible, after receipt of a protest, investigate and determine the small business status of the protested bidder or offeror and notify the contracting officer, the protestant, and the protested bidder or offeror of its decision.

(e) Procurement action shall be suspended pending SBA's determination or expiration of the 10-day period, whichever is earlier, unless unusual conditions make it necessary that an award be made. If SBA's determination is not received by the contracting officer within 10 working days after SBA's receipt of the protest, the contracting officer shall ascertain when such determination can be expected. In cases where further delay in awarding the contract would be disadvantageous to the Government, it shall be presumed that the questioned bidder or offeror is a small business concern.

4. Section 1-1.704 is amended to read as follows:

§ 1-1.704 Agency program direction and operation. [Reserved]

5. Paragraph (c) of § 1-1.706-5, and paragraph (b) of the Notice of Total Small Business Set-Aside prescribed therein, are amended to read as follows:

§ 1-1.706-5 Total set-asides.

(c) In procurements involving total set-asides for small business, each invitation for bids or request for proposals shall contain the following notice, except that such notice may be modified to include the applicable specific small business definition.

NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE

(b) Definition. A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts,

and can further qualify under the criteria set forth in regulations of the Small Business Administration (13 CFR 121.3-8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

6. Paragraph (c) of § 1-1.706-6, and paragraph (b) (1) of the Notice of Partial Small Business Set-Aside prescribed therein, are amended to read as follows:

§ 1-1.706-6 Partial set-asides.

(c) Short-form notice. In invitations for bids or requests for proposals, involving partial set-asides pursuant to this subpart, shall contain a notice substantially as set forth in this paragraph or in paragraph (d) of this § 1-1.706-6. The notice used may be appropriately modified to include the applicable specific small business definition.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE

(b) Definitions.

(1) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (13 CFR 121.3-8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

7. In § 1-1.706-6(d), paragraph (d) (1) of the Notice of Partial Small Business Set-Aside prescribed therein, is amended to read as follows:

§ 1-1.706-6 Partial set-asides.

(d) Long-form notice. * * * * *

(d) Definitions. * * * * *

(1) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (13 CFR 121.3-8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

Subpart 1-1.8—Labor Surplus Area Concerns

8. Paragraph (a) of § 1-1.804-2 and paragraph (b) (3) of the Notice of Labor

Surplus Area Set-Aside in § 1-1.804-2(b) are amended to read as follows:

§ 1-1.804-2 Notice to bidders or offerors.

(a) Invitations for bids or requests for proposals, involving set-asides pursuant to this subpart, shall contain a notice substantially as set forth in either paragraph (b) or (c) below. The notice may be modified to include the applicable specific small business definition. The notice used shall be made a part of each contract under the set-aside portion of the procurement.

(b) Short-form notice.

NOTICE OF LABOR SURPLUS AREA SET-ASIDE

(b) Definitions. * * *

(3) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (13 CFR 121.3-8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

9. In § 1-1.804-2(c), paragraph (d) (3) of the Notice of Labor Surplus Area Set-Aside prescribed therein, is amended to read as follows:

§ 1-1.804-2 Notice to bidders or offerors.

(c) Long-form notice. * * *

NOTICE OF LABOR SURPLUS AREA SET-ASIDE

(d) Definitions. * * *

(3) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (13 CFR 121.3-8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1-2.2—Solicitation of Bids

Section 1-2.201 is amended by adding subparagraph (a) (26), as follows:

§ 1-2.201 Preparation of invitations for bids.

(26) Pending revision of paragraph 10 of the Terms and Conditions of the Invitation for Bids on the back of Standard Form 30 (October 1957 edition) and

No. 124—3

Standard Form 33 (October 1957 edition), the following shall be substituted, as to each form, for the cited paragraph:

Definition of Small Business. A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

PART 1-16—PROCUREMENT FORMS

Subpart 1-16.1—Forms for Advertised Supply Contracts

1. Paragraphs (b) and (e) of section 1-16.101 are amended to read as follows:

§ 1-16.101 Forms prescribed.

(b) Invitation and Bid (Supply Contract) (Standard Form 30, October 1957 edition.) Pending revision of this form, the provisions contained in § 1-2.201(a) (23), (a) (26), and (b) (13) shall be substituted for paragraphs 4, 10, and 6, respectively, of the Terms and Conditions of the Invitation for Bids on the back of the form.

(e) Invitation, Bid, and Award (Supply Contract) (Standard Form 33, October 1957 edition.) Pending revision of this form, the provisions contained in § 1-2.201(a) (23), (a) (26), and (b) (13) shall be substituted for paragraphs 4, 10, and 6, respectively, of the Terms and Conditions of the Invitation for Bids on the back of the form.

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

Effective date. These regulations are effective July 1, 1963.

Dated: June 19, 1963.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 63-6685; Filed, June 25, 1963;
9:02 a.m.]

Chapter 5—General Services Administration

PART 5-1—GENERAL

Subpart 5-1.7—Small Business Concerns

Subpart 5-1.7 is revised to read as follows:

Sec.	
5-1.700	General.
5-1.702	Small business policies.
5-1.704	Agency program direction and operations.
5-1.704-1	Program direction.
5-1.704-2	Program operations.
5-1.705-3	Screening of procurements.
5-1.706	Procurement set-asides for small business.
5-1.706-1	General.
5-1.706-6	Partial set-asides.
5-1.708	Certificate of competency program.

AUTHORITY: §§ 5-1.700 to 5-1.708 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5-1.700 General.

This subpart implements and supplements FPR 1-1.7 by setting forth the GSA small business program and assigning responsibility for its implementation, evaluation, and administration. The GSA small business program applies to all procurement activities of GSA.

§ 5-1.702 Small business policies.

It is the policy of GSA to carry out, to the maximum extent, the small business policy expressed in the Federal Property and Administrative Services Act of 1949 and the Small Business Act, that a fair proportion of Government contracts be placed with small business concerns.

§ 5-1.704 Agency program direction and operations.

§ 5-1.704-1 Program direction.

(a) The Office of the Assistant Administrator is responsible for the overall administration of the GSA small business program.

(b) The legislative, public information, and business services aspects of the GSA small business program shall be carried out under the direction of the Office of the Assistant Administrator, in coordination with the Central Office operating services.

(c) The procurement and contracting aspects of this program shall be carried out under the direction of Central Office operating services.

(d) Field implementation of the public information and business services aspects of the program shall be effected by the regional Business Service Centers, under the technical direction and guidance of the Office of the Assistant Administrator, and under the direct administrative and operational control of the Regional Administrators.

§ 5-1.704-2 Program operations.

(a) Each procuring activity and each Business Service Center shall use its best efforts to identify commodities and services where a potential exists for increasing the small business share of contract awards. Business Service Centers and contracting offices shall cooperate in developing effective methods for identifying such categories.

(b) Each procuring activity shall arrange for the making of small business set-asides in accordance with the procedures contained in § 1-1.706.

(c) Each Business Service Center shall keep all other Business Service Centers and the Director of Business Services and Small Business continuously informed on a timely basis as to the commodities and services identified under paragraph (a) of this section.

(d) Each Business Service Center, with respect to the commodities and services identified under paragraph (a) of this section, and with respect to small business concerns doing business in such commodities and services in their regional areas, shall:

(1) Take appropriate actions to publicize advance and current information

about regional and national GSA business opportunities to the maximum extent feasible.

(2) Provide maximum advance and current information, assistance, and counseling of such nature, extent, and timeliness as to enable small business concerns to take full advantage of the available GSA business opportunities and to compete for contracts.

(3) Develop and conduct public information and business relation techniques designed to obtain maximum interest and participation of small business concerns. Such activity shall include, but not be limited to, the following:

(i) Arranging for and participating in meetings with business groups such as Chambers of Commerce, trade associations and similar organizations, State development corporations, Governors' and Mayors' advisory groups, local business and civic organizations, and small business councils.

(ii) Developing, preparing, and distributing informational material designed to stimulate interest on the part of trade publications and the local press, and other media.

§ 5-1.705-3 Screening of procurements.

(a) *Individual set-asides.* Where SBA representatives are not available to screen proposed procurements and to initiate joint small business set-asides, unilateral small business set-asides shall be made by the contracting officer as appropriate.

(b) *Class set-asides.* Class set-asides may be entered into jointly with SBA representatives for any group, type, or category of items. Joint class set-asides shall be effective until revoked or amended by agreement between the procuring activity and the SBA representative. Contracting officers shall review each joint class set-aside periodically, and initiate action for its extension, amendment, or revocation based on operating experience. When SBA representatives are not available, procuring activities shall periodically review individual set-asides made unilaterally pursuant to paragraph (a) of this section, and other appropriate procurements to develop recommendations for class set-asides. SBA representatives shall be requested to visit the procuring activity (or the data shall be forwarded to the SBA) for the purpose of initiating joint class set-asides as appropriate.

(c) *Contracts for construction, alteration, maintenance, and repair.* An understanding has been reached with the Small Business Administration under which it is agreed that the Small Business Administration has initiated a joint set-aside for small business on each proposed contract for new construction, alteration, maintenance, or repair having an estimated value from \$2,500 up to \$500,000. When in the judgment of the contracting officer a particular contract falling within these dollar limits is determined unsuitable for a set-aside for exclusive small business participation, he shall notify the appropriate SBA representative of this decision. Unless SBA appeals the decision, pursuant to the provisions of § 1-1.706-2, the con-

tracting officer shall proceed to process the procurement on an unrestricted basis. Proposed contracts for construction, alteration, maintenance, and repair having an estimated value of more than \$500,000 shall be handled on a case-by-case basis pursuant to § 1-1.705-3(a).

§ 5-1.706 Procurement set-asides for small business.

§ 5-1.706-1 General.

(a) Where a small business set-aside is feasible under Subpart 1-1.7, such set-aside shall be made unless a labor surplus area set-aside is required by Subpart 1-1.8.

(b) When a total or partial small business set-aside is made, a statement to that effect shall be placed on the face of the invitation for bids. In this regard, the following statements are recommended for use, as appropriate:

(1) Notice of total small business set-aside applies to all items of this invitation.

(2) Notice of total small business set-aside applies to items ----- through ----- in this invitation.

(3) The attached notice of partial small business set-aside (GSA Form 1773) applies to all items in this invitation. The form requires certain information to be furnished by the bidder.

(4) The attached notice of partial small business set-aside (GSA Form 1773) applies to items ----- through ----- in this invitation. The form requires certain information to be furnished by the bidder.

(5) Notice of total small business set-aside applies to items ----- through ----- and the attached notice of partial small business set-aside (GSA Form 1773) applies to items ----- through ----- in this invitation. The form requires certain information to be furnished by the bidder.

(c) By agreement with SBA, joint set-aside determinations shall be documented on SBA Form 70, Joint Set-Aside for Small Business, or on SBA Form 412, Joint Class Set-Aside for Small Business, as appropriate. When unilateral set-asides are made on individual procurements, this fact will be noted in the procurement case file (see § 1-3.201(c)(2)).

§ 5-1.706-6 Partial set-asides.

(a) The short-form notice of partial small business set-aside prescribed in FPR 1-1, 706-6(c) is printed on GSA Form 1773, Notice of Partial Small Business Set-Aside, together with spaces for each bidder to provide certain information required by the notice. When this short-form notice is used, GSA Form 1773 shall be made a part of invitations for bids and requests for proposals by means of a statement substantially as set forth in § 5-1.706-1(b).

(b) Where the short-form notice has been used and bids or offers are received which appear designed to take unfair advantage of other bidders, by devices such as unrealistically low bids on mere token quantities, the matter shall be referred to the head of the procuring activity in the Central Office for resolution.

§ 5-1.708 Certificate of competency program.

The certificate of competency procedure does not apply where the contracting officer has found that a small

business concern is not a responsible bidder for a reason other than lack of capacity or credit. Normally, the contracting officer should obtain the advice of counsel before determining that the certificate of competency procedure does not apply.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: June 19, 1963.

BERNARD L. BOUTIN,
Administrator of
General Services.

[F.R. Doc. 63-6696; Filed, June 25, 1963; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3106]

[Idaho 013936]

IDAHO

Partly Revoking Public Land Order No. 783 of January 2, 1952

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

1. Public Land Order No. 783 of January 2, 1952, which withdrew lands for the protection of the water supply for the City of Sandpoint, Idaho, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

T. 58 N., R. 2 W.,
Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$.

Containing approximately 80 acres.

2. The land is situated about eight miles northwest of Sandpoint, Idaho. It is typical mountain land lying at approximately 5,800 feet elevation. Vegetation consists of some scattered timber with an understory of brush and grasses.

3. Subject to valid existing rights and equitable claims, the requirements of applicable law, and the provisions of any existing withdrawals, the land is hereby opened to filing of applications and selections. All valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on July 1, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The land will be open to location under the United States mining laws at 10:00 a.m. on December 19, 1963.

5. The State of Idaho has waived the preference right of application granted to certain states under the provisions of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

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

JUNE 20, 1963.

[F.R. Doc. 63-6666; Filed, June 25, 1963;
8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 63-41]

PART 171—STANDARDS FOR NUMBERING

Subpart 171.10—Application for Number

WYOMING SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32 dated September 23, 1958 (23 F.R. 7605) the Commandant, United States Coast Guard, on June 1, 1963, approved the Wyoming system for numbering of motorboats.

As provided in this approval, the Wyoming system shall be operative on and after June 1, 1963. On that date the authority to number motorboats principally used in the State of Wyoming passed to the State of Wyoming.

On and after June 1, 1963, the reports of "boating accidents" which involved motorboats numbered in the State of Wyoming, which were required to be reported to the Coast Guard, will be reported to the Game and Fish Commission, State of Wyoming, Cheyenne, Wyoming, pursuant to the Wyoming Enrolled Act No. 86 (House Bill No. 23 approved February 25, 1963) and implementing rules and regulations promulgated by the Game and Fish Commission for numbering of motorboats.

Because the amendment to § 171.10-1(a)(1) and (b), as set forth in this document, is an informative rule about official acts performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule-making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), and 167-17 dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following amendment is prescribed:

In § 171.10-1 *To whom made* paragraph (a)(1) is amended by deleting from the list of States the name "Wyoming"; and paragraph (b) is amended by inserting in the list of States having approved numbering systems the name "Wyoming" to follow after the State of "Wisconsin."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: June 19, 1963.

[SEAL] D. Mc G. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 63-6728; Filed, June 25, 1963;
8:57 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14993 (RM-403); FCC 63-571]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Bellingham, Wash.

1. The Commission has before it for consideration its notice of proposed rule making, released March 8, 1963 (FCC 63-220), proposing that Channel 18+ presently assigned to Bellingham, Washington, be reserved for noncommercial educational use in Bellingham, as requested by Western Washington State College.

2. At the present time, Bellingham, Washington, a community of 34,688, has Channels 12+, 18+ and 24- assigned to it. Channel 12+ is presently operating as KVOS-TV. Neither Channel 18+ nor Channel 24- are presently licensed, and no applications are pending for their use.

3. No comments or reply comments were received in this proceeding.

4. Petitioner has stated that, if Channel 18+ is reserved, it would apply for a license to operate on that channel. The Radio and Television Committee, a standing committee of the petitioner's faculty, has made a number of studies of the television medium with a view to its

use by the College. " * * * The station would carry programs covering a broad spectrum of educational interest, including instructional broadcasts for in-class reception by elementary and secondary schools during morning and afternoon, in-service programs for teachers and cadet-teachers, telecourses for college credit, children's programs, and general adult programs * * * " Petitioner intends to finance the station in part by applying to the Washington State Legislature and the Federal Government for grants.

5. In Docket No. 14229 the Commission announced that it would examine the present Table of Assignments and method of making assignments with a view toward fostering the expanded use of UHF channels and making the most efficient use of such channels. Although no final decision has been reached in this proceeding, we are concluding the subject proceeding so as to avoid delaying Western Washington State College, petitioner, from proceeding with its television plans. In the future it may become necessary to change the specific channels assigned. If this becomes necessary, every effort will be made to avoid changing those channels on which stations are operating or where authorized construction has reached a stage where a change in channel assignment would require the expenditure of additional funds.

6. Authority for the amendment adopted herein is contained in sections 4 (i) and (j), 303, and 307 (b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective August 1, 1963, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended to change the Bellingham entry under the State of Washington to read:

City: Bellingham, Wash.-----12+, *18+, 24-

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: June 19, 1963.

Released: June 20, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-6739; Filed, June 25, 1963;
9:00 a.m.]

¹ Commissioners Bartley, Ford, and Loevinger, absent.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 245]

BEER

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 25, D.C., 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 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 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] **BERTRAND M. HARDING,**
Acting Commissioner of
Internal Revenue.

In order (a) to provide that a brewer may conduct, in his brewery, a business of distributing another brewer's beer on which the tax has been paid or determined, (b) to remove the requirement for filing an additional Form 11 and the consequent amendment of a special tax stamp for a change in trade name, (c) to make it clear that the assistant regional commissioner may determine whether an inspector will be assigned to witness the destruction of beer removed from the market, and (d) to make certain clarifying and editorial changes, the regulations in 26 CFR Part 245 are amended as follows:

PARAGRAPH 1. Section 245.13 is amended to add a reference to subpart Wa. As amended, § 245.13 reads as follows:

§ 245.13 Storage of beer on which the tax has been paid or determined.

Except as provided in Subparts S and Wa of this part, beer on which the tax has been paid or determined shall not be stored in the brewery.

(72 Stat. 1334, 1335, 1389; 26 U.S.C. 5054, 5056, 5411)

PAR. 2. To conform generally to other regulations, § 245.58 is amended to pro-

vide that a surety's liability under a bond is terminated on the effective date of the superseding bond (instead of the date of its approval). As amended, § 245.58 reads as follows:

§ 245.58 Termination of surety's liability under bond.

The liability of a surety on any bond required by this part shall be terminated only as to liability arising on and after the effective date of a superseding bond; or the date of approval of the discontinuance of the business of the brewer giving the bond; or pursuant to the giving of notice by the surety as provided in § 245.59.

PAR. 3. Section 245.97 is amended to remove the requirement for filing an additional Form 11 and the consequent amendment of a special tax stamp for a change in trade name. As amended, § 245.97 reads as follows:

§ 245.97 Change in name; amended Form 11.

Where there is a change in the corporate name or firm name the brewer shall, within 30 days after such change is made, file with the district director of internal revenue an additional return on Form 11, covering the new corporate name or firm name. The special tax stamp, or stamps, shall be forwarded to the district director for appropriate notation with respect to such change.

(68A Stat. 846; 26 U.S.C. 7011)

PAR. 4. Section 245.158 is amended to make it clear that only the brewer who paid or determined the tax on beer removed from the market may claim refund or credit of such tax. As amended, § 245.158 reads as follows:

§ 245.158 Beer removed from market.

Beer on which the brewer has paid or determined the tax and which he removes from the market, may be returned to and stored in the brewery, and refund or credit of the tax may be claimed by the brewer in accordance with the provisions of subpart T. Unless such beer is to be returned to the stock of the racking room or bottling house, it shall be identified as beer removed from the market, be completely segregated from all other beer, and be accessible for inspection by internal revenue officers. The tax on any such returned beer which is again removed for consumption or sale shall be determined and paid without respect to the tax which was determined at the time of prior removal of the beer. The disposition of the beer shall be in accordance with the provisions of this part. The brewer's daily records and Form 103 shall properly reflect the receipt and disposition of such beer, and the balling thereof if used as material.

(72 Stat. 1334, 1335, 1389, 1390; 26 U.S.C. 5054, 5056, 5411, 5415)

PAR. 5. Section 245.162 is amended to make it clear that the assistant regional

commissioner will determine whether an inspector will be assigned to witness the destruction of beer removed from the market. As amended, § 245.162 reads as follows:

§ 245.162 Assignment of inspector.

On receipt of the brewer's notice, the assistant regional commissioner will assign an inspector to verify the statements therein and to witness the destruction of the beer, or its removal from containers for reconditioning or use as material, unless the assistant regional commissioner deems such supervision not necessary for the protection of the revenue. If the brewer desires to destroy such beer at some place other than the brewery, the assistant regional commissioner may require that the disposition of the beer be delayed pending arrangement of a convenient time for supervision, and, if the place of destruction is not readily accessible to an inspector, the assistant regional commissioner may require that the beer be moved to a more convenient location. The assistant regional commissioner may, at any time, to substantiate claims for refund or credit of tax on beer returned to the stock of the racking room or bottling house, notify the brewer that, until further notice, supervision will be required of any further return of beer to such stock.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 6. A new subpart, Subpart Wa, reading as follows, is inserted immediately after Subpart W:

Subpart Wa—Storage and Distribution of Another Brewer's Beer

§ 245.209 Distributing business.

A brewer may use his brewery for the purpose of conducting a business of distributing beer, on which the tax has been paid or determined, produced by another brewer and removed in the producing brewer's containers bearing his own marks and labels: *Provided*, That before commencing or continuing such a business, the brewer shall first file with the assistant regional commissioner an application and a consent of surety as provided in this subpart and receive notification of approval thereof. Such beer shall be segregated from other beer in the brewery in a manner satisfactory to the assistant regional commissioner, and shall be kept readily accessible for inspection by internal revenue officers. This subpart does not authorize a brewer to receive beer, on which the tax has been paid or determined, produced at another brewery owned by the same brewer. For the purposes of this subpart, such ownership shall include corporate ownership of breweries in which (a) one corporate owner owns the controlling interest in the other corporate owner, or (b) the controlling interest in both corporate owners is owned by the same person.

§ 245.209a Application.

The application required by § 245.209 shall be submitted, in duplicate, to the assistant regional commissioner. The application shall state the type of business to be conducted, the name (and pertinent trade names) and address of the brewer whose beer will be distributed, the brand names and the estimated volume of case and of keg beer to be handled, the date the business will commence, the place or places where the beer will be stored in the brewery, the method of segregating the beer from other beer in the brewery, and such other information as the assistant regional commissioner may require. The assistant regional commissioner may approve the application if he finds that the proposed operation will not jeopardize the revenue or result in undue administrative difficulties.

§ 240.209b Consent of surety.

The consent of surety required by § 245.209 shall be prepared in accordance with § 245.45.

§ 245.209c Records.

The brewer shall keep records of the details of receipt and disposition of the beer received under the provisions of this subpart. Such records shall clearly and readily distinguish the transactions in such beer from those in all other beer. Daily totals of such transactions shall not be entered in Form 2051 nor shall such transactions be reported on Form 103.

PAR. 7. Paragraph (b) of § 245.225 is amended to change "including" to "and" and to add the phrase "or other liquids." As amended, paragraph (b) reads as follows:

§ 245.225 Records.

(b) Beer and cereal beverage produced (and water or other liquids added after production is ascertained).

[F.R. Doc. 63-6760; Filed, June 25, 1963; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****[25 CFR Part 52]****TRIBES ORGANIZED UNDER SECTION 16 OF INDIAN REORGANIZATION ACT****Notice of Proposed Rule Making**

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 22; 25 U.S.C. 2 and 9), it is proposed to add new Part 52 to Title 25 of the Code of Federal Regulations to read as set forth below. The purpose of this part is to establish regulations and provide policies and procedures for the holding of Secretarial elections on tribal constitutions and constitutional amendments, except in Oklahoma and Alaska.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions or objections, with respect to the proposed new part, to the Bureau of Indian Affairs, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 52, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

Sec.	Definitions.
52.1	Purpose and scope.
52.2	Group eligibility.
52.3	Assistance from the Department of the Interior.
52.4	Request to call election.
52.5	Eligibility of voters.
52.6	Adoption by majority vote.
52.7	Election Board.
52.8	District Election Boards.
52.9	Voting districts.
52.10	Voting list.
52.11	Eligibility disputes.
52.12	Election notices.
52.13	Opening and closing of polls.
52.14	Manner of voting.
52.15	Ballots.
52.16	Absentee voting.
52.17	Contesting of election results.
52.18	Interpreters.
52.19	Electioneering.
52.20	Certifying election returns.
52.21	

AUTHORITY: §§ 52.1 to 52.21 issued under 25 U.S.C. 476.

§ 52.1 Definitions.

As used in this Part 52:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Secretarial election" means an election held within a tribe pursuant to regulations prescribed by the Secretary.

(c) "Officer in Charge" means the Superintendent, Administrative Officer, or other official of the local unit of the Bureau of Indian Affairs having jurisdiction.

(d) "Indian" means all persons of Indian descent who are members of any recognized Indian tribe under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the then boundaries of any reservation, and shall further include all other persons of one-half or more Indian blood.

(e) "Adult Indian" means any Indian who has attained the age of 21 years.

(f) "Tribe" means any Indian tribe, organized band, pueblo, or the Indians residing on an Indian reservation or reservations. Such tribes may consist of any consolidation of one or more tribes or parts of tribes.

(g) "Recognized tribe" means any Indian tribe which has entered into a treaty, convention, or executive agreement with the Federal government or whose tribal entity has been otherwise recognized by the United States.

(h) "Reservation" means any area established by treaty, Federal statute, executive order, or otherwise for the use and occupancy of Indians.

(i) "Indian Reorganization Act" means the Act of June 18, 1934 (48 Stat. 984, as amended, 25 U.S.C. 461, et seq.).

(j) "Constitution" or "constitution and bylaws" means the written organi-

zational framework of any organized tribe for the exercise of governmental powers.

§ 52.2 Purpose and scope.

The purpose of this Part 52 is to provide uniformity and order in holding elections to vote on constitutions and bylaws and constitutional amendments, and to facilitate the calling of such elections by the Secretary under the provisions of the Indian Reorganization Act.

§ 52.3 Group eligibility.

A constitution and bylaws may be adopted by (a) a tribe or tribes of a reservation, (b) by the adult Indian residents of a reservation, or (c) by a traditionally recognized tribe, except that no group which has voted to reject the provisions of the Indian Reorganization Act shall be organized under the Act. A tribe organized under the Indian Reorganization Act shall adopt amendments to its constitution and bylaws under the regulations in this part.

§ 52.4 Assistance from the Department of the Interior.

The Department of the Interior will cooperate with and offer advice and assistance to any eligible group in drafting a constitution and bylaws or an amendment.

§ 52.5 Request to call election.

The Secretary will call an election on the adoption of a constitution and bylaws upon request by the Tribal governing body or an authorized representative committee or upon petition filed by at least one-third of the adult members of the group. An election on the adoption of amendments to the constitution and bylaws shall be called by the Secretary when requested as provided in the amendment article of the constitution and bylaws; however, the election shall be conducted in the manner prescribed in the rules and regulations in this part. The Secretary may propose amendments to the constitution for consideration at Secretarial elections, unless the constitution and bylaws for Secretarial elections provide otherwise.

§ 52.6 Eligibility of voters.

(a) If the unorganized group is a tribe or tribes of a reservation:

(1) Any adult member regardless of residence shall be entitled to vote.

(2) Adult non-residents or ill or physically disabled members may vote by absentee ballot. See § 52.17.

(b) If the unorganized group is composed of the adult Indian residents of a reservation:

(1) Any adult Indian residents shall be entitled to vote.

(2) Absentee voting shall be permitted for residents temporarily absent from the reservation, ill or physically disabled.

(c) For organized tribes voting in elections for amendments of the constitution and bylaws, only properly eligible voters are entitled to vote, i.e., if the group was organized as a tribe, absentee balloting is permitted, but if the group was organized as residents of a reservation, absentee balloting will not be permitted except as provided in paragraph (b) (2) of this section.

PROPOSED RULE MAKING

§ 52.7 Adoption by majority vote.

A constitution and bylaws or amendment shall be considered adopted if a majority of those actually voting vote in favor of adoption provided the total vote cast is not less than 30 percent of those entitled to vote; but no action shall become effective until it is approved by the Secretary.

§ 52.8 Election Board.

(a) There shall be an election board consisting of the Officer in Charge acting as chairman and two representatives of an authorized council or committee of Indians. In addition the Officer in Charge may appoint an interpreter and as many clerks and poll watchers as he deems necessary but they shall not be members of the board.

(b) It shall be the duty of the board to conduct elections in compliance with the procedures described in this Part 52 and in particular, (1) to see that the name of each person offering to vote is on the official voting list; (2) to keep the ballot boxes locked at all times except when ballots are being counted; (3) to see that the ballot is cast by the voter himself and that thereupon the voting list is checked to indicate this; (4) as a board to count the regularly cast ballots immediately after the close of the polls, and the absentee ballots immediately after expiration of the time for their receipt; (5) to certify the election returns; (6) to return all the ballots to the ballot boxes which shall be marked and locked together with all unused ballots and a copy of the election returns, to the Officer in Charge.

§ 52.9 District Election Boards.

Where the reservation has been divided into voting districts either by the tribal constitution, ordinance, or resolution, or by the Election Board, the Election Board shall appoint District Election Boards for each district which shall have the duties above prescribed for the Election Board except that it should return the ballots in the ballot boxes, all unused ballots, and its certification of the district election results to the Election Board which will make the final recapitulation of the election results for the entire reservation and transmit it together with all the aforementioned ballots and ballot boxes to the Officer in Charge.

§ 52.10 Voting districts.

If voting districts have not already been designated and delimited in the tribal constitution or by tribal ordinance or resolution, and in its judgment voting districts throughout the reservation are needed, the Election Board shall delimit them and designate a polling place for each district, taking into consideration the needs and convenience of tribal members.

§ 52.11 Voting list.

The Election Board shall compile an official alphabetical voting list, arranged by voting districts, if any, of the members of the tribe who have attained the age of twenty-one years. A copy of this list shall be supplied to each District Election Board and also posted at the head-

quarters of the local administrative unit of the Bureau of Indian Affairs and at various public places designated by the Election Board throughout the reservation at least 20 days prior to the election.

§ 52.12 Eligibility disputes.

The Election Board shall determine any written claim to vote presented to it by one whose name is not on the official voting list as well as any written challenge of the right to vote of anyone whose name is on this list, and its decision shall be final. It shall set a date not more than ten nor less than five days before the election to pass on all such matters. All claims not presented on or before this date shall be automatically disallowed.

§ 52.13 Election notices.

Not less than twenty (20) nor more than sixty (60) days' notice shall be given of an election unless otherwise authorized by the Secretary. If an election is called upon less than twenty (20) days' notice, absentee voters shall nevertheless be allowed twenty (20) days from the giving of such notice for the Election Board to receive their ballots. In such an election the posting of the official voting list shall coincide with the giving of such notice. The Election Board shall determine whether the notice shall be given by television, radio, newspaper, poster or mail, or by one or more of these methods, and whether in an Indian language in addition to English. A copy of any written election notice may be mailed to each voter and posted at the local administrative unit of the Bureau of Indian Affairs and elsewhere as directed by the Election Board.

§ 52.14 Opening and closing of polls.

The polls shall remain open from 8 a.m. to 7 p.m. local time unless different hours are set by the Election Board and the voters informed thereof in the election notice.

§ 52.15 Manner of voting.

Any qualified voter may vote by presenting himself at the polls of his voting district within the prescribed voting period, announcing to the officials there his name and address and by marking and placing in the ballot box the ballot which shall be handed to him. Voting shall be by secret ballot. See § 52.17 covering absentee voting.

§ 52.16 Ballots.

The Election Board shall cause to be prepared and furnish all ballots. Each ballot shall be stamped:

OFFICIAL BALLOT

(Facsimile Signature)

CHAIRMAN, ELECTION BOARD

Should any voter spoil or mutilate his ballot in the course of voting, he shall, in the presence of the election officials, and, with their consent, destroy it; the election officials shall then make note of the destroyed ballot and furnish the voter with another ballot.

§ 52.17 Absentee voting.

Non-resident members may vote by absentee ballot except as prohibited by

§ 52.6(c). Also, whenever due to illness or physical disability a voter is not able to vote at the polls and duly causes the Election Board to be notified thereof, he shall be entitled to vote by absentee ballot. The Election Board shall give or mail ballots for absentee voting to voters upon request in sufficient time to permit the voter to execute and return same on or before the date of the election or within the time allowed by the Election Board. Together with the ballot there shall be an inner envelope bearing on the outside the words "Absentee Ballot", a pre-addressed outer envelope, and an affidavit in form as follows:

I, _____, do solemnly swear (or affirm) that I am a member of the _____ Tribe of Indians; that I will be twenty-one years of age at the election date and am entitled to vote in the election to be held on _____; and that I cannot appear (Date of election)

at the polling place on the reservation on the date of the election because (indicate one of the following reasons) I expect to be absent from the reservation ☐ or because of illness ☐ or physical disability ☐. I further swear that I marked the enclosed ballot in secret.

Signed _____
(Voter)

Subscribed and sworn to before me this _____ day of _____ 19____, and I hereby certify that the affiant exhibited the ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballot and enclosed and sealed the same in the envelope marked "Absentee Ballot."

[SEAL] Signed _____
Title _____

The voter shall make and subscribe to the affidavit before any officer authorized by law to administer oaths, and thereupon in the presence of such officer and of no other person, mark such ballot but in such manner that such officer cannot know how such ballot was marked, and such ballot shall then in the presence of such officer be folded so as to conceal the marking, and be, in the presence of such officer, placed in the envelope marked "Absentee Ballot" and the envelope sealed. The voter shall then place the sealed envelope marked "Absentee Ballot" together with the affidavit in the outer envelope, and mail it or have it delivered. The pre-addressed outer envelope shall be directed to the Election Board at the reservation. Absentee ballots must be received by the Election Board not later than the close of the polls on election day, except as covered by § 52.13. The Election Board shall make and keep a record of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of such ballot, and from whom received, and shall count and register all such votes after all other ballots have been counted and include them in the results of the election.

§ 52.18 Contesting of election results.

Any qualified voter, within three days following the announcement of the re-

sults of an election, may challenge the election results by filing with the Secretary through the Officer in Charge his grounds for the challenge, together with substantiating evidence thereof. If in the opinion of the Secretary, the objections are valid, he shall order a recount or a new election. The results of the recount shall be final.

§ 52.19 Interpreters.

Interpreters where needed may be provided to explain the manner of voting to such Indians who ask for instruction provided all reasonable precautions are taken so that the interpreter does not influence the voter in casting his ballot. The interpreter shall not accompany the voter into the booth.

§ 52.20 Electioneering.

There shall be no electioneering during voting hours within 50 feet of any voting place. Sample ballots will be permitted in the voting booth.

§ 52.21 Certifying election returns.

A telegraphic report should be made to the Commissioner of Indian Affairs immediately after the results of the election are determined. The results of the election shall be posted in the Agency Office and at other public places of the reservation. The Election Board shall certify the results of the election on the following form and transmit it to the Bureau:

Certificate of Results of Election. Pursuant to an election authorized by the Secretary of the Interior on _____, (Date) the attached constitution and bylaws, or amendment, of the _____ (Name of Organization) was submitted to the qualified voters of the tribe and was on _____ duly (rejected) (adopted) by a vote of _____ for and _____ against, in an election in which at least 30 percent of the _____ (Number of members entitled to vote) cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378). Signed: (By the chairman of the Election Board and the two board members.)

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

JUNE 20, 1963.

[F.R. Doc. 63-6697; Filed, June 25, 1963;
8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1003, 1016]

[Docket Nos. AO-293-A6, AO-312-A3]

MILK IN WASHINGTON, D.C., AND UPPER CHESAPEAKE BAY MAR- KETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Baltimore, Maryland, on June 11-12, 1962, and continued at Arlington, Virginia, on June 13, 1962, pursuant to notice thereof issued on May 29, 1962 (27 F.R. 5195).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Secretary of Agriculture, on April 30, 1963 (28 F.R. 4452; F.R. Doc. 63-4746) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (28 F.R. 4452; F.R. Doc. 63-4746) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under 4 and 8 *Base and excess milk provisions* the following changes are made:

a. The second paragraph is revised and immediately following a new paragraph is added.

b. The sixth paragraph under subhead (a) *Upper Chesapeake Bay* is revised and immediately following a new paragraph is added.

c. The last paragraph under subhead (b) *Washington, D.C., and Upper Chesapeake Bay orders* is deleted and a new paragraph is added.

2. Under 6(c) *Milk lost in transit* following the fifth paragraph, a paragraph is added.

3. Under 10 *Classification of fluid cream* following the last paragraph, a paragraph is added.

4. Under 13 *Miscellaneous changes* following the last paragraph, a paragraph is added.

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

A. Issues with respect to the Washington, D.C., order:

1. Definition of producer with respect to delivery of milk to a plant regulated under another order.

2. Qualification of a cooperative association as a handler on bulk tank milk delivered from the farm to other handlers for the cooperative's account.

3. Shrinkage allowances.

4. Modification of base and excess milk provisions.

B. Issues with respect to the Upper Chesapeake Bay order:

5. Diversion of producer milk to non-pool plants.

6. Classification of:

(a) Fortified milk products;

(b) Milk dumped; and

(c) Milk lost in transit.

7. Shrinkage allowances.

8. Modification of base and excess milk provisions.

9. Type of pool.

C. Issues with respect to both the Washington, D.C., and the Upper Chesapeake Bay orders:

10. Classification of fluid cream disposition.

11. Application of allocation provisions to milk received from another Federal order market.

12. Class I prices.

13. Miscellaneous and conforming changes.

Issues 5 and 12 were considered separately in a decision issued by the Secretary on December 17, 1962 (27 F.R. 12644), and amendments related thereto were made effective as of January 1, 1963. The remaining issues 1 through 4, 6 through 11, and 13 are considered herein.

Findings and conclusions. The following findings and conclusions on the material issues 1 through 4, 6 through 11, and 13 are based on evidence presented at the hearing and the record thereof:

1. *Definition of "producer" with respect to delivery of milk to a plant regulated under another order.* A proposal by a cooperative association to permit handlers under the Washington, D.C., order to divert milk to plants regulated under another Federal order is denied.

The proponent cooperative association supplies milk to several Washington, D.C., handlers and an Upper Chesapeake Bay fluid milk distributing plant. Presently the cooperative supplies the Upper Chesapeake Bay handler out of the cooperative's Washington order pool plant. It was suggested by proponent that the milk could be moved with less expense of handling if it were diverted from Washington producer farms directly to such Upper Chesapeake Bay handler.

This matter, however, can be handled under present terms of the orders by qualifying some of the proponent association's membership as producers under the Upper Chesapeake Bay order. This alternative, as suggested on the record, was not objected to by proponent. It follows that milk so delivered would be producer milk pooled under the Upper Chesapeake Bay order. Thus, the dairy farmer's milk would be priced under the order applicable to the market which he is supplying. It is possible under these circumstances that a dairy farmer may be in the same month a producer under both orders, however, on different days according to the market to which the milk is delivered.

2. *Cooperative association as handler on bulk tank milk.* A cooperative association should be allowed the option of being the pool handler under the Washington, D.C., order for milk in tank trucks which is delivered for its account from members' farms to the pool plant of another handler.

Milk delivery from farm to plant in this market is very largely by tank trucks. Each tank truck load delivered to a handler's plant normally includes the milk of several producers. Under the order, the handler is required to account for the quantity of milk from each producer, and the butterfat test thereof. In this case, the only measurement available of an individual producer's milk is the measurement made at the farm, usually by a dip stick in the farmer's bulk holding tank. Handlers obtain from the haulers the information as to quantities of milk picked up from each producer, and samples are provided by haulers for butterfat testing.

A cooperative association which represents a large segment of the supply for the market requested that it be allowed the option to act as pool handler for milk of its members delivered in tank trucks to other handlers' pool plants. The association is currently receiving payments from handlers for member milk delivered to handlers' plants. In large part, the daily arrangements for the movement of milk from farms to plants is under the direction of the association. The tank trucks, however, are not owned by the association, but are operated by independent haulers who are not employees of the association. The association receives from the haulers, who are licensed weighers and samplers, information as to quantities of milk picked up at each farm, and samples for butterfat testing.

Handlers are obligated under the order to pay the association, if it so requests, the sum of the amounts due to individual producer members. Such obligations are necessarily calculated on the basis of quantities of milk as measured at the farm. In instances when the quantity of milk as determined at the plant, when the truck is unloaded, has not coincided with the total of quantities as measured at the farms, handlers have made adjustments in payments to the cooperative association with respect to handling charges or premiums outside of order pricing.

The proposal contemplates that the association would account for milk received from producer members according to quantities as measured at the farm and according to butterfat tests of each producer's milk. Milk delivered to plants by the cooperative association would be accounted for as an interhandler transaction. Appropriate shrinkage allowances applicable to the milk as handled by the cooperative and as handled by the handler to whom delivered would recognize normal loss in such operations.

Official notice is taken of the Secretary's decision of April 6, 1961 (26 F.R. 3106) in which consideration was given to a similar proposal by a handler which would have required a cooperative association to be the receiving handler for member milk delivered in tank trucks. In that decision, the Secretary concluded that circumstances did not justify imposing this responsibility upon the association.

Reconsideration is now given to the matter in view of the cooperative association's request that it be allowed to act as handler on bulk tank milk. Under the circumstances described, it is deemed proper to allow the association to assume responsibility as a pool handler for member bulk tank milk. As a pool handler, the association would be responsible for: (1) Submitting detailed reports as to milk received from each producer and disposition of such milk, (2) equalization payments into the producer-settlement fund, and (3) payments to each producer from whom the milk is received. Proper application of order provisions will require that when a cooperative association desires to be the handler on bulk tank milk, it shall give notice to both the market administrator and the han-

dlar to whom milk is delivered, such notice to be given prior to delivery of the milk.

For pricing purposes, the bulk tank milk for which the cooperative acts as handler would be considered to be received by the cooperative at the location of the plant to which delivered.

So that the association will be assured of payment of the money out of which it will meet its obligations to member producers and to the pool, the handler to whose plant the milk is delivered should be required to pay the association class prices according to the classification of the milk at the plant. Administrative expense on the milk should continue, as under current provisions, to be paid by the pool plant operator receiving such milk. Otherwise, if such obligation were placed upon the cooperative association, it would reduce the returns to producers on such milk below the minimum prices specified in the order. Some modifications of other order provisions relating to interhandler transfers, shrinkage, and allocation, which would be needed to accommodate the change in handler definition are described elsewhere in this document.

3. Shrinkage allowance. Shrinkage allowances in the Washington, D.C., order should be revised to provide a division of the allowance between receiving and processing operations, and to establish a maximum of 2 percent.

The Washington order now provides that plant shrinkage shall be prorated between receipts of producer milk and other source milk, and that shrinkage so assigned to producer milk shall be Class II milk up to 1.5 percent, and excess over this shall be Class I milk.

In the case of milk transferred between handlers, if the first handler receives and transfers the milk without processing it, he normally has less shrinkage than is experienced in processing operations. With respect to transferred milk, therefore, the total shrinkage allowance should be divided in a manner that assigns the greater portion to the processing handler.

A cooperative association proposed that one-half of one percent apply to milk it would receive as a handler on bulk tank milk, and 1.5 percent apply at the processing plant to which such milk is delivered. Application of the same type of provision to interplant transfers would allow 0.5 percent to the first plant and 1.5 percent at the second plant. In the case of milk received and processed at the same plant, the total allowance would be 2 percent. Such a division of shrinkage allowances is provided in the Upper Chesapeake Bay order and is common in other Federal orders. It is adopted for the Washington, D.C., order to provide an adequate shrinkage allowance system to cover all milk handling operations including inter-handler transfers.

A handler receiving bulk tank milk from a cooperative association should be allowed 2 percent shrinkage allowance if he pays for the milk on the basis of farm weights and butterfat tests of samples from milk of individual producers. In this case, no shrinkage allowance would apply to the cooperative associa-

tion as a handler on this milk. The handler thus could apply the same shrinkage provisions as in the case of nonmember milk received by him.

These modifications in the shrinkage allowance also require some change in the proration of actual plant shrinkage to various types of receipts. Shrinkage should be prorated to producer milk, receipts from other handlers, and other source milk.

4. and 8. Base and excess milk provisions. The base and excess provisions under the two orders are similar in that the computation of a producer's base depends on deliveries during the July-December period. The months of base payment, however, are March through June in the Upper Chesapeake Bay market and April through June in the Washington, D.C., market. Since there were proposals made on the base plans of both orders, it is desirable to extend the similarities of the plans insofar as supported by the record.

Under the Upper Chesapeake Bay order the base transfer provisions should be revised to provide for free transfer of base and to permit division of a base between joint holders upon dissolution of a partnership. No change should be made in either order as to the months in which bases apply or the period of deliveries from which bases are computed.

The definition of base and excess milk in § 1003.19 of the Washington, D.C., order is modified merely to conform to changes in the handler definition with respect to a cooperative which would be a handler on bulk tank milk. The proviso with respect to every-other-day delivery, inadvertently omitted in the recommended decision, should be retained.

(a) Upper Chesapeake Bay order. The proponent cooperative association stated that the base payment plan in effect since the inception of the order has assisted in maintaining a relatively desirable production pattern. It was the view of the cooperative, however, that the present plan has stimulated an increase in production during the base making period. A 12-month plan, proponent contends, would counteract such tendency.

The purpose of a base plan is to level out seasonality of production in a market. The Act does not provide authority to restrict the annual level through such a plan. Seasonal variation of production in this market has been within reasonable limits. Daily average delivery per producer during the base pay period of March-June 1961 increased 9.6 percent over that of the preceding base making period of July-December 1960, and similarly production for the base pay period March-June 1962 increased 9.5 percent over that of the preceding base making period July-December 1961.

Although production per farm has increased generally since the order was instituted, the increase during the base making period has been about the same as during the base paying period. During the base paying months of March through June 1961, production per farm was 108.5 percent of that for the same period of 1960. For the July-December period of 1961, production per farm was 107.0 percent of the same period in 1960.

For subsequent periods only the production in successive base paying periods are available.¹ In the period March through June 1962 per farm production was 107.0 percent of the same period in 1961.

Certain conflicts of incentives are inherent in a 12-month base plan. Under such a plan a producer's incentive to increase production is restricted by his existing base even during the base forming period. On the other hand, because the base is effective for the entire year, the producer also has the incentive to build as large a base as possible for the next year. In view of these considerations it is not clear that such plan would tend to improve the seasonal production pattern in the market.

Proponent producers under the Upper Chesapeake Bay order requested that, in the case of every-other-day delivery by a producer during the base paying months of March through June, such producer's base milk be computed on the basis of the number of days production represented in the deliveries during the month. Thus, for example, a producer regularly delivering milk every-other-day whose milk is received at a plant on the first and thirty-first of May would have base milk reflecting 32 days of production (one day in April and 31 days in May).

Presently, the method used for computing a producer's base milk deliveries is to multiply the number of days the producer's milk is received by a pool handler during the month by the producer's daily base, provided that for regular every-other-day delivery the producer will be accorded base for the days of non-delivery. In the recommended decision it was concluded that the quantity of base milk could be computed as the product of the producer's base multiplied by the number of days in the month, thus providing a uniform method of computation without reference to particular delivery schedules of individual producers.

Proponent, in exceptions, however, indicated that the recommended computation would not fully meet the problems with respect to base computation it had presented on the record. It is concluded here that the producers' proposed computation would not interfere with the equitable operation of the base plan and would accommodate the problems described by proponent. The order language which would implement the producer proposal would include as a day of delivery, in the case of an every-other-day delivery schedule, a day of non-delivery preceding a day of delivery. In some instances, this method would count the last day of the preceding month among the number of days by which producer's daily base is multiplied.

Both orders contain provisions for the computation of base for a farmer who transfers his deliveries from one market to the other. In the Washington, D.C., order a farmer may have a base if he qualifies as a producer under such order during all of the months of October,

November, and December. It should similarly be provided in the Upper Chesapeake Bay order that the producer qualify under that order for all of the three months.

The present base plan under the Upper Chesapeake Bay order permits the transfer of a producer's entire base to another producer only upon bona fide conveyance of the herd to such producer. The proponent cooperative association proposed that such transfer provisions be modified to permit transfer of an entire base only upon conveyance of 60 percent or more of the cows contributing to the establishment of such base and that no base transfer be permitted where 40 percent of the animals in the milking herd are disposed of at one or more public auctions. The association would also modify the base transfer provisions to permit partners jointly holding a base to assign shares of the base to each individual upon dissolution of partnership.

Present or proposed restriction on transfers do not implement or add to the effectiveness of the base plan. Accordingly, it is not necessary that transfer of base be contingent upon transfer of the herd or farm business. The order should provide that a base may be transferred upon proper application to the market administrator for such transfer signed by the parties involved.

The order provides for the allotment of only one base in the case of joint ownership or operation of a dairy farm and in event of dissolution of such partnership the base may be transferred only in its entirety. The base transfer provisions should be revised to permit the division of a base among joint holders upon termination of partnership if certain conditions are met. If a copy of the partnership agreement setting forth the percentage of the total interest of the partners in the base is filed with the market administrator before the end of the base making period then, upon termination of the partnership agreement, each partner would be entitled to his stated share of the base. A person who does not remain with the farm operation upon dissolution of partnership then would have his stated share of such base for any dairy operations with which he may become affiliated including transfer of his share of the base to another partnership in which he becomes a member.

(b) *Washington, D.C., and Upper Chesapeake Bay orders.* Under the present provisions of both orders, a producer's base is determined by dividing the total pounds of milk received at specified plants during the preceding months of July through December by the number of calendar days from the first day of receipt through December 31 but not less than 154 days.

For the Washington, D.C., order a producer cooperative proposed that total pounds of milk qualified for computation of a producer's base be divided by the actual number of days on which milk was delivered during the base forming period, July through December. This, the proponents contend, would make better allowance for accidents, weather, or other circumstances which might prevent a producer from making daily de-

liveries during the entire six-month base forming period.

A producer cooperative in the Upper Chesapeake Bay market requested that for a producer on an every-other-day delivery, the day of nondelivery preceding a day of delivery, even though it may be in the preceding month, shall be counted in computing such producer's base. Thus, a divisor of 185 days could result for computing the daily base of a producer delivering July 1 and regularly making every-other-day deliveries during the entire base forming period. Presently, 184 calendar days is the maximum possible. Proponent also requested that in the case of a new producer transferring from the Washington, D.C., market, allowance be made for days of nondelivery because of failure to obtain health approval.

Some improvement in the method of base computation in both orders may be made by using a standard divisor of 184 days to compute the average daily marketings during the July-December base forming period. This general rule would be expected to apply in the majority of cases but would be subject to modification for special cases. The 184 figure, for purposes of computing a producer's base, should be reduced by the number of days of production of milk of such producer during the base forming period which was not received by a handler as specified in the base provisions. Thus, any producer who, because of unforeseen events, was unable to maintain base qualifying deliveries for the entire 184 days of the base forming period would not have counted in the divisor the days of production not delivered. The burden of proof that a day's production is not delivered would be upon the producer. In any case, however, the divisor would be not less than 154 days in recognition of such period as the minimum to establish a representative level of production. This continues the same minimum as presently applies in both orders.

In exceptions submitted by proponent with respect to the Upper Chesapeake Bay order, however, it was indicated that a divisor of 185 days should apply, nevertheless, in a case of a producer on an every-other-day delivery schedule who delivered on July 1, the first day of the base making period. This proposal is adopted to accommodate the problem of base computation with respect to this particular case in line with computations applicable to other producers.

6. *Classification of certain items—(a) Fortified milk products.* Fortified fluid milk products should be classified in the Upper Chesapeake Bay order as Class I milk in quantity equal to the weight of an unfortified fluid milk product of the same nature and butterfat content.

Fortified fluid milk products, principally low fat fluid products, are distributed by handlers regulated under the order. Under the order system of accounting, these products are classified as Class I disposition of a quantity which includes both the actual pounds of product and the fluid equivalent of added nonfat milk solids. A handler proposal would change the accounting for fortified products to require handlers to account only for the weight of the prod-

¹ Official notice is taken of market data published by the market administrator for the Upper Chesapeake Bay order for June 1962.

ucts sold without regard to the fluid equivalent of added nonfat solids.

Fortified milk products are prepared by the addition of nonfat milk solids (in the dry form or as condensed skim milk) to milk or partially skimmed milk, so that the resulting product contains greater than the natural concentration of nonfat milk solids. Such fortified products are characteristically a fluid product competing with other fluid products, for Class I milk outlets. However, the volume of water originally associated with the added nonfat solids is not present in the product and does not displace other Class I uses of producer milk. Accordingly, fortified fluid products should be accounted for as Class I milk only to the extent of the weight of an unfortified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, sugar, etc. This quantity represents the extent to which such a product may displace use of producer milk in other forms of Class I products and should be the quantity classified as Class I milk.

The total quantity for which the handler must account in the case of fortified products includes the equivalent of the water originally associated with the added nonfat solids. To the extent that the total quantity exceeds the quantity to be classified as Class I in the manner described, such excess would be Class II milk.

(b) *Dumped milk.* Butterfat in milk or milk products dumped by a handler under the Upper Chesapeake Bay order should be accounted for as Class II milk.

The Upper Chesapeake Bay order provides Class II classification for skim milk dumped by a handler under certain conditions which allow the market administrator to observe or check the dumping operation. Butterfat contained in milk products dumped is classified as Class I milk.

A handler under the Upper Chesapeake Bay order testified that in the case of route returns of certain items such as homogenized milk and milk products, or chocolate milk, the butterfat is not economically salvageable for further use. He proposed that, with respect to butterfat in such items dumped, the classification be Class II.

In any case where a handler dumps milk or milk products it may be presumed he is unable to find any economic use for the product or its constituents. Such milk or milk products, however, represent a portion of the total supply of milk the handler has acquired by his own choice and has called upon producers or other suppliers to furnish him. The order accordingly requires the handler to return to producers on this milk class use values as described above.

With respect to the butterfat in route returns to which the difficulty of salvage applies as explained by the handler, further processing of the butterfat is not economical and dumping should be recognized as an appropriate Class II disposition. Ordinarily the dumping of butterfat so classified would not occur in any case where salvage of the butterfat is reasonably possible since the han-

dler would desire to avoid loss of product for which he is obligated to pay. Accordingly, the Class II classification should apply to butterfat in the same manner as it applies to skim milk in products dumped. The market administrator should be notified prior to dumping of any product and be afforded the opportunity to verify such dumping.

(c) *Milk lost in transit.* The Upper Chesapeake Bay order should provide a method for handlers to report receipts of milk in a bulk tank load if partial loss of milk occurred by accident between the farm and plant of first receipt. Producer milk should be only the remaining quantity of milk in such load which is physically received at a pool plant.

Occasionally, a tank truck load of milk in transit from farm to plant may be partially or completely lost due to accidental cause such as collision, overturning, or substantial leakage. The milk lost does not meet the definition of "producer milk" since it does not reach the plant. In some instances, however, milk lost has been reported as a receipt, thus resulting in an "over reporting" of the quantity of milk from producers. To the extent that this results in quantities of milk for which there is not an identified utilization, Class I classification results.

The proposal that milk lost in transit be priced as producer milk at the Class II price was favored by a cooperative association on the grounds that Class I classification enhances the pool in a way not based on actual utilization, and unduly burdens insurers. In most instances, the truck load is covered by insurance which will reimburse the insured for the value of the product as priced under the order.

With respect to reporting the receipt of milk remaining in a load after partial loss by accident, handlers are faced with the problem of accounting for the quantity of such remaining milk assignable to each producer. Normally, handlers are required to account for each producer's milk on the basis of farm measurement.

Provision should be made that in case of loss as described, the quantity of producer milk assigned to each producer shall be a share of the remaining load delivered to a pool plant prorated on the basis of farm tank measurements for all producers whose milk is represented in the load. Only the milk physically delivered to a pool plant would be considered producer milk since such delivery provides an authoritative basis for the market administrator to verify the actual quantity remaining.

A producer cooperative, in exceptions, argued that intransit accidental losses should be given the same accounting treatment as usual differences between farm stick measurements and plant scale weights. In the latter instance, however, there is a close relationship between the measurements at the farm and the actual quantity of milk delivered to the plant and thus made available for market utilization. The allowance of one-half of a percent for shrinkage in normal handling from farm to plant recognizes that such losses are relatively

very small. This is in contrast to accidental loss where it might be expected that the loss would be considerably greater. The suggested inclusion in the pool of milk lost by accident would shift the burden of such loss to all producers.

It would be incumbent upon a pool handler to report, within 24 hours, the quantity of milk lost and the quantity of producer milk received.

7. *Shrinkage allowance.* No change should be made in the Upper Chesapeake Bay order in the amount of the shrinkage allowance.

The order provides that plant losses of skim milk and butterfat may be accounted for as Class II milk within certain percentage limits. The handler is allowed Class II classification up to 2 percent shrinkage of producer milk, and the excess of shrinkage above 2 percent is classified as Class I milk. With respect to fluid milk products received in bulk tank loads at a pool plant from another pool plant, the maximum shrinkage allowance of 2 percent is allocated at the rate of 1.5 percent to the plant where processed, leaving the other 0.5 percent for the shipping plant. This division of the total allowance also applies if a cooperative association acts as a handler receiving bulk tank milk from dairy farmers which it delivers to pool plants. In this case, the cooperative association is allowed half a percent shrinkage allowance unless the operator of the pool plant chooses to pay the cooperative for the milk on the basis of farm weights and butterfat test, in which case the entire 2 percent allowance applies to the plant operator.

Actual plant shrinkage of skim milk or butterfat is prorated to plant receipts of (1) producer milk and milk received in bulk from a cooperative association or from other pool plants, and (2) other source milk.

Under this system, which has been in effect since September 1, 1961, the marketwide average shrinkages of skim milk and butterfat have been less in each month than the total allowance with the single exception that butterfat shrinkage was 2.32 percent of the applicable receipts in September 1961. Prior to that time, a shrinkage allowance (2 percent) applied only to producer milk received at plants. The marketwide average of shrinkage on producer milk in that earlier period was also well below the maximum allowance.

One handler proposed that the plant shrinkage allowance should be 2 percent on milk received in bulk tank trucks from a cooperative association. The effect of such change would be to increase the total allowance to 2.5 percent on such milk, since the cooperative association would be allowed one half percent. Proponent claimed it was not normally possible to keep his shrinkage within the specified limit. As the source of his difficulties he cited: (1) Substantial quantities of route returns of chocolate milk and buttermilk for which he had no further use; and (2) the impossibility of salvaging butterfat from returns of chocolate milk, buttermilk and homogenized milk.

These considerations, however, are similar to conditions which would nor-

mally affect operations of any handler in the market. In view of evidence cited above, no increase in the total shrinkage allowance is justified. The problem in connection with non-salvable butterfat is dealt with under issue No. 6(b), subhead "Dumped milk" of these findings.

The pass-along of 1.5 percent shrinkage allowance in the case of transfers between plants should apply only to transfers of milk, not milk products. For products processed before transfer, most of the shrinkage involved in handling occurs prior to such transfer, and a pass-along of shrinkage should not therefore apply.

9. *Type of pool.* Order provisions for marketwide pooling should be retained. The proposal to change to individual handler pooling was supported by a single dairy farmer. The marketwide pooling arrangement, effective since the inception of the order, has provided a method of equalizing returns to producers and facilitates an orderly marketing of reserve milk. The original basis for adoption of marketwide pooling is shown in detail in the promulgation decision, November 20, 1959 (24 F.R. 9441), the findings of which are adopted here. Testimony on this record did not show that the orderly marketing of milk would be benefited by the proposal.

10. *Classification of fluid cream.* Under the Upper Chesapeake Bay order, cream or mixtures of cream with milk or skim milk (except aerated cream and sour cream) disposed of on routes for fluid consumption in the Washington, D.C., marketing area should be classified as Class I milk.

The definition of Class I milk under the Upper Chesapeake Bay milk order depends upon the definition of "fluid milk products". The latter includes "any mixture in fluid form of cream and milk or skim milk containing less than 12 percent butterfat, and 50 percent of the quantity by weight of any such mixture containing at least 12 percent but less than 18 percent butterfat". Under the Washington, D.C., order, the Class I definition includes any mixture of cream and milk or skim milk disposed of for consumption in fluid form, excepting aerated cream, sour cream and eggnog.

The difference in cream classification under the two orders has been of concern to producers and handlers under the Washington order with respect to competition for military contract sales. A Washington producer group favored equal pricing of cream under the two orders, preferably by raising the classification under the Upper Chesapeake Bay order to Class I. As a less preferable alternative, it was suggested that cream under the Washington order be changed to Class II.

The Class II milk price formulas in both orders were amended effective July 1, 1962 (27 F.R. 5034 and 5039). The cost to a handler under the Upper Chesapeake Bay milk order of 18 percent butterfat cream as Class II milk during the last six months of 1962 varied from \$2.59 to \$3.04 per hundredweight less than the cost of the same product as Class I milk to a handler under the

Washington, D.C., order. This price difference, on a per quart basis, was approximately 5.5 to 6.5 cents. With respect to cream with butterfat content of 12 percent, the difference in cost for the same period ranged from \$1.24 to \$1.37 per hundredweight or from 2.6 to 2.9 cents per quart.¹

The difference in the classification provisions of the two orders has arisen because of the difference in the application of sanitary regulations with respect to the marketing of cream for fluid consumption. The Washington market handlers generally need milk from dairy farms under local health inspection regulations to supply their fluid cream outlets. In the city of Baltimore, however, the approval of cream for fluid use is based on a system of plant approvals, including plants much beyond the geographic area representing the regular production area for fluid milk supply for the Upper Chesapeake Bay market. Baltimore City plants generally have fluid distribution throughout the Upper Chesapeake Bay marketing area.

In the promulgation decision for the Upper Chesapeake Bay order, issued by the Assistant Secretary November 20, 1959 (24 F.R. 9441), it was stated that "Practically, the area herein under consideration is an open cream market. Philadelphia, which is an open cream market, is less than 100 miles from Baltimore and is a primary factor in determining the price of cream in the Baltimore market. Health authorities with jurisdiction in the marketing area have approved outside sources for shipment of fluid cream. Such cream competes with cream derived from local producer milk. The inclusion of fluid cream as a Class I product would price cream derived from producer milk at a competitive disadvantage with cream imported from other sources." There has not been any substantial change in the effect of the aforementioned sanitary regulations since the issuance of these orders.

The Washington, D.C., and Upper Chesapeake Bay markets are closely related both as to production areas and with respect to competition of handlers. Class prices under the two orders have been identical. The difference in the classification of cream under the two orders represents the principal difference in the effect of order pricing. To the extent that handlers whose milk is priced under the Upper Chesapeake Bay order have fluid cream disposition in the Washington marketing area, equality of pricing is necessary to preserve orderly marketing and avoid any advantage due to lower pricing of the same product under one order than under the other. For the foregoing reasons cream or cream mixtures disposed of by Upper Chesapeake Bay pool plants on routes for fluid consumption in the Washington, D.C., marketing area should be classified as Class I milk disposition.

A handler under the Upper Chesapeake Bay order excepted to this classification on the basis that it would be a compen-

satory payment, and as such, at variance with the Supreme Court ruling in the case of *Lehigh Valley Cooperative Farmers, Inc., et al., Petitioners v. United States et al.* This clearly is not applicable, inasmuch as the milk in this instance is entirely producer milk under this order and the obligation is to producers. It is an obligation applied uniformly to any handler under the order who disposes of milk in the manner described.

11. *Allocation of milk received from another Federal order market.* The allocation provisions of both orders should be revised with respect to the assignment of beginning inventory to class utilizations. Insofar as possible, the classification of beginning inventory should avoid a re-evaluation of milk received in the prior month from plants regulated under other orders. This purpose may be served by setting aside from the handler's utilization the quantity of Class II milk equal to his ending inventory prior to assignment of milk from other Federal order plants which was classified under the other order as Class I milk or classified under a provision of the other order which made its classification dependent upon assignment under this order. If in any case it would not be possible to complete the assignment of such other Federal order milk in this manner, the remainder of such other Federal order milk would be assigned after the quantity of ending inventory had been re-entered in the total utilization. Subject to the preceding calculations the beginning inventory would be assigned first to Class II utilization then to Class I.

The Upper Chesapeake Bay order now provides for the assignment of Class I of packaged fluid milk products received from fully regulated plants under another order after the assignment of other types of other source milk and inventory. The assignment of such packaged receipts to Class I to the extent disposed of in the same packages will provide a more exact representation of actual utilization.

Other questions with respect to assignment of milk received from plants regulated under the orders are reserved for consideration in a further recommended decision. The classification and assignment of inter-order transfers of milk and milk products is an issue considered at another hearing which convened January 2, 1963, at Arlington, Virginia, with respect to proposed amendments to the Washington, D.C., Upper Chesapeake Bay and 22 other order markets (27 F.R. 12771, 12773, 12775).

The new allocation provisions in both the Upper Chesapeake Bay and the Washington, D.C., orders contained herein would assign separately receipts at a pool plant from a producer handler. This will make more definitive the classification of milk received from producer handlers.

13. *Miscellaneous changes.* A correction is made in the marketing area definition of both orders to reflect the current name, or designation, of roads forming the boundary between the marketing areas in Calvert County, Maryland. The

¹ Official notice is taken of published market statistics of Class I and Class II prices for the July-December 1962 period.

correction involves the road designated in the Upper Chesapeake Bay order as Maryland State Highway 507, and in the Washington, D.C., order as Stoakley Road. This is a segment of road between Maryland State Highway No. 2 and the Patuxent River in the vicinity of Leitch Wharf. The Maryland State Road Commission has redesignated a portion of this highway as Stoakley Road and the remainder as Leitchs Wharf Road. No change in the marketing areas is involved in this correction.

Conforming changes include changes in reference designations used in certain provisions to refer to other provisions changed in this amendatory order, such as the changed allocation provisions.

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

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

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

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

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

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings

and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Washington, D.C., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Washington, D.C., Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Upper Chesapeake Bay Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Upper Chesapeake Bay Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

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

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

The month of March 1963 is hereby determined to be the representative period for the conduct of each such referendum.

Edward L. St. Clair is hereby designated agent of the Secretary to conduct the referendum with respect to the Washington, D.C., order; and E. Hickman Greene is hereby designated agent of the Secretary to conduct the referendum with respect to the Upper Chesapeake Bay order. The referendum, in each case, is to be conducted in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), each such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on June 21, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Washington, D.C., Marketing Area

§ 1003.0 Findings and determinations.

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

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

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

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

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

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Secretary of Agriculture, on April 30, 1963, and published in the FEDERAL REGISTER on May 3, 1963 (28 F.R. 4452; F.R. Doc. 63-4746), shall be and are the terms and provisions of

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

this order, and are set forth in full herein subject to the following revisions:

1. In § 1003.6, the semicolon following "St. Marys" is changed to a comma.

2. In paragraph (c) of § 1003.10, a phrase is changed.

3. In § 1003.19, paragraph (a) is revised.

4. In amendment No. 9, the text preceding the heading § 1003.30 *Reports of receipts and utilization* is revised.

5. In § 1003.41, subparagraph (5) (ii) and (iv) of paragraph (b) is revised.

6. In § 1003.42(b)(1), a word is changed.

7. In § 1003.52, the word "transfer-ring" is changed.

8. Amendment No. 19 is revised.

9. Amendment No. 21 is revised.

10. Following amendment No. 22, an amendment is added.

11. Following amendment No. 23, an amendment is added.

1. Section 1003.6 is revised to read as follows:

§ 1003.6 Washington, D.C., marketing area.

"Washington, D.C., marketing area" called the "marketing area" in this part means all of the territory situated within the District of Columbia; the counties of Arlington, Fairfax and Prince William and the City of Alexandria all in the State of Virginia; the counties of Prince Georges (excluding the corporate limits of the town of Laurel), Montgomery, Charles, and St. Marys, that portion of Calvert County lying south of a line beginning at the western terminus of Leitchs Wharf Road, continuing easterly along said road to its intersection with Stoakley Road, continuing easterly along said Stoakley Road to its intersection with Maryland State Highway 2, continuing northerly along said Highway 2, to its intersection with Maryland State Highway 263 and then easterly along said Highway 263 to its terminus at the Chesapeake Bay, and that part of Frederick lying south of a line beginning at the intersection of the Washington-Frederick County line with Alternate U.S. Route 40, following Alternate U.S. Route 40 easterly to the western boundary of the corporate limits of the City of Frederick, thence along the western, northern and eastern boundary of the city to its eastern junction with Alternate U.S. Route 40 and then southeasterly along Alternate U.S. Route 40 to the Frederick-Carroll County line, all in the State of Maryland; together with all piers, docks, and wharves connected therewith and including all territory within such boundaries which is occupied by Government (Municipal, State or Federal) installations, institutions or other establishments.

2. Section 1003.9 is revised to read as follows:

§ 1003.9 Pool plant.

"Pool plant" means:

(a) An approved plant other than the plant of a producer-handler;

(1) During any month within which a volume of milk not less than 10 percent of its receipts of milk from dairy farmers (including milk received from a

cooperative association in its capacity as a handler pursuant to § 1003.10(c)) approved by a duly constituted health authority for fluid disposition, is disposed of on routes as Class I milk in the marketing area: *Provided*, That the total quantity of Class I milk disposed of from such plant (inside and outside the marketing area) is equal to not less than 50 percent of such plant's total receipts from such dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)); or

(2) During any month of October through February in which at least 50 percent, and during any month of March through September in which at least 40 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)) approved by a duly constituted health authority for fluid disposition is shipped in the form of milk, skim milk, or cream to a plant which disposes of not less than 10 percent of its approved milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)), and from other approved plants, on routes as Class I milk in the marketing area and not less than 50 percent of such receipts are disposed of as Class I milk inside and outside the marketing area: *Provided*, That any such plant which was a pool plant in each of the preceding months of October through February shall be a pool plant for the months of March through September, unless the handler gives written notice to the market administrator on or before the first day of such month that the plant is a nonpool plant: *And provided further*, That any such plant which was a nonpool plant during any of the months of October through February shall not be a pool plant in any of the immediately following months of March through September in which it was owned by the same handler or affiliate of the handler or by any person who controls, or is controlled by, the handler.

(b) Any manufacturing plant which is operated by a cooperative association 70 percent or more of whose members are qualified producers whose milk is regularly received during the month at other plants which are pool plants pursuant to paragraph (a) of this section (including the milk of such producers which is delivered to such other plants by a cooperative association in its capacity as a handler pursuant to § 1003.10(c)).

3. Section 1003.10 is revised to read as follows:

§ 1003.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of an approved plant or any plant qualified as a pool plant pursuant to § 1003.9(b);

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1003.15 from a pool plant to a nonpool plant for the account of such cooperative association; and

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to a pool plant operated by another handler in a tank truck if the cooperative association has notified in writing prior to delivery both the market administrator and the handler to whom the milk is delivered that it elects to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the plant to which it was delivered.

4. Section 1003.11 is revised to read as follows:

§ 1003.11 Pool handler.

"Pool handler" means any person in his capacity as the operator of a pool plant or a cooperative association qualified as a handler pursuant to § 1003.10(b) or (c).

5. In § 1003.15, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1003.15 Producer.

"Producer" means any dairy farmer, except a producer-handler or dairy farmer for other markets, who produces milk which is approved by a duly constituted health authority for fluid disposition and which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1003.10(c), or is diverted to a nonpool plant (except a plant fully subject to the pricing provisions of another Federal order) during any month(s) of March through September or, during any month(s) of October through February, is diverted to such nonpool plant pursuant to any of the paragraphs (a), (b), or (c) of this section: *Provided*, That if a handler diverts during the month a quantity of milk in excess of the applicable limits set forth in paragraphs (b) and (c) of this section, all milk diverted by the handler shall be subject to the limit of the number of days of diversion pursuant to paragraph (a) of this section: *Provided further*, That the milk so diverted shall be deemed to have been received by the handler for whose account it is diverted at a pool plant at the location from which it was diverted: *And provided also*, That a dairy farmer delivering milk to a pool plant qualified under § 1003.9(b) shall not qualify as a producer under this paragraph if such dairy farmer does not hold a valid farm inspection permit issued by the applicable health authority having jurisdiction in the marketing area:

6. Section 1003.16 is revised to read as follows:

§ 1003.16 Producer milk.

"Producer milk" means any skim milk or butterfat contained in milk:

(a) Received directly at a pool plant from producers;

(b) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1003.10(c); or

(c) Diverted in accordance with the provisions of § 1003.15.

7. In § 1003.17 paragraph (b) is revised to read as follows:

§ 1003.17 Other source milk.

(b) Receipts in the form of Class I products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1003.10(c).

8. Section 1003.19 is revised to read as follows:

§ 1003.19 Base and excess milk.

(a) "Base milk" means milk received from a producer by a pool handler during any of the months of April through June of each year which is not in excess of such producer's daily average base computed pursuant to § 1003.63 multiplied by the number of days on which such producer's milk was received by such pool handler during the month: *Provided*, That with respect to any producer on every-other-day delivery, a day of nondelivery following a day on which delivery is made shall be considered as a day of delivery for purpose of this paragraph.

(b) "Excess milk" means milk received from a producer by a pool handler during any of the months of April through June which is in excess of base milk received from such producer during such month.

9. In paragraph (a) of section 1003.30, the introductory text preceding subparagraph (1), and subparagraph (1) are revised to read as follows:

§ 1003.30 Reports of receipts and utilization.

(a) On or before the 8th day after the end of each month each cooperative association in its capacity as a handler and each pool handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in (i) receipts of producer milk (including such handler's own production), (ii) receipts in the form of products designated as Class I milk pursuant to § 1003.41(a)(1) from other pool plants, and milk received from a cooperative association for which it is a handler pursuant to § 1003.10(c), and (iii) receipts of other source milk.

10. In § 1003.31, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1003.31 Other reports.

(a) * * *

(1) On or before the 20th day after the end of the month (for each pool plant in the case of those pool handlers operating pool plants) his producer payroll for such month which shall show for each producer: (i) His name and address; (ii) the total pounds of milk received from such producer; (iii) the average butterfat content of such milk; and (iv) the net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the

handler shall file with the market administrator a report stating the producer's name and post office address, the health department permit number, the date on which the change took place, and the farm and plant location involved.

11. Section 1003.40 is revised to read as follows:

§ 1003.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1003.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1003.41 through 1003.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

12. In § 1003.41, paragraph (b) is revised to read as follows:

§ 1003.41 Classes of utilization.

* * *

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a)(1) of this section;

(2) Disposed of for livestock feed;

(3) Contained in skim milk dumped if the conditions of § 1003.31(d) are met by the handler;

(4) Contained in inventory of products designated in paragraph (a)(1) of this section on hand at the end of the month;

(5) In actual shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1003.42 (excluding shrinkage prorated to other source milk) not to exceed the following:

(i) Two percent of producer milk received at a pool plant for the account of the plant operator; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1003.10(c), except that the applicable percentage shall be two percent if the handler operating the pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1003.30 that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, and at butterfat tests based on samples taken at the farm; plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lots from other pool plants; less

(iv) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(v) One-half of one percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1003.10(c) unless the exception provided in subdivision (ii) of this subparagraph applies;

(6) In shrinkage allocated to other source milk pursuant to § 1003.42(b)(2);

(7) Disposed of in bulk to any commercial food establishment for use on the premises in the manufacture of soup, candy, bakery products, or any other nondairy commercial food product: *Provided*, That such establishment does not dispose of any product designated as Class I milk pursuant to § 1003.41(a)(1); and

(8) The weight of skim milk in fortified fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1) of this section.

13. Section 1003.42 is revised to read as follows:

§ 1003.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Allocate the resulting amounts pro rata to skim milk and butterfat, respectively, in:

(1) Producer milk, milk received in bulk from a cooperative association in its capacity as a handler and from other pool plants, and

(2) Other source milk.

14. Section 1003.44 is revised to read as follows:

§ 1003.44 Transfers.

Skim milk or butterfat transferred or diverted during the month by a pool handler shall be classified:

(a) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 1003.41(a)(1) to a pool plant of another handler unless:

(1) The transferee and transferor handlers claim Class II utilization in their reports submitted pursuant to § 1003.30(a); and

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after making assignments pursuant to § 1003.46(a)(1) through (10), and the corresponding steps of § 1003.46(b): *Provided*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk at both plants: *And provided further*, That, in no case shall the assignment of transferred skim milk or butterfat to Class I in the transferee plant exceed the difference between the transferee plant's total receipts of milk and milk products and utilization by the transferee plant in Class II; and

(3) If a specified utilization is not claimed by both handlers pursuant to subparagraph (2) of this paragraph in the case of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1003.10(c), such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignments pursuant to § 1003.46(a)(10) and the

corresponding step of § 1003.46(b) and after assignment of milk for which specified classification has been claimed by handlers pursuant to this subparagraph;

(b) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 1003.41(a) (1) to a producer-handler.

(c) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 1003.41(a) (1) to a nonpool approved plant or if in producer milk diverted to such nonpool approved plant, unless otherwise classified pursuant to subparagraphs (1) through (4) of this paragraph, in which case all milk diverted and transferred to the nonpool approved plant shall share pro rata in such classification:

(1) As Class I milk to the extent of such nonpool plant's disposition of skim milk and butterfat, respectively, as Class I milk on routes in the marketing area;

(2) Any remaining quantities of skim milk and butterfat as Class I milk equal to the extent of assignment to Class I pursuant to § 1003.46 (a) (4) and (b) of transfers from the nonpool plant to pool plants; and

(3) Any further remaining quantities of skim milk and butterfat as Class I milk to the extent of remaining Class I utilization in the nonpool plant after prior assignment of receipts at such nonpool plant from nonproducer dairy farmers whom the market administrator determines constitute its regular source of fluid milk supply to such Class I utilization.

(4) Any further remaining quantities of skim milk and butterfat may be assigned to Class II milk.

(d) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk or cream, to a nonpool plant other than an approved plant located less than 300 miles from the zero milestone in Washington, D.C., unless (1) the handler claims Class II utilization in his report submitted pursuant to § 1003.30(a), (2) the operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant during the month in the use indicated in such report: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I milk.

(e) As Class I milk (except that contained in cream which is moved to a nonpool plant and classified as Class II milk pursuant to paragraph (f) of this section) if transferred or diverted in bulk in the form of milk, skim milk or cream, to a nonpool plant, other than an approved plant, located 300 miles or more from the zero milestone in Washington, D.C.

(f) As Class I milk if transferred or diverted in bulk form as cream to a nonpool plant, other than an approved

plant, located 300 miles or more from the zero milestone in Washington, D.C., unless the transferor-handler:

(1) Claims classification as Class II milk;

(2) Establishes that (i) such cream was transferred without Grade A certification, (ii) each container was tagged or labeled to show that the contents were for manufacturing use only, and (iii) the shipment was invoiced accordingly, and

(3) Gives sufficient notice to the market administrator to allow him to verify the conditions of shipment.

15. Section 1003.45 is revised to read as follows:

§ 1003.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1003.30(a) for each cooperative association in its capacity as a handler pursuant to § 1003.10(c) and for each handler with respect to each of his pool plants and shall compute the total pounds of skim milk and butterfat in Class I milk and Class II milk for such handlers.

16. In § 1003.46, paragraph (a) is revised to read as follows:

§ 1003.46 Allocation of skim milk and butterfat classified.

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified pursuant to § 1003.41(b) (5) (i) through (iv);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in a form other than products specified in § 1003.41(a) (1);

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II the pounds of other source milk received from a producer-handler in the form of products specified in § 1003.41(a) (1);

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of products specified in § 1003.41(a) (1), except as specified in subparagraphs (3) and (6) of this paragraph;

(5) Subtract from the remaining pounds of skim milk in Class II such remainder or the pounds of skim milk in inventory of products specified in § 1003.41(a) (1) on hand at the end of the month, whichever is less;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of products specified in § 1003.41(a) (1) which were classified and priced as Class I milk pursuant to another order issued pursuant to the Act or for which classification and pricing

under such other order is dependent on assignment under this part: *Provided*, That if the pounds of skim milk from which the subtraction is to be made pursuant to this subparagraph are less than the pounds to be subtracted, the difference shall be subtracted pursuant to subparagraph (8) of this paragraph;

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in Class II the difference specified in the proviso of subparagraph (6) of this paragraph;

(9) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in inventory of products specified in § 1003.41(a) (1) at the beginning of the month;

(10) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants or from a cooperative association in its capacity as a handler pursuant to § 1003.10(c) according to the classification thereof determined pursuant to § 1003.44(a); and

(12) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage."

17. In § 1003.50 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1003.50 Class prices.

Subject to the provisions of §§ 1003.51 and 1003.52 the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for producer milk received during the month shall be as follows:

18. Section 1003.52 is revised to read as follows:

§ 1003.52 Location differentials to handlers.

For that milk which is received from producers (including milk received by a cooperative association as a handler pursuant to § 1003.10(c)) at a pool plant located 75 miles or more from the zero milestone in Washington, D.C., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk, the Class I price as specified in § 1003.50(a) shall be reduced at the rate set forth in the following schedule:

Distance (miles):	Rate per hundredweight (cents)
75-----	12.0
For each additional 10 miles or fraction thereof-----	1.5

Provided, That for the purpose of calculating such location differential, products designated as Class I milk which are transferred between pool plants shall first be assigned to any remainder of

Class II milk in the transferee plant after making the calculations prescribed in § 1003.46(a) (1) through (10), and the comparable steps in § 1003.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1003.62 [Amendment]

19. In paragraph (b) of § 1003.62 *Payments on other source milk*, the reference "§ 1003.46(a) (3)" is changed to "§ 1003.46(a) (3) and (4)".

20. Section 1003.63 is revised to read as follows:

§ 1003.63 Computation of base for each producer.

For each of the months of April through June of each year the market administrator shall compute, subject to the rules set forth in § 1003.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 184 less the number of days, if any, during the immediately preceding base forming period of July through December, for which it is shown that the days production of milk of such producer was not received by a pool handler as described in the applicable paragraph (a), (b), (c) or (d) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 154:

(a) For any producer, except as provided in paragraphs (b), (c), and (d) of this section, the quantity of milk receipts shall be the total pounds of milk received by all pool handlers from such producer during the preceding months of July through December;

(b) For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July-December period by pool handlers as producer milk or at the plant as a nonpool plant;

(c) For any producer who, during any of the three base earning months July through September the preceding year qualified under Order No. 16 (Upper Chesapeake Bay) as a producer and was a producer under Order No. 3 during all of each of the three remaining base earning months of October, November and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of July through December by pool handlers under both orders; or

(d) For any producer not described in paragraphs (b) or (c) of this section but whose milk was received by a handler as producer milk during the months of October, November and December of the preceding year at a pool plant at which receipt of his milk in the immediately preceding months of July, August and September would have quali-

fied or did qualify him as a "dairy farmer for other markets", the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler, or any person who controls or is controlled by the handler during such months of July through September.

21. In § 1003.64, paragraph (b) is revised to read as follows:

§ 1003.64 Base rules.

(b) If a producer operates more than one farm and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1003.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm; and

§ 1003.70 [Amendment]

22. Section 1003.70 *Computation of the value of producer milk for each handler* is revised as follows:

A. In paragraph (c), the reference "§ 1003.46(a) (8)" is changed to "§ 1003.46(a) (12)";

B. In paragraph (d), the reference "§ 1003.46(a) (5)" is changed to "§ 1003.46(a) (9)";

C. In paragraph (e), the reference "§ 1003.46(a) (5)" is changed to "§ 1003.46(a) (9)" and the reference "§ 1003.46(a) (4)" is changed to "§ 1003.46(a) (6)".

§ 1003.71 [Amendment]

22a. In the introductory text preceding paragraph (a) of § 1003.71 *Computation of the uniform price*, the phrase "each month prior to April 1962, and thereafter for" is deleted.

23. In § 1003.72, the introductory text preceding paragraph (a), and the text of paragraph (a) are revised to read as follows:

§ 1003.72 Computation of uniform prices for base milk and excess milk.

For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who made reports prescribed in § 1003.30(a) for the month, and who are not in default of payments pursuant to § 1003.84 for the preceding month as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers and assigned to Class II milk by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

§ 1003.80 [Amendment]

23a. In paragraph (a) of § 1003.80 *Time and method of payment*, the phrase "each month prior to April 1962, and

thereafter for", and the parenthetical item "(beginning in 1962)" are deleted.

24. Section 1003.82 is revised to read as follows:

§ 1003.82 Location differential to producers.

In making payments to producers or to a cooperative association pursuant to § 1003.80 (a) and (b) except with respect to excess milk, a handler, with respect to all such milk received at pool plants located 75 miles by shortest highway distance from the zero milestone in the District of Columbia, as determined by the market administrator, and a cooperative association, with respect to all such milk received by it in its capacity as a handler pursuant to § 1003.10 (b) or (c), at the location of such plant, shall deduct 12 cents per hundredweight plus 1.5 cents for each 10-mile additional distance, or fraction thereof, which such plant is located from such milestone.

§ 1003.83 [Amendment]

25. In § 1003.83 the reference "§ 1003.62(c)" is changed to read "§ 1003.62".

26. Section 1003.88 is revised to read as follows:

§ 1003.88 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1003.10(c), shall pay to the market administrator on or before the 18th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in:

(a) Producer milk (including such handler's own farm production);

(b) Milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c);

(c) Other source milk (excluding any milk for which an administrative expense is due under the terms of another Federal order) allocated to Class I milk pursuant to § 1003.46(a) (2), (3) and (4), and the comparable steps pursuant to § 1003.46(b); and

(d) Class I milk for which a payment is due pursuant to § 1003.62(c).

Order¹ Amending the Order Regulating the Handling of Milk in the Upper Chesapeake Bay Marketing Area

§ 1016.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure govern-

ing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Secretary of Agriculture, on April 30, 1963, and published in the FEDERAL REGISTER on May 3, 1963 (28 F.R. 4452; F.R. Doc. 63-4746), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. Paragraph (d) of § 1016.4 is revised.
2. Section 1016.41(b) (5) (ii) is revised.
3. Immediately following amendment No. 5a, an amendment is added.
4. Amendment No. 9B is revised.
5. The first paragraph of § 1016.63 is revised.
6. Section 1016.64(d) is deleted.
1. In § 1016.1, paragraph (c) is revised to read as follows:

§ 1016.1 General definitions.

(c) "Upper Chesapeake Bay marketing area", hereinafter referred to as the "marketing area", means all territory situated within the corporate limits of the city of Baltimore, the town of Laurel in Prince Georges County, the counties of Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Annes, Somerset, Tal-

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

bot, Wicomico, Worcester and that portion of Calvert County lying north of a line beginning at the western terminus of Leitchs Wharf Road, continuing easterly along said road to its intersection with Stoakley Road, continuing easterly along said Stoakley Road to its intersection with Maryland State Highway 2, continuing northerly along said Highway 2, to its intersection with Maryland State Highway 263 and then easterly along said Highway 263 to its terminus at the Chesapeake Bay, and that portion of Frederick County lying north of a line beginning at the intersection of the Washington-Frederick County line with Alternate U.S. Route 40, following Alternate U.S. Route 40 easterly to the western boundary of the corporate limits of the city of Frederick, thence along the western, northern and eastern boundary of the city to its eastern junction with Alternate U.S. Route 40, and then southeasterly along Alternate U.S. Route 40 to the Frederick-Carroll County line, all in the State of Maryland, together with all waterfront facilities connected therewith and including all territory within such boundaries occupied by Government (Federal, State or Municipal) installations, institutions or other similar establishments.

2. In § 1016.4, paragraphs (a), (b), and (d) are revised to read as follows:

§ 1016.4 Definitions of milk and milk products.

(a) "Fluid milk product" means milk, skim milk (including concentrated, reconstituted and fortified milk and skim milk) buttermilk, milk drinks (plain or flavored) and (except eggnog, milk shake mix, ice cream mix, evaporated and plain or sweetened condensed milk or skim milk and sterilized products in hermetically sealed containers) any mixture in fluid form of cream and milk or skim milk containing less than 12 percent butterfat, and 50 percent of the quantity by weight of any such mixture containing at least 12 percent but less than 18 percent butterfat.

(b) "Producer milk" means all skim milk and butterfat contained in milk as specified in subparagraph (1) or (2) of this paragraph and in either case subject to the conditions of subparagraph (3) of this paragraph:

(1) Received at a pool plant from producers or diverted pursuant to § 1016.2 (e), or

(2) Received by a cooperative association in its capacity as a handler pursuant to § 1016.2(g) (4);

(3) In the case of any bulk tank load of milk of which partial loss occurs through accident in transit from farm(s) to plant of first receipt, producer milk, as defined pursuant to this paragraph, shall be only that remaining quantity of milk in the load which is physically received at a pool plant and reported pursuant to § 1016.31(e). The quantity of producer milk assigned to each producer shall be a share of the remaining load prorated on the basis of farm tank measurements for all producers whose milk is included in the load.

(d) "Base milk" means milk received from a producer by a pool handler during any of the months of March through June of each year which is not in excess of such producer's daily base computed pursuant to § 1016.63 multiplied by the number of days in such month on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for the purpose of this paragraph.

3. In § 1016.31, paragraph (d) is revised and a new paragraph (e) is added. Paragraphs (d) and (e) read as follows:

§ 1016.31 Other reports.

(d) Each pool handler dumping milk or milk products pursuant to § 1016.41 (b) (3) shall give the market administrator during normal duty hours not less than three hours advance notice of intention to make such disposition and of the quantities of skim milk and butterfat involved.

(e) In the case of any bulk tank load of milk of which partial loss occurs through accident in transit from farm(s) to plant of first receipt the pool handler shall report, within 24 hours following the accident, for each producer: (1) The quantity lost, and (2) the quantity of producer milk received computed pursuant to the terms set forth in § 1016.4(b).

4. Section 1016.40 is revised to read as follows:

§ 1016.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported by each handler pursuant to § 1016.30 shall be classified each month by the market administrator in accordance with the provisions of §§ 1016.41 through 1016.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

5. Section 1016.41 is revised to read as follows:

§ 1016.41 Classes of utilization.

Subject to the conditions set forth in §§ 1016.42 to 1016.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of (except as provided in paragraph (b) (2) and (3) of this section) in the form of fluid milk products: *Provided*, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content;

(2) Not specifically accounted for as Class II milk; and

(3) Disposed of on routes in the Washington, D.C., Order No. 3, marketing area as cream or any mixture of cream with milk or skim milk (except aerated cream and sour cream) for consumption in fluid form.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) (1) and (3) of this section;

(2) Disposed of for livestock feed;

(3) In milk and milk products dumped, if the conditions of § 1016.31(d) are met by the handler;

(4) Contained in inventory of fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1016.42 (excluding shrinkage prorated to other source milk) not to exceed the following:

(i) 2.0 percent of producer milk received at a pool plant by the handler operating the plant; plus

(ii) 1.5 percent of milk received at a pool plant by the handler operating the plant from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4), except that if the handler files with the market administrator notice that he is purchasing such milk on the basis of weights determined at the farm from farm tank measurements, and at butterfat tests based on samples taken at the farm, the applicable percentage shall be 2.0 percent; plus

(iii) 1.5 percent of milk received at a pool plant in bulk tank lots from other pool plants; less

(iv) 1.5 percent of milk disposed of in bulk tank lots from a pool plant to other plants; and plus

(v) 0.5 percent of producer milk received by a cooperative association for which it is a handler pursuant to § 1016.2(g)(4), unless the exception provided in subdivision (ii) of this subparagraph applies;

(6) In shrinkage of other source milk;

(7) Disposed of in bulk fluid form to manufacturing establishments which do not dispose of fluid milk products from the premises and which use such skim milk and butterfat in the manufacture of nondairy commercial food products including soup, candy and bakery products; and

(8) The weight of skim milk in fortified fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) of this section.

5a. Section 1016.42 is revised to read as follows:

§ 1016.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Allocate the resulting amounts pro rata to skim milk and butterfat, respectively, in:

(1) Producer milk and milk received in bulk from a cooperative association in its capacity as a handler and from other pool plants, and

(2) Other source milk.

5b. In § 1016.44, paragraph (a) is revised to read as follows:

§ 1016.44 Transfers.

(a) As Class I milk if transferred in the form of any fluid milk products to the pool plant of another handler unless utilization as Class II milk is claimed by both handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports pursuant to § 1016.30(a) for the month: *Provided*, That the skim milk or butterfat so classified as Class II milk shall be limited to the amount of skim milk or butterfat, respectively, remaining in Class II milk in the transferee plant after making assignments pursuant to § 1016.46(a)(1) through (11), and the corresponding steps of § 1016.46(b), and any additional amounts of skim milk or butterfat so transferred shall be classified as Class I milk: *And provided further*, That for transfers between pool plants, if either or both pool plants have receipts of other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants: *And provided also*, That in no case shall the assignment of transferred skim milk and butterfat to Class I in the transferee plant exceed the difference between its total receipts of milk and milk products and the utilization by the transferee plant in Class II.

6. Section 1016.45 is revised to read as follows:

§ 1016.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1016.30(a) and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handlers.

7. In § 1016.46, paragraph (a) is revised to read as follows:

§ 1016.46 Allocation of skim milk and butterfat classified.

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified pursuant to § 1016.41(b)(5) (i) through (iv);

(2) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received in the form of a fluid milk product in consumer-type packages and disposed of in the same packages as Class I milk if such fluid milk products have been classified and priced as Class I milk under another order issued pursuant to the Act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the

pounds of skim milk in other source milk received during the month in a form other than fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of other source milk received from a producer-handler in the form of fluid milk products;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products, except as specified in subparagraphs (2), (4), and (7) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in Class II milk such remainder or the pounds of skim milk in inventory of fluid milk products at the end of the month, whichever is less;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products (except that subtracted pursuant to subparagraph (2) of this paragraph) which were classified and priced as Class I milk pursuant to another order issued pursuant to the Act or for which classification and pricing under such other order is dependent on assignment under this part: *Provided*, That if the pounds of skim milk from which the subtraction is to be made pursuant to this subparagraph are less than the pounds to be subtracted, the difference shall be subtracted pursuant to subparagraph (9) of this paragraph;

(8) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph;

(9) Subtract from the remaining pounds of skim milk in Class II milk the difference specified in the proviso of subparagraph (7) of this paragraph;

(10) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(11) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(12) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants or from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4) according to the classification thereof determined pursuant to § 1016.44(a); and

(13) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in each class, in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

§ 1016.52 [Amendment]

8. In § 1016.52 *Location differentials to handlers*, the reference "§ 1016.46(a) (1)"

through (5)" is changed to "§ 1016.46(a) (1) through (11)".

§ 1016.62 [Amendment]

9. Section 1016.62 *Payments on other source milk* is revised as follows:

A. In paragraph (a) the reference "§ 1016.46(a) (2)" is changed to "§ 1016.46(a) (3)";

B. In paragraph (b) the reference "§ 1016.46(a) (3)" is changed to "§ 1016.46(a) (4) and (5)";

C. In paragraph (c) the reference "§ 1016.46(a) (4) or (6)" is changed to "§ 1016.46(a) (2) or (7)".

10. In § 1016.63, the introductory text preceding paragraph (a), and paragraph (c) are revised to read as follows:

§ 1016.63 Computation of base for each producer.

For each of the months of March through June of each year the market administrator shall compute, subject to the rules set forth in § 1016.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 184 (by 185, in the case of a producer on every-other-day delivery schedule who delivered July 1st) less the number of days, if any, during the immediately preceding base forming period of July through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a), (b), (c), or (d) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 154:

(c) For any producer who, during any of the three base earning months July through September the preceding year, qualified under Order No. 3 (Washington, D.C.) as a producer and was a producer under Order No. 16 during all of each of the three remaining base earning months of October, November, and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of July through December by pool handlers under both orders; or

11. Section 1016.64 is revised to read as follows:

§ 1016.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 1016.63 or as designated pursuant to paragraph (c) of this section may be transferred in its entirety to any other person upon written application to the market administrator on or before the second day of the month following the month of transfer. Such application shall be on a form approved by the market administrator and shall be signed by the base holder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such

application signed by all joint holders or their heirs, or assigns;

(b) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1016.2(g) (3) or (4), he shall establish a separate base with respect to producer milk delivered from each such farm;

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total the interests of the partners in the base is filed with the market administrator before the end of the base-making period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraph (a) of this section (including transfer to a partnership of which he is a member) such division with respect to any member of the partnership to be effective as of the end of any month during which an application for such division signed by each member is received by the market administrator.

§ 1016.70 [Amendment]

12. Section 1016.70 *Computation of the value of producer milk for each handler* is revised as follows:

A. In paragraph (c) the reference "§ 1016.46(a) (9)" is changed to "§ 1016.46(a) (13)";

B. In paragraph (d), the reference "§ 1016.46(a) (5)" is changed to "§ 1016.46(a) (10)"; and

C. In paragraph (e) the reference "§ 1016.46(a) (5)" is changed to "§ 1016.46(a) (10)"; and the reference "§ 1016.46(a) (4)" is changed to "§ 1016.46(a) (7)".

13. In § 1016.88, paragraph (c) is revised to read as follows:

§ 1016.88 Expense of administration.

(c) Other source milk (excluding any milk for which an administrative expense is due under the terms of another Federal order) at a pool plant which is allocated to Class I milk pursuant to § 1016.46(a) (3), (4) and (5), and the comparable steps pursuant to § 1016.46 (b), and

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[7 CFR Part 1063]

[Docket No. AO-105-A16]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.),

and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the 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 Quad Cities-Dubuque marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Moline, Illinois, on May 21, 1963, pursuant to notice thereof which was issued April 19, 1963 (28 F.R. 4094).

The material issue on the record of the hearing relates to using a base and excess plan in paying producers.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

A base and excess plan of distributing returns for milk among producers should be incorporated into the order.

The Mississippi Valley Milk Producers Association which supplies about 75 percent of the milk in the market proposed that a base and excess plan be used in paying producers. Supporting testimony was presented by the Clinton Cooperative Milk Producers Association representing about 15 percent of the producers in the market. There was no opposing testimony offered on the hearing record.

There is substantial seasonality in deliveries of producer milk in the Quad Cities-Dubuque market. For the three years ending in June 1962, total deliveries in the high month of spring deliveries (usually May) were from 41 to 63 percent higher than those of the low month of deliveries in the preceding fall (usually November). Average deliveries per producer were from 35 to 53 percent greater in the spring months than in the fall months. In each of these years the seasonal increase in total receipts was at a higher rate than for the nearby Chicago market.

Proponent stated that the association has full supply contracts with a number of handlers. Due to the seasonal variation in production, milk has been imported to fulfill contracts in the fall months while in the spring outlets for the surplus supplies are difficult to find. This tends to increase the cost of marketing member's milk.

The nearby Chicago, Rock River Valley and Des Moines orders contain base-excess plans, although Chicago producers have proposed removal of the plan from that order. As a result there has been a tendency in the past for producers associated with these markets who have highly seasonal production

patterns to attempt to sell their milk in the Quad Cities-Dubuque pool in the spring in order to avoid the lower returns resulting in those markets from large amounts of excess milk.

Evidence was introduced indicating that while some producers have relatively even production others have highly seasonal production patterns. A base-excess plan will increase the incentive for even production, since the producer with highly seasonal production will receive a lower excess price for more of his milk in spring months than will the producer with a level production pattern.

The base-forming period should be the months of September through November. These are the months of seasonally low production in the milkshed and are also the base-forming months under the nearby Rock River Valley order. In view of the overlapping of the Quad Cities-Dubuque and Rock River Valley milksheds it is appropriate that the base-forming period be the same.

The daily base for each producer should be determined by the market administrator by dividing the total pounds of milk received from such producer during the base-forming period by the number of days such milk was produced, but not less than 60 days. This will provide assurance that producers forming bases in this manner have a substantial degree of association with the market during the period of seasonally low production.

Under the base and excess plan herein recommended, producers will continue to receive the marketwide blend or uniform price for all milk which they deliver to pool plants during the months of July through February. For deliveries during each month of March through June, separate uniform prices for "base milk" and "excess milk" would be computed. Base milk would be the quantity of producer milk received by a handler during these months which is not in excess of such producer's daily base multiplied by the number of days such milk was produced. Class II disposition in the market would first be assigned to excess milk and the remaining use values would be assigned to base milk. If the total Class I disposition should ever be more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess blend price would be increased accordingly.

The producer location adjustments should be applied to prices paid producers for base milk. Since excess milk will represent principally producer milk classified in Class II to which no location adjustment is applicable, the producer price for excess milk should not be subject to location adjustments. The producer butterfat differential applicable to the uniform price should be used to adjust the uniform prices for base and excess milk.

New producers coming in the market after the base-forming period should be allotted bases. Also a producer with an earned base who desires to change his level of production should be permitted to relinquish his base and establish the base of a new producer. This would

add flexibility to the plan and accommodate abnormal circumstances. In such cases a base for each month of March through June would be calculated by multiplying the average daily deliveries by 50 percent for March and April, and 40 percent for May and June.

An exception is made to these percentages for the year 1964 when the applicable rate should be 55 percent for March and April, and 45 percent for May and June. Both cooperative associations testified that their members had been aware for some time of the possibility that a base and excess plan would be incorporated into the order with daily bases to be formed this fall. However, independent producers may not have had enough notice to make the changes which may be necessary to adjust production patterns for optimum benefits under this plan. These higher percentages should alleviate possible hardships but not encourage substantial numbers of producers to relinquish their earned bases.

On or before March 1 of each year the market administrator should notify each producer and the handler receiving milk from such producer of the base established by such producer. This will provide adequate time for the market administrator to complete the extensive work of computing and announcing bases. It was proposed that producers relinquishing their bases notify the market administrator by January 15. In view of the possibility that bases may not be announced until March 1, a half-month period thereafter should be allowed to producers for deciding whether to relinquish their earned bases.

If a plant were a nonpool plant during the preceding September through November period and became a pool plant during any of the subsequent months of March through June, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated by according such dairy farmers the same treatment as other producers in establishing bases. Bases would be computed from deliveries to the plant in the base-forming period for dairy farmers who became producers by virtue of the plant to which they delivered milk in the base-forming period having subsequently qualified as a pool plant.

Base period deliveries to other Federal order markets could also provide an appropriate means for computation of bases for producers shifting to the Quad Cities-Dubuque market. This record, however, does not provide adequate opportunity for including reciprocal provisions in this and nearby orders.

Certain rules regulating the transfer of established bases were proposed and are adopted herein. These are patterned after the base rules in the Chicago and Rock River Valley orders and will tend to promote a better understanding of the base and excess plan among producers in the areas where the Quad Cities-Dubuque, Chicago and Rock River Valley milksheds overlap.

A producer may retain his base when he moves to another farm. Provision should be made, however, that he may

transfer his entire base to another person who will produce milk on the farm on which the base was established. The producer making the transfer should notify the market administrator in writing on or before the last day of the month that the base is to be transferred showing the name of the transferee and the effective date of the transfer. In case of the death of a producer, provision is made that the notice of transfer required may be from any member of the producer's immediate family.

If more than one producer ships from a farm one base should be computed for the farm to be allocated to each producer according to his share in the sale of milk from the farm unless one of the producers has a base earned while he was on another farm and requests that he be allowed to retain such base. Provision should also be made for division of a jointly held base and to allow a producer to transfer credit towards establishment of a base in the same manner as he may transfer a base.

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

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

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

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a market-

ing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Quad Cities-Dubuque marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. New §§ 1063.18 and 1063.19 are added and read as follows:

§ 1063.18 Base milk.

"Base milk" means the quantity of producer milk received by a handler during each of the months of March through June which is not in excess of such producer's daily base computed pursuant to § 1063.64 multiplied by the number of days such milk was produced.

§ 1063.19 Excess milk.

"Excess milk" means the quantity of producer milk received by a handler during each of the months of March through June which is in excess of the base milk received from such producer.

2. In § 1063.22 subparagraph (j) (2) is revised, a new subparagraph (j) (3) is added and a new paragraph (1) is added to read as follows:

§ 1063.22 Duties.

(j) * * *

(1) * * *

(2) The 10th day after the end of each month the uniform price pursuant to § 1063.72 and the producer butterfat differential pursuant to § 1063.81 for the preceding month; and

(3) The 10th day after the end of each month of March through June the uniform prices for base milk and excess ducer butterfat differential pursuant to milk pursuant to § 1063.73 and the pro- § 1063.81 for the preceding months.

(1) On or before March 1 of each year, notify each producer and the handler receiving milk from such producer of the base established by such producer.

3. Section 1063.30(a) is revised to read as follows:

§ 1063.30 Reports of receipts and utilization.

(a) The quantities of skim milk and butterfat contained in receipts of producer milk including for each month of March through June the aggregate quantities of base milk and excess milk, respectively;

4. Section 1063.60 is revised to read as follows:

§ 1063.60 Producer-handler.

Sections 1063.70 through 1063.73 and 1063.80 through 1063.88 shall not apply to a producer-handler.

5. New §§ 1063.64 and 1063.65 are added and read as follows:

§ 1063.64 Daily base.

The daily base for each producer for each of the months of March through June shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received from such producer by a handler during the months of September through November immediately preceding by the number of days such milk was produced, but not less than 60 days;

(b) Any producer for whom a base has been computed may, upon written notice to the market administrator postmarked not later than March 15, relinquish his base and be allotted a base computed pursuant to paragraph (c) of this section;

(c) Any producer who has not earned a base by deliveries during the previous September, October and November, and any producer who elects to relinquish his base pursuant to subparagraph (b) of this paragraph, shall be allotted a base for each of the delivery periods of March through June equal to the following percentages of his average daily deliveries:

Month:	Percentage
March	50
April	50
May	40
June	40

Provided, That for March, April, May and June 1964, the percentages used shall be, respectively, 55, 55, 45 and 45; and

(d) For the purpose of computing the base of a producer pursuant to this section, the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received by a handler.

§ 1063.65 Base rules.

Any base computed pursuant to § 1063.64(a) shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned, and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each month in the same proportion as he shares in the milk de-

liveries during such month: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September, October or November may transfer to another producer credit for milk deliveries for base-making purposes.

6. Section 1063.71 is revised and new §§ 1063.72 and 1063.73 are added to read as follows:

§ 1063.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content f.o.b. Rock Island, Illinois, as follows:

(a) Combine into one total the values computed pursuant to § 1063.70 for all handlers who made the reports prescribed in § 1063.30 for such month, except those in default of payments required pursuant to § 1063.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1063.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1063.72 Computation of uniform price.

For each month, the market administrator shall compute a uniform price for

producer milk of 3.5 percent butterfat content f.o.b. Rock Island, Illinois, as follows:

(a) Divide the aggregate value computed pursuant to § 1063.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 1063.73 Computation of uniform price for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content f.o.b. Rock Island, Illinois, as follows:

(a) From the reports submitted by handlers pursuant to § 1063.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1063.71 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of such excess milk on a 3.5 percent butterfat basis by multiplying the total hundredweight of such milk not in excess of the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and adding thereto the value of any remaining excess milk at the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The resulting figure, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1063.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

7. Section 1063.80(a) is revised to read as follows:

§ 1063.80 Time and method of payment for producer milk.

(a) On or before the 17th day after the end of each month during which the milk was received, to each producer for milk received from him and for which payment is not made pursuant to paragraph (b) of this section, at not less than the uniform price pursuant to § 1063.72 for milk received each of the months of July through February and at not less than the applicable base and excess prices pursuant to § 1063.73, for milk received each of the months of March through June, subject to the butterfat differential computed pursuant to § 1063.81 and less location differential deductions pursuant to § 1063.82.

8. Section 1063.82 is revised to read as follows:

§ 1063.82 Location differentials to producers.

In making payment pursuant to § 1063.80 the uniform prices pursuant to §§ 1063.72 and 1063.73 for milk which is received from producers at pool plants in Dubuque and Jackson Counties, Iowa, and East Dubuque, Illinois, shall be reduced 10 cents and for milk which is received from producers at pool plants outside the marketing area and 70 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Rock Island City Hall (miles)	Rate per hundredweight (cents)
70 but less than 80	10.0
For each additional 10 miles or fraction thereof an additional	1.5

Signed at Washington, D.C., on June 21, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63-6753; Filed, June 25, 1963;
8:48 a.m.]

[7 CFR Part 1126]

[Docket No. AO-231-A21]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the 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 North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Dallas, Texas, on May 27, 1963 pursuant to notice thereof which was issued May 8, 1963 (28 F.R. 4796).

The material issue on the record of the hearing relates to the deletion of the base-excess plan.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof.

Base-excess plan. The base-excess provisions of the order should be deleted and provision should be made for payment of producers on the basis of a single uniform price each month subject to adjustments to reflect variations in butterfat content and location of plant of receipt.

A base-excess plan has been a part of the order since its promulgation on October 1, 1951. Its single purpose was to encourage an even rate of production throughout the year. While several modifications in the plan have been effected over the years through order amendments, the essential features of the plan have remained unchanged. Under the present order new bases are established each year on the basis of deliveries made by each producer during the months of August through January, commonly known as the "base forming months". Such bases are operative in the months of March through June, termed the "base operating period". "Excess milk", that milk in excess of each producer's established base, is assigned first to Class II use, to the extent that an equivalent quantity of producer milk is so allocated, and any remainder is assigned to Class I use. The uniform price for excess milk is determined by dividing the aggregate value of such milk (determined by multiplying the volume assigned to each class by the appropriate class price and adding the resulting totals) by the total hundredweight of excess milk. The base price is determined by deducting the aggregate value of excess milk from the total pool value and dividing by the total hundredweight of base milk.

The North Texas Producers Association, a cooperative association, the producer members of which deliver in excess of 80 percent of the total producer milk on the North Texas market requested the deletion of the base-excess provisions of the order. They readily admitted that the base plan has been effective in evening production but suggest that the "race for base", i.e., each producer striving to retain his proportionate share of the Class I market, was primarily responsible for the excess production which built up in the market until mid 1962. The downward adjustment in production since that time, they attribute to the reduction in price brought about by lowering support levels and action of the supply-demand adjuster. It was their position that supply and demand is now in an appropriate balance and that deletion of the base-excess provisions at this time will tend to deter future unneeded production.

As has been previously indicated, the sole purpose of the base plan is to encourage evening of production throughout the year. The plan appears to have

been effective in accomplishing this end. Average daily production in specified spring months of 1952 was 128.1 percent of the average daily production in specified fall months of 1951. This relationship between spring and fall production has steadily improved to the point that average daily production in the spring months of 1962 was only 105.5 percent of such production in the fall months of 1961. Notwithstanding, the plan probably has been a primary factor in the rapid buildup in over-all production between 1952 and 1962. During this period annual production increased 465.3 million pounds (85 percent) whereas Class I sales increased only 210.3 million pounds (41 percent). Producer receipts in 1962 averaged 140.6 percent of Class I utilization, notwithstanding the fact that receipts during the last four months of the year were nine million pounds less than in the same months of the preceding year.

The proponent cooperative handles the bulk of the market's reserve supply and in 1961-1962 experienced considerable difficulty in economically handling such excess supplies. Official notice is taken of the order amendment effected November 1, 1961, which provided a credit against the Class II price on milk disposed of for Cheddar cheese, through March 1962.

The trend toward lower production which began in mid 1962 has continued thus far in 1963. It appears likely, as proponents suggest, that the downward adjustment in production is in response to the downward adjustment in Class I price resulting from the combined action of lower support levels for the selected manufactured products and action of the supply-demand adjustment mechanism.

During the late fall and winter months of 1962-1963 supplies were no more than necessary to meet the day-to-day fluid milk requirements of the market, and this situation has been reflected in a reduction in the amount of the supply-demand adjustment, which has served to decrease the Class I price in recent periods, from 32 cents in April of 1962 to 12 cents in May of 1963. There is no reason to expect that the seasonal pricing provisions of the order in conjunction with the action of the supply-demand adjustment mechanism will not maintain supply at a desirable level. It is concluded therefore that the base-excess plan should be deleted from the order, as requested.

One handler and a spokesman for a cooperative association, the producer members of which deliver to such handler part of his milk requirements, opposed deletion of the plan at this time. It was their position that the base plan was a basic feature of the order and the full impact of the consequence of its deletion could not be fully appraised. The cooperative's spokesman pointed out that prior to the promulgation of the order there was a wide seasonality of production due primarily to the fact that dairymen relied substantially on grass feeding. It was his position that elimination of the base plan could bring forth substantial additional supplies during the spring months.

Technological advances in fluid milk production and marketing have substantially increased capital requirements for new producers and there is little likelihood that new producers would enter the market solely for the purpose of producing during the spring months. Established producers, through experience and market information disseminated by the market administrator and individual cooperatives have a substantial knowledge of the market and pricing structure under the order. Because of the seasonality of pricing and the impact of excessive supplies on price through action of the supply-demand adjuster, it is unlikely that withdrawal of the base plan will have a significant impact on the seasonality of production. Under any circumstances it is apparent that the deletion of the plan will eliminate the "race for base" which in the past appears to have contributed to the buildup of excessive milk supplies.

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

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

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

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a mar-

keting agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the North Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1126.9 (a), (b) and (c) the reference "§ 1126.20" are changed to read "§ 1126.18".

2. Sections 1126.18 and 1126.19 are revoked in their entirety.

3. Section 1126.20 is redesignated as § 1126.18.

4. Section 1126.27(j) (2) is revised to read as follows:

§ 1126.27 Duties.

(j) * * *

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 1126.72 and the butterfat differential computed pursuant to § 1126.91, both applicable to milk delivered during the preceding month;

5. Section 1126.30(a) is revised to read as follows:

§ 1126.30 Reports of receipts and utilization.

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

6. Section 1126.31(a) is revised to read as follows:

§ 1126.31 Payroll reports.

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer;

7. Section 1126.60 is revised to read as follows:

§ 1126.60 Producer handlers.

Sections 1126.40 through 1126.46, 1126.50 through 1126.53, 1126.70 through 1126.72, and 1126.90 through 1126.97 shall not apply to a producer handler.

8. The introductory text preceding paragraph (a) of § 1126.71 is revised to read as follows:

§ 1126.71 Computation of aggregate value used to determine the uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content as follows:

9. Section 1126.72 is revised to read as follows:

§ 1126.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1126.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

10. Section 1126.73 is revoked.

11. Sections 1126.80, 1126.81, and the center head "Determination of Base" are revoked in their entirety.

12. Section 1126.90(a) is revised to read as follows:

§ 1126.90 Time and method of payment.

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 1126.72, adjusted by the butterfat differential computed pursuant to § 1126.91(a) and the location differential computed pursuant to § 1126.91(b), and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1126.94 he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

13. Section 1126.91(b) is revised to read as follows:

§ 1126.91 Butterfat and location differentials to producers.

(b) In making payments to producers pursuant to § 1126.90 (a) or (c) the uniform price computed pursuant to § 1126.72 to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall in Dallas, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the City Hall in Dallas.

Signed at Washington, D.C., on June 21, 1963.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 63-6752; Filed, June 25, 1963;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 146]

BACITRACIN METHYLENE DISALICYLATE

Use in Animal Feeds

Upon consideration of information available to the Food and Drug Administration with respect to bacitracin methylene disalicylate in medicated poultry feeds alone or in combination with other additives permitted by regulation under the provisions of section 409 of the Federal Food, Drug, and Cosmetic Act, the Commissioner of Food and Drugs has determined that establishment by regulation in Part 121 of appropriate levels, limitations, and indications for use of such additives in feed would be in the public interest. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785; 21 U.S.C. 348), and delegated to the Commissioner by the Secretary (25 F.R. 8625), it is proposed to amend Parts 121 and 146 as hereinafter indicated.

1. It is proposed to add the following new section to Part 121, Subpart C:

§ 121.---- Bacitracin methylene disalicylate.

The food additive bacitracin methylene disalicylate may be safely used in animal feed in accordance with the following prescribed conditions:

(a) Bacitracin methylene disalicylate is the methylene disalicylate salt of the antibiotic substance produced by growth of *Bacillus subtilis* var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this section refers to bacitracin

methylene disalicylate or feed grade bacitracin methylene disalicylate.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of bacitracin methylene disalicylate alone and with certain other additives in medicated feeds are described in tabular form in this section. These tables are to be read as follows:

(1) Where the principal ingredient is the sole medicament, the required limitations and indications for use are found on the same line entry.

(2) Where the principal ingredient is combined with a secondary ingredient, the required limitations and indications for use for the secondary ingredient are found on the same line entry. The required limitations and indications for use of the principal ingredient at the designated concentration are found on the line entry for the principal ingredient alone, and both sets of applicable limitations and indications for use shall apply. If duplicate limitations occur, these may be appropriately simplified.

(3) Permitted combinations of principal ingredient and secondary ingredient are individually listed. Unless specifically provided for by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section, and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(d) The additive is used or intended for use as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1. Bacitracin-----	10-50	-----	-----	For chickens; 50 gm. per ton first 4 to 6 weeks of egg production; 10-50 gm. per ton for remainder of egg-laying period; as bacitracin methylene disalicylate.	Maintaining or increasing egg production.
1.2. Bacitracin plus penicillin.	10-50	-----	-----	For chickens; 12.5 gm. of penicillin plus 37.5 gm. of bacitracin first 4 to 6 weeks of egg production; not less than 2.5 gm. nor more than 12.5 gm. of penicillin plus not less than 7.5 gm. nor more than 37.5 gm. of bacitracin for remainder of laying period; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 1.1 or 1.2-----	10-50	Hygromycin B..	8.0-12.0	For chickens-----	§ 121.213(c), table 1, Item 1.
2.1. Bacitracin-----	50-100	-----	-----	For chickens; as bacitracin methylene disalicylate.	Prevention of chronic respiratory disease (airsac infection); blue comb (nonspecific infectious enteritis).

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.2. Bacitracin plus penicillin.	50-100			For chickens; 50-100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 2.1-----	50-100	Amprolium.....	36.3-227	For chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, items 2.1 and 3.1.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 2.1-----	50-100	Amprolium plus ethopabate.	113.5-227 3.6	For broiler chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 2.1 or 2.2-----	50-100	Hygromycin B..	8.0-12.0	For chickens.	§ 121.213(c), table 1, item 1.
3.1. Bacitracin-----	50-100			For turkeys; as bacitracin methylene disalicylate.	Prevention of infectious sinusitis, blue comb (mud fever). Do.
3.2. Bacitracin plus penicillin.	50-100			For turkeys; 50-100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
4.1. Bacitracin-----	100			For chickens; as bacitracin methylene disalicylate.	Maintaining or increasing hatchability of eggs. Do.
4.2. Bacitracin plus penicillin.	100			For chickens; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 4.1 or 4.2-----	100	Hygromycin B..	8.0-12.0	For chickens.	§ 121.213(c), table 1, item 1.
5.1. Bacitracin-----	100			For chickens; as bacitracin methylene disalicylate.	During times of stress, prevention of diseases named in this section caused by organisms susceptible to bacitracin.
5.2. Bacitracin plus penicillin.	100			For chickens; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as procaine penicillin plus bacitracin methylene disalicylate.	During times of stress, prevention of diseases named in this section caused by organisms susceptible to penicillin plus bacitracin.
6.1. Bacitracin-----	100			For chicks; in starter ration; as bacitracin methylene disalicylate.	Prevention of early mortality of chicks due to susceptible organisms. Do.
6.2. Bacitracin plus penicillin.	100			For chicks; in starter ration; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as bacitracin methylene disalicylate plus procaine penicillin.	Do.
a. 6.1 or 6.2-----	100	Hygromycin B..	8.0-12.0	For chicks; in starter ration.	§ 121.213(c), table 1, item 1.
7.1. Bacitracin-----	100-200			For chickens; as bacitracin methylene disalicylate.	Treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis). Do.
7.2. Bacitracin plus penicillin.	100-200			For chickens; 100-200 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 7.1-----	100-200	Amprolium.....	36.3-227	For chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, items 2.1 and 3.1.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 7.1-----	100-200	Amprolium plus ethopabate.	113.5-227 3.6	For broiler chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 7.1 or 7.2-----	100	Hygromycin B..	8.0-12.0	For chickens.	§ 121.213(c), table 1, item 1.
8.1. Bacitracin-----	100-200			For turkeys; as bacitracin methylene disalicylate.	Treatment of infection sinusitis, blue comb (mud fever). Do.
8.2. Bacitracin plus penicillin.	100-200			For turkeys; 100-200 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed shall bear, in addition to the other information required by the act, the following:

- (1) The name of the additive or additives.
- (2) A statement of the quantity or quantities contained therein.
- (3) Adequate directions and warnings for use.

2. It is proposed to amend § 146.26 (b) (51) to read as follows:

§ 146.26 Animal feed containing antibiotic drugs.

(b) * * *

(51) It is a medicated chicken or turkey feed containing bacitracin, bacitracin methylene disalicylate, or zinc bacitracin or a combination of one of these with penicillin, in the amounts and for the purposes indicated in §§ 121.232, 121.233, and 121.234 of this chapter, and its labeling bears adequate directions and warnings for such use.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments (preferably in quintuplicate) on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 18, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 63-6633; Filed, June 25, 1963; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-4]

TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 71.181 of the Federal Aviation Regulations, the substance of which is stated below.

The Tonopah, Nev., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Tonopah VOR 083° and 268° True radials, extending from 20 miles east to 20 miles west of the VOR, and within 7 miles southeast and 10 miles northwest of the Tonopah VOR 198° True radial, extending from the VOR to 20 miles southwest, excluding the portion within R-4807 and the airspace within Federal airways.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Tonopah area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace action:

Alter the Tonopah transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within 5 miles west and 3 miles east of the Tonopah VOR 352° and 172° True radials, extending from 9 miles north to 2 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface

within a 14-mile radius of the Tonopah VOR, excluding the portions within R-4807 and R-4809. The floors of the airways which traverse the transition area proposed herein would assume the floor of the transition area.

The proposed alteration of the Tonopah transition area would reduce the overall extent of existing controlled airspace in the Tonopah terminal area. The floor of the transition area in the immediate vicinity of the Tonopah Airport would be lowered from 1,200 to 700 feet to provide protection for aircraft executing prescribed instrument approach and departure procedures at the Tonopah Airport. The portions of controlled airspace released by the action proposed herein would become available for other aeronautical purposes.

Weather and communications services within the proposed transition area would be furnished by the FAA's Flight Service Station at Tonopah.

No revisions to prescribed instrument approach procedures would be required by the action proposed herein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue N.W., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D. C., on June 19, 1963.

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

[F.R. Doc. 63-6668; Filed, June 25, 1963;
8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-23]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is designated in the College Station, Tex., terminal area:

1. The College Station control zone is designated as that airspace within a 3-mile radius of Easterwood Field and within 2 miles each side of the College Station VOR 107° and 287° True radials, extending from the 3-mile radius zone to 12 miles northwest and southeast of the VOR.

2. The Dallas, Tex., control area extension is designated, in part, as that airspace bounded on the east by a line 5 miles east of and parallel to the Dallas VORTAC 133° True radial, the Leona, Tex., VOR 353° and 140° True radials, the Houston, Tex., VORTAC 353° True radial and V-20, on the south and southwest by V-180, on the northwest by V-17 from Austin, Tex., VORTAC to the Waco, Tex., VORTAC and by V-15 from the Waco VORTAC to the Dallas VORTAC.

To implement the provisions of CAR Amendments 60-21/60-29 in the College Station terminal area, the Federal Aviation Agency has under consideration the following airspace actions:

1. Redesignate the College Station control zone as that airspace within a 5-mile radius of Easterwood Field (latitude 30°35'00" N., longitude 96°22'00" W.) and within 2 miles each side of the College Station VOR 287° True radial, extending from the 5-mile radius zone to 8 miles west of the VOR.

2. Designate the College Station transition area as that airspace extending upward from 700 feet above the surface within 8 miles south and 5 miles north of the College Station VOR 287° True radial, extending from the VOR to 13 miles west; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the College Station VOR 107° True radial, extending from the VOR to 7 miles east; and within 5 miles each side of the College Station VOR 124° True radial extending from the VOR to 23 miles southeast.

The proposed alteration of the College Station control zone would reduce the northwest extension and eliminate the southeast extension, yet sufficient airspace would be retained for the protection of aircraft executing prescribed instrument approach and departure procedures at Easterwood Field.

The 700-foot portion of the proposed transition area would provide protection for aircraft executing prescribed instrument holding and approach procedures.

The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing prescribed holding and missed approach procedures within the College Station terminal area. The portion of the Dallas control area extension and the floors of the airways that traverse the proposed transition area would automatically coincide with the floors of the transition area. The Dallas control area extension would be retained pending resolution of the controlled airspace requirements of the entire area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be introduced nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes in procedures and minimum flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue N.W., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 19, 1963.

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

[F.R. Doc. 63-6669; Filed, June 25, 1963;
8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-13]

CONTROLLED AIRSPACE**Proposed Designation**

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

To fulfill additional controlled airspace requirements for holding pattern areas in the Los Angeles, Calif., Air Route Traffic Control Center area, the Federal Aviation Agency is considering the following airspace action:

The San Luis Obispo, Calif., transition area would be designated to extend upward from 1,200 feet above the surface north of San Luis Obispo bounded on the southwest by low altitude airway V-27, on the east by low altitude airway V-25 west alternate, and on the north by a line extending from low altitude airway V-27 through latitude 35°30'00" N., longitude 120°56'00" W., and latitude 35°32'00" N., longitude 120°48'00" W., to low altitude airway

V-25 west alternate; and west of San Luis Obispo bounded on the northeast by low altitude airway V-27 and the Lompoc, Calif., control area extension and on the west and southwest by a line extending from low altitude airway V-27 through latitude 35°17'00" N., longitude 121°00'00" W., to latitude 35°10'00" N., longitude 120°55'00" W., thence through latitude 35°04'00" N., longitude 120°44'30" W., to the Lompoc, Calif., control area extension. This would provide protection for aircraft in the holding patterns at the San Luis Obispo, Calif., VORTAC on the 308°, 014° True radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on June 19, 1963.

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

[F.R. Doc. 63-6670; Filed, June 25, 1963;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 13863 (RM-64, RM-153); FCC
63-561]

USE OF RADIO FREQUENCY OPERATED INTRUDER ALARMS**Notice of Proposed Rule Making**

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

2. The Commission has before it two petitions for amendment of its Rules to permit the operation of radio frequency intruder alarms. These devices emit a continuous RF carrier. Any intrusion into the RF field is detected and caused to trigger the alarm.

3. The first of these, RM-64, filed by Radar-Eye Corporation (now Electronic Detection Products, Inc.) on October 9, 1958, requests that:

(a) The maximum permissible radiation limits in Part 15 be either removed completely or raised to 100 microvolts per meter (uv/m) at 1000 ft.; or

(b) Part 18 be amended to permit operation of intruder alarms; or

(c) Operation be permitted under Part 19, Citizens Radio Service in the 460-470 Mc/s band with a radiation limit of 100 uv/m at 1000 ft., or

(d) The Commission legalize operation of intruder alarms within the presently used 300-400 Mc/s range, with 100 uv/m at 1000 ft.

4. The second of these petitions, RM-153, was filed by Electro-Security Corporation on November 20, 1959, and requests that:

(a) The Commission make available the frequency 401 Mc/s ± 1 Mc/s with a radiation limit of one volt per meter at a distance of 25 ft. with emissions outside this band to be suppressed 30 db below carrier level; or

(b) Part 15 be amended to provide for intruder alarms with radiation limit of one volt per meter at 25 ft.; or

(c) The Commission issue an interim ruling permitting operation of the existing intruder alarms without change.

5. To secure the background information necessary to evaluate the above petitions, the Commission issued a Notice of Inquiry on December 7, 1960 (Docket No. 13863). This Notice sought information on the use to be made of intruder alarms, on methods of regulation, on the technical operating requirements and on the interference potential of these devices.

6. The comments received by the Commission to the above Notice of Inquiry were in two categories. The comments received from manufacturers of intruder alarms described their devices and attempted to justify continued use of the present design on present frequencies. Comments received from Electronic Industries Association and General Electric Company expressed concern about interference to stations in the mobile radio service. Only one of the comments received by the Commission advocated licensing of intruder alarms.

7. All but one of the frequencies requested by the petitioners are in bands allocated for exclusive use of the federal government. The Commission does not believe it desirable to permit the use of these government frequencies for non-licensed devices in the hands of the general public. A recent case in point was the interference to an Air Force tower control frequency by an intruder alarm installed in a nearby drug store. The only nongovernment frequency band suggested by the petitioners is the 465 Mc/s band used by the Citizens Radio Service. Although the Notice of Inquiry requested information regarding the

PROPOSED RULE MAKING

feasibility of intruder alarms sharing frequencies with an existing service, the replies contained little data on this subject. The Commission has not seen any evidence that the continuous carrier of intruder alarms would not cause interference to communications in the Citizens Radio Service. Accordingly, the Commission is not proposing to make available the use of 465 Mc/s.

8. After careful consideration, the Commission believes that certain portions of the 915, 2,450 and 22,125 Mc/s ISM bands could be utilized for the operation of intruder alarm devices. Accordingly, the Commission proposes to make the following frequency bands available:

910—920 Mc/s (915 ± 5 Mc/s)
2,435—2,465 Mc/s ($2,450 \pm 15$ Mc/s)
22,025—22,225 Mc/s ($22,125 \pm 100$ Mc/s)

9. Although the Commission is proposing that three microwave ISM frequencies be used by intruder alarms, it must be recognized that the intruder alarm is considered to be a restricted radiation device and not an ISM device. Accordingly, the permitted band is narrower than the ISM band and a limit for radiation of electromagnetic energy within the band is imposed. The Commission proposes a radiation limit of 500 microvolts per meter (uv/m) at 100 ft. within the band associated with the frequency of operation and a limit of 15 uv/m at 100 ft. on frequencies outside the band associated with the frequency of operation. In addition to the radiation limit, the proposed rules would require cessation of operation if harmful interference is caused. As a corollary, it should also be noted that intruder alarm devices may be subjected to, and will not be afforded protection from ISM devices or stations operating in accordance with the table of frequency allocations.

10. Since it is extremely unlikely that intruder alarms operated on the designated ISM frequencies will be a source of harmful interference, it is appropriate to cover their operation under conditions and restrictions set forth in Part 15 of the Commission's rules. However, because intruder alarms can be expected to be distributed to members of the general public having no training in radio or electronic techniques, we are proposing that these devices be type approved as a prerequisite for operation under the proposed rules.

11. This proposal to amend the Commission's rules is issued under the authority of sections 4(i), 301, and 303(r) of the Communications Act of 1934, as amended.

12. Comments in support or in opposition to the proposed amendment may be filed on or before August 1, 1963. Reply comments may be filed on or before August 12, 1963. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

13. In accordance with the provisions of § 1.215(b) of the Commission's rules,

an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: June 19, 1963.

Released: June 20, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend Part 15 as follows:

1. Section 15.4 is amended by adding a new paragraph (j) to read as follows:

§ 15.4 Definitions.

(j) *Intruder alarm.* A restricted radiation device which establishes a radio frequency field in its vicinity for the purpose of detecting changes in that field resulting from the movement of persons within the radio frequency field.

2. A new Subpart F is added to read as follows:

Subpart F—Intruder Alarms

§ 15.241 General conditions of operation.

An intruder alarm may be operated only when it meets the provisions of §§ 15.242, 15.243, and 15.248 and the equipment has been type approved by the Commission.

§ 15.242 Frequencies of operation.

An intruder alarm may be operated within one of the frequency bands listed below subject to the limitations in § 15.243:

910—920 Mc/s (915 ± 5 Mc/s)
2,435—2,465 Mc/s ($2,450 \pm 15$ Mc/s)
22,025—22,225 Mc/s ($22,125 \pm 100$ Mc/s)

§ 15.243 Radiation limits.

(a) The radiation of radio frequency energy or frequencies within the band associated with the frequency of operation shall be limited to a field strength not exceeding 500 microvolts per meter (uv/m) at any point 100 feet or more from the device.

(b) The radiation of radio frequency energy on frequencies outside the band associated with the frequency of operation shall be limited to a field strength not exceeding 15 uv/m at any point 100 feet or more from the device.

NOTE: The Commission recommends that the carrier frequency be set within the central 70 percent of the band to reduce the possibility of out-of-band radiation in excess of that permitted resulting from side band emissions due to modulation, frequency drift due to temperature and voltage fluctuations, etc.

§ 15.244 Type approval.

(a) A manufacturer of an intruder alarm who desires to obtain type approval for his equipment may request permission to submit such equipment to the Commission for testing by following the procedure set out in Subpart F of Part 2 of this chapter, as modified by this section. The manufacturer shall furnish the following with his request for type approval:

(1) A report of measurements showing that the equipment is capable of complying with the requirements of §§ 15.242 and 15.243;

(2) A statement that at least ten units are proposed to be manufactured; and

(3) A statement agreeing to include a copy of Subparts A and F of this part, current as of date of manufacture, with each unit offered for sale or resale to the public.

(b) To receive type approval, intruder alarms must meet the following requirements:

(1) The device must comply with the technical limitations of §§ 15.242 and 15.243.

(2) The design and construction of the equipment must give reasonable assurance of compliance with the requirements of §§ 15.242 and 15.243 for at least five years under normal operation and with average maintenance.

(3) The device must be so constructed that the adjustment of any control accessible to the user shall not cause operation in violation of §§ 15.242 and 15.243.

§ 15.245 Identification of type approved devices.

The Commission will assign a type approval number to each intruder alarm which is type approved. The type approval number shall be permanently inscribed upon or attached to each production unit.

§ 15.246 Changes in type approved equipment.

No changes whatsoever may be made in a type approved intruder alarm except on specific prior approval by the Commission.

§ 15.247 Withdrawal of certificates of type approval.

(a) A certificate of type approval may be withdrawn if the intruder alarm for which it was issued proves defective in service and under usual conditions of maintenance and operation cannot be relied on to meet the conditions set forth in Subparts A and F of this part, or if any change whatsoever is made in the construction of an intruder alarm sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of the certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval, the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

§ 15.248 Interference from intruder alarms.

The operator of an intruder alarm which causes harmful interference to an

authorized radio service shall promptly stop operating the device. Operation shall not be resumed until the condition causing the harmful interference has been eliminated. See § 15.3.

[F.R. Doc. 63-6737; Filed, June 25, 1963; 9:00 a.m.]

[47 CFR Part 21]

[Docket No. 14989]

REQUIRING WIRE LINE COMMON CARRIERS TO SUBMIT CERTAIN DATA WITH APPLICATIONS FOR NEW AUTHORIZATIONS OF BASE STATION FACILITIES IN DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Notice of Proposed Rule Making

The Commission, by the Chief, Common Carrier Bureau, having under consideration a request, filed on May 7, 1963, for leave to file late comments in the above-entitled proceeding filed by the Hawaiian Telephone Company (Hawaiian); and

It appearing, that the time for filing comments in this proceeding expired on April 15, 1963 and that the time for filing reply comments expired on May 1, 1963; and

It further appearing, that Hawaiian in support of its request states that "Due to the necessity of, and time required for, correspondence between Hawaiian's personnel in Hawaii and Hawaiian's Washington attorney and the nonavailability of company personnel familiar with the subject promptly to undertake the preparations of Comments when the notice of proposed rule making was first received, the attached comments are not submitted within the time specified in such notice." and "The Comments which Hawaiian seeks leave to file, however, relate to problems which Hawaiian believes would be created with respect to Hawaiian's own mobile systems in the event the proposed rules are adopted."; and

It further appearing, that the public interest will be served if the Commission has available to it all relevant information before it reaches a decision in this matter and that good cause has been

shown for extending the time as requested;

It is ordered, This 21st day of June 1963, pursuant to sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and § 0.258(c) of the Commission's rules that the time for filing comments in this proceeding is extended to May 7, 1963, and that the time for filing reply comments is extended from May 1, 1963, to July 10, 1963; and

It is further ordered, That the Comments of Hawaiian, submitted as Exhibit "A" with the aforesaid petition, are hereby accepted and filed in this proceeding, and, that replies to said Comments or any other comments heretofore received may be filed within the time specified above.

Released: June 21, 1963.

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

[F.R. Doc. 63-6738; Filed, June 25, 1963; 9:00 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Revision]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JUNE 1, 1963.

This circular is published annually as of June 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Interim changes in this circular are published in the FEDERAL REGISTER as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS APPROVED JULY 30, 1947 (6 U.S.C. 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Aetna Casualty and Surety Company, Hartford, Conn.	\$26,288,000	All except Canal Zone, Virgin Islands.....	CONN.—All except Virgin Islands.
Aetna Insurance Company, Hartford, Conn.	11,729,000	All except Canal Zone.....	CONN.—All except Canal Zone, Hawaii, Virgin Islands.
Agricultural Insurance Company, Watertown, N.Y.	2,010,000	All except Canal Zone, Puerto Rico, Virgin Islands.....	N.Y.—All except Alaska, Canal Zone, Conn., Del., Hawaii, Ill., Ind., Ky., Me., Md., Mass., Mich., Miss., N.H., N.J., N.C., Okla., Pa., Puerto Rico, R.I., Tenn., Vt., Va., Virgin Islands, W. Va.
Allegheny Mutual Casualty Company, Meadville, Pa.	111,000	D.C., Fla., Md., Mich., N.J., Ohio, Pa., Wis.....	PA.—D.C., sFla., nIll., Md., eMich., N.J., Ohio, eWis.
American Automobile Insurance Company, Newark, N.J.	5,547,000	All except Canal Zone, Puerto Rico, Virgin Islands.....	MO.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Casualty Company of Reading, Pennsylvania, Reading, Pa.	3,068,000	All except Canal Zone, Virgin Islands.....	PA.—All except Virgin Islands.
American Central Insurance Company, New York, N.Y.	852,000	All except Canal Zone, Del., Idaho, La., Oreg., Puerto Rico, S.C., Virgin Islands.	MO.—All except Alaska, Canal Zone, Idaho, N. Mex. Puerto Rico, wTex., Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	1,913,000	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Md., Mass., Minn., Mo., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va., Wis.	N.Y.—D.C.
American Employers' Insurance Company, Boston, Mass.	3,020,000	All except Canal Zone.....	MASS.—All.
American Fidelity Company, Manchester, N.H.	331,000	Conn., Me., Mass., Miss., N.H., R.I., Vt.....	VT.—All except Alaska, Canal Zone, Hawaii, Nebr., Kans., Puerto Rico, Virgin Islands.
American Fire and Casualty Company, Orlando, Fla.	345,000	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., Puerto Rico, S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American Foreign Insurance Company, New York, N.Y.	1,245,000	All except Canal Zone, Del., Ga., Kans., La., Mass., Mo., Oreg., Puerto Rico, S.C., Tenn., Va., Virgin Islands, Wis.	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	3,418,000	Ala., Ariz., Ark., Colo., D.C., Fla., La., Miss., N. Mex., Okla., Pa., Tex.	TEX.—All except Conn., Del., Hawaii, Ill., eKy., Me., Md., Mass., Mich., N.H., N.J., N.Y., Ohio, Puerto Rico, R.I., eTenn., Vt., Virgin Islands, W. Va.
American Guarantee and Liability Insurance Company, Chicago, Ill.	995,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Cal., Conn., D.C., nFla., nsGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nsWTex., Vt.
American Home Assurance Company, New York, N.Y.	2,145,000	Ala., Alaska, Ariz., Ark., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	528,000	All except Alaska, Ariz., Canal Zone, Conn., Del., Hawaii, Idaho, Me., Md., Mass., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N. Dak., Oreg., Pa., Puerto Rico, R.I., S. Dak., Utah, Vt., Virgin Islands, Wash., W. Va., Wyo.	TEX.—All except Alaska, wArk., Canal Zone, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Company, Newark, N.J.	12,125,000	All except Canal Zone, Virgin Islands.....	N.J.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Manufacturers Mutual Insurance Company, Chicago, Ill.	640,000	All except Canal Zone, Del., Hawaii, La., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	N.Y.—All except nAla., Ark., Cal., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Iowa, Kans., La., Me., Md., Mo., Nebr., Nev., Oreg., nPa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Utah, Va., Virgin Islands, Wis.
American Motorists Insurance Company, Chicago, Ill.	1,125,000	All except Alaska, Ark., Del., Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands, Wyo.	ILL.—All except Alaska, Ark., Canal Zone, Del., Hawaii, Idaho, Nev., N. Mex., Oreg., Puerto Rico, Tenn., Virgin Islands, Wyo.
American Mutual Liability Insurance Company, Wakefield, Mass.	4,363,000	All except Canal Zone, Puerto Rico, Virgin Islands.....	MASS.—D.C.
American National Fire Insurance Company, New York, N.Y.	886,000	All except Alaska, Canal Zone, Conn., Del., Idaho, Kans., La., Me., Mass., Mich., N.J., N.C., N. Dak., Pa., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands, Wis.	N.Y.—All except Alaska, Canal Zone, Conn., Del., Idaho, Kans., La., Me., Mass., Mich., N.J., N.C., N. Dak., wPa., S.C., S. Dak., Tenn., Va., Wis.
American Re-Insurance Company, New York, N.Y.	5,148,000	All except Fla., N. Mex.....	N.Y.—All.
American States Insurance Company, Indianapolis, Ind.	1,647,000	Colo., Ill., Ind., Iowa, Kans., Ky., Mich., Mo., Ohio, Pa., Wis.	IND.—D.C., Ill., Iowa, Ky., Mich., Ohio.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
American Surety Company of New York, New York, N.Y.	\$2,642,000	All	N.Y.—All.
Argonaut Insurance Company, Menlo Park, Cal.	566,000	Ariz., Ark., Cal., Colo., D.C., Hawaii, Idaho, Ill., Iowa, La., Mass., Minn., Miss., Mont., Nev., N. Mex., N. Dak., Okla., Oreg., S.C., Tex., Utah, Vt., Wash., Wyo.	CAL.—D.C., nGa., Idaho.
Associated Indemnity Corporation, Newark, N.J.	1,423,000	All except Canal Zone, Puerto Rico, Virgin Islands	CAL.—nAla., Ariz., D.C., sFla., eMo., Mont., Nebr., Nev., sN.Y., wOkla., Oreg., Tex., Utah, Wash.
Atlantic Insurance Company, Dallas, Tex.	951,000	Ark., Cal., Ill., Ind., Kans., Mo., Nev., N. Mex., N.C., Ohio, Okla., Tex., Utah.	TEX.—Ark., sCal., Colo., D.C., Idaho, Kans., La., Mo., N. Mex., Ohio, Okla., Utah.
Atlantic Mutual Insurance Company, New York, N.Y.	3,706,000	All except Ala., Canal Zone, Hawaii, La., Me., Mass., Puerto Rico, S. Dak., Virgin Islands.	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	1,203,000	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., Fla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Balboa Insurance Company, Los Angeles, Cal. (Auth. Aug. 31, 1962).	284,000	Alaska, Cal., Hawaii, Ill., Ind., Ky., Minn., Nev., N. Mex., Wyo.	CAL.—
Bankers Multiple Line Insurance Company, Chicago, Ill. (Auth. June 29, 1962). ¹	222,000	All except Alaska, Canal Zone, Del., Ga., Hawaii, Idaho, La., N.H., N.C., Oreg., Puerto Rico, S.C., Tenn., Va., Virgin Islands.	IOWA.—D.C.
Bankers and Shippers Insurance Company of New York, New York, N.Y.	1,034,000	All except Alaska, Canal Zone, Hawaii, Me., Puerto Rico, Virgin Islands, W. Va.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., wMich., Minn., sMiss., wMo., N.H., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Beneficial Fire and Casualty Insurance Company, Los Angeles, Cal.	156,000	Alaska, Cal., Colo., D.C., Md., Nebr., N. Mex., Okla., R.I.	CAL.—D.C.
Birmingham Fire Insurance Company of Pennsylvania, Pittsburgh, Pa.	641,000	All except Ark., Canal Zone, Del., Ga., Hawaii, Idaho, Mass., N.H., N.J., Oreg., Puerto Rico, S.C., Tex., Virgin Islands.	PA.—D.C.
Boston Insurance Company, Boston, Mass.	3,374,000	All except Canal Zone, Idaho, Oreg.	MASS.—All except Alaska, Canal Zone, Hawaii, Idaho, N. Dak., Oreg.
The Buckeye Union Casualty Company, Columbus, Ohio.	1,833,000	Ill., Ind., Ky., Md., Mich., Mo., Ohio, Pa., Va., W. Va.	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Wash., W. Va.
Buffalo Insurance Company, Buffalo, N.Y. (Auth. March 12, 1963).	470,000	Ala., Ariz., Cal., Colo., Conn., D.C., Ga., Ill., Ind., Iowa, Me., Md., Mass., Mich., Minn., Miss., Mo. (fidelity only), Nebr., Nev., N.H. (reinsurance only), N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), Utah (fidelity only), Wash., W. Va. (surety only), Wis., Wyo.	N.Y.—
The Camden Fire Insurance Association, Camden, N.J.	2,428,000	Alaska, Ariz., Colo., Conn., Ill., Ind., Iowa, Kans., Md., Mass., Mich., Nev., N.J., N. Mex., N.Y., N. Dak., Ohio, Okla., S.C., Vt., Wyo.	N.J.—D.C.
Capitol Indemnity Corporation, Madison, Wis.	108,000	Iowa, Mich., Minn., Wis.	WIS.—D.C., nGa., Ill., sInd., Iowa, Mich., Minn.
Carolina Casualty Insurance Company, Jacksonville, Fla.	160,000	Ala. (fidelity only), Alaska, Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.J., N. Mex., N.C., N. Dak., Ohio, Okla., Pa., S.C., S. Dak., Tenn., Tex., Utah, Vt., Va., Virgin Islands, Wash., W. Va., Wis., Wyo.	N.C.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Cascade Insurance Company, Tacoma, Wash.	225,000	Cal., Idaho, Mont., Nev., Oreg., Utah, Wash.	WASH.—All except Canal Zone, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	295,000	Colo., D.C., Ill., Ind., Ky., Md., Mich., Ohio, Pa., Va., W. Va., Wis.	OHIO—D.C.
Centennial Insurance Company, New York, N.Y.	860,000	All except Ala., Canal Zone, La., Me., Mass., Puerto Rico, S. Dak., Virgin Islands.	N.Y.—D.C.
Central Mutual Insurance Company, Van Wert, Ohio.	1,207,000	All except Ala., Ark., Canal Zone, Del., Fla., Ga., Hawaii, Ky., La., Me., Mass., Nebr., N.H., N. Dak., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Tex., Va., Virgin Islands, Wis.	OHIO—D.C.
Central Surety and Insurance Corporation, Kansas City, Mo.	903,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MO.—All except Virgin Islands.
The Cincinnati Insurance Company, Cincinnati, Ohio.	202,000	Fla., Ga., Ind., Ky., Ohio	OHIO—D.C., sFla., sInd., Ky.
Citizens Casualty Company of New York, New York, N.Y.	176,000	All except Canal Zone, Hawaii, Ohio, Virgin Islands	N.Y.—All except Canal Zone, Hawaii, Virgin Islands.
Citizens Insurance Company of New Jersey, Hartford, Conn.	738,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.J.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Columbia Casualty Company, New York, N.Y. ²	2,638,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Virgin Islands.
Commercial Insurance Company of Newark, N.J., Newark, N.J.	1,807,000	Ala., Alaska, Ariz., Ark., Cal., Canal Zone, Colo., Conn., Del., D.C., Fla., Ga., Guam, Hawaii, Idaho, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Oreg., Pa., R.I., S.C., S. Dak., Tenn., Tex., Utah, Vt., Va., Virgin Islands, Wash., W. Va., Wis., Wyo.	N.J.—All.
Commercial Standard Insurance Company, Fort Worth, Tex.	271,000	Ala., Ark., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., La., Minn., Mo., Mont., Nebr., Nev., N. Mex., N.C., N. Dak., Okla., S. Dak., Tenn., Tex., Utah, Va., Wyo.	TEX.—All except Alaska, Canal Zone, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
Commercial Union Insurance Company of New York, New York, N.Y.	1,197,000	All except Canal Zone, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Idaho, N. Mex., Puerto Rico, R.I., wVa., Virgin Islands, Wyo.
The Connecticut Fire Insurance Company, Hartford, Conn.	6,514,000	All except Canal Zone, Puerto Rico, Virgin Islands	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The Connecticut Indemnity Company, New Haven, Conn.	691,000	All except Alaska, Canal Zone, Del., Hawaii, Oreg., Puerto Rico, S.C., Va., Virgin Islands.	CONN.—All except Alaska, Ariz., Cal., Canal Zone, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	1,035,000	All except Ala., Alaska, Ariz., Canal Zone, Del., Kans., La., Oreg., S.C.	N.Y.—D.C.
Continental Casualty Company, Chicago, Ill.	25,842,000	All	ILL.—All except Canal Zone, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	90,315,000	All except Hawaii, Oreg., Puerto Rico, Virgin Islands	N.Y.—All except Canal Zone, Puerto Rico, Virgin Islands.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	909,000	Conn., D.C., Fla., Ill., Me., Md., Mass., N.H., N.J., N.Y., Pa., R.I., Vt., Va., W. Va.	N.Y.—D.C.
Employers Casualty Company, Dallas, Tex.	869,000	Ariz., Ark., Cal., Colo., Ill., Ind., Iowa, Ky., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., Okla., Tex., Utah, Wash., Wyo.	TEX.—D.C.
The Employers' Fire Insurance Company, Boston, Mass.	1,485,000	All except Canal Zone	MASS.—All except Canal Zone.

See footnotes at end of table.

NOTICES

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Employers Mutual Casualty Company, Des Moines, Iowa.	\$1,624,000	All except Ala., Canal Zone, Conn., Del., Fla., Ga., Hawaii, Ky., La., Me., Mass., Mont., Nev., Puerto Rico, R.I., Tenn., Utah, Virgin Islands.	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	7,802,000	All except Canal Zone, Virgin Islands.	WIS.—D.C.
Employers Reinsurance Corporation, Kansas City, Mo.	3,564,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MO.—All.
Equitable Fire and Marine Insurance Company, Providence, R.I.	2,082,000	All except Alaska, Ark., Canal Zone, Idaho, La., Oreg., Puerto Rico, S.C., Virgin Islands.	R.I.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa.	342,000	Colo., Ill., Iowa, Kans., Minn., Nebr., Okla., S. Dak., Tex., Wis., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Federal Insurance Company, New York, N.Y.	13,084,000	All	N.J.—All.
The Fidelity and Casualty Company of New York, New York, N.Y.	10,946,000	All except Puerto Rico, Virgin Islands.	N.Y.—All except Hawaii, Puerto Rico, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	5,909,000	All	MD.—All.
Fidelity-Phenix Insurance Company, New York, N.Y.	3,247,000	All except Canal Zone, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Virgin Islands.
Fireman's Fund Insurance Company, San Francisco, Cal.	21,401,000	All except Canal Zone.	CAL.—All.
Firemen's Insurance Company of Newark, New Jersey, Newark, N.J.	10,840,000	All except Puerto Rico.	N.J.—All except Canal Zone.
First Insurance Company of Hawaii, Limited, Honolulu, Hawaii.	556,000	Guam, Hawaii, Oreg.	HAWAII—D.C.
The Fulton Insurance Company, New York, N.Y.	239,000	All except Ala., Del., Ga., Hawaii, Idaho.	N.Y.—All except Ala., Canal Zone, Del., Ga., Hawaii, Idaho, Puerto Rico, Virgin Islands, eWash.
General Fire and Casualty Company, New York, N.Y.	679,000	All except Ala., Alaska, Ariz., Ark., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Kans., Me., Mont., N. Mex., N. Dak., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Virgin Islands, Wash., Wyo.	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	11,524,000	All except Puerto Rico, Virgin Islands.	WASH.—All except Puerto Rico, Virgin Islands.
General Reinsurance Corporation, New York, N.Y.	6,666,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Canal Zone, Virgin Islands.
Glens Falls Insurance Company, Glens Falls, N.Y.	6,346,000	All except Canal Zone, Puerto Rico, Virgin Islands.	N.Y.—All except Puerto Rico, Virgin Islands.
Globe Indemnity Company, New York, N.Y.	5,530,000	All except Canal Zone, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	1,131,000	All except Ala., Alaska, Canal Zone, Del., Hawaii, Idaho, Me., Nev., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	611,000	All except Canal Zone, Del., Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Great American Insurance Company, New York, N.Y.	22,897,000	All except Canal Zone.	N.Y.—All except Canal Zone.
Great Northern Insurance Company, Minneapolis, Minn.	566,000	Ariz., Ill., Iowa, Minn., Mo., Mont., Nebr., Nev., N.Y., N. Dak., S. Dak., Wis., Wyo.	MINN.—D.C., nIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Guarantee Insurance Company, New York, N.Y. (Auth. March 25, 1963).	491,000	Alaska, Ariz., Ark., Cal., Colo., Fla., Hawaii, Idaho, Ind., Iowa, N.J., N. Mex., N.Y., N.C., Okla., Utah, Va., Wash., Wyo.	CAL.—
Gulf American Fire and Casualty Company, Montgomery, Ala.	110,000	Ala., Fla., Ga., La., Miss., S.C., Tenn.	ALA.—D.C., mnGa., sMiss.
Gulf Insurance Company, Dallas, Tex.	4,236,000	Ark., Cal., Ill., Ind., Kans., La., Mich., Mo., Nev., N. Mex., N.C., Ohio, Okla., Pa., Tex., Utah, Wyo.	TEX.—Ark., sCal., Colo., D.C., Idaho, Kans., La., Mo., N. Mex., Ohio, Okla., Utah.
The Hanover Insurance Company, New York, N.Y.	5,088,000	All except Canal Zone, Puerto Rico, Virgin Islands.	N.Y.—All.
Hardware Mutual Casualty Company, Stevens Point, Wis.	1,612,000	All except Canal Zone, Idaho, Puerto Rico, Virgin Islands.	WIS.—D.C.
Hartford Accident and Indemnity Company, Hartford, Conn.	19,948,000	All	CONN.—All except Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	47,837,000	All except Canal Zone, Puerto Rico.	CONN.—Ariz., Cal., D.C., La., N.Y.
Hawkeye Security Insurance Company, Des Moines, Iowa.	638,000	Colo., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., Ohio, Pa., S. Dak., Utah, Va., Wyo.	IOWA—Colo., D.C., Fla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
The Home Indemnity Company, New York, N.Y.	6,412,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Company, New York, N.Y.	31,083,000	All	N.Y.—D.C.
Hudson Insurance Company, New York, N.Y.	331,000	N.Y.	N.Y.—D.C.
Illinois National Insurance Co., Springfield, Ill.	430,000	Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., Ohio.	ILL.—All except mAla., Alaska, Ariz., Canal Zone, Del., Hawaii, wMo., Mont., N.H., ewN.Y., Puerto Rico, wS.C., eTenn. Virgin Islands, wWis., Wyo.
Industrial Indemnity Company, San Francisco, Cal.	1,104,000	Alaska, Ariz., Ark., Cal., Colo., Fla., Guam, Hawaii, Idaho, Ill., La., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.C., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.	CAL.—Alaska, Ariz., eArk., Colo., D.C., sFla., Hawaii, Idaho, nIll., eLa., eMo., Mont., Neb., Nev., N. Mex., wOkla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Inland Insurance Company, Lincoln, Nebr.	239,000	Nebr.	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., eMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	64,196,000	All	PA.—All.
The Insurance Company of the State of Pennsylvania, Philadelphia, Pa.	854,000	Ala., Alaska, Ark., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., S.C., (fidelity only), S. Dak., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	PA.—D.C.
International Fidelity Insurance Company, Jersey City, N.J.	39,000	Md., Mass., Mich. (fidelity only), N.J., N.Y., Pa.	N.J.—All except Alaska, Virgin Islands.
Inter-Ocean Reinsurance Company, Cedar Rapids, Iowa (Auth. Oct. 22, 1962).	963,000	Ark., Cal., Colo., Del., D.C., Ill., Ind., Iowa, Kans., Mass., Mich., Nebr., Nev., N.H., N.Y., Ohio, Pa., Tex., Utah, W. Va.	IOWA—All except Canal Zone.
Iowa Mutual Insurance Company, DeWitt, Iowa.	309,000	Ala., Colo., Fla., Ga., Ill., Iowa, Kans., La., Minn., Mont., Nebr., N.C., N. Dak., Okla., Oreg., S.C., S. Dak.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Jersey Insurance Company of New York, New York, N.Y.	677,000	All except Alaska, Ariz., Canal Zone, Del., Hawaii, Me., Nev., N.H., N. Mex., N. Dak., Puerto Rico, Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., D.C., nFla., nGa., sInd., sIowa, eKy., Mass., wMich., Minn., sMiss., wMo., N.J., sOhio, wOkla., R.I., S. Dak., nwTex.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Kansas Bankers Surety Company, Topeka, Kans.	\$81,000	Kans.-----	KANS.—D.C.
Kansas City Fire and Marine Insurance Company, Kansas City, Mo.	417,000	Ala., Alaska, Ark., Colo., Fla., Ind., Iowa, Kans., Ky., Miss., Mo., Mont., Nebr., N. Mex., N.Y., Okla., Pa., R.I., Tex., Vt., W. Va., Wyo.	MO.—Ala., Ark., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., eVa., Wis., Wyo.
Lawyers Surety Corporation, Dallas, Tex. (Auth. Aug. 13, 1962).	45,000	Tex.-----	TEX.—D.C.
Liberty Mutual Insurance Company, Boston, Mass.	14,965,000	All except Virgin Islands.-----	MASS.—All except Canal Zone.
Lumbermens Mutual Casualty Company, Chicago, Ill.	5,750,000	All except Canal Zone, Puerto Rico, Virgin Islands.-----	ILL.—All except Alaska, Canal Zone, Hawaii, La., Puerto Rico, Virgin Islands.
Maine Bonding and Casualty Company, Portland, Me.	260,000	Ala., Ariz., Cal., Colo., Fla., Ga., Ky., Me., Md., Minn., Miss., N.H., N.J., N. Mex., Okla., Oreg., Pa., Tenn., Tex., Vt., Va., Wash.	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, New York, N.Y. (Auth. Mar. 25, 1963).	1,407,000	All except Ark., Canal Zone, Conn., Del., La., Me., Mich., Mont., N. Dak., Oreg., Puerto Rico, S.C., Tenn., Tex., Virgin Islands.	N.Y.—
Maryland Casualty Company, Baltimore, Md.	9,292,000	All.-----	MD.—All.
The Mercantile Insurance Company of America, New York, N.Y.	1,592,000	All except Canal Zone, Conn., Del., Idaho, La., N.J., Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Merchants Fire Assurance Corporation of New York, New York, N.Y.	5,880,000	All except Alaska, Ark., Canal Zone, Del., Fla., Ga., Hawaii, Idaho, Kans., La., Me., Mont., Nev., N. Dak., Oreg., Puerto Rico, S.C., S. Dak., Tex., Vt., Va., Virgin Islands, Wyo.	N.Y.—Cal., D.C., Fla., nIll., eLa., Me., Md., Mass., Mich., Minn., wN.C., N. Dak., Oreg., ePa., eS.C., wsTex., Vt., eVa., wWash.
Merchants Indemnity Corporation of New York, New York, N.Y.	2,548,000	Cal., Conn., D.C., Ga., Ill., Ind., Iowa, Md., Mich., Minn., Mo., Nebr., N.J., N.Y., Ohio, Okla., Pa., Utah, Wash., Wis.	N.Y.—D.C., nGa., N.J., Ohio, wWash.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	1,005,000	All except Ala., Alaska, Ariz., Canal Zone, Fla., Ga., Hawaii, Idaho, La., Me., Md., Nev., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands, Wyo.	MICH.—eArk., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wnTenn., Utah, wWash.
Michigan Mutual Liability Company, Detroit, Mich. (Auth. Jan. 18, 1963).	1,000,000	All except Ariz., Canal Zone, Colo., Del., Hawaii, Ind., La., Me., Mont., N. Dak., Oreg., Puerto Rico, S. Dak., Tenn., Utah, Virgin Islands, Wash., W. Va., Wyo.	MICH.—D.C.
Mid-Century Insurance Company, Los Angeles, Cal.	763,000	All except Ala., Alaska, Canal Zone, Conn., Del., D.C., Ga., Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands, W. Va.	CAL.—Ariz., Colo., D.C., Idaho, Mont., Nebr., Nev., N. Mex., Utah, Wash., Wyo.
The Millers Mutual Fire Insurance Company, Harrisburg, Pa.	334,000	Ark., Ga., Ind., N.Y., N.C., S.C., Vt.-----	PA.—D.C.
The Millers Mutual Fire Insurance Company of Texas, Fort Worth, Tex.	607,000	All except Ala., Alaska, Canal Zone, Conn., Del., Fla., Ga., Hawaii, Idaho, Ky., La., Me., Md., Mo., Nev., N.J., N.C., Puerto Rico, R.I., S.C., Tenn., Vt., Va., Virgin Islands, Wash., Wyo.	TEX.—D.C., Okla.
Millers' Mutual Insurance Association of Illinois, Alton Ill.	1,300,000	Ark., Colo., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., N.Y., N.C., N. Dak., Ohio, Okla., Pa., S. Dak., Tex., Vt., Wash., Wis., Wyo.	ILL.—nm Ala., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Company, Chicago, Ill.	466,000	All except Alaska, Canal Zone, Del., Hawaii, La., Me., Miss., Puerto Rico, Tenn., Vt., Va., Virgin Islands.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nws Tex., Utah, wWis., Wyo.
Milwaukee Insurance Company of Milwaukee, Wis., Milwaukee, Wis.	2,434,000	All except Canal Zone, Puerto Rico, Virgin Islands.-----	WIS.—All.
Mutual Boiler and Machinery Insurance Company, Waltham, Mass.	1,504,000	Alaska, Ariz., Cal., Colo., Conn., D.C., Ind., Iowa, Ky., Mass., Mich., Minn., Mont., Nev., N.H., N.J., N. Mex., N.Y., N.C., R.I., Tex., Utah, Vt., W. Va., Wis., Wyo.	MASS.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	284,000	Alaska, Ariz., Ark., Cal., Colo., Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National Ben Franklin Insurance Company of Pittsburgh, Pa., Pittsburgh, Pa.	1,081,000	All except Canal Zone, Hawaii, Oreg., Puerto Rico, Virgin Islands.	PA.—D.C.
National Casualty Company, Detroit, Mich.	700,000	All except Alaska, Ariz., Ark., Canal Zone, Fla., Ga., Hawaii, Idaho, Mass., Oreg., Puerto Rico, S.C., Virgin Islands.	MICH.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National Fire Insurance Company of Hartford, Hartford, Conn.	8,282,000	All except Canal Zone, Hawaii, Va., Virgin Islands.-----	CONN.—All except Alaska, Ariz., Canal Zone, Hawaii, Idaho, Nev., nN.Y., Vt., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	1,983,000	Conn., D.C., Fla., Ill., Ind., Me., Md., Mass., Mich., Minn., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Vt., W. Va., Wis.	N.H.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	386,000	All except Ark., Canal Zone, Conn., Fla., Ga., Hawaii, La., Me., Mass., N.H., N.J., N.Y., Ohio, Oreg., Puerto Rico, R.I., S.C., Tenn., Vt., Virgin Islands.	NEBR.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National Standard Insurance Company, Houston, Tex.	264,000	Colo., La., N. Mex., Tex.-----	TEX.—D.C.
National Surety Corporation, Principal Office: New York, N.Y.; Home Office: San Francisco, Cal.	4,731,000	All except Puerto Rico, Virgin Islands.-----	N.Y.—All.
National Union Fire Insurance Company of Pittsburgh, Pa., Pittsburgh, Pa.	3,724,000	All except Canal Zone, Hawaii, Idaho, Puerto Rico, Virgin Islands.	PA.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
National Union Indemnity Company, Pittsburgh, Pa.	560,000	All except Ark., Canal Zone, Hawaii, Idaho, Me., Oreg., Puerto Rico, Virgin Islands.	PA.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company, Columbus, Ohio (Auth. Aug. 30, 1962).	9,140,000	All except Cal., Canal Zone, Hawaii, Nebr., N. Mex., Virgin Islands, Wis.	OHIO—D.C.
New Amsterdam Casualty Company, Baltimore, Md.	4,567,000	All except Canal Zone, Idaho, Virgin Islands.-----	N.Y.—All except Canal Zone, Virgin Islands.
New England Insurance Company, Springfield, Mass.	1,520,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MASS.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
New Hampshire Insurance Company, Manchester, N.H.	3,557,000	All except Canal Zone, Puerto Rico, Virgin Islands.-----	N.H.—All except Canal Zone, Virgin Islands.
New York Underwriters Insurance Company, New York, N.Y.	1,752,000	All except Canal Zone, Puerto Rico, Virgin Islands.-----	N.Y.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Newark Insurance Company, Milford, N.J.	1,591,000	All except Canal Zone, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.J.—All except Alaska, nCal., Canal Zone, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	20,737,000	All except Canal Zone, Hawaii, Oreg.-----	N.Y.—All except Canal Zone, Puerto Rico, Virgin Islands.
North American Reinsurance Corporation, New York, N.Y.	3,611,000	All except Canal Zone, N. Dak., Puerto Rico, S. Dak., Tenn., Virgin Islands.	N.Y.—All except Canal Zone, Puerto Rico, Virgin Islands.

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Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The North River Insurance Company, New York, N.Y.	\$5,332,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Northeastern Insurance Company of Hartford, Des Moines, Iowa.	875,000	Cal., Colo., Conn., Ill., Iowa, Mich., N.H., N.J., N.Y., Ohio, Tex.	CONN.—D.C.
The Northern Assurance Company of America, Boston, Mass.	1,064,000	All except Canal Zone, Virgin Islands.	MASS.—All except Canal Zone, Minn., eTenn., Virgin Islands, sW. Va.
Northern Insurance Company of New York, New York, N.Y.	3,289,000	All except Ark., Canal Zone, Conn., Fla., Hawaii, Idaho, Kans., La., N.H., Oreg., Puerto Rico, S.C., Tenn., Va., Virgin Islands.	N.Y.—D.C., Me.
The Ohio Casualty Insurance Company, Hamilton, Ohio.	3,000,000	All except Alaska, Canal Zone, Hawaii, Idaho, Me., N.Y., Puerto Rico, Virgin Islands.	OHIO—All except Canal Zone, Hawaii, Virgin Islands.
Ohio Farmers Insurance Company, LeRoy, Ohio.	1,514,000	All except Ala., Alaska, Canal Zone, Fla., Ga., Hawaii, Idaho, Ky., La., Me., Miss., Nebr., N.H., N.Y., Puerto Rico, S.C., Tenn., Tex., Vt., Virgin Islands, Wyo.	OHIO—Ariz., Ark., Cal., Colo., Conn., D.C., Fla., Idaho, Ill., Ind., Iowa, Ky., Md., Mass., wMich., Minn., Nev., N.J., N. Mex., nsN.Y., N.C., Okla., Oreg., emPa., Tex., Utah, eVa., Wash., W. Va., Wis.
Old Colony Insurance Company, Boston, Mass.	850,000	All except Canal Zone, Hawaii, Idaho, Oreg., S. Dak., Virgin Islands.	MASS.—All except Alaska, Canal Zone, Hawaii, Idaho, Nev., N. Dak., Oreg., Virgin Islands.
Pacific Employers Insurance Company, Los Angeles, Cal.	1,118,000	All except Ala., Ark., Canal Zone, Conn., D.C., Fla., Ga., Hawaii, Ky., La., Me., Md., Mass., Mich., N.H., N.Y., N.C., N. Dak., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	2,255,000	All except Canal Zone, Puerto Rico, Virgin Islands.	CAL.—All except Conn., Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, Limited, Honolulu, Hawaii.	253,000	Hawaii.	HAWAII—D.C.
Pacific Insurance Company of New York, New York, N.Y.	1,461,000	All except Alaska, Canal Zone, Hawaii, Me., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands, W. Va.	N.Y.—Ala., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., wMich., Minn., sMiss., wMo., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Pacific National Insurance Company, San Francisco, Cal.	2,828,000	All except Canal Zone, Puerto Rico, Virgin Islands.	CAL.—All except Alaska, Canal Zone, Hawaii, N. Mex., Puerto Rico, Virgin Islands.
Peerless Insurance Company, Keene, N.H.	812,000	All except Canal Zone, Hawaii, Puerto Rico.	N.H.—All except Hawaii, Virgin Islands.
The Pennsylvania Insurance Company, Philadelphia, Pa.	1,875,000	All except Canal Zone, Puerto Rico, Virgin Islands.	PA.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands, eWash.
Pennsylvania Manufacturers' Association Casualty Insurance Company, Philadelphia, Pa. (Auth. Sept. 10, 1962).	1,447,000	Del., D.C., N.J., N.Y., Ohio, Pa., W. Va.	PA.—D.C.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,053,000	Pa., D.C.	PA.—D.C.
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	1,239,000	Ala., D.C., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Miss., Mo., Nebr., N.J., N.C., Okla., Pa., R.I., S.C., Tenn., Tex., Utah, Vt., Va., W. Va., Wis.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	1,566,000	All except Canal Zone, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	14,187,000	All except Canal Zone, Puerto Rico, Virgin Islands.	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa. (Auth. June 11, 1962).	3,779,000	Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., S.C. (fidelity only), Tenn., Tex., Utah, Va. (fidelity only), Wash., W. Va., Wis., Wyo.	PA.—
Progressive Mutual Insurance Company, Cleveland, Ohio.	455,000	Ohio.	OHIO—D.C.
Providence Washington Insurance Company, Providence, R.I.	1,731,000	All except Del., Fla., Idaho, La., Oreg.	R.I.—Conn., D.C., Mass., N.H., N.J., N.Y., Pa., Vt.
Provident Insurance Company of New York, New York, N.Y.	378,000	All except Ariz., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Kans., La., Me., Mich., Miss., Mont., Oreg., Puerto Rico, S.C., S. Dak., Virgin Islands.	N.Y.—sCal., D.C., eN.C., Tenn., Va., W. Va.
The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y.	865,000	Cal., N.Y., Pa.	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	1,402,000	Conn., Del., D.C., Fla., Ga., Me., Md., N.H., N.J., N.Y., N.C., Pa., W. Va.	N.Y.—D.C., sFla., ePa., wTex.
Queen Insurance Company of America, New York, N.Y.	4,036,000	All except Canal Zone, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Idaho, Virgin Islands, Wyo.
The Reinsurance Corporation of New York, New York, N.Y.	2,180,000	Alaska, Cal., Colo., Conn., Ga., Ill., Ind., Iowa, Mich., Mont., Nebr., Nev., N.J., N.Y., N. Dak., Ohio, Okla., Vt., W. Va., Wyo.	N.Y.—D.C.
Reliable Insurance Company, Jacksonville, Fla. (Auth. March 1, 1963).	200,000	Colo., Iowa, La., Nev., N. Mex., Ohio.	OHIO—
Reliance Insurance Company, Philadelphia, Pa.	10,326,000	All except Canal Zone, Puerto Rico, Virgin Islands.	PA.—All except Canal Zone, Virgin Islands.
Republic Insurance Company, Dallas, Tex.	2,367,000	Ariz., Ark., Cal., Colo., Conn., D.C., Ill., Ind., Iowa, Kans., La., Md., Mich., Minn., Miss., Mo., N. Mex., N.Y., N.C., Ohio, Okla., Pa., Tex., Utah, Va., Wash., W. Va., Wis.	TEX.—D.C.
Resolute Insurance Company, Providence, R.I.	749,000	Ala., Alaska, Ariz. (surety only), Ark., Cal. (surety only), Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Idaho (surety only), Ill., Ind., Iowa, Kans., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.C., N. Dak., Ohio, Okla., Oreg., Pa., R.I., S.C., Tenn., Tex., Utah (surety only), Vt., Va., Wash., W. Va., Wis., Wyo.	R.I.—Ariz., Cal., Colo., Conn., Del., D.C., Fla., Idaho, neIll., Ind., Iowa, Kans., Md., Mass., Minn., sMiss., Mo., Nebr., N.J., eN.Y., N. Dak., Ohio, Pa., mTenn., eWash., sW. Va., Okla.
Royal Indemnity Company, New York, N.Y.	4,280,000	All except Virgin Islands.	N.Y.—All except Virgin Islands.
Safeguard Insurance Company, Hartford, Conn.	1,441,000	All except Canal Zone, Del., Idaho, La., Puerto Rico, Virgin Islands.	CONN.—All except Ark., Canal Zone, Ga., Ky., La., Miss., N.C., Okla., Puerto Rico, S.C., Tenn., nweTex., Vt., Virgin Islands, wVa., W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	20,478,000	All except Canal Zone.	MINN.—All.
St. Paul Mercury Insurance Company, St. Paul, Minn.	2,627,000	All except Canal Zone, Puerto Rico, Virgin Islands.	MINN.—All.
Seaboard Surety Company, New York, N.Y.	2,072,000	All.	N.Y.—All.
Secured Insurance Company, Indianapolis, Ind.	304,000	Ark., Ga., Ill., Ind., Iowa, Mich., Ohio, Pa., Wis.	IND.—D.C., Ga.
Security Insurance Company of New Haven, New Haven, Conn.	5,891,000	All except Canal Zone, Del., Hawaii, Miss., Oreg., Puerto Rico, S.C., Virgin Islands.	CONN.—All except Ariz., Cal., Canal Zone, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Security Mutual Casualty Company, Chicago, Ill.	1,781,000	All except Alaska, Canal Zone, Hawaii, Idaho, Puerto Rico, Tenn., Virgin Islands.	ILL.—D.C.

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COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS APPROVED JULY 30, 1947 (6 U.S.C. 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Security National Insurance Company, Dallas, Tex.	\$332,000	Ark., Cal., Ind., Mich., Okla., Tex.	TEX.—All except Canal Zone, Mont.
Select Insurance Company, Dallas, Tex.	332,000	Colo., Fla., Tex., Wyo.	TEX.—Ark., sCal., Colo., D.C., Idaho, Kans., La., N. Mex., Okla., Utah.
Southern General Insurance Company, Atlanta, Ga.	312,000	Ala., Cal., D.C., Fla., Ga., Ind., Ky., La., Md., Miss., Mo., N.J., N.C., Oreg., S.C., Tenn., Tex., Utah, Wash., Wis.	GA.—Ariz., Cal., D.C., Fla., nmGa., nInd., Md., sMiss., N.J., wmN.C., neTex.
Springfield Insurance Company, Springfield, Mass.	9,830,000	All except Canal Zone, Puerto Rico, Virgin Islands.	MASS.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Standard Accident Insurance Company, Detroit, Mich.	4,557,000	All except Canal Zone.	MICH.—All except Canal Zone.
The Standard Insurance Company, Tulsa, Okla.	195,000	Alaska, Ark., Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Tex., Utah, Wis., Wyo.	OKLA.—Ala., Alaska, Ark., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Miss., Mo., Mont., Nebr., Nev., N.J., N. Mex., esN.Y., N. Dak., ePa., R.I., esC., S. Dak., Tenn., Tex., Utah, Wis., Wyo.
State Automobile Mutual Insurance Company, Columbus, Ohio.	2,534,000	Ala., Fla., Ga., Ind., Ky., Md., Mich., Miss., Mo., N.C., Ohio, Pa., Tenn., W. Va.	OHIO—D.C., Ky., Md., Mich., Tenn., W. Va.
State Fire and Casualty Company, Miami, Fla.	82,000	Del., Fla., Ill. (surety only), La., Md. (surety only).	FLA.—D.C.
State Surety Company, Des Moines, Iowa.	44,000	Iowa, Mo.	IOWA—eArk., D.C., Ill., Nebr., N. Dak., nOhio, nOkla., S. Dak., Mo.
Statesman Insurance Company, Indianapolis, Ind. (Auth. Nov. 29, 1962).	134,000	Ill., Ind., Iowa, Pa.	IND.—D.C., Ill., wmPa.
The Stuyvesant Insurance Company, Allentown, Pa.	780,000	All except Canal Zone, Hawaii, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
Sun Insurance Company of New York, New York, N.Y.	1,085,000	All except Canal Zone, Hawaii, Idaho, La., Miss., Oreg., Puerto Rico, S.C., Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Superior Risk Insurance Company, LeRoy, Ohio.	690,000	Ariz., Cal., Colo., Conn., Del., D.C., Ill., Ind., Iowa, Ky., Md., Mass., Mich., Minn., Nev., N.J., N. Mex., N.Y., Ohio, Okla., Pa., R.I., Va., W. Va., Wis.	OHIO—All except Ala., Alaska, Canal Zone, Fla., Ga., Hawaii, Kans., La., Me., Miss., Mo., Mont., Nebr., N.H., eN.Y., N. Dak., Puerto Rico, R.I., S.C., S. Dak., Tenn., Tex., Vt., wVa., Virgin Islands, Wyo.
Traders & General Insurance Company, Dallas, Tex.	191,000	Ark., Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex.	TEX.—D.C.
Transcontinental Insurance Company, Hartford, Conn.	2,627,000	All except Canal Zone, Del., Hawaii, La., Oreg., Va., Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Del., msGa., Hawaii, La., Miss., Oreg., Puerto Rico, S.C., Vt., Virgin Islands.
Transit Casualty Company, St. Louis, Mo.	332,000	All except Alaska, Ariz., Canal Zone, Colo., Conn., Del., Fla., Ga., Hawaii, Idaho, Kans., La., Me., Mass., Minn., N.H., N. Mex., N.Y., Oreg., Pa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Va., Virgin Islands, W. Va.	MO.—D.C.
Transport Indemnity Company, Los Angeles, Cal. (Auth. June 22, 1962).	612,000	All except Ala., Canal Zone, Ga., Kans., La., N.Y., Puerto Rico, S. Dak., Virgin Islands.	CAL.—nsAla., Ariz., wArk., Del., D.C., Hawaii, Idaho, Me., Md., wMich., Minn., nMiss., wMo., Mont., Nebr., N.H., N.J., N. Mex., N. Dak., Oreg., Utah, eWis., Wyo.
Transportation Insurance Company, Chicago, Ill.	709,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	ILL.—All except Alaska, nCal., Canal Zone, Conn., sFla., Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	21,000,000	All.	CONN.—All.
Trinity Universal Insurance Company, Dallas, Tex.	1,641,000	All except Alaska, Canal Zone, Conn., Del., Hawaii, Idaho, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All.
Twin City Fire Insurance Company, Minneapolis, Minn. (Auth. March 1, 1963).	598,000	All except Cal., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Ill., Kans., La., Mass., Mo., Nebr., N.H., N.Y., Ohio, Oreg., Puerto Rico, R.I., S.C., Tex., Virgin Islands.	MINN.—
United Bonding Insurance Company, Indianapolis, Ind.	62,000	All except Canal Zone, Conn., N.Y., Puerto Rico, S.C., Virgin Islands, W. Va.	IND.—All except nsAla., Canal Zone, Conn., Del., Hawaii, Me., Mass., Mont., N.Y., N. Dak., Puerto Rico, S.C., meTenn., Virgin Islands.
United Fire and Casualty Company, Cedar Rapids, Iowa (Auth. Sept. 7, 1962).	139,000	Ariz., Colo., Idaho, Ill., Iowa, Minn., Mo., Mont., Nebr., N. Mex., N. Dak., S. Dak., Utah, Wash., Wis., Wyo.	IOWA—D.C., nIll., wMo.
United Pacific Insurance Company, Tacoma, Wash.	1,277,000	All except Ala., Canal Zone, Conn., Del., Fla., Ga., Hawaii, La., Me., Md., Mass., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va.	WASH.—All except Canal Zone, Puerto Rico, Virgin Islands.
United States Casualty Company, New York, N.Y.	1,558,000	All except Canal Zone, Hawaii.	N.Y.—All except Alaska, Canal Zone, Hawaii, wLa.
United States Fidelity and Guaranty Company, Baltimore, Md.	28,985,000	All.	MD.—All.
United States Fire Insurance Company, New York, N.Y.	9,123,000	All except Canal Zone, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	124,000	Ariz., Colo., Iowa, Kans., Ky., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., S. Dak., Tex., Wyo.	NEBR.—Ariz., Colo., D.C., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., wOkla., S. Dak., nTex., Utah, Wyo.
Utica Mutual Insurance Company, Utica, N.Y. (Auth. Dec. 27, 1962).	1,756,000	All except Ala., Alaska, Ark., Canal Zone, Hawaii, Kans., La., Me., Mich., Oreg., Puerto Rico, S. Dak., Virgin Islands.	N.Y.—All except Alaska, Ark., Canal Zone, Hawaii, Kans., La., Me., Mich., Oreg., Puerto Rico, S. Dak., Virgin Islands, W. Va.
Valley Forge Insurance Company, Reading, Pa.	1,048,000	All except Alaska, Ariz., Cal., Canal Zone, Conn., Del., Fla., Hawaii, Idaho, Kans., Ky., La., Me., Miss., Nebr., N.H., N. Mex., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	1,708,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico.	N.Y.—All except Alaska, Hawaii, Puerto Rico, Virgin Islands.
Virginia Surety Company, Incorporated, Toledo, Ohio.	113,000	All except Ala., Ariz., Cal., Canal Zone, Conn., Del., Fla., Hawaii, Idaho, Kans., La., Me., Mich., N.Y., Ohio, Oreg., Puerto Rico, S.C., S. Dak., Tenn., Tex., Virgin Islands, Wash., Wis.	VA.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Wabash Fire and Casualty Insurance Company, Indianapolis, Ind.	271,000	All except Ala., Alaska, Ark., Canal Zone, Ga., Hawaii, Idaho, La., Me., Mass., Miss., N.H., N.J., N. Mex., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tex., Utah, Vt., Virgin Islands, W. Va.	IND.—All except Ala., Alaska, Ark., Canal Zone, Conn., Ga., Hawaii, La., Me., Mass., Miss., N.H., N.J., eN.Y., N.C., Oreg., Puerto Rico, R.I., S.C., Utah, Vt., Virgin Islands, W. Va.
West American Insurance Company, Los Angeles, Cal.	332,000	Ark., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Pa., Utah, Va., Wash., Wis., Wyo.	CAL.—Ala., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., meTenn., Tex., Utah, Va., Wash., Wis., Wyo.
Westchester Fire Insurance Company, New York, N.Y.	5,402,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.

See footnotes at end of table.

NOTICES

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Western Casualty and Surety Company, Fort Scott, Kans.	\$2,942,000	All except Alaska, Canal Zone, Conn., Del., Hawaii, Maine, Mass., N.H., N.Y., N.C., Pa., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va.	KANS.—All except Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	879,000	Ariz., Ark., Cal., Colo., Fla., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tenn., Utah, Wash., Wis., Wyo.	KANS.—All except Puerto Rico, Virgin Islands.
Western Surety Company, Sioux Falls, S. Dak.	574,000	All except Ala., Alaska, Canal Zone, D.C., Fla., Ga., Hawaii, Me., N.H., N.Y., N.C., Puerto Rico, S.C., Vt., Va., Virgin Islands, W. Va.	S. DAK.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Wolverine Insurance Company, Battle Creek, Mich.	557,000	Alaska, Ark., Cal., Fla., Ga., Ill., Ind., Iowa, Kans., Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.
The Yorkshire Insurance Company of New York, New York, N.Y.	584,000	All except Canal Zone, Hawaii, Puerto Rico, S. Dak., Virgin Islands.	N.Y.—All except Alaska, Puerto Rico, Virgin Islands.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, DATED JULY 5, 1922, AS AMENDED

Names of companies	Underwriting limitations (net limit on any one risk)	Judicial districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	\$1,095,000	D.C.
Alliance Assurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	556,000	D.C.
American Independent Reinsurance Company, Orlando, Fla.	384,000	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.) (Auth. Dec. 3, 1962)	773,000	D.C.
Constellation Insurance Company, New York, N.Y.	278,000	D.C.
The Employers' Liability Assurance Corporation, Ltd., London, England (U.S. Office, Boston, Mass.)	5,138,000	D.C.
General Security Assurance Corporation of New York, New York, N.Y.	325,000	D.C.
The Guarantee Company of North America, Montreal, Canada (U.S. Office, New York, N.Y.)	104,000	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	664,000	D.C.
London Guarantee and Accident Company, Ltd., London, England (U.S. Office, New York, N.Y.)	1,099,000	D.C.
The London & Lancashire Insurance Company, Ltd., London, England (U.S. Office, Hartford, Conn.)	764,000	D.C.
The Marine Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	675,000	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	968,000	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	439,000	D.C.
North British and Mercantile Insurance Company, Ltd., London, England and Edinburgh, Scotland (U.S. Office, New York, N.Y.)	1,314,000	D.C.
The Royal Exchange Assurance, London, England (U.S. Office, New York, N.Y.)	502,000	D.C.
Royal Insurance Company, Ltd., Liverpool, England (U.S. Office, New York, N.Y.)	3,043,000	D.C.
The Sea Insurance Company, Limited, of Liverpool, England (U.S. Office, New York, N.Y.)	653,000	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	886,000	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	972,000	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	3,181,000	D.C.
Transatlantic Reinsurance Company, New York, N.Y.	237,000	D.C.
The Unity Fire and General Insurance Company, New York, N.Y.	443,000	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.) (Auth. Jan. 9, 1963)	6,364,000	D.C.

¹ Formerly Dubuque Fire & Marine Insurance Company. Name changed effective July 10, 1962.

² This company acquired all the business and assets and assumed all of the liabilities of The Ocean Accident and Guarantee Corporation, Limited, London, England, United States Branch, effective December 31, 1962.

³ Commonwealth Insurance Company of New York merged with this company, effective December 31, 1962.

NOTES

(a) All certificates of authority expire May 31, and are renewable June 1, annually.

(b) Treasury regulations do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by reinsurance, co-insurance, or other methods in accordance with Treasury regulations. When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of Treasury Form 369 to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

⁴ Formerly Pennsylvania Threshermen & Farmers' Mutual Casualty Insurance Company. Name changed effective April 1, 1963.

⁵ Founders Insurance Company merged with this company, effective December 31, 1962.

(c) The term "other areas" includes Canal Zone, Puerto Rico and Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where bond is returnable or filed. No process agent required in State wherein company is incorporated. Letters "n, s, e, m, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

[F.R. Doc. 63-6363; Filed, June 25, 1963; 8:45 a.m.]

**Comptroller of the Currency
NORTHWESTERN BANK AND BANK
OF BURLINGTON**

**Notice of Report to Board of Directors,
Federal Deposit Insurance Corpora-
tion on Competitive Factors In-
volved in Merger Application**

On April 30, 1963, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828 (c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the Northwestern Bank, North Wilkesboro and the Bank of Burlington, Burlington, North Carolina.

On June 10, 1963, the Comptroller of the Currency reported that because Burlington has a banking structure adequate to the needs of the community and the introduction of another large bank into the area would make it extremely difficult for the two remaining small banks to operate profitably, the proposed merger would have an adverse effect on competition.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: June 19, 1963.

[SEAL] A. J. FAULSTICH,
*Administrative Assistant to the
Comptroller of the Currency.*

[F.R. Doc. 63-6723; Filed, June 25, 1963;
8:56 a.m.]

**OLD NATIONAL BANK OF WASHING-
TON AND SECURITY STATE BANK**

**Notice of Decision Granting Applica-
tion To Purchase Assets**

On April 15, 1963, the Old National Bank of Washington, Spokane, Washington, applied to the Comptroller of the Currency for permission to purchase the assets and assume the liabilities of the Security State Bank, Colton, Washington.

On June 6, 1963, the Comptroller of the Currency granted this application, effective on or after June 13, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: June 19, 1963.

[SEAL] A. J. FAULSTICH,
*Administrative Assistant to the
Comptroller of the Currency.*

[F.R. Doc. 63-6724; Filed, June 25, 1963;
8:56 a.m.]

**VIRGINIA COMMONWEALTH CORP.
AND PEOPLES NATIONAL BANK OF
PULASKI**

**Application of Bank Holding Com-
pany To Acquire Bank Stock; Notice
of Report**

On May 6, 1963, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1842(b), requested the views and recommendations of the Comptroller of the Currency on the ap-

plication of the Virginia Commonwealth Corporation, Richmond, Virginia, a bank holding company, for prior approval of the acquisition of not less than 80% of the voting shares of the Peoples National Bank of Pulaski, Pulaski, Virginia.

On June 11, 1963, the Comptroller of the Currency reported that he did not oppose the proposal since it would not have an adverse affect upon banking competition in and around Pulaski County and would resolve the management problem at The Peoples National Bank.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: June 19, 1963.

[SEAL] A. J. FAULSTICH,
*Administrative Assistant to the
Comptroller of the Currency.*

[F.R. Doc. 63-6725; Filed, June 25, 1963;
8:56 a.m.]

**WELLS FARGO BANK AND STATE
CENTER BANK**

**Notice of Report to Board of Govern-
ors, Federal Reserve System on
Competitive Factors Involved in
Merger Application**

On May 2, 1963, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of Wells Fargo Bank, San Francisco, California, and State Center Bank, Fresno, California.

On June 10, 1963, the Comptroller of the Currency reported that State Center Bank has succeeded in competing effectively with the many other banks in Fresno and Fresno County and approval of this proposal would have an adverse affect upon competition.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: June 19, 1963.

[SEAL] A. J. FAULSTICH,
*Administrative Assistant to the
Comptroller of the Currency.*

[F.R. Doc. 63-6726; Filed, June 25, 1963;
8:57 a.m.]

**WEST BRANCH BANK AND TRUST CO.
AND BANK OF NEWBERRY**

**Notice of Report to Board of Govern-
ors, Federal Reserve System on
Competitive Factors Involved in
Merger Application**

On April 29, 1963, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the West Branch Bank and Trust Company, Williamsport, Pennsylvania, and the Bank of Newberry, Williamsport, Pennsylvania.

On June 11, 1963, the Comptroller of the Currency reported that banking services are provided to the growing

Williamsport area by numerous banks and the proposed merger would reduce banking competition in Williamsport.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: June 19, 1963.

[SEAL] A. J. FAULSTICH,
*Administrative Assistant to the
Comptroller of the Currency.*

[F.R. Doc. 63-6727; Filed, June 25, 1963;
8:57 a.m.]

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

Delegation of Authority

The following is the text of Headquarters Circular No. 63-16, signed by the Postmaster General, delegating authority to the Assistant Postmaster General, Bureau of Facilities:

Pursuant to authority of Section 1(b) of Reorganization Plan No. 3 of 1949, authority is hereby delegated to the Assistant Postmaster General, Bureau of Facilities, to execute and perform in his own name and title all powers, functions and duties conferred by law upon the Postmaster General, including authority to modify, suspend or rescind orders, instructions and regulations which have heretofore, or which may hereafter be issued in the name of the Postmaster General, except that I do hereby reserve exclusive authority to modify, suspend or rescind all, or any part of, the authority delegated to the Assistant Postmaster General, Bureau of Facilities, by this order.

The Assistant Postmaster General, Bureau of Facilities, is hereby authorized to redelegate to any officer, employee or agency of the Post Office Department such of the powers, functions and duties delegated to him by this order.

Headquarters Circular 62-25 (Headquarters Manual Item VII-A-1, published as Headquarters Circular 62-105, 27 F.R. 6436) is hereby revoked. All other prior delegations made by the Postmaster General and all redelegations of authority are to remain in full force and effect until changed by the order of the Postmaster or the Assistant Postmaster General, Bureau of Facilities. (R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-6720; Filed, June 25, 1963;
8:56 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Order Opening Unclassified Lands to Application; Correction

In F.R. Doc. 63-6225, appearing at page 6027 of the issue for Thursday,

June 13, 1963, the description should read as follows:

GLA AND SALT RIVER MERIDIAN, ARIZONA

Tps. 1 S.-11 S. incl., Rs. 19 E-32 E., incl.

Dated: June 18, 1963.

MARTIN W. BUZAN,
Acting State Director.

[F.R. Doc. 63-6664; Filed, June 25, 1963;
8:45 a.m.]

MICHIGAN

Notice of Proposed Withdrawal and Reservation of Land

JUNE 20, 1963.

Under the provisions of the Act of July 9, 1962 (76 Stat. 140), the United States Department of Agriculture, Forest Service, has filed application BLM 071431 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, subject to valid existing rights.

The applicant desires the land to be added to the Hiawatha National Forest, to promote efficient management of lands and national resource conservation.

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, Washington 25, D.C.

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:

MICHIGAN MERIDIAN, MICHIGAN

MACKINAC COUNTY

T. 42 N., R. 2 W.

Sec. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 6, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 16, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 43 N., R. 2 W.

Sec. 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 6, NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 29, SE $\frac{1}{4}$;

Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 41 N., R. 3 W.

Sec. 5, N $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 42 N., R. 3 W.

Sec. 7, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 43 N., R. 3 W.

Sec. 6, NE $\frac{1}{4}$.

T. 41 N., R. 4 W.

Sec. 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 14, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 15, E $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 20, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 22, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 25, NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 30, SW $\frac{1}{4}$.

T. 42 N., R. 4 W.

Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 7, S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 12, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 13, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 18, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 42 N., R. 5 W.

Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 5);

Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 2).

The area above-described contains approximately 2,827.16 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 63-6665; Filed, June 25, 1963;
8:45 a.m.]

National Park Service

[Order 1]

CABRILLO AND CHANNEL ISLANDS NATIONAL MONUMENTS, CALIFORNIA

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. The Administrative Assistant may execute and approve contracts not in excess of \$300 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant on behalf of any coordinated area.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 23, 1963.

DONALD M. ROBINSON,
Superintendent, Cabrillo and
Channel Islands National
Monuments.

[F.R. Doc. 63-6698; Filed, June 25, 1963;
8:52 a.m.]

[Order 1]

CITY OF REFUGE NATIONAL HISTORICAL PARK, HAWAII

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. The Administrative Assistant may execute and approve contracts not in excess of \$1,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: April 24, 1963.

RUSSELL A. APPLE,
Superintendent, City of Refuge
National Historical Park.

[F.R. Doc. 63-6699; Filed, June 25, 1963;
8:52 a.m.]

[Order 2]

COULEE DAM NATIONAL RECREATION AREA, WASHINGTON

Administrative Assistant et al.; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$10,000 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations. This authority may be exercised by the Administrative Assistant on behalf of any coordinated area.

2. *Procurement and Property Management Assistant.* The Procurement and Property Management Assistant may execute and approve contracts not in excess of \$1,000 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations. This authority may be exercised by the Procurement and Property Management Assistant on behalf of any coordinated area.

3. *Supervisory Park Ranger and Park Engineer.* The Supervisory Park Ranger and Park Engineer may execute and approve contracts not in excess of \$300 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations. This authority may be exercised by the Park Engineer on behalf of any coordinated area.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 23, 1963.

HOMER W. ROBINSON,
Superintendent, Coulee Dam,
National Recreation Area.

[F.R. Doc. 63-6700; Filed, June 25, 1963;
8:52 a.m.]

[Order 1]

CRATER LAKE NATIONAL PARK, OREGON

Administrative Officer et al.; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of \$25,000 for construction, supplies, equipment, and services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Officer on behalf of any coordinated area.

2. *Management Assistant.* The Management Assistant may execute and approve contracts not in excess of \$300 for construction, supplies, equipment, and services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations.

3. *Procurement and Property Management Assistant.* The Procurement and Property Management Assistant may execute and approve contracts not in excess of \$10,000 for construction, supplies, equipment, and services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Management Assistant on behalf of any coordinated area.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 24, 1963.

W. WARD YEAGER,
Superintendent,
Crater Lake National Park.

[F.R. Doc. 63-6701; Filed, June 25, 1963;
8:52 a.m.]

[Order 1]

CRATERS OF THE MOON NATIONAL MONUMENT, IDAHO

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. The Administrative Assistant may execute and approve contracts not in excess of \$2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority, and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 23, 1963.

DANIEL E. DAVIS,
Superintendent, Craters of the
Moon National Monument.

[F.R. Doc. 63-6702; Filed, June 25, 1963;
8:52 a.m.]

[Order 1]

FORT CLATSOP NATIONAL MEMORIAL, OREGON

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 8 (21 F.R. 1495))

Dated: May 22, 1963.

CHARLES L. PETERSON,
Superintendent,
Fort Clatsop National Memorial.

[F.R. Doc. 63-6703; Filed, June 25, 1963;
8:52 a.m.]

[Order 1]

HAWAII VOLCANOES NATIONAL PARK

Administrative Assistant and Procurement and Property Management Assistant; Delegation of Authority Regarding Execution of Contracts for Construction, Supplies, Equipment, or Services

1. *Administrative Assistant, and Procurement and Property Management Assistant.* The Administrative Assistant, and Procurement and Property Management Assistant may execute and approve contracts not in excess of \$10,000 for construction, supplies, equipment, and services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant and the Procurement and Property Management Assistant in behalf of any coordinated area.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C. sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 29, 1963.

FRED T. JOHNSTON,
Superintendent,
Hawaii Volcanoes National Park.

[F.R. Doc. 63-6704; Filed, June 25, 1963;
8:53 a.m.]

[Order 1]

JOSHUA TREE NATIONAL MONUMENT, TWENTYNINE PALMS, CALIFORNIA

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment and/or Services

Sec. 1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$2,500 for supplies, equipment and/or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 24, 1963.

WM. R. SUPRNAUGH,
Superintendent,
Joshua Tree National Monument.

[F.R. Doc. 63-6705; Filed, June 25, 1963;
8:53 a.m.]

[Order 1]

LASSEN VOLCANIC NATIONAL PARK, CALIFORNIA

Administrative Assistant and Procurement and Property Management Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and

approve contracts not in excess of \$25,000 for construction, supplies, equipment, and services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

2. *Procurement and Property Management Assistant.* The Procurement and Property Management Assistant may execute and approve contracts not in excess of \$2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Management Assistant in behalf of any coordinated area.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: June 3, 1963.

FRANK E. SYLVESTER,
Superintendent,
Lassen Volcanic National Park.

[F.R. Doc. 63-6706; Filed, June 25, 1963;
8:53 a.m.]

[Order 1]

LEHMAN CAVES NATIONAL MONUMENT, NEVADA

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. The Administrative Assistant may execute and approve contracts not in excess of \$2,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 29, 1963.

PAUL M. STEEL,
Superintendent,
Lehman Caves National Monument.

[F.R. Doc. 63-6707; Filed, June 25, 1963;
8:53 a.m.]

[Order 1]

MUIR WOODS NATIONAL MONUMENT, MILL VALLEY, CALIFORNIA

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 27, 1963.

LAWSON H. BRAINERD,
*Acting Superintendent,
Muir Woods National Monument.*

[F.R. Doc. 63-6708; Filed, June 25, 1963;
8:53 a.m.]

[Order 1]

POINT REYES NATIONAL SEASHORE, POINT REYES, CALIFORNIA

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$25,000 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 16, 1963.

JAMES E. COLE,
*Project Manager,
Point Reyes National Seashore.*

[F.R. Doc. 63-6709; Filed, June 25, 1963;
8:53 a.m.]

[Order 4]

SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIFORNIA

Assistant Superintendent et al.; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. The Assistant Superintendent and the Administrative Officer may execute and approve contracts not in excess of \$200,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent and the Administrative Officer on behalf of any coordinated area.

2. The Procurement and Property Management Officer may execute and approve contracts not in excess of \$25,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Management Officer on behalf of any coordinated area.

3. The Procurement Agent may execute and approve contracts not in excess of \$10,000 for construction, supplies, equipment, or services, in conformity

with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Procurement Agent on behalf of any coordinated area.

4. The Property and Supply Supervisor and the Warehouseman may execute and approve contracts not in excess of \$500 for supplies and equipment in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Property and Supply Supervisor and the Warehouseman on behalf of any coordinated area.

5. Revocation. This order supersedes Order No. 3, issued January 18, 1960.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 24, 1963.

JOHN M. DAVIS,
*Superintendent,
Sequoia and Kings Canyon National Parks.*

[F.R. Doc. 63-6710; Filed, June 25, 1963;
8:54 a.m.]

[Order 1]

SITKA AND GLACIER BAY NATIONAL MONUMENTS, ALASKA

Administrative Assistant et al.; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$1,000 for supplies, equipment or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

2. *Secretary.* The Secretary may execute and approve contracts not in excess of \$300 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Secretary in behalf of any coordinated area.

3. *Chief Ranger.* The Chief Ranger may execute and approve contracts not in excess of \$500 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Chief Ranger in behalf of Glacier Bay National Monument.

4. *Park Historian.* The Park Historian may execute and approve contracts not in excess of \$500 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Park Historian in behalf of Sitka National Monument.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 27, 1963.

L. J. MITCHELL,
*Superintendent, Sitka and
Glacier Bay National Monuments.*

[F.R. Doc. 63-6711; Filed, June 25, 1963;
8:54 a.m.]

[Order 1]

WHISKEYTOWN RESERVOIR AREA, CALIFORNIA

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$10,000 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: May 21, 1963.

SAMUEL A. KING,
*Project Manager,
Whiskeytown Reservoir Area.*

[F.R. Doc. 63-6712; Filed, June 25, 1963;
8:54 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PRODUCTION AND PROCESSING OF MILK FOR MANUFACTURING PURPOSES

Minimum Standards

Statement of consideration leading to the recommended standards. A study of present State requirements for milk for manufacturing purposes indicates the need for a uniform, well-balanced set of quality standards. While significant progress in improving milk quality has been accomplished, such progress has been uneven. Various industry groups have urged the Department to develop minimum quality standards for manufacturing milk and specifications for dairy plant operations suitable for voluntary adoption by the several States. Work was started in the development of the standards in early 1959 and has been carried out with the assistance of industry technicians, State regulatory officials, college workers, farm organizations and other interested persons. The work was carried out under authority of the Agricultural Marketing Act of 1946, 60 Stat. 1087 (1946), as amended, 7 U.S.C. 1621-1627 (1958), which authorizes and directs the Secretary of Agri-

culture to "develop and improve standards of quality * * * and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." The recommended standards are intended for voluntary adoption by the States. The administration and enforcement of the program, once adopted, also will be entirely within the jurisdiction of the State. The Minimum Standards for Milk for Manufacturing Purposes and Its Production and Processing are designed to promote better care and sanitary practices in milk production, assure that processing methods and practices are adequate to attain higher quality and greater stability in the finished dairy products, and increase consumer acceptance of these products.

A Sample State Enabling Act and the recommended standards are as follows:

SAMPLE STATE ENABLING ACT

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF MINIMUM STANDARDS FOR MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING

SECTION 1. It is the intent of this Act to encourage the sanitary production of good quality milk, to promote the sanitary processing of milk for manufacturing purposes, and to assure wholesome, stable, and high quality dairy products.

SEC. 2. The [regulatory agency of the State]¹ shall administer the provisions of this Act and is hereby authorized: to establish and promulgate minimum standards for milk for manufacturing purposes, its production, transportation, grading, use, processing, and the packaging, labeling, and storage of dairy products made therefrom; to inspect dairy farms and dairy plants; to certify dairy farms for the production and sale of milk for manufacturing purposes and to license dairy plants to handle and process milk for manufacturing purposes, in conformity with minimum standards and specifications prescribed by such rules and regulations as may be issued hereunder in effectuation of the intent hereof; to require the keeping of appropriate books and records by plants licensed hereunder; and to license qualified milk graders and bulk milk collectors.

SEC. 3. The [regulatory agency of the State]¹ may for good cause, after notice and opportunity for hearing, suspend or revoke certifications and licenses issued hereunder.

SEC. 4. Twenty-four months from and after the effective date of the rules and regulations issued pursuant to this Act, no person, firm, or corporation shall produce, sell, offer for sale, or process milk for the manufacture of human food except in accordance with the provisions of this Act and the rules and regulations issued pursuant hereto.

SEC. 5. Any person, firm, or corporation that willfully violates any provision of this Act or the rules and regulations issued pursuant hereto shall be fined not

more than \$-----, and each and every violation shall constitute a separate offense.

SEC. 6. This Act shall become effective -----.

RECOMMENDED MINIMUM STANDARDS

INTRODUCTION

Milk is a highly nutritious food and the products processed and manufactured therefrom are essential to a well-balanced diet. Therefore, producers and processors should handle milk with extreme care to preserve its special and unique characteristics.

The Minimum Standards for Milk for Manufacturing Purposes and Its Production and Processing are designed to promote better care and sanitary practices in milk production, assure that processing methods and practices are adequate to attain higher quality and greater stability in the finished dairy products, and increase consumer acceptance of these products.

These standards are recommended for adoption by States to provide an adequate and uniform basis for assessing the hygiene of production and processing methods. When they are adopted by a State their enforcement becomes the responsibility of the appropriate regulatory authority.

It is recognized that there are wide variations in the quality of manufacturing milk in various areas of the country and that the adoption of the recommended standards may require more time in some areas than in others. In order to facilitate adoption of the standards, options are provided for delayed adoption, where necessary, for a period up to five years, of provisions for: (a) Milkhouse or milkroom, when milk is handled in cans (section 14), and (b) 60° F. cooling requirement for raw milk in cans delivered to the plant or receiving station (section 13).

The adoption of practical quality standards, uniformly applied, would aid materially in upgrading the general quality level of manufacturing milk and its products.

Subpart A—Definitions

Sec.

1. Meaning of words.
2. Terms defined.

Subpart B—Minimum Quality Standards for Milk for Manufacturing Purposes

5. Basis.
6. Sight and odor.
7. Sediment content classification.
8. Bacterial estimate classification.

Subpart C—Minimum Requirements for Farm Certification

10. Health of herd.
11. Milking facility and housing.
12. Milking procedure.
13. Cooling.
14. Milkhouse or milkroom.
15. Utensils and equipment.
16. Water supply.
17. Qualifications for farm certification.

Subpart D—Minimum Specifications for Licensed Dairy Plants

PREMISES, BUILDINGS, FACILITIES, EQUIPMENT, AND UTENSILS

19. Premises.
20. Buildings.

Sec.

21. Facilities.
22. Equipment and utensils.

PERSONNEL CLEANLINESS AND HEALTH

24. Cleanliness.
25. Health.

TRANSPORTATION OF RAW MILK

29. Transporting milk in cans.
30. Transport tanks.

PLANT OPERATIONS

34. Pasteurization.
35. Cooling.
36. Storage.
37. Laboratory control tests.
38. Packaging and general identification.

PLANT LICENSING

39. Qualifications.

Subpart E—Procedures

FARM CERTIFICATION

44. Necessity for certification.
45. Inspection.
46. Certification.
47. Expiration and revocation of certification.
48. Reinstatement.

LICENSING PLANTS, MILK GRADERS, AND BULK MILK COLLECTORS

54. Necessity for plant license.
55. Application for license.
56. Plant inspection.
57. Issuance of license.
58. Expiration, suspension, and revocation of license.
59. Reinstatement.

MILK-GRADING PROCEDURE

65. Milk graders.
66. Identification of milk.
67. Sight and odor.
68. Sediment content.
69. Bacterial estimate.
70. New producers.
71. Transfer producers.

REJECTION AND EXCLUSION OF MILK

74. Rejected milk.
75. Field service.
76. Excluded milk.
77. Reacceptance of producer's milk.

RECORDS REQUIRED TO BE KEPT BY PLANTS

83. Availability.
84. Farm certification report forms.
85. Milk quality test records.
86. Can inspection records.
87. Water supply test records.
88. Laboratory control test records.
89. Pasteurization recorder charts.
90. Employee medical certificates.

SUPERVISION

93. Regulatory agency.

Subpart F—Forms

98. Farm certification report form.
99. Plant inspection report form.

Subpart A—Definitions

SECTION 1. *Meaning of words.* Words used in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SEC. 2. *Terms defined.* Unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Act.* [The State Act to Provide for the Establishment of Minimum Standards for Milk for Manufacturing

¹ Insert name of appropriate regulatory agency, official, or department.

Purposes and Its Production and Processing.]¹

(b) *Regulatory agency.* [Insert the name of the State agency, official, or department] is authorized by law to administer the Act.

(c) *Rules and regulations.* The provisions of sections 1 to 99 herein.

(d) *License.* A license issued under the Act by [the regulatory agency].

(e) *Fieldman.* A person qualified and trained in the sanitary methods of production and handling of milk as set forth herein, and generally employed by a processing or manufacturing plant for the purpose of dairy farm inspections and quality control work.

(f) *Inspector.* An employee of [the regulatory agency] qualified, trained, and authorized to perform dairy farm or plant inspections, and raw milk grading.

(g) *Milk grader or Bulk milk collector.* A person licensed by [the regulatory agency] as described in section 57(b), who is qualified and trained for the grading of raw milk in accordance with the quality standards and procedures of subparts B and E.

(h) *Producer.* The person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station and those who receive payment for this product. A "new producer" is one who has only recently entered into the production of milk for the market. A "transfer producer" is one who has been shipping milk to one plant and transfers his shipments to another plant.

(i) *Dairy farm or Farm.* A place or premise where one or more milking cows are kept, a part or all of the milk produced thereon being delivered, sold, or offered for sale to a plant for manufacturing purposes.

(j) *Dairy plant or Plant.* Any place, premise, or establishment where milk or dairy products are received or handled for processing or manufacturing and/or prepared for distribution. When "plant" is used in connection with the production, transportation, grading, or use of milk, it means any plant that handles or purchases milk for manufacturing purposes; when used in connection with minimum specifications for plants or licensing of plants, it means only those plants that manufacture dairy products.

(k) *Milk.* The normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. The word "milk" used herein includes only milk for manufacturing purposes.

(l) *Milk for manufacturing purposes.* Milk produced for processing and manufacturing into products for human consumption but not subject to Grade A or comparable requirements.

(m) *Acceptable milk.* Milk that qualifies under section 6 as to sight and odor and that is classified No. 1 or No. 2 for sediment content (section 7) and No. 1 or No. 2 for bacterial estimate (section 8).

¹ Insert title and code sections of State Enabling Act.

(n) *Probational milk.* Milk classified No. 3 for sediment content (section 7) or milk classified "Undergrade" for bacterial estimate (section 8) that may be accepted by plants for specific time periods.

(o) *Reject milk.* Milk that does not qualify under section 6 as to sight and odor, or that is classified No. 4 for sediment content (section 7), which is rejected by the plant by the provisions of section 74.

(p) *Excluded milk.* All of a producer's milk excluded from the market by the provisions of section 76.

(q) *Dairy products.* Butter, cheese (natural or processed), dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk (whole or skim), condensed whole milk and condensed skim milk (plain or sweetened), and such other products, for human consumption, as may be otherwise designated.

(r) *Farm certification.* Certification by a fieldman or inspector that a producer's herd, milking facility and housing, milking procedure, cooling, milkhouse or milkroom, utensils and equipment, and water supply have been found to meet the applicable requirements of sections 10 to 17 for the production of milk to be used for manufacturing purposes.

(s) *Official methods.* Official Methods of Analysis of the Association of Official Agricultural Chemists, a publication of the Association of Official Agricultural Chemists, Box 540, Benjamin Franklin Station, Washington 4, D.C.

(t) *Standard methods.* Standard Methods for the Examination of Dairy

Products, a publication of the American Public Health Association, 1790 Broadway, New York, New York.

(u) *3-A Sanitary Standards.* The standards for dairy equipment formulated by the 3-A Sanitary Standards Committees representing the International Association of Milk and Food Sanitarians, the United States Public Health Service, and the Dairy Industry Committee. Published by the International Association of Milk and Food Sanitarians, Box 437, Shelbyville, Indiana.

(v) *C-I-P or Cleaned-in-Place.* The procedure by which sanitary pipelines or pieces of dairy equipment are mechanically cleaned in place by circulation.

Subpart B—Minimum Quality Standards for Milk for Manufacturing Purposes

SEC. 5. *Basis.* The classification of raw milk for manufacturing purposes shall be based on organoleptic examination (sight and odor) and quality control tests for sediment content and bacterial estimate.

SEC. 6. *Sight and odor.* The flavor and odor of acceptable raw milk shall be fresh and sweet. The milk shall be free from objectionable feed and other off-flavors and off-odors that would adversely affect the finished product, and it shall not show any abnormal condition (including, but not limited to, curdled, ropy, bloody, or mastitic condition), as indicated by sight or odor.

SEC. 7. *Sediment content classification.* Milk in cans and in farm bulk tanks shall be classified for sediment content as follows:

Sediment-content classification	Sediment content ¹	
	Milk in cans (off-the-bottom method, 1½-in. -diam. disc)	Milk in farm bulk tanks (mixed sample, 0.40-in. -diam. disc)
No. 1 (acceptable).....	Not to exceed 0.50 mg.....	Not to exceed 0.50 mg. equivalent.
No. 2 (acceptable).....	Not to exceed 1.50 mg.....	Not to exceed 1.50 mg. equivalent.
No. 3 (probational).....	Not to exceed 2.50 mg.....	Not to exceed 2.50 mg. equivalent.
No. 4 (reject).....	Over 2.50 mg.....	Over 2.50 mg. equivalent.

¹ Sediment content based on comparison with applicable charts of Sediment Standards prepared by the United States Department of Agriculture.

SEC. 8. *Bacterial estimate classification.* Milk shall be classified for bacterial estimate as follows by one of the listed methods:

Bacterial estimate classification	Direct microscopic clump count or standard plate count	Methylene blue test, decolorized in—	Resazurin reduction time to Munsell color standard 5P7/4
No. 1 (acceptable).....	Not over 500,000 per ml. ¹	Not less than 4½ hours ¹	Not less than 2¼ hours. ¹
No. 2 (acceptable).....	Not over 3,000,000 per ml.	Not less than 2½ hours.....	Not less than 1½ hours.
Undergrade (probational) (4 weeks).	Over 3,000,000 per ml.....	Less than 2½ hours.....	Less than 1½ hours.

¹ In 3 out of the last 4 samples for No. 1 only.

Subpart C—Minimum Requirements for Farm Certification

SEC. 10. *Health of herd.*—(a) *General health.* All animals in the herd shall be maintained in a healthy condition, and shall be properly fed and kept.

(b) *Tuberculin test.* The herd shall be located in an area within the State which meets the requirements of a modified accredited area in which not more than one-half of one percent of the

cattle have been found to be infected with tuberculosis as determined by the provisions of the "Uniform Methods and Rules" for establishing and maintaining Tuberculosis-Free Herds of Cattle, and Modified Accredited Areas which are approved by the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture. If the herd is not located in such an area, it shall be tested annually under the jurisdiction of the afore-

said program. All additions to the herd shall be from an area or from herds meeting these same requirements.

(c) *Brucellosis test.* The herd shall be located in an area within the State in which the percentage of cattle affected with brucellosis does not exceed one percent and the percentage of herds in which brucellosis is present does not exceed five percent, in accordance with provisions of the "Uniform Methods and Rules" for establishing and maintaining Certified Brucellosis-Free Herds of Cattle, Modified Certified Brucellosis Areas and Certified Brucellosis-Free Areas which are approved by the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture. If the area in which the herd is located does not meet these requirements, the herd shall be blood-tested annually or milk-ring-tested semiannually. All additions to the herd shall be from an area or from herds meeting these same requirements. Within three years after the effective date of these rules and regulations all milk offered for sale for manufacturing purposes shall be from herds meeting the requirements of Plan A for the eradication of brucellosis in accordance with the above Uniform Methods and Rules.

(d) *Mastitis and drug residues.* Milk from cows known to be infected with mastitis or milk containing residues of drugs used in treating mastitis or any other infection shall not be sold or offered for sale for human food. Milk from cows treated for mastitis by infusion of the udder (treatment of infected quarters by the introduction of drugs into the udder through the teat canal) shall be excluded from the supply for at least 72 hours after the last treatment, unless the label of the antibiotic container states otherwise. Drugs administered by injection into the blood stream or muscular tissue that leave a residue in the milk longer than 96 hours after injection shall not be used.

Sec. 11. *Milking facility and housing.*

(a) A milking barn or milking parlor of adequate size and arrangement shall be provided to permit normal sanitary milking operations. It shall be well lighted and ventilated, and the floors and gutters in the milking area shall be constructed of concrete or other impervious material. The facility shall be kept clean, the manure removed daily and no swine, fowl, or other animals shall be permitted in any part of the milking area.

(b) The yard or loafing area shall be of ample size to prevent overcrowding, shall be drained to prevent forming of water pools, insofar as practicable, and shall be kept clean.

Sec. 12. *Milking procedure.* The udders and flanks of all milking cows shall be clipped of long hairs. The udders and teats shall be washed or wiped immediately before milking with a clean damp cloth or paper towel moistened with a sanitizing solution and wiped dry, or by any other sanitary method. The milker's clothing shall be clean and his hands clean and dry. Cows treated with antibiotics shall be milked last and the

milk excluded from the supply as required in section 10(d).

Milk stools and surcings shall be kept clean and properly stored. Dusty hay should not be fed in milking quarters immediately before milking. Strong flavored feeds should be fed after milking.

Sec. 13. *Cooling.* (a) Milk in cans shall be cooled immediately after milking [to 60° F. or lower]¹ unless delivered to the plant within two hours after milking. The cooler, tank or refrigerated unit shall be kept clean.

(b) Milk in farm bulk tanks shall be cooled to 40° F. or lower within two hours after milking and maintained at 50° F. or lower until transferred to the transport tank.

Sec. 14. *Milkhouse or milkroom.* A milkhouse or milkroom conveniently located and properly constructed, lighted and ventilated shall be provided for handling and cooling milk [in cans or]¹ in farm bulk tanks, and for washing, handling, and storing the utensils and equipment. It shall not be used for any other purpose, and shall be equipped with a hot water heater, wash and rinse vat, utensil rack and cooling facilities. If a part of the barn or other building, it shall be partitioned, ceiled, and screened to prevent the entrance of dust, flies or other contamination. A milking parlor used strictly as a milking facility in combination with a milkhouse, when properly equipped, arranged and maintained, need not be partitioned. Concentrates, if stored in the building shall be kept in a tightly covered box or bin. The floor of the building shall be of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings shall be constructed of smooth easily cleaned material. All outside doors shall open outward and be self-closing, unless they are provided with tight-fitting screen doors that open outward or unless other effective means are provided to prevent the entrance of flies.

If a farm bulk tank is used, it shall be properly located in the milkhouse for access to all areas for cleaning and servicing. It shall not be located over a floor drain or under a ventilator.

A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkhouse, properly centered under a suitable port opening in the wall for milkhose connections. The opening shall be fitted with a tight, self-closing door. The truck approach to the milkhouse or milkroom shall be properly graded and surfaced to prevent mud or pooling of water at point of loading.

Sec. 15. *Utensils and equipment.* Utensils, milk cans, milking machines (in-

¹ States immediately adopting the 60° F. cooling requirement, or the milkhouse or milkroom requirement for milk in cans, should delete the applicable bracket signs. States electing to defer adoption of either provision for a period up to five years (see Introduction, fourth paragraph), should provide that the applicable bracketed language become effective at the appropriate later date.

cluding pipeline systems) and other equipment used in the handling of milk shall be maintained in good condition, shall be free from rust, open seams, milkstone, or any unsanitary condition, and shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use. New or replacement can lids shall be umbrella type. All new utensils and equipment shall comply with applicable 3-A Sanitary Standards.

Farm bulk tanks shall meet 3-A Sanitary Standards for construction at the time of installation and shall be installed in accordance with regulations of [the regulatory agency].

Sec. 16. *Water supply.* The dairy farm water supply shall be safe, clean and ample for the cleaning of dairy utensils and equipment.

Sec. 17. *Qualifications for farm certification.* Farm certification requires compliance with the items listed on the Farm Certification Report Form (section 98) as follows: (a) A rating of satisfactory for all items in A—Facilities and (b) A total rating of not less than 85 percent for the applicable items in B—Methods, provided no individual item is rated less than 75 percent of its maximum score.

Subpart D—Minimum Specifications for Licensed Dairy Plants

PREMISES, BUILDINGS, FACILITIES, EQUIPMENT AND UTENSILS

Sec. 19. *Premises.* The plant area and surroundings shall be kept clean, orderly, and free from refuse and rubbish, smoke, excessive dust and air pollution, and strong or foul odors. A drainage system shall be provided for rapid drainage of all water from plant buildings, including surface water around the plant and on the premises.

Sec. 20. *Buildings—(a) Construction and maintenance.* Buildings shall be of sound construction, and the exterior and interior shall be kept clean and in good repair to protect against dust, dirt, and mold, and to prevent the entrance or harboring of insects, rodents, vermin, and other animals.

Outside doors, windows, skylights, and transoms shall be screened or otherwise covered. Outside doors shall open outward and be self-closing; and those leading to processing rooms shall either be constructed of metal or have the bottom edge flashed and edged with sheet metal to a height of six inches. Window sills on new construction shall be sloping. Outside conveyor openings and other special-type outside openings shall be protected by doors, screens, flaps, fans, or tunnels; outside openings for sanitary pipelines shall be covered when not in use; and service-pipe openings shall be completely cemented or have tight metal collars.

All rooms, compartments, coolers, freezers, and dry storage space in which any raw material, packaging or ingredient supplies, or finished products are handled, processed, manufactured, packaged, or stored shall be so designed and constructed as to assure clean and

orderly operations. Rooms for receiving milk shall be separated from the processing rooms by a partition or suitable arrangement of equipment or facilities to avoid contamination of milk or dairy products. Boiler and tool rooms shall be separated from other rooms. Toilet and dressing rooms shall be conveniently located and shall not open directly into any room in which milk, dairy products, or ingredients are handled, processed, packaged or stored. Doors of all toilet rooms shall be self-closing, and fixtures shall be kept clean and in good repair.

Plans for new plant construction or major remodeling of existing plants shall be submitted to [the regulatory agency] for approval prior to such new construction or remodeling.

(b) *Interior finishing.* In all rooms, in which milk or dairy products are received, handled, processed, manufactured, packaged, or stored, except dry storage of packaged finished products, or in which equipment or utensils are washed, the walls, ceilings, partitions, and posts shall be smoothly finished with a washable material of light color that is substantially impervious to moisture. A wainscoting of a suitable material of a darker color may be used to a height not exceeding 60 inches from the floor. The floors in these rooms shall be of concrete or other impervious material and shall be smooth, properly graded to drain, and have drains trapped. The plumbing shall be so installed as to prevent back-up of sewage into the plant. On new construction or extensive remodeling, the floors shall be joined and coved with the walls to form watertight joints. Sound, smooth, wood floors may be used in certain packaging rooms where the nature of the product permits. Toilet and dressing rooms shall have impervious floors and smooth walls.

(c) *Ventilation and lighting.* All rooms and compartments (including storage space and toilet and dressing rooms) shall be ventilated to maintain sanitary conditions, prevent undue condensation of water vapor, and minimize or eliminate objectionable odors.

Lighting, whether natural or artificial, shall be of good quality and well-distributed in all rooms and compartments. All rooms where milk or dairy products are handled, processed, manufactured, or packaged, or where equipment or utensils are washed, shall have at least 30 foot-candles of light intensity on all working surfaces; areas where dairy products are examined for condition and quality, at least 50 foot-candles of light intensity; and all other rooms, at least 5 foot-candles of light intensity measured 30 inches above the floor. Light bulbs and fluorescent tubes shall be protected against breakage.

(d) *Laboratory.* Consistent with the size of the plant and the volume and variety of products manufactured, an adequate laboratory shall be provided, maintained, and properly staffed with qualified and trained personnel for quality control and analytical purposes. It shall be located reasonably close to the processing activity in a well lighted and ventilated room of sufficient size to

permit proper performance of the tests necessary to evaluate the quality of raw and finished products. A central or commercial laboratory that serves more than one plant and that provides the same services may be utilized.

SEC 21. *Facilities—(a) Water supply.* Both hot and cold water of safe and sanitary quality shall be available in sufficient quantity for all plant operations and facilities. Water from other lines, when officially approved, may be used for boiler feed water and condenser water, if such water lines are completely separated from the water lines carrying the sanitary water supply, and the equipment is so constructed and controlled as to preclude contamination of any milk product or milk-product contact surface. There shall be no cross-connections between safe and unsafe water lines.

Bacteriological examination shall be made of the plant sanitary water supply at least once every six months by [the appropriate State agency] to determine purity and safety for use in processing or manufacturing dairy products.

(b) *Employee facilities.* In addition to toilet and dressing rooms, the plant shall provide the following employee facilities: conveniently located sanitary drinking water; a locker or other suitable facility for each employee; hand-washing facilities, including hot and cold running water, soap or other detergents, and sanitary towels or air driers, in or adjacent to toilet and dressing rooms and at other places where necessary for the cleanliness of all personnel handling products; and self-closing containers for used towels and other wastes.

A durable, legible sign shall be posted conspicuously in each toilet and dressing room directing employees to wash their hands before returning to work.

(c) *Steam.* Steam shall be applied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Steam that may come into direct contact with milk or dairy products shall be conducted through a steam strainer and purifier equipped with a steam trap and shall be free from any compounds that may contribute flavors or endanger health. Only nontoxic boiler compounds shall be used.

(d) *Disposal of wastes.* The plant sewage system shall have sufficient slope and capacity to remove readily all waste from processing operations. Where a public sewer is not available, wastes shall be disposed of by methods approved by [the regulatory agency]. Containers for the collection and holding of wastes shall be constructed of metal or other equally impervious material, kept covered with tight-fitting lids, and placed outside the plant on a concrete slab or on a rack at least 12 inches above the ground. Solid wastes shall be disposed of regularly and the containers cleaned before reuse, and dry waste paper shall be burned at the plant in an incinerator approved by [the regulatory agency] or compressed or bagged and hauled away.

SEC 22. *Equipment and utensils—(a) Construction and installation.* New equipment shall meet 3-A Sanitary

Standards. Equipment and utensils coming in contact with milk or dairy products, including sanitary pumps, piping, fittings, and connections, shall be constructed of stainless steel or equally corrosion-resistant material; except that, where the use of stainless steel is not practicable, or in old equipment, other metals properly tinned may be approved temporarily. Copper kettles for Swiss cheese and copper evaporators and brass fillers for evaporated milk may be approved if free from corroded surfaces and kept in good condition. Wooden churns in use may be approved temporarily if maintained in good condition. Nonmetallic parts having product contact surfaces shall be of material that is resistant to abrasion, scratching, scoring, and distortion, is nontoxic, fat-resistant, and relatively inert, or non-absorbent or insoluble, and that will not adversely affect the flavor of the products.

All equipment and piping shall be so designed and installed as to be easily accessible for cleaning and shall be kept in good repair and free from cracks and corroded surfaces. Milk pumps shall be of a sanitary type and easily dismantled for cleaning. New or rearranged equipment shall be set out approximately 24 inches from any wall or spaced at least 24 inches between pieces of equipment that measure more than 48 inches on the parallel sides. (This shall not apply between storage tanks when the face of the tanks extend through the wall into the processing room.) All parts or interior surfaces of equipment, pipes (except certain piping cleaned in place), or fittings, including valves and connections, shall be accessible for inspection. Cleaned-in-place sanitary piping shall be properly installed and self-draining. Welded sanitary pipeline systems when used with C-I-P cleaning will be acceptable if properly engineered and installed.

(b) *Pasteurization Equipment.* Where pasteurization is intended or required, an automatic flow-diversion valve and holding tube or its equivalent, if not part of the existing equipment, shall be installed on all high-temperature short-time pasteurizing equipment, to assure complete pasteurization. Equipment and operation shall be in accordance with 3-A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature Short-Time Pasteurizers.

Long-stem indicating thermometers that are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be provided for determining temperatures of pasteurization of products in vats and for verifying the accuracy of recording thermometers. Short-stem indicating thermometers that are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be installed in the proper stationary position in all high-temperature short-time and dome-type pasteurizers and all storage tanks where temperature readings are required.

Recording thermometers that are accurate within 1° F., plus or minus, between 142° and 145° F., or in the case of 15-second pasteurization between 160°

and 163° F., shall be used on each pasteurizer to record pasteurization temperature, except that, on vats used solely for 30-minute pasteurization of products at temperatures above 150° F., a 2° F. accuracy, plus or minus, is acceptable.

(c) *Cleaning and sanitizing.* Equipment, sanitary piping, and utensils used in receiving, storing, processing, manufacturing, packaging, and handling of milk or dairy products, and all product contact surfaces of homogenizers, high-pressure pumps, and high-pressure lines shall be kept clean and sanitary. Stacks, elevators, conveyors, and the packing glands on all agitators, pumps, and vats shall be inspected at regular intervals and kept clean. Equipment coming in contact with milk or dairy products shall have effective bactericidal or sanitizing treatment immediately before use.

Equipment not designed for C-I-P cleaning shall be disassembled daily and thoroughly cleaned and sanitized. Dairy cleansers, wetting agents, detergents, sanitizing agents, or other similar material may be used that will not contaminate or adversely affect dairy products. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils.

C-I-P cleaning shall be used only on equipment and pipeline systems that are designed and engineered for that purpose. Installation and cleaning procedures shall be in accordance with 3-A Suggested Method for the Installation and Cleaning of Cleaned-in-Place Sanitary Milk Pipelines for Milk and Milk Products Plants. An outline of the cleaning procedures to be followed shall be posted near the C-I-P equipment.

Applicable equipment and areas in the plant shall be thoroughly vacuumed regularly with a heavy-duty industrial vacuum cleaner, and the material picked up shall be disposed of by burning or other means to destroy any insects present.

PERSONNEL CLEANLINESS AND HEALTH

Sec. 24. *Cleanliness.* Plant employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectoration or use of tobacco in any form shall be prohibited in rooms and compartments where milk or dairy products are unpacked or exposed. Clean white or light colored washable outer garments and caps (paper caps or hairnets are acceptable) shall be worn by all persons engaged in handling milk or dairy products.

Sec. 25. *Health.* No person afflicted with a communicable disease shall be permitted in any room or compartment where milk or dairy products are prepared, processed, or otherwise handled. No person who has a discharging or infected wound, sore, or lesion on hands, arms, or other exposed portions of the body shall work in any plant processing or packaging rooms or in any capacity resulting in contact with milk or dairy products.

Each employee, including bulk milk collectors, whose work brings him in contact with the processing or handling of milk, dairy products, containers, or equipment shall have a medical and physical examination by a registered physician or by the local department of health at least once each 12 months and shall furnish a satisfactory medical certificate. Each such new employee shall be examined and shall furnish a satisfactory medical certificate before starting work. An employee returning to work following illness from a communicable disease shall have a certificate from his attending physician to establish proof of complete recovery.

TRANSPORTATION OF RAW MILK

Sec. 29. *Transporting milk in cans.* Vehicles used for the transportation of can milk shall be of the enclosed type, constructed and operated to protect the product from extreme temperatures, dust, or other adverse conditions, and they shall be kept clean. Decking boards shall be provided where more than one tier of cans is carried.

Cans used in transporting milk from dairy farm to plant shall be of such construction (preferably seamless) as to be easily cleaned, and shall be inspected, repaired, and replaced as necessary to exclude substantially the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition.

Cans used for transporting raw milk to plants shall not be used for transporting skim milk, buttermilk, or whey to producers. Milk cans shall be cleaned, sanitized, and dried before returned to producers. Can washers shall be maintained in a clean and satisfactory operating condition and kept free from accumulation of scale that would adversely affect the efficiency of the washer.

Sec. 30. *Transport tanks*—(a) *Construction.* Transport tanks shall be stainless-steel lined and so constructed that the lining will not buckle, sag, or prevent complete drainage. All milk contact surfaces shall be smooth, easily cleaned, and maintained in good repair. The pump and hose cabinet shall be fully enclosed and have tight-fitting doors. New and replacement transport tanks shall meet the 3-A Sanitary Standards for Milk Transport Tanks.

(b) *Transfer of milk to transport tank.* Milk shall be transferred from farm bulk tanks to transport tanks through stainless steel piping or approved tubing under sanitary conditions. This sanitary piping and tubing shall be capped when not in use.

(c) *Cleaning and sanitizing.* A covered or enclosed washing dock and other facilities shall be available for all plants that receive or ship milk in tanks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day, after use: *Provided that,* If they are not to be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use. After being washed and sanitized, each tank shall be identified by a tag attached to

the outlet valve, bearing the following information: plant and specific location where cleaned, date and time of day of washing and sanitizing, and name of person who washed and name of person who sanitized the tank. The tag shall not be removed until the tank is again washed and sanitized.

PLANT OPERATIONS

Sec. 34. *Pasteurization*—(a) *Milk and milk products.* When pasteurization is intended or required, or when a product is designated "pasteurized," pasteurization shall be accomplished by heating every particle of milk or skim milk to a temperature of not less than 145° F. and cream and other milk products to at least 150° F. and ice cream mix to at least 155° F. and holding them at those temperatures continuously for not less than 30 minutes, or milk or skim milk to a temperature of 161° F. and cream and other milk products to at least 166° F. for not less than 15 seconds, and ice cream mix to at least 175° F. for not less than 25 seconds, or by any other combination of temperature and time giving equivalent results. The phenol value of the pasteurized product shall be no greater than the maximum specified for the particular product, as determined by the phosphatase test, Method II, of the latest edition of "Official Methods of Analysis of the Association of Official Agricultural Chemists."

(b) *Cream for buttermaking.* Cream for buttermaking shall be pasteurized at a temperature of not less than 165° F. and held continuously in a vat at such temperature for not less than 30 minutes, or at a temperature of not less than 185° F. for not less than 15 seconds, or any other temperature and holding time approved by [the regulatory agency] that will assure pasteurization and comparable keeping-quality characteristics. If the vat method of pasteurization is used, vat covers shall be kept closed during the holding and cooling periods.

Sec. 35. *Cooling.* Processed fluid milk products shall be cooled promptly after heat treatment to such a temperature as will adequately inhibit bacterial development or other deterioration of quality.

Sec. 36. *Storage*—(a) *Utensils and portable equipment.* Utensils and portable equipment used in processing operations shall be stored above the floor in clean, dry locations, and in self-draining position on racks constructed of impervious, corrosion-resistant material.

(b) *Raw milk and cream.* Bulk milk and cream in storage tanks within the processing plant or receiving station shall be handled in such a manner as to minimize bacterial increase and shall be maintained at 45° F. or lower until processing begins.

(c) *Nonrefrigerated products.* Dairy products in dry storage shall be arranged in aisles, rows, sections, or lots or in such a manner as to be orderly and easily accessible for inspection and as to permit adequate cleaning of the room. Dunnage or pallets shall be used when applicable. Dairy products shall not be stored with any product that would damage them or impair their quality.

Open containers shall be carefully protected from contamination.

(d) *Refrigerated products.* All products requiring refrigeration shall be stored under such optimum temperatures and humidity as will maintain their quality and condition. Products shall not be placed directly on wet floors or be exposed to foreign odors or conditions such as dripping or condensation that might cause package or product damage.

(e) *Supplies.* Items in supply rooms shall be kept clean and protected and be so arranged as to permit inspection of supplies and cleaning and spraying of the room. Insecticides and rodenticides shall be properly labeled, segregated, and preferably stored in a separate room or cabinet away from milk or dairy products or packaging supplies.

SEC. 37. *Laboratory control tests.* Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing in order to correct processing deficiencies. Routine analyses shall be made on raw materials and finished products to assure adequate composition control. When applicable, keeping quality tests shall be made to determine product stability.

SEC. 38. *Packaging and general identification—(a) Packaging.* Dairy products shall be packaged in commercially acceptable containers or packaging material that will protect the quality of the contents in regular channels of trade. Prior to use packaging materials shall be protected against dust, mold and other possible contamination.

(b) *Butter liners.* Before use, parchment liners shall be completely immersed in a salt solution in a noncorrosive container for not less than 30 minutes at the boiling point and held in this solution until used. At least 15 pounds of salt shall be used for every 100 pounds of solution, and the solution shall be changed frequently to keep it clean.

(c) *General identification.* Commercial bulk shipping containers for dairy products shall be legibly marked with the name of the product, net weight or content, name and address of processor, manufacturer or distributor, and plant license number. Consumer-packaged products shall be legibly marked with the name of the product, net weight or content, and name and address of packer or distributor.

PLANT LICENSING

SEC. 39. *Qualifications.* Plant licensing requires a rating of not less than 85 percent of the maximum score allowed for the total of each applicable numbered group of items on the Plant Inspection Report Form (section 99), based on the specifications in sections 19 to 37. In addition, licensing requires that (1) not more than 10 percent of the cans (including lids) shall show open seams, cracks, rust, milkstone, or any unsanitary condition; (2) where pasteurization is intended or required, and a high-temperature short-time unit is used, it shall be equipped with a flow-diversion valve and holding tube or its equivalent; and (3) a safe water supply shall be pro-

vided, with no cross-connections between safe and unsafe lines.

Subpart E—Procedures

FARM CERTIFICATION

SEC. 44. *Necessity for certification.* Within 24 months from the effective date of these rules and regulations, every farm producing and selling milk for manufacturing purposes shall be inspected and certified as provided in sections 45, 46, and 48. On and after the effective date of these rules and regulations, a new producer's farm shall be inspected and certified as provided in sections 45, 46, and 48 before his first sale of milk for manufacturing purposes. Twenty-four months from and after the effective date of these rules and regulations, no milk for manufacturing purposes produced on an uncertified farm shall be bought or sold.

Certified farms shall be inspected annually after initial certification to determine eligibility for recertification. The inspection procedure for recertification shall be the same as that for initial certification.

SEC. 45. *Inspection.* Each farm shall be inspected by a fieldman. When evidence indicates that it is advisable to do so, [the regulatory agency] may require an examination of the herd by a licensed veterinarian. If, upon initial inspection, the fieldman finds that the farm meets the applicable requirements for certification described in sections 10 to 17, as indicated by the Farm Certification Report Form (section 98), the farm shall be certified as described in section 46. If the farm does not meet the requirements for certification, it shall be reinspected by a fieldman within 30 days after the initial inspection. If the farm then meets the requirements for certification, it shall be certified. If the farm does not then meet the requirements for certification, the fieldman shall notify [the regulatory agency] in writing. An inspector shall inspect the farm within 30 days after such notification. If the farm meets the requirements for certification, it shall be certified. If the farm does not meet the requirements for certification, it shall not be certified, and the producer's authorization to sell milk for human food from that farm shall be withheld by [the regulatory agency] until such time as the farm qualifies for certification. *Provided that,* If the fieldman or inspector determines during any of these inspections that corrections on the farm will require some capital investment, a reasonable extension of the prescribed time limits may be granted by [the regulatory agency].

Each completed Farm Certification Report Form (section 98) shall be kept at the plant, and a copy shall be given to the producer.

SEC. 46. *Certification.* A fieldman or inspector shall certify farms that meet the requirements of sections 10 to 17, as applicable, based upon the inspection procedure described in section 45. Farm certification shall authorize the sale from that farm of milk for manufacturing purposes that meets the quality

standards of sections 5 to 8, as determined by the procedures described in sections 65 to 77.

SEC. 47. *Expiration and revocation of certification.* Farm certification shall expire and become renewable one year from the date of certification unless revoked earlier by [the regulatory agency], and no certification shall be transferable.

If at any time a fieldman or an inspector determines that a certified farm does not meet the requirements for certification, [the regulatory agency] may allow a reasonable probationary period for the producer to bring his farm within the requirements for certification. If at the end of this time the farm does not meet the requirements for certification, [the regulatory agency] may revoke the farm certification.

SEC. 48. *Reinstatement.* If, after a period of withholding, probation, or revocation of farm certification, a producer makes the necessary corrections at the farm, he may apply to a fieldman for reinspection. The fieldman shall notify [the regulatory agency] of his findings. When conditions have been corrected, the farm shall be reinspected by an inspector. When the inspector determines that requirements for certification have been met, he shall certify the farm.

LICENSING PLANTS, MILK GRADERS, AND BULK MILK COLLECTORS

SEC. 54. *Necessity for plant license.* Within 12 months from the effective date of these rules and regulations, every plant receiving or processing milk for the manufacture of dairy products shall be inspected and licensed as provided in sections 55, 56, 57(a), and 59. On and after the effective date of these rules and regulations, a new plant shall be inspected and licensed as provided in sections 55, 56, 57(a), and 59 before buying or processing any milk for the manufacture of dairy products. Twelve months from and after the effective date of these rules and regulations, no unlicensed plant shall handle, purchase, or receive milk or manufacture dairy products therefrom.

All licensed plants shall be inspected annually after issuance of the initial license to determine eligibility for license renewal. The inspection procedure for license renewal shall be the same as that for initial licensing.

SEC. 55. *Application for license.* Applications to [the regulatory agency] for a new or renewal license for dairy plants, milk graders, and bulk milk collectors shall contain the name and address of the applicant and such other pertinent information, as may be required.

SEC. 56. *Plant inspection.* Each plant shall be inspected by an inspector. If, upon initial inspection, the inspector finds that the plant meets the requirements for licensing described in sections 19 to 39, as indicated by the Plant Inspection Report Form (section 99), a license shall be issued to the plant as described in section 57(a). If the plant does not meet the requirements for licensing, the plant shall be reinspected

by an inspector within 30 days of the initial inspection. A longer time may be allowed if major changes or new equipment is required. If at this time the plant meets the requirements for licensing, a license shall be issued. If the plant does not meet the requirements for licensing, it shall not be licensed, and its authorization to handle, purchase, or receive milk or to manufacture dairy products therefrom shall be withheld until such time as the plant qualifies for a license.

Each completed Plant Inspection Report Form (section 99) shall be kept by [the regulatory agency], and a copy shall be given to the plant operator.

SEC. 57. Issuance of license—(a) Dairy plants. [The regulatory agency] shall license dairy plants that meet the specifications of sections 19 to 39 based upon the inspection procedure described in section 56. The license certificate shall be posted conspicuously at the plant. The license shall authorize the plant to test, purchase, and receive milk for manufacturing purposes and to manufacture dairy products therefrom, in compliance with the applicable provisions of the Act and the rules and regulations issued pursuant thereto.

(b) Milk graders, and bulk milk collectors. [The regulatory agency] shall license milk graders and bulk milk collectors who meet the qualifications prescribed by [the regulatory agency]. The licenses of milk graders and bulk milk collectors shall authorize them to grade, accept, and reject raw milk in accordance with the provisions of sections 5 to 8 and 65 to 74.

SEC. 58. Expiration, suspension, and revocation of license. Licenses shall expire and become renewable one year from the date of issuance unless revoked earlier, and no license shall be transferable.

If at any time an inspector determines that a licensed plant does not meet the requirements for licensing, he may allow a reasonable probationary period for the operator to bring his plant within the requirements for licensing. If at the end of this time the plant does not meet the licensing requirements, [the regulatory agency] may revoke the plant license.

[The regulatory agency] may suspend or revoke licenses of milk graders and bulk milk collectors for any violation of these regulations or the Act. An opportunity for a hearing shall be provided any licensee before suspension or revocation of his license.

SEC. 59. Reinstatement. If, after a period of withholding, probation, or revocation of a plant license, the operator makes the necessary corrections at the plant, he may apply to [the regulatory agency] for reinspection and reinstatement. When the inspector determines that requirements for licensing have been met, [the regulatory agency] shall issue a license to the plant.

The reinstatement of licenses for milk graders and bulk milk collectors which have been suspended or revoked shall be made only after satisfying [the regulatory agency] of their qualifications.

MILK-GRADING PROCEDURE

SEC. 65. Milk graders. Each plant shall provide one or more milk graders or bulk milk collectors who shall examine and grade the milk from each producer in accordance with the applicable provisions of sections 5 to 8 and 67 to 72.

SEC. 66. Identification of milk. All raw milk delivered to the receiving point, receiving station, or plant shall be identified as to the producer, seller, or shipper from whom received.

SEC. 67. Sight and odor. Each can or farm bulk tank of milk shall be examined for physical characteristics and odor. Any milk that does not meet the requirements of section 6 shall be rejected, and the producer shall be notified immediately.

SEC. 68. Sediment content—(a) Method of testing. Methods for determining sediment content of milk shall be those described in the latest edition of Standard Methods. For the testing of milk in cans, the off-the-bottom method shall be used. For testing bulk milk, a mixed one-pint sample shall be tested.

(b) Classification of discs. Each sediment disc shall be classified in accordance with the provisions of section 7.

(c) Frequency of tests. At least once each month, at irregular intervals, the milk from each producer shall be tested as follows: (1) *Milk in cans.* One or more cans of milk selected at random from each producer. (2) *Milk in farm bulk tanks.* A sample shall be taken from each farm bulk tank.

(d) Acceptance or rejection of milk. If the sediment disc is classified as No. 1, No. 2, or No. 3 the producer's milk shall be accepted. If the sediment disc is classified No. 4 the milk shall be rejected: *Provided that* If the shipment of milk is commingled with other milk in a transport tank the next shipment shall not be accepted until its quality has been determined at the farm before being picked up; however, if the person making the test is unable to get to the farm before the next shipment it may be accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better. In the case of milk classified as No. 3 or No. 4, if in cans, all cans shall be tested. Producers of No. 3 or No. 4 milk (cans or bulk) shall be notified immediately and shall be furnished applicable sediment discs and the next shipment shall be tested.

(e) Retests. On test of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2, or No. 3 shall be accepted, but No. 4 milk shall be rejected. Retests of bulk milk classified as No. 4 shall be made at the farm before pickup. The producers of No. 3 or No. 4 milk shall be notified immediately, furnished applicable sediment discs and the next shipment tested.

This procedure of retesting successive shipments and accepting probational (No. 3) milk and rejecting No. 4 milk may be continued for not to exceed 10 calendar days. If at the end of this time the producer's milk does not meet

the acceptable sediment content classification (No. 1 or No. 2) it shall be excluded from the market in accordance with sections 76(b) and 77.

SEC. 69. Bacterial estimate—(a) Method of testing. Methods for determining the bacterial estimate of milk shall be those described in the latest edition of Standard Methods.

(b) Classification. Milk shall be classified for bacterial estimate in accordance with the provisions of section 8.

(c) Frequency of tests. At least once each month, at irregular intervals, a mixed sample of each producer's milk shall be tested.

(d) Acceptance of milk. If the sample of milk is classified as No. 1 or No. 2 the producer's milk may be accepted without qualification. If the sample is classified as "Undergrade" (probational) the producer's milk may be accepted for a temporary period of four weeks. The producer of "Undergrade" milk shall be notified immediately.

(e) Retests. Additional samples shall be tested and classified at least weekly and the producer notified immediately of the results. This procedure of testing at least weekly and accepting "Undergrade" milk may be continued for a time period not exceeding four weeks. If at the end of this time the producer's milk does not meet the acceptable bacterial estimate requirements (No. 1 or No. 2), it shall be excluded from the market in accordance with section 76(c) and 77.

SEC. 70. New producers. The first shipment of milk received from a new producer shall be tested and classified in accordance with sections 5 to 8. If the tests show that the milk meets the requirements for acceptable milk (section 2(m)), it may be accepted; and this milk shall thereafter be tested in accordance with the procedure described in sections 67 to 69. If the tests show that the milk does not meet the requirements for acceptable milk, it shall be excluded from the market; and successive shipments of this producer's milk shall be tested and excluded until the tests show that his milk meets the requirements for acceptable milk. Thereafter, his milk shall be tested in accordance with the procedure described in sections 67 to 69.

SEC. 71. Transfer producers. When a producer discontinues milk delivery at one plant and begins delivery to a different plant for any reason, the new buyer shall not accept the first delivery until he has requested from the previous buyer and received a copy of the record of the producer's milk quality covering the preceding 90 days and a statement of the farm certification status and date of certification, if any. The previous buyer shall furnish the new buyer with such information within 24 hours after receipt of a written request, unless the records have been destroyed by means over which he has no control. *Provided that,* The new buyer may accept a producer's milk after making the request for the record by telephone and obtaining assurance from the previous buyer that the producer's milk may be accepted; the new buyer shall then make a written re-

quest to the old buyer for the producer's record.

If the new buyer requests and fails to receive the quality record from the previous buyer, he shall report such fact to [the regulatory agency] and shall cause a farm inspection to be made promptly to confirm or establish certification of the transfer producer's farm.

In lieu of the quality record from the previous buyer the producer may furnish the new buyer with a copy of the milk quality tests received with each remittance, monthly or semimonthly, for the preceding 90-day period.

The new buyer shall examine and classify each transfer producer's first shipment of milk and shall subsequently examine shipments in accordance with the provisions of sections 65 to 69.

REJECTION AND EXCLUSION OF MILK

SEC. 74. Rejected milk. A plant shall reject specific milk from a producer if it fails to meet the requirements for sight and odor (sections 6 and 67) or if it is classified No. 4 for sediment content (sections 7 and 68). All reject milk in cans shall be identified with a reject tag and adulterated by the addition of a harmless food coloring or harmless coagulant. All reject milk in farm bulk tanks shall be colored.

SEC. 75. Field service. A fieldman shall visit each producer of probational or reject milk within seven days from the date of the second consecutive substandard test to inspect equipment and utensils and methods of handling the milk and to make suggestions and recommendations for improving milk quality.

SEC. 76. Excluded milk. A plant shall not receive any milk from a producer under the following circumstances:

(a) If a new producer's milk does not meet the requirements for acceptable milk (sections 2 (m) and 71); or

(b) If the milk has been in a probational (No. 3) sediment content classification for more than ten calendar days (sections 7 and 68); or

(c) If the milk has been classified "Undergrade" for bacterial estimate for more than four successive weeks (sections 8 and 69); or

(d) If, 24 months from and after the effective date of these rules and regulations, the farm is not certified as provided in sections 44 to 48; or

(e) If the producer refuses to permit farm inspection.

When a plant discontinues receiving milk from a producer for any of the reasons listed in this section, it shall notify [the regulatory agency] immediately in writing.

SEC. 77. Reacceptance of producer's milk. Milk from a producer whose milk has been excluded from the market may be reaccepted by a plant when the cause for exclusion has been corrected and the milk classified as acceptable.

RECORDS REQUIRED TO BE KEPT BY PLANTS

SEC. 83. Availability. All records required to be kept by plants shall be available for examination by [the regulatory agency] at all reasonable times.

SEC. 84. Farm Certification Report Forms. The original copy of completed Farm Certification Report Forms shall be kept on file at the plant for at least 24 months.

SEC. 85. Milk quality test records. Accurate records listing the results of quality tests on each producer's milk shall be kept on file at the plant for at least 12 months.

SEC. 86. Can inspection records. Every three months the plant shall audit the can inspection program and keep a record of the total number of cans examined and the percentage of the cans found to be improperly cleaned or dried, in need of repair, or otherwise unfit for use. These records shall be kept on file at the plant for at least 12 months.

SEC. 87. Water supply test records. The results of all plant water supply tests shall be kept on file at the plant for at least 12 months.

SEC. 88. Laboratory control test records. Records of all laboratory control tests shall be kept on file at the plant for at least 12 months.

SEC. 89. Pasteurization record charts. Recorder charts showing the pasteurization record for each day shall be appropriately marked with the name of the product, date, and signature of the operator. The charts shall be kept on file at the plant for at least two months.

SEC. 90. Employee medical certificates. Current employee medical certificates shall be kept on file at the plant.

SUPERVISION

SEC. 93. Regulatory agency. [The regulatory agency] to insure compliance with the provisions of the Act and the rules and regulations shall:

(a) Make periodic examinations of milk from a representative number of producers at each plant to determine whether the milk is being graded and tested in accordance with the applicable provisions of subparts B and E.

(b) Examine the quality records of transfer producers at each plant periodically and when necessary determine the acceptability of such producers' milk.

(c) Make periodic farm inspections and compare the results of such inspections with the completed Farm Certification Report Forms on file at the plant to determine whether the fieldmen are making proper inspections and reports.

(d) Periodically examine the completed Farm Certification Report Form and milk quality tests records of individual producers at each plant.

(e) Periodically inspect plant premises, buildings, equipment, facilities, operations, and sanitary practices.

(f) Assist plant management and laboratory and field staffs with educational programs among producers relating to quality improvement of milk.

(g) Perform such other services and institute such other supervisory procedures as may be necessary to ensure compliance with the provisions of the Act and the rules and regulations.

Subpart F—Forms

SEC. 98. Farm Certification Report Form. The following form shall be used by fieldmen or inspectors in determining eligibility for farm certification:

DAIRY FARM CERTIFICATION REPORT (For milk for manufacturing purposes)

Date _____ a.m.
Time _____ p.m.
Producer _____
Address _____
Person interviewed _____
Name of receiving plant _____

Farm certification requires that the facilities listed be satisfactory and that the applicable methods being followed receive a total rating of not less than 85 percent for the applicable items in B—Methods with no individual subitems rating less than 75 percent of the maximum score allowed. Subitems may be rated in quarter points.

A—FACILITIES REQUIRED

	Satisfactory	Unsatisfactory*
1. Health of herd:		
(a) Herd appears healthy.....		
(b) Tuberculin tested, date (.....)		
(c) Brucellosis tested:		
Ring tested, date (.....)		
Blood tested, date (.....)		
2. Barn or milking area:		
(a) Adequate size, construction.....		
(b) Cow yard graded, well drained.....		
3. Milkhouse or milkroom:		
(a) Adequate size, location and construction.....		
(b) Equipped with adequate facilities.....		
(c) Bulk tank, installation.....		
4. Combination milking parlor and milkroom, if used:		
(a) Adequate size, construction.....		
(b) Equipment and arrangement.....		
5. Utensils and equipment:		
(a) Design, construction.....		
(b) Cleaning (brushes and cleansers) and storage facilities and supplies available.....		
6. Water supply:		
(a) Safe, clean.....		
(b) Supply ample.....		

B—METHODS

	Maximum score	Score given*
7. Premises:		
(a) Clean, well kept.....	3	
(b) Fowl, swine and other animals properly confined.....	1	
(c) Manure properly handled and disposed of.....	1	
8. Barn or milking area:		
(a) Floors and gutters clean, good repair.....	5	
(b) Walls and ceilings clean, painted or whitewashed.....	5	
(c) Pens and alleyways clean.....	2	
(d) Yard or loafing area clean.....	3	
9. Milking procedure:		
(a) Mastitis program practiced.....	5	
(b) Cows clean, udders and flanks clipped.....	5	
(c) Udders and teats washed or wiped before milking.....	5	
(d) Milk stools and surcingle clean, properly stored.....	2	
(e) Milker's clothing clean, hands clean and dry.....	5	
(f) Feed bin kept clean and free from foul odors.....	1	
10. Milkhouse or milkroom:		
(a) Used for handling milk and utensil care only.....	2	
(b) Clean, flies and insects controlled to minimum.....	8	

* Indicate under "Remarks" reason for specific disrating.

B—METHODS—Continued

	Maximum score	Score given*
11. Cooling:		
(a) Facility clean, good operating order	7	
(b) Milk cooled promptly, properly held. (Temperature of milk, ° F.)	8	
12. Utensils and equipment:		
(a) Good condition, clean, properly stored:		
Cans	5	
Milking machines (head, claw, pulsator, inflations, tubes, air hose, etc.)	7	
Pails, strainers and other utensils	3	
Bulk tank	5	
(b) Bactericidal-treated before use	8	
(c) Vacuum lines clean	2	
(d) Supplies properly stored	2	
	100	

On the basis of this inspection, the farm (is) (is not) eligible for farm certification.

(Signature)

(Title)

(Signature) (Producer)

SEC. 99. Plant Inspection Report Form.
The following form shall be used by inspectors in determining eligibility for plant licensing:

PLANT INSPECTION REPORT

Date _____
Name of plant _____
Owner or manager _____
Address _____
License No. _____
Products manufactured _____
Time of inspection _____ a.m.
_____ p.m. before, during, after processing.

Plant licensing requires a rating of not less than 85 percent of the maximum score allowed for the total of each applicable numbered group of items. Sub-items may be rated in quarter points. In addition, not more than 10 percent of the cans (including lids) shall show open seams, cracks, rust, milkstone, or any unsanitary condition; when pasteurization is intended or required, HTST units shall have a flow-diversion valve and holding tube or its equivalent; and a safe water supply is required, with no cross-connections between safe and unsafe lines.

	Maximum score	Score given*
<i>Premises, buildings, and facilities</i>		
1. Premises and surroundings:	2	
Clean, 0.5		
Orderly, 0.5		
Properly drained, 0.5		
Free from foul odors or smoke, 0.5		
2. Buildings:	2	
Sound construction, 1		
Clean, good repair, 1		
3. Doors and windows:	2	
Clean, 0.5		
Screened or protected, 1		
Outer doors open outward and self-closing, 0.5		
4. Conveyor and service-pipe openings covered or protected:	1	

*Indicate under "Remarks" reason for specific disrating.

No. 124—9

	Maximum score	Score given*
5. Floors:	4	
Smooth and impervious, 1		
Good repair, 1		
Drains properly trapped, 1		
No sewage backflow, 1		
6. Wall and ceilings:	4	
Smooth, 1		
Impervious, 1		
Washable, 1		
Light color, 1		
7. Processing rooms:	6	
Adequate size, 1		
Clean, 1		
Orderly, 1		
No undue condensation or objectionable odors, 1		
Ample light, well distributed, 1		
Free from unnecessary equipment or utensils, 1		
8. Coolers and freezers:	5	
Adequate size, 1		
Clean, 0.5		
Dry, 0.5		
Orderly, 0.5		
Sufficient refrigeration and air circulation, 2		
Adequately lighted, 0.5		
9. Dry storage space (product):	4	
Adequate size, 1		
Clean, 0.5		
Dry, 0.5		
Orderly, 0.5		
Adequately lighted and ventilated, 0.5		
Free from insects and rodents, 1		
10. Supply rooms:	3	
Clean, 0.5		
Dry, 0.5		
Orderly, 0.5		
Adequately lighted and ventilated, 0.5		
Free from insects and rodents, 1		
11. Toilet and dressing rooms:	3	
Properly located and separated, 0.5		
Good repair, 0.5		
Self-closing doors, 0.5		
Clean, 0.5		
Orderly, 0.5		
Adequately lighted and well ventilated, 0.5		
12. Boiler and tool rooms separated from other rooms and adequately lighted:	1	
13. Laboratory:	4	
Sufficient size, 1		
Adequately equipped, 1		
Adequately staffed, 1		
Adequately lighted and ventilated, 1		
14. Water supply:	2	
Ample hot and cold water, 1		
Conveniently located, 0.5		
Current bacterial tests on file, 0.5 (date tested _____)		
15. Steam:	2	
Clean and nontoxic, 1		
Adequate supply and pressure, 1		
16. Drinking-water facilities sanitary and convenient:	1	
17. Hand-washing facilities:	2	
Properly equipped and clean, 1		
Convenient, 0.5		
Self-closing waste containers provided, 0.5		
18. Waste disposal:	2	
Sewer of sufficient capacity, 0.5		
Nonpublic disposal methods approved, 0.5		
Refuse in covered containers, 0.5		
Waste paper properly handled, 0.5		
<i>Equipment and utensils</i>		
19. Construction and maintenance:	7	
Product contact surfaces of stainless steel or other equally corrosion-resistant material, 3		
Good condition, 2		
Accessible for cleaning, 2		
20. Pasteurizers:	2	
Good operating order, 1		
Equipped with thermometers and recorders, 1		
21. Thermometers and recorders:	4	
Adequate, 2		
Sufficiently accurate, 1		
Recorder charts in order and on file, 1		
22. C-I-P and welded sanitary lines properly engineered and installed:	2	
23. Portable equipment and utensils suitably stored:	1	
24. Can washers:	2	
Operating properly, 1		
Clean, good repair, 1		
25. Stacks, elevators, conveyors in good condition:	1	
26. Vacuum cleaner in good condition, used regularly, refuse disposal satisfactory:	1	
27. Farm trucks:	2	
Enclosed type, 1		
Clean, 1		
28. Transport tanks:	4	
Good condition, interior smooth, enclosed tight-fitting cabinet, 1		
Piping and tubing capped, 0.5		
Washing facilities available, 1		
Tanks clean, 0.5		
Bactericidal-treated before use, 0.5		
Current cleaning and sanitizing tag in place, 0.5		
<i>Plant operations</i>		
29. Cleaning and sanitizing plant equipment and utensils:	5	
Equipment not designed for C-I-P disassembled daily and thoroughly cleaned, 2		
C-I-P system operated properly, 1		
Utensils and other equipment and in-place pipelines thoroughly cleaned each day, 1		
All equipment subjected to an effective bactericidal treatment immediately before use, 1		
30. Raw-product storage, proper temperature maintained until start of processing:	2	
31. Pasteurization:	2	
Milk and cream properly pasteurized, 1		
Recorder corresponds to indicating thermometer, 1		
32. Processed fluid products cooled promptly:	2	
33. Laboratory:	2	
Tests adequate, 1		
Records available, 1		
34. Containers clean and sound:	2	
35. Dry storage:	2	
Product and supplies placed on dunnage or pallets, 1		
Arranged in aisles, rows, or sections, 1		
36. Refrigerated storage:	2	
Proper temperature maintained to protect quality, 1		
Products not placed directly on wet floors, 1		
37. Personnel cleanliness:	3	
Clean outer garments, 1		
Caps or hairnets worn, 0.5		
No smoking, 0.5		
Good hygiene practiced, 1		
38. Personnel health:	2	
No communicable disease, 1		
General good health, 0.5		
Current medical records on file, 0.5		
Remarks:		
On the basis of this survey, this plant (is) (is not) eligible for a license.		
(Signature) (Plant official)		
(Title)		
(Signature) (Inspector)		
(Title)		
Done at Washington, D.C., this 19th day of June 1963.		
G. R. GRANGE, Deputy Administrator, Marketing Services.		
[F.R. Doc. 63-6661; Filed, June 25, 1963; 8:45 a.m.]		

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Referendum Order

Pursuant to the applicable provisions of the marketing agreement and Order No. 990 (7 CFR Part 990) regulating the handling of Central California grapes for crushing, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period July 1, 1962, through June 30, 1963 (which is hereby determined to be a representative period for the purpose of this referendum), have been engaged within the counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, or Kern in the State of California in the production for market of grapes for crushing, as defined in the aforesaid marketing agreement and order, to determine whether such producers favor continuance or termination thereof at the end of the third crop year (June 30, 1964). Producers eligible to participate in the referendum are those who were engaged, in a proprietary capacity, within said counties, in the production and use or sale, whether directly or indirectly, of said grapes for crushing.

Dower T. Mohun, O. C. Fuqua, and Joseph C. Genske, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are each hereby designated as a referendum agent to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (28 F.R. 6409) except that subparagraph (1) of paragraph (b) thereof is hereby modified for the purpose of this referendum by adding the following sentence: "Each ballot cast by, or on behalf of, a producer shall reflect the total volume of the commodity, by categories, of which he or it was the producer during the representative period determined by the Secretary. For the raisin residual category, the fresh equivalent volume of such category shall be determined by producers multiplying the weight (dry) of their deliveries of standard quality raisins to raisin packers by 9 percent."

Any producer entitled to vote in the referendum who does not receive a copy of the ballot and accompanying voting instructions may obtain same from any of the County Directors of Agricultural Extension in the indicated nine counties of the production area, or from Dower T. Mohun, Berkeley Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 416, Mercantile Building, 2082 Center Street, Berkeley 4, California, or O. C. Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department

of Agriculture, 3525 East Tulare Street, Fresno 2, California.

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

Dated: June 21, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63-6751; Filed, June 25, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 90 [Rev.]]

DIRECTOR, NATIONAL BUREAU OF STANDARDS

Delegation of Authority

The following order was issued by the Secretary of Commerce on June 7, 1963. This material supersedes Department Order No. 90 (Revised) appearing at 28 F.R. 2691-2692 of March 19, 1963.

SECTION 1. Purpose. The purpose of this order is to delegate authority to the Director and to describe the general functions of the National Bureau of Standards.

SEC. 2. General. .01 The National Bureau of Standards, established by the Act of March 3, 1901 (31 Stat. 1449; 15 U.S.C. 271), is hereby continued as a primary organization unit of the Department of Commerce. The Bureau is headed by a Director appointed by the President with the advice and consent of the Senate.

.02 The Director, National Bureau of Standards is assisted by a Deputy Director who shall be the principal assistant to the Director and shall perform the functions of the Director during the latter's absence.

SEC. 3. Delegation of authority. .01 Pursuant to the authority vested in the Secretary of Commerce by law (including Reorganization Plan No. 5 of 1950), and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Science and Technology may prescribe, the Director is hereby delegated the authority to perform the functions vested in the Secretary of Commerce under Title 15, Chapters 6, 7, 25, and 26, U.S. Code, Public Law 87-637 approved September 5, 1962, Part VI of Reorganization Plan No. 3 of 1946 (5 U.S.C. 133y-16) as it relates to standardization and simplification functions of the Secretary of Commerce, and any other existing or subsequent legislation with respect to engineering, mathematics and physical science activities within the special competence of the National Bureau of Standards.

.02 The Director of the National Bureau of Standards may redelegate his authority to appropriate officials of the National Bureau of Standards subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. General Functions. The National Bureau of Standards shall perform

the following functions: (1) Develop and maintain the national standards of measurement, and the provision of means for making measurements consistent with those standards; (2) determine physical constants and properties of materials; (3) develop methods for testing materials, mechanisms, and structures, and make such tests as may be necessary, particularly for Government agencies; (4) cooperate in the establishment of standard practices for incorporation in codes and specifications; (5) provide advisory service to Government agencies on scientific and technical problems; (6) invent and develop devices to serve special needs of the Government; (7) assist industry, business and consumers in the development and acceptance of commercial standards and simplified trade practices recommendations; and (8) conduct programs, in cooperation with United States business groups and standards organizations, to assist other nations in developing standards of practice.

SEC. 5. Transfer of Personnel, Funds, Records and Property. .01 The personnel, funds, records and property of the Office of Technical Services, Office of the Secretary, heretofore allocated to those functions and activities described in this order, are transferred to the National Bureau of Standards.

.02 The Assistant Secretary for Administration, acting through the appropriate offices of the Department, shall determine and arrange for the transfer of personnel, funds, records and property of the Office of Technical Services as provided herein.

SEC. 6. Saving Provision. All rules, regulations, orders, certificates, and delegations of authority issued by or relating to the National Bureau of Standards or any official thereof shall remain in effect until specifically revoked or amended by proper authority.

Effective date: June 7, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for
Administration.

[F.R. Doc. 63-6714; Filed, June 25, 1963; 8:54 a.m.]

[Dept. Order 90 (Rev.) Organization and Function Supplement]

NATIONAL BUREAU OF STANDARDS Organization and Functions

The following Organization and Function Supplement to Department Order No. 90 (Revised) of June 7, 1963, supersedes the Organization and Function Supplement to Department Order No. 90 (Revised) of March 1, 1963, appearing at 28 F.R. 2692-2693 of March 19, 1963.

SECTION 1. Purpose. The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the National Bureau of Standards.

SEC. 2. Organization. The National Bureau of Standards shall consist of the following organization units:

1. Office of the Director:

Director.
Deputy Director.
Associate Directors.
Library.
Director, Boulder Laboratories.
Special Assistant for International Standards.
Office of Commodity Standards.

2. Scientific divisions in Washington, D.C.:

Electricity.
Metrology.
Heat.
Radiation Physics.
Analytical and Inorganic Chemistry.
Mechanics.
Polymers.
Metallurgy.
Inorganic Solids.
Building Research.
Applied Mathematics.
Data Processing Systems.
Atomic Physics.
Instrumentation.
Physical Chemistry.
Weights and Measures, Office of.

3. Divisions at Boulder, Colorado (Boulder Laboratories):

Administrative.
Cryogenic Engineering Laboratory.
Radio Standards Laboratory.
Radio Standards Physics.
Radio Standards Engineering.
Central Radio Propagation Laboratory.
Ionosphere Research and Propagation.
Troposphere and Space Telecommunications.
Radio Systems.
Upper Atmosphere and Space Physics.
Laboratory Astrophysics Group in Jila.¹

4. Service divisions:

Office of Technical Information.
Personnel.
Administrative Services.
Shops.
Supply.
Management Services.
Internal Audit.
Plant.
Accounting.
Budget.

Sec. 3. Functions of the Office of the Director. .01 The Director shall determine the policies of the National Bureau of Standards and direct the development and execution of its programs.

.02 The Deputy Director shall share generally in the direction of the Bureau and shall perform the functions of the Director in the latter's absence.

.03 The Associate Director (Technical) shall have the following combination of responsibilities:

1. Advise the Director and the Deputy Director on the planning and coordination of the scientific program;

2. Provide specialized staff assistance in designated functional areas;

3. Perform special assignments associated with the management of the Bureau or liaison with other organizations.

.04 The Associate Director (Administrative) shall be responsible for the planning and operation of administrative functions in support of technical programs and serve as the Director's principal staff adviser on management matters.

.05 The National Bureau of Standards Library shall furnish diversified library services to Bureau staff members and arrange exchanges and loans with other organizations.

.06 The Director, Boulder Laboratories shall supervise the Bureau's major establishment outside Washington, D.C. He has the status of Associate Director.

.07 The Special Assistant for International Standards shall be responsible for the promotion of international standards and special activities in the field of standard practices, including the development of Pan American standards in connection with the Alliance for Progress.

.08 The Office of Commodity Standards shall (1) assist, coordinate, and cooperate with groups of consumers, distributors or producers, technical organizations, and other persons, in the voluntary establishment, maintenance, recording, publishing, and promoting of commercial standards as a nationally and internationally recognized basis for testing, grading, labeling, marketing, guaranteeing, or accepting staple, manufactured commodities moving in daily domestic and foreign trade; and (2) assist in the development of Federal purchase standards specifications and in providing information to the public and the Government on such standards and specifications.

Sec. 4. Functions of Scientific Divisions. .01 The general functions of the Bureau are carried out primarily by the scientific divisions with the assistance of the service divisions.

.02 Each scientific division shall engage in such of the following activities as are appropriate to its special functions; as indicated generally by division titles (see section 2):

1. Research in engineering, mathematics, and physical sciences;

2. Construction of physical standards;

3. Testing, calibration and certification of standards and standard measuring apparatus;

4. Improvement of instruments and means of measurement;

5. Investigation and testing of scales for weighing commodities for interstate shipment;

6. Cooperation with States in securing uniformity in weights and measures laws and methods;

7. Provision of standard samples for checking basic properties of materials and provision of standard instruments for calibration of measuring equipment;

8. Development of methods of chemical analysis and synthesis of materials, and investigation of properties of rare substances;

9. Study of methods producing and measuring high and low temperatures and the behavior of materials at such temperatures;

10. Investigation of radiation, radioactive substances, and X-rays, together with their uses and means of protecting persons from their harmful effects;

11. Study of the atomic and molecular structure of chemical elements;

12. Broadcasting of radio signals of standard frequency;

13. Investigation of conditions which affect the transmission of radio waves; and distribution of information for choice of frequencies to be used in radio operations;

14. Study of new technical processes of fabricating materials in which the Government has a special interest; also, study of processes and methods of measurement used in manufacture of optical glass, pottery, tile and other clay products;

15. Determination of properties of building materials and structural elements and encouragement of their standardization and most effective use, including fire prevention aspects;

16. Metallurgical research, including study of alloy steel and light metal alloys; investigation of foundry and related practices; prevention of corrosion of metals and alloys, behavior of bearing metals; and development of standards for metals and sands;

17. Operation of a laboratory of applied mathematics; and

18. Provision of general scientific and technical data resulting from the above activities or derived from other sources when such data are important to scientific or manufacturing interests or the general public and are not readily available elsewhere; and, demonstration of the results of the Bureau's work by exhibits and other means.

Sec. 5. Functions of the Service Divisions. .01 The central service divisions are responsible for their special functions and also for providing staff assistance to the Associate Director (Administrative) in carrying out his functions.

.02 The Office of Technical Information shall foster and assist in the outward communication of scientific findings and related information to science, industry, and the general public.

.03 The Personnel Division shall advise on personnel policy and utilization and administer recruitment, placement, classification, training, and employee relations activities, assisting operating officials on these and other aspects of personnel management.

.04 The Administrative Services Division shall have staff responsibility for security, safety, emergency relocation planning, and civil defense activities, and shall administer custodial functions, duplicating service, and local transportation service.

.05 The Shops Division shall design, construct, and repair precision scientific instruments and auxiliary equipment.

.06 The Supply Division shall perform or facilitate the procurement and distribution of material, keep records and promote effective utilization of property, and act as the contracting office for all research, construction, supply, and lease contracts entered into by the Bureau, and administer communication services.

.07 The Management Services Division shall provide staff assistance in improvement of management practices; make organization and procedures studies; provide advisory service on administrative requirements of technical programs; develop and maintain allied programs such as issuances, records and

¹Joint Institute for Laboratory Astrophysics.

forms management; and coordinate administrative procedures and actions where several administrative divisions are affected.

.08 The Internal Audit Division shall assist the Director and other Bureau officials by conducting independent, objective, and constructive appraisals of the effectiveness and efficiency with which the Bureau's operating administrative, and financial programs are being carried out and report its findings and recommendations for consideration and action.

.09 The Plant Division shall maintain the physical plant at Washington, and performs staff work in planning and providing grounds, buildings, and improvements at all Bureau locations.

.10 The Accounting Division shall administer the official system of central fiscal records, payments and reports, administer test administration service, and provide staff assistance on accounting and related matters.

.11 The Budget Division shall advise on financial management and provide staff assistance in the preparation of estimates and the utilization of funds.

SEC. 6. Operations outside Washington, D.C. .01 The Bureau's major activity outside Washington, D.C. is the Boulder Laboratories whose divisional organization is given in section 2. The titles of these divisions are descriptive of the functions performed.

.02 In addition, several scientific divisions have field establishments. For the most part these contribute to the specific programs and projects of their corresponding headquarters divisions rather than perform special services for the public. Activities include concreting materials testing, lamp inspection, development and application of visual range meters, development of uniform standards for railway freight car weighing, and radio frequency and propagation testing and monitoring.

.03 The National Bureau of Standards Field Organization and the locations are set forth in Appendix A below.

Effective date: June 7, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for
Administration.

NATIONAL BUREAU OF STANDARDS

FIELD ORGANIZATION

Field Organization and Location

Boulder Laboratories—Boulder, Colo.
Materials Testing Laboratories—San Francisco, Calif.; Denver, Colo.; Seattle, Wash.
Visual Landing Aids Field Laboratory—Arcata, Calif.
Master Railway Track Scale Depot—Clearing, Ill.

[F.R. Doc. 63-6715; Filed, June 25, 1963; 8:55 a.m.]

[Dept. Order 85 [Rev.]]

DIRECTOR, BUREAU OF THE CENSUS

Delegation of Authority

The following order was issued by the Secretary of Commerce on June 7, 1963. This material, together with the Organization and Function Supplement to De-

partment Order No. 85 (Revised) of June 7, 1963, superseded the material appearing at 27 F.R. 6397-6400 of July 6, 1962.

SECTION. 1. Purpose. The purpose of this order is to delegate authority to the Director and to describe the general functions of the Bureau of the Census.

SEC. 2. General. .01 The Bureau of the Census was established by the Act of March 6, 1902 (32 Stat. 51). Laws pertaining to the Bureau of the Census were codified as Title 13 U.S.C. The Bureau is hereby continued as a primary organization unit within and under the jurisdiction of the Department of Commerce.

.02 The Bureau shall be headed by a Director of the Census appointed by the President, by and with the advice and consent of the Senate. The Director shall report and be immediately responsible to the Assistant Secretary for Economic Affairs.

.03 The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

SEC. 3. Delegation of Authority. .01 Pursuant to the authority vested in the Secretary of Commerce by Title 13 U.S.C. 4, Reorganization Plan No. 5 of 1950 and subject to such policies and directives as the Secretary of Commerce and the Assistant Secretary for Economic Affairs may prescribe, the Director is hereby delegated the authority to perform the functions vested in the Secretary under Title 13, United States Code, that part of Chapter 5, Title 15, United States Code relating to the collection, compilation and publication of statistics, and any subsequent legislation with respect to the collection, tabulation, analysis, publication and dissemination of statistical data relating to the social and economic activities and characteristics of the population and enterprises of the United States and those areas and possessions described in section 191 of Title 13 U.S.C.

.02 The Director, Bureau of the Census, may redelegate and authorize the successive redelegation of the authority granted herein to any employee of the Bureau of the Census subject to such conditions in the exercise of such authority, as he may prescribe.

SEC. 4. General Functions. The Bureau of the Census shall:

1. In cooperation with business, industry and other Government and private organizations, be responsible for the collection, processing, and analysis of statistical data, and the publication and dissemination of the resulting statistics for use by business, Government agencies, and the public in establishing policies and otherwise guiding their social, economic, commercial, and industrial activities;

2. Conduct basic and applied research and development activities directed toward improving quality, lowering costs, and more effective interpretation of censuses and surveys;

3. Conduct research projects and prepare reports, special tabulations, monographs, and special studies on selected phases of domestic and foreign trade,

business services, industry, transportation, construction, agriculture, population, housing, and Federal, State, and local governments; and

4. Provide the necessary skills and services to function as the Department's principal statistics collecting, tabulating and data processing agency.

SEC. 5. Organization and Assignment of Functions. An Organization and Function Supplement to this order, prescribing the organization and assignment of functions within the Bureau of the Census, shall be developed and issued by the Director with approval of the Assistant Secretary for Economic Affairs and the Assistant Secretary for Administration.

SEC. 6. Saving Provision. All rules, regulations, orders, certificates, directives and other actions issued by or relating to the Bureau of the Census or any other official thereof shall remain in effect until amended or revoked by proper authority. Any reference in any rules, regulations, orders, certificates, directives, and the like to the Bureau of the Census shall not be affected by the issuance of this revised order.

Effective date: June 7, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for
Administration.

[F.R. Doc. 63-6717; Filed, June 25, 1963; 8:55 a.m.]

[Dept. Order 85 [Rev.]; Organization and Function Supplement]

BUREAU OF THE CENSUS

Organization and Functions

This material, together with Department Order No. 85 (Revised) of June 7, 1963, supersedes the material appearing at 27 F.R. 6397-6400 of July 6, 1962.

SECTION 1. Purpose. The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Bureau of the Census.

SEC. 2. Organization. The Bureau of the Census shall consist of the following organization units:

1. Office of the Director:

Director.
Deputy Director.
International Statistical Programs Office.
Public Information Office.

2. Assistant Director for Economic Fields:

Business Division.
Construction Statistics Division.
Foreign Trade Division.
Governments Division.
Industry Division.
Transportation Division.

3. Assistant Director for Demographic Fields:

Agriculture Division.
Demographic Surveys Division.
Foreign Demographic Analysis Division.
Housing Division.
Population Division.
Statistical Methods Division.

4. Assistant Director for Research and Development:

Economic Research and Analysis Division.
Statistical Reports Division.
Statistical Research Division.

5. Assistant Director for Operations:

Data Processing Systems Division.
Demographic Operations Division.
Economic Operations Division.
Geography Division.
Jeffersonville Census Operations Office.

6. Assistant Director for Administration:

Administrative Service Division.
Budget and Management Division.
Field Division.
Personnel Division.

SEC. 3. Functions of the Office of the Director. .01 The Director determines policies and directs the programs of the Bureau of the Census, taking into account applicable legislative requirements and the needs of users of statistical information. He is responsible for the conduct of the activities of the Bureau of the Census and for coordinating its statistical programs and activities with those of other Federal statistical agencies, with due recognition of the programs developed and regulations issued by the Bureau of the Budget.

.02 The Deputy Director shares with the Director generally in the direction of the Bureau, performs the duties of the Director during the latter's absence, and in addition, directs the activities of the International Statistical Programs and Public Information Offices whose functions are to: Plan and conduct the Bureau's foreign consultation and training programs, coordinate research on international statistical problems of methodology and content, and represent the Bureau in international statistical activities; under the policy guidance of the Department's Office of Public Information, plan and conduct the Bureau of the Census public information programs which are designed to facilitate data collections and provide statistical information to the public and public interest groups.

SEC. 4. Functions of the Office of Assistant Director for Economic Fields.

.01 The Assistant Director is the principal assistant to the Director on economic programs, advises him as to necessary and feasible statistical programs in these fields and executes the policies established by the Director. Through the divisions reporting to him, he shall:

1. Formulate and develop over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys, censuses, or compilations relating to the characteristics of wholesale, retail, and service enterprises; various aspects of the construction industry; export and import trade of the United States and foreign trade shipping; State and local government operations and finances; and operations of manufacturing, mineral industries, transportation and related industries. Conduct

research on the nature and extent of needs for statistical data in the economic fields and on survey design and methodology; and

2. Prepare special analytical and interpretive reports, monographs, and special studies.

SEC. 5. Functions of the Office of Assistant Director for Demographic Fields:

.01 The Assistant Director is the principal assistant to the Director on demographic programs, advises him as to necessary and feasible statistical programs in these fields and executes the policies established by the Director. Through the divisions reporting to him, he shall:

1. Formulate and develop over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys, censuses, or compilations relating to agriculture, agricultural activities and products, irrigation and drainage enterprises and cotton-ginning; general housing characteristics; and the distribution and characteristics of the population. Conduct research on the nature and extent of needs for statistical data in the demographic fields and on survey design and methodology; and

2. Using highly specialized techniques, prepare estimates and projections of population, manpower and related characteristics. Prepare special analytical and interpretive reports, monographs, and special studies.

SEC. 6. Functions of the Office of Assistant Director for Research and Development.

.01 The Assistant Director is the principal assistant to the Director on research and development programs, advises him with regard to proposed plans and programs of the Bureau to assure the statistical adequacy of proposed data collections and the applications of appropriate statistical methods and economic principles, and executes the policies established by the Director in these areas. Through his staff and the divisions reporting to him, he shall:

1. Formulate and coordinate mathematical, statistical, psychological and economic research into the development and effective use of these methods and techniques in the work of the Bureau;

2. Develop and apply the techniques of seasonal and other adjustments of time series in order to meet the changing requirements of the economy for statistical intelligence. Develop uniform statistical classification systems;

3. Coordinate and advise on all aspects of statistical publication standards and statistical presentation practices of the Bureau; and

4. Prepare the Statistical Abstract of the United States and its supplements and the documentation of statistical technology used in major Census programs.

SEC. 7. Functions of the Office of Assistant Director for Operations.

.01 The Assistant Director is the principal assistant to the Director on statistical processing operations, advises him as to

large-scale data processing techniques and geographic concepts for statistical programs of the Bureau and executes the policies established by the Director in these fields. Through the divisions and offices reporting to him, he shall:

1. Plan and coordinate the development of processing techniques and process statistical data collected in special and current surveys, censuses, or compilations undertaken by the Bureau;

2. Plan and coordinate electronic digital computer and mechanical tabulating systems services of the Bureau;

3. Plan and coordinate geographic services needed by the Bureau, especially those needed to facilitate the Bureau's field data collection programs;

4. Plan and coordinate mechanical and electronic engineering services in the development, maintenance, and manufacture of special purpose equipment used in data processing by the Bureau; and

5. Provide decentralized data processing services by offices located in New York, New York and Jeffersonville, Indiana.

SEC. 8. Functions of the Office of Assistant Director for Administration.

.01 The Assistant Director for Administration is the principal assistant and adviser to the Director on organization, management and administrative activities, and executes the policies established by the Director in these areas. Through the divisions reporting to him, he shall:

1. Plan and coordinate on a bureau-wide basis budget and fiscal programs, including the preparation of official budget estimates and justification, the allocation and control of all funds, and the administration of finance and accounting activities; management activities, including production standards, scheduling and control and general management improvement activities; the personnel management program including organization and classification, staffing and pay administration, employee development, employee relations and services, records and reports; administrative services, including procurement and property management, printing, publication, library, communications and other administrative services;

2. Plan and coordinate the Bureau's emergency planning program and provide specialized staff services;

3. Plan and coordinate a nation-wide field data collection program administered through a field organization of fluctuating size and composed of regional, district, and other branch offices. (Regional Office locations are listed in Appendix A.); and

4. Provide through the Pittsburg, Kansas office a personal census service to provide individuals or their authorized representatives information about themselves as reflected by census records.

Effective date: June 7, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for
Administration.

Appendix A (Revised)
June 7, 1963

BUREAU OF THE CENSUS
FIELD ORGANIZATION OFFICES

The location of the Field Organization Offices of the Bureau of the Census and the areas over which they have jurisdiction are as follows:

Name and Location of Field Organization Offices	Regional Limits
Boston, Mass.-----	The States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and the States of New York and Connecticut, excluding those counties assigned to the New York City Region.
New York, N.Y.-----	New York City and adjacent counties in the States of New York, Connecticut, and New Jersey.
Philadelphia, Pa.-----	The States of Pennsylvania, Maryland, Delaware and the State of New Jersey, excluding those counties assigned to the New York City Region.
Charlotte, N.C.-----	The States of Virginia, West Virginia, North Carolina, South Carolina, Kentucky, and northeastern part of the State of Tennessee.
Atlanta, Ga.-----	The States of Mississippi, Alabama, Georgia, Florida, and the State of Tennessee, excluding the northeastern part of the State assigned to the Charlotte Region.
Detroit, Mich.-----	The States of Michigan and Ohio.
Chicago, Ill.-----	The States of Illinois and Indiana.
St. Paul, Minn.-----	The States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, and Missouri.
Dallas, Tex.-----	The States of Oklahoma, Arkansas, Texas, and Louisiana.
Denver, Colo.-----	The States of Wyoming, Utah, Colorado, Arizona, New Mexico, and southern half of the State of Idaho.
Los Angeles, Calif.-----	The States of California, Nevada, and Hawaii.
Seattle, Wash.-----	The States of Washington, Oregon, Montana, Alaska, and northern half of the State of Idaho.

[F.R. Doc. 63-6716; Filed, June 25, 1963; 8:55 a.m.]

[Dept. Order 184 [Rev.]]

**DIRECTOR, OFFICE OF TRADE
ADJUSTMENT**

Organization and Functions

The following order was issued by the Secretary of Commerce on June 7, 1963.

SECTION 1. Purpose. The purpose of this order is to redesignate the Office of Trade Adjustment as a primary organization unit of the Department of Commerce; to delegate authority to the Director, Office of Trade Adjustment; and to prescribe the general functions of the Office of Trade Adjustment.

SEC. 2. Establishment. The Office of Trade Adjustment is hereby redesignated as a primary organization unit of the Department of Commerce. The Office of Trade Adjustment shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for Domestic and International Business.

SEC. 3. Delegation of authority. Pursuant to the authority vested in the Secretary of Commerce by the Trade Expansion Act of 1962 (Public Law 87-794 of October 11, 1962), Reorganization Plan No. 5 of 1950, Executive Order 11075 of January 15, 1963 and Executive Order 11106 of April 18, 1963, and subject to such policies and directives as the Secretary of Commerce and the Assistant Secretary of Commerce for Domestic and International Business may prescribe, the Director, Office of Trade Adjustment, is hereby delegated the authority vested in the Secretary of Commerce under Chapters 1 and 2 of Title III of the Trade Expansion Act of 1962, other than the authority to make cer-

tifications pursuant to sections 302(b) (1), 302(c) and 311(b) of the Act.

.02 The Director, Office of Trade Adjustment, may redelegate his authority to appropriate officials of the Office of Trade Adjustment, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. General functions. The Office of Trade Adjustment shall be the focal point for the administration of Trade Adjustment Assistance under Title III of the Trade Expansion Act and shall:

1. Recommend to the Assistant Secretary for Domestic and International Business action to be taken on requests by firms to determine their eligibility to make application for adjustment assistance under sections 302(b) (1) and 302 (c) of the Act;

2. Establish procedures by which firms will apply for adjustment assistance;

3. Investigate and render assistance to applicant firms which are preparing proposals for their adjustment;

4. Contract with qualified consulting firms or individuals for the provision of advice and assistance to applicant firms;

5. Establish and maintain contact with other agencies providing adjustment assistance as defined in the Act;

6. Recommend to the Secretary action to be taken on proposals for adjustment assistance submitted by firms under section 311(b) of the Act;

7. Refer certified adjustment proposals to appropriate Federal Government agencies for action;

8. Furnish adjustment assistance to firms whose adjustment proposals have been certified if such assistance cannot be obtained from other Federal agencies;

9. Establish procedures for investigation of progress toward adjustment objectives by firms receiving assistance under the Act;

10. Perform investigations as necessary to insure compliance with regulations issued under the Act;

11. Consult with appropriate officials of other Federal agencies on matters within the cognizance of those agencies as set forth in the Act; and

12. Administer such regulations as may be necessary to assure the adequacy and effectiveness of the program for trade adjustment assistance, subject to applicable provisions of Title III of the Act.

Sec. 5. Administrative services. The Business and Defense Services Administration shall furnish management, budget, personnel and related administrative services to the Office of Trade Adjustment.

Effective date: June 7, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for
Administration.

[F.R. Doc. 63-6718; Filed, June 25, 1963;
8:55 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14588; Order E-19720]

ADD AIRFREIGHT CORP.

Proposed Revision of Rule Limiting Time To Bring Action for Damages Against Carrier; Order of Investi- gation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of June 1963.

By tariff revision¹ filed May 27, 1963, and marked to become effective June 26, 1963, Add Airfreight Corp. proposed to shorten the period within which shippers must institute an action for damages against the forwarder. The presently effective rule states that there is a two-year period after which the right to damages shall be extinguished if an action has not been brought. The proposed revision would reduce this period to 270 days.

Add Airfreight has stated no reasons in support of its proposal, and no complaints have been filed.

The generally prevailing minimum period provided in carrier tariffs for bringing suit is one or two years. While the Board expresses no opinion herein as to the lawfulness of this minimum, the approximately nine-month period proposed by Add Airfreight is significantly lower than the lowest limit generally found in the airfreight forwarder industry. The proposed revision may entrap

¹ Rule 40(B), Add Airfreight Corp., International Air Cargo Rules Tariff No. 1, C.A.B. No. 3, in its proposed form reads as follows:

"(B) Actions: The right to damages shall be extinguished if an action is not brought within 270 days, reckoned from the date of arrival at the destination or from the date on which the aircraft ought to have arrived or from the date on which the carriage stopped."

innocent claimants. Under these circumstances the rule may be a device which would serve to defeat the normal liability of a common carrier. It may lend itself to discriminatory practices by enabling the forwarder to settle with some, while denying liability to others similarly situated.

Upon consideration of all relevant matters, the Board finds that the proposed tariff revisions may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. In view of the additional restrictions which would be imposed upon the rights of shippers to file claims for damages, we will suspend the proposed tariff revision to Rule 40(B) pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 403, 404 and 1002 thereof: *It is ordered:*

1. That an investigation be instituted to determine whether the provisions of Rule No. 40(B) appearing on 2nd Revised Page 11 of Add Airfreight Corp. C.A.B. No. 3 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions.

2. That pending hearing and decision by the Board, Rule No. 40(B) appearing on 2nd Revised Page 11 of Add Airfreight Corp. C.A.B. No. 3 is suspended and its use deferred to and including September 23, 1963, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. That this investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. That a copy of this order be filed with the aforesaid tariff and be served upon Add Airfreight Corp, which is to be made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-6747; Filed, June 25, 1963;
8:46 a.m.]

[Docket No. 14589, Agreement CAB 16949;
Order E-19721]

CONSOLIDATED AIRLINE PURCHASING CORP.

Order Deferring Action on Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of June 1963.

Central Airlines, Inc., (Central) has filed with the Board pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), copies of an agreement between Central and twelve other air carrier members¹ of the Association

of Local Transport Airlines (ALTA)² relative to the establishment, subject to prior approval by the Board, of a corporation to be known as Consolidated Airline Purchasing Corporation (CAPCO). The agreement consists of three related documents: Preincorporation and Subscription Agreement, By-Laws of CAPCO, and Certificate of Incorporation of CAPCO.

Under the terms of the Preincorporation and Subscription Agreement, each party agrees, inter alia, to the formation of the corporation and the form of its certificate of incorporation; to the purchase of fifty shares of the capital stock of the corporation at \$10.00 per share; to use its best efforts to cause the corporation to adopt by-laws in the form discussed herein and commence its organization, program and operations; and to pay to CAPCO a service fee to be a percentage of the parties' actual purchases from the corporation,³ an advance service fee of \$2,000.00, and eleven (monthly) additional advance service fee payments of \$225.00.⁴ In addition, the parties agree that each is entitled to one representative of CAPCO's board of directors and each will use its best efforts to cause every other party's nominee to be so elected; that no additional stock in the corporation shall be issued at least until after January 1, 1964; that the services of CAPCO shall be available only to stockholders until further determination by the board of directors; that each party's interest in this agreement is not transferrable; and that no party, at least until after January 1, 1964, will transfer any of the stock issued thereunder and, thereafter, will not transfer any such stock without first offering said stock, at its cost price, to the corporation for a thirty-day period, and then offering any remaining such stock for an additional thirty-day period to the other stockholders.

The By-Laws of CAPCO provide, inter alia, that directors will be elected at the annual stockholders' meeting; that each stockholder is entitled to one vote, in person or by proxy, for each share of voting stock held by such stockholders, that all elections of directors shall be decided by plurality vote, and all other questions shall be decided by majority vote; that the presence, in person or by proxy, of stockholders holding a majority of the stock of the corporation entitled to vote shall constitute a quorum at all meetings of the stockholders; that the number of directors shall be the number of original participating airlines, subject to such change or changes in the number of directors as shall be made

wailan Airlines, Inc., Lake Central Airlines, Inc., North Central Airlines, Inc., Northern Consolidated Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Piedmont Airlines, West Coast Airlines, Inc., and Wien Alaska Airlines, Inc.

² Hereinafter referred to as the "carriers."

³ Such percentage is to be fixed by the board of directors of the corporation.

⁴ Such service fees are returnable by the corporation by and upon decision of the board of directors, and then in the form of credits against regular service fees accruing upon each party's actual purchases through the corporation.

from time to time by resolution of not less than a majority of the directors, except that the number shall not be reduced to less than three; that the board of directors shall exercise all of the powers of the corporation except such as are by law, or by the certificate of incorporation, or by the by-laws, conferred upon or reserved to the stockholders; that the board of directors may designate committees to consist of two or more of the directors which shall have and may exercise the powers of the board in the management and affairs of the corporation; and that a majority of the directors shall constitute a quorum for the transaction of business. Further, the by-laws establish the officers of the corporation and their respective duties and provisions relating to such matters as stock certificates, transfer of shares, dividends, and amendments to the by-laws.

Pursuant to its Certificate of Incorporation, the nature of the activities in which CAPCO may engage include, but are not limited to the following: to act as agent and/or representative for and on behalf of persons, firms, corporations, associations, enterprises and entities of every description, including air lines and air transportation companies, in any and all matters of business which said principals may wish to have performed on their behalf, including the purchase, procurement, acquisition and/or furnishing of supplies, equipment, parts, accessories, services, and every other thing which said principals may need or desire in the conduct or performance of their respective business.

The Board, upon consideration of the matter, has concluded tentatively that the agreement should be approved under section 412, subject to the conditions proposed hereinafter.

It may be noted initially that ALTA, with the knowledge and cooperation of the Board, formed a committee to determine methods whereby subsidy reduction might be effected without impairing the public service responsibilities of the industry, or its financial health. The organization of CAPCO is the initial product of a sub-committee established by the carriers for the purpose of analyzing possible subsidy savings through the development of joint services among air carriers, including economies inherent in joint reservation and ticket offices, ground service consolidation, joint purchase of parts, fuel, insurance and other necessities, pooling of parts, and electronic data processing.

Although CAPCO's certificate of incorporation permits it to engage in a wide variety of activities, it is understood that at the outset the principal function of the company will be to act as agent for any or all participants in the agreement in the purchase of relatively low cost items such as teletype paper, radio tubes, nuts and bolts, office supplies, and light bulbs. Thereafter, as usage and good business judgment dictate, it is understood that the company will engage in the purchase of more costly items such as aircraft engines, gasoline and insurance. Initially, it is not anticipated that the company will

¹ Alaska Airlines, Inc., Allegheny Airlines, Inc., Caribbean-Atlantic Airlines, Inc., Ha-

perform warehousing services, but, rather, that this will be done by the vendor. Aside from its purchasing activities, the Board understands that another early activity of CAPCO will be to serve as a clearing house for participating members to list their surplus parts and equipment for sale.

Because of CAPCO's experimental nature and the impracticality of considering now all aspects of the many conceivable activities of the company, the Board believes that approval of the agreement should be limited to the functions mentioned above. And, by the same token, the Board considers it desirable to limit the value of individual purchases by CAPCO to \$100,000.⁵ However, to the extent that CAPCO may desire in the future either to expand the initial functions which the Board tentatively has decided to authorize or to engage in other activities, the air carrier parties to the agreement may petition for modification of the final order herein.⁶

The Board notes that there is no specific provision in either the preincorporation and subscription agreement or CAPCO's by-laws which would permit air carriers, other than the present participants, to hold stock in the corporation and thus to avail themselves of the anticipated benefits of joint purchasing. Further, the preincorporation and subscription agreement now specifically provides that the services of CAPCO shall be available only to stockholders until further determination by the board of directors. Consistent with its actions on other similar matters, the Board believes the public interest requires that all air carriers which receive subsidy should be permitted to participate in CAPCO on an equal basis with the original subscribers.

Article III, section 3 of CAPCO's By-Laws provides that each stockholder shall be entitled to one vote for each share of stock held.⁷ Although each stockholder, pursuant to the preincorporation and subscription agreement (paragraph 3), agrees to purchase 50 shares of stock, there is no assurance that the stock will always be evenly distributed among the stockholders. The Board, therefore, proposes to condition its approval by requiring that each stockholder have an equal vote irrespective of the number of shares it holds in the corporation. It is significant to note that ALTA's Articles of Association provide for one vote per member.⁸

⁵ Although there is no present indication that circumstances will, in fact, occur where quantity purchases by CAPCO of a particular item have a significant impact on others participating in the market, the Board may further condition its order of approval herein as necessary. In this connection, the Board anticipates that it will be guided by the advice of the Justice Department as to the competitive pattern in industries with which the Board is not familiar.

⁶ Any such petition should, of course, set forth in detail the specific additional activity to be undertaken by CAPCO.

⁷ See also Certificate of Incorporation, paragraph Fourth.

⁸ Article III, section 6.

The organization, establishment and functions of CAPCO constitute a somewhat novel development and the Board desires to be fully apprised of its activities. Therefore, the Board proposes to require the submission of minutes of all board of directors meetings and meetings of committees established pursuant to Article III, section 6 of CAPCO's by-laws.⁹ In addition, the Board will require the participants to file an annual statement showing the extent of each stockholder's purchases and/or sales made through CAPCO, and the corporation's profit and loss summary and balance sheet at year end.

Consistent with its policy and objectives, the Board also proposes the imposition of a condition pertaining to so-called attorney-client privilege. In this connection, the Board's experience has been that claims of an alleged attorney-client privilege may unduly restrict the Board's access to documents in the possession of the organization. The Board does not believe it should approve the establishment of an organization which could act in restraint of trade where, as here, it would enjoy a measure of immunity from the antitrust laws by virtue of the Board's action. In brief, it is the Board's intention that CAPCO will so conduct its affairs as to preclude any claim of confidentiality, based on attorney-client privilege, which would inhibit the Board's inspection of the records of the corporation.

It appears to the Board that the proposed arrangement is also subject to section 408 of the Act. Specifically, the Board has concluded that, because of the nature of its contemplated activities, CAPCO is a person engaged in a phase of aeronautics, and that the establishment of CAPCO by the carriers constitutes their joint acquisition of control of such person, within the meaning of such section. However, the Board further concludes tentatively that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest in the matter is currently requesting a hearing. Thus, approval of the relationships under section 408 would not appear to be inconsistent with the public interest.

The Board also notes that if additional carriers become stockholders in CAPCO (or if some of its present stockholders withdraw) new control relationships within the scope of section 408 may be created. The Board does not believe, however, that any new issues of substance would arise from these relationships since the participating group of carriers is well-defined. To obviate the need for reviewing such relationships to the extent that they may be subject to section 408, the Board proposes to approve under section 408(b) the participation of more or fewer subsidized air carriers in the ownership of CAPCO.

⁹ Any agreement reached by the board of directors falling within the purview of section 412 should, of course, be filed with the Board pursuant to that section.

The Board also concludes that if officers and/or directors of air carriers eligible to participate in the agreement serve as officers and/or directors of CAPCO, interlocking relationships within the ambit of section 409 of the Act will thereby exist. However, in the light of the foregoing it does not appear to the Board that such relationships would pose conflicts of interest. It is evident that requiring the air carriers and individuals proposing to enter into interlocking relationships of this nature to file application under Part 251 and to obtain prior approval of the Board thereon would constitute an undue burden upon them, serve no useful regulatory purpose and impose upon the Board an unnecessary workload in scrutinizing a multiplicity of such interlocking relationships. Therefore, the Board proposes to grant the air carrier parties to the agreement an exemption from section 409(a) and Part 251 pursuant to section 416(a) of the Act. Inasmuch as the Board's exemption authority does not extend to individuals, the Board proposes to grant advance approval of the interlocking relationships insofar as the individual participants are concerned by an exercise of the Board's powers under section 409(a).

It may be noted that since approval of the agreement and other relationships confers antitrust immunity, we have carefully analyzed the arrangement to determine whether it is compatible with the principles and purposes of the antitrust laws. However, in view of the limited nature of the activities contemplated by CAPCO in the foreseeable future and the conditions which we shall attach to our approval, we do not believe that the agreement, as conditioned, runs counter to the policy objectives of the antitrust laws. In this respect it is significant that the participating air carriers are in no way bound to make any or all of their purchases through CAPCO. Thus, the several air carriers' freedom of choice is not restricted and it is left to individual managerial discretion to determine to what extent CAPCO's services will be utilized. In this connection, when, and if, the air carrier participants in CAPCO seek to expand the instrumentality's functions, we shall scrutinize those activities to determine their compatibility with the antitrust laws and the public interest. Illustrative of the problems which could arise are any modifications in the existing agreement which would restrict the freedom of the various carrier participants in their purchase or disposition of property through the corporation, of whatever kind or nature. Further, questions may arise as to the propriety of using CAPCO as a means of disposing of surplus equipment, such as aircraft or engines, should it serve as other than a clearing house for information. However, these and other like problems are contingent upon an expansion of CAPCO's activities beyond those proposed to be approved herein and need not be resolved at this time.

In view of the foregoing, the Board intends to approve the control relationships discussed herein under section 408(b) without a hearing. In accordance therewith, this order constituting notice of such intention will be published in

the FEDERAL REGISTER. The Board also proposes to approve the arrangement under section 412 and act under section 409 as indicated above. All such actions would be made subject to the following conditions:

1. That the activities of CAPCO shall be limited to (a) joint purchasing, provided that any individual quantity purchase shall not exceed \$100,000 in value, and (b) the listing of surplus parts and equipment for sale by its stockholders;

2. That all air carriers receiving subsidy may participate in CAPCO on an equal basis with the original parties to the agreement;

3. That the parties to the agreement shall file, within fifteen days thereof, copies of the minutes of each meeting of CAPCO's board of directors and any committees established pursuant to CAPCO's by-laws;

4. That so long as the authorizations granted herein are effective, the parties to the agreement shall file, on or before March 31 of each year, a statement giving a general description and the dollar amount thereof of each party's purchases and/or sales made through CAPCO during the preceding year and a statement of the corporation's profit and loss and balance sheet at year end;

5. That each stockholder of CAPCO shall have an equal vote irrespective of the number of shares it holds in the corporation; and

6. That CAPCO shall so conduct its affairs as to preclude the corporation, its officers or employees from engaging in the practice of law in such a manner as to create a claim of confidentiality based upon an alleged attorney-client relationship for documents or persons in its possession or control; shall undertake not to maintain in its possession or control documents prepared by members of the bar under cover of an alleged attorney-client privilege; and accordingly shall undertake not to assert any such claim in an inspection by the Board of the records and affairs of the corporation.

Interested persons will be afforded an opportunity to comment on the Board's tentative decision herein.

Accordingly, it is ordered:

1. That final action on Agreement CAB 16949 be and it hereby is deferred for a period of thirty days to permit the filing of comments or requests for a hearing by interested persons relative to the Board's tentative decision herein;¹⁰

2. That a copy of this order shall be served upon all parties to Agreement CAB 16949;

3. That the Attorney General shall be furnished a copy of this order within one day of its publication; and

4. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,¹¹
Secretary.

[F.R. Doc. 63-6748; Filed, June 25, 1963;
8:46 a.m.]

¹⁰ Such comments shall in all respects conform to the requirements of the Board's rules and practices for the filing of comments.

¹¹ Dissenting statement of members Gurney and Gilliland filed as part of the original document.

[Docket No. 14385; Order E-19724]

ZANTOP AIR TRANSPORT, INC., ET AL.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of June 1963.

Application of Zantop Air Transport, Inc., Howard W. Zantop, Lloyd A. Zantop, Duane A. Zantop and Calhoun Equipment Services, Inc. for approval, under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, of transactions relating to the purchase of aircraft.

By application filed March 21, 1963, Zantop Air Transport, Inc. (ZAT), a supplemental air carrier, Calhoun Equipment Services, Inc. (Calhoun),¹ Howard W. Zantop, Lloyd A. Zantop, and Duane A. Zantop (individual applicants) request approval pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act), of ZAT's acquisition of control of Calhoun, the interlocking relationship resulting therefrom, and ZAT's leasing of the properties of Calhoun. All such relationships are incidental to the purchase of two Argosy AW-650 aircraft and certain spare engines, spare parts and ground equipment by Calhoun from Whitworth Gloster Aircraft Limited (WGA). The application is accompanied by a motion to withhold from public disclosure for one year information contained in five documents pertaining to the transaction with WGA, which documents consist of the following: Sales Agreement, Supplemental Agreement, letter from WGA to Calhoun dated March 1, 1963, Supplementary Agreement and Guaranty.²

The joint applicants state that in order to effect the acquisition of the two aircraft from their British manufacturer, ZAT has organized Calhoun to purchase and register the aircraft and lease them to ZAT; that it was necessary to enter into this arrangement since (1) section 501 of the Act provides that aircraft may be registered only by a citizen of the United States, and, because WGA is not a citizen of the United States, it was necessary to make an outright purchase since the preferable arrangement, a lease-purchase, would not suffice and (2) purchase of the aircraft and related equipment through a subsidiary was more favorable from a tax standpoint than if ZAT had purchased them directly; that Calhoun will not engage in air transportation; and that it is not presently contemplated that Calhoun will perform any function or engage in any activities other than those reasonably necessary to the performance of its functions under the agreements referred to above. The joint applicants further state that all of Calhoun's authorized

and outstanding shares of stock are owned outright by ZAT; that Calhoun's officers and directors are Howard W. Zantop, President, Lloyd A. Zantop, Vice President, and Treasurer, and Duane A. Zantop, Vice President and Secretary, who are also officers and directors of ZAT and Zantop Hangar Service Company.³

ZAT's purpose in acquiring the aircraft is to use them in commercial service and possible military Logair services in fiscal year 1964, commencing July 1, 1963. Calhoun will pay WGA a purchase price of \$1,714,286 for each aircraft and an aggregate purchase price of \$750,000 for the initial spares, making a total purchase price of \$4,178,572 which will be paid together with interest at the rate of 5% per annum over a period commencing April 1, 1963 and terminating December 31, 1970. The lease agreement between ZAT and Calhoun is for a term beginning on the date of delivery of the aircraft and expiring June 30, 1963, with automatic renewal for successive periods of one year. Rental for the equipment is to be calculated at the rate of \$6,500 weekly for the period March 18, 1963, through June 24, 1963, and at the rate of \$13,500 weekly commencing on July 8, 1963.⁴

To support the motion to withhold information from public disclosure, the joint applicants state that the five documents mentioned above contain the confidential terms of an aircraft transaction with the aircraft manufacturer entered into after arm's length bargaining; that such transaction does not itself require approval of the Board but, rather, the documents have been submitted out of an abundance of care and in a spirit of co-operation; that disclosure of the information contained therein is not required by the public interest and would serve no useful purpose, but would reveal business information, the continued confidentiality of which, for competitive reasons, should be honored; and that public disclosure of such business information would adversely affect the interest of the parties to these transactions.

No objections to either the application or the motion have been filed.

Upon consideration of the foregoing, the Board concludes that Calhoun is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act by virtue of its ownership and leasing of aircraft and related equipment to an air carrier; that the organization and establishment of Calhoun by ZAT constitutes the acquisition of control of a person engaged in a phase of aeronautics by an air carrier within the meaning of section 408; that the lease by ZAT of the two aircraft and related equipment constitutes the lease by an air carrier of a

³ Interlocking and control relationships between ZAT and Zantop Hangar Service Company were approved by the Board by Order E-18318, May 9, 1962, Docket 12425.

⁴ Although the relationships involved in the above-described transaction were consummated without Board approval, the Board has decided in this instance not to enforce the doctrine expressed in the *Sherman Interlocking Relationships Case*, 15 CAB 876 (1952) and will consider the application on its merits.

substantial part of the properties of a person engaged in a phase of aeronautics within the meaning of section 408; and that the interlocking relationships involving the individual applicants are subject to section 409 of the Act.

The Board further concludes tentatively that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing. The control relationships are similar to others which have been approved by the Board and do not present any new substantive issues.⁵ It therefore appears that approval of the control relationships would not be inconsistent with the public interest. However, should the activities of Calhoun be expanded, new issues would be raised which could only be resolved upon the filing of a further application for prior approval of such activities by the Board. Accordingly, the Board proposes that approval of the relationships shall be effective as to Calhoun only so long as its activities are limited to the ownership and leasing of the subject aircraft and related equipment.

The Board finds that interlocking relationships within the scope of section 409(a) of the Act will exist between ZAT and Calhoun from the holding by Howard W. Zantop, Lloyd A. Zantop, and Duane A. Zantop of the positions described above. In this connection, we have concluded that the parties have made a due showing in the form and manner prescribed and that such interlocking relationships will not adversely affect the public interest, provided that approval thereof is made subject to the limitation noted above.

Finally, pursuant to section 1104 of the Act, the Board tentatively finds, for the reasons advanced by the joint applicants, that public disclosure of the information contained in the aforementioned documents would adversely affect the interests of persons involved in the instant arrangements and is not required by the public interest.

In view of the foregoing, the Board intends to approve the foregoing relationships under section 408(b) without a hearing. In accordance herewith, this order constituting notice of such intention will be published in the *FEDERAL REGISTER*.⁶

Accordingly, it is ordered:

1. That this order be published in the *FEDERAL REGISTER*;
2. That the Attorney General be furnished a copy of this order within one day of its publication; and

⁵ See, for example, Edward J. Daly and World Airways, Inc. aircraft transaction, approved by Order E-17525, October 2, 1961, Dockets 11875 and 12326.

⁶ Further action on the interlocking relationships under section 409, the motion to withhold from public disclosure under section 1104 and the dismissal of the application insofar as it relates to Calhoun will be deferred pending the issuance of a final

3. That interested persons are afforded a period of fifteen days within which to file comments or request a hearing with respect to the Board's proposed action.⁷

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-6749; Filed, June 25, 1963;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15021; FCC 63M-719]

HOUSTON COUNTY TELEPHONE CO., INC.

Order Continuing Hearing

In re application of Houston County Telephone Company, Inc., Docket No. 15021, File No. 1361-C1-P-63; for a construction permit to establish facilities in the Domestic Public Point-to-Point Microwave Radio Service near Dodge, Texas.

The Hearing Examiner having under consideration petition filed June 18, 1963 by the above-named applicant requesting reconsideration and grant of its application, as heretofore amended, without hearing; his order, released May 6, 1963 (FCC 63M-524) rescheduling the commencement of hearing to July 15 and the prehearing conference to July 12 and directing that petition for reconsideration be filed not later than ten consecutive business days after date of release of the Examiner's ruling on petition to amend the application; and his further order, released June 11, 1963 (FCC 63M-675) granting petition to amend the application and accepting the amendments tendered for filing therewith;

It appearing, that the Commission may well deem the application as revised by amendment as rendering moot the issues in this proceeding in view of its showing that applicant now has a public subscriber, not directly or indirectly connected with it, to 50 percent of its proposed service; furthermore, that the Commission's Common Carrier Bureau (the only other party to this proceeding) has consented to grant of the petition for reconsideration subject to the expiration of the thirty day public notice period and the absence of any protest; and therefore that it would be a needless expenditure of time and effort to compel the parties under such circumstances to prepare for a hearing which could very well prove to be moot;

It is ordered, This 19th day of June 1963, on the Hearing Examiner's own motion, that the hearing in the above-entitled proceeding now scheduled for July 15 be and the same hereby is continued without date, and that the pre-

order on the relationships which are subject to section 408.

⁷ Such comments shall in all respects conform to the requirements of the Board's rules and practices for the filing of comments.

hearing conference scheduled for July 12 is cancelled.

Released: June 19, 1963.

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

[F.R. Doc. 63-6733; Filed, June 25, 1963;
8:58 a.m.]

[Docket No. 15037; FCC 63M-717]

K BAR J, INC.

Order Rescheduling Hearing

In re application of K Bar J, Inc., Hastings, Nebraska, Docket No. 15037, File No. BP-15171; for construction permits.

To accommodate the Hearing Examiner, counsel for the parties have consented to the acceleration to July 8, 1963, of the hearing which had been rescheduled for July 15, 1963 in an order dated June 17.

Accordingly, on the Hearing Examiner's own motion: *It is ordered*, This 18th day of June 1963, that the date for furnishing the applicant's direct affirmative written case remains at June 24, 1963, as in the June 17 order, but that the date for receipt of notification of witnesses desired for cross-examination shall be July 3, 1963 (instead of July 8), and that the hearing is scheduled for Monday, July 8, 1963, at 10 a.m. (instead of July 15, 1963).

Released: June 19, 1963.

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

[F.R. Doc. 63-6734; Filed, June 25, 1963;
8:58 a.m.]

[Docket No. 14856; FCC 63M-715]

WESTERN BROADCASTERS, INC.

Order Continuing Hearing

In re application of Western Broadcasters, Inc., Cheyenne, Wyoming, Docket No. 14856, File No. BP-13343; for construction permit.

The Hearing Examiner having under consideration a letter dated June 13, 1963 from counsel for applicant, addressed to the Hearing Examiner, and the further information supplied orally by said counsel on June 18, 1963;

It appearing, that the engineering statement supplied with an amendment to the subject application, proffered with applicant's "Petition to Amend" filed June 6, 1963, does not contain, inter alia, the KLIR measurement data which were used in calculating the soil conductivity in the area involved in the proffered amendment; and

It further appearing, that, in response to Broadcast Bureau's request for such additional data, counsel for applicant has stated that the data will be forwarded by mail not later than by June 21, 1963, by means of a supplement to the petition to amend; and

It further appearing, that, in view of the need for the data indicated, the time to file responsive pleadings to applicant's petition to amend, as to be supplemented, shall not begin to run until applicant's supplement to its petition is on file with the Commission; and

It further appearing, that commencement of hearing herein is presently scheduled for July 5, 1963, and that, in view of the pendency of the disposition of applicant's petition to amend, as to be supplemented, it appears appropriate to reschedule said hearing date:

It is ordered, This 18th day of June 1963, that hearing herein, presently scheduled to commence on July 5, 1963, is continued to 10:00 a.m., July 25, 1963.

Released: June 20, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-6735; Filed, June 25, 1963;
8:59 a.m.]

[Docket Nos. 14581, 14582; FCC 63M-720]

WIDU BROADCASTING INC. AND AL-OR BROADCASTING CO.

Order Continuing Hearing

In re applications of WIDU Broadcasting, Inc., Asheboro, North Carolina, Docket No. 14581, File No. BP-14348; W. A. Corbett, J. R. Marlowe, Roy Cox, Jr., tr/as AL-OR Broadcasting Company, Mebane, North Carolina, Docket No. 14582, File No. BP-15051; for construction permits.

The Hearing Examiner having under consideration a letter from counsel for Al-Or Broadcasting Company, dated June 19, 1963, requesting continuance of the hearing now scheduled for June 21, 1963:

It is ordered, This 19th day of June 1963, that the further hearing is continued from June 21 to July 11, 1963.

Released: June 20, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-6736; Filed, June 25, 1963;
8:59 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD.
AND LYKES BROS. STEAMSHIP CO.,
INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9209, between American President Lines, Ltd., (hereinafter referred to as "Originating Carrier") and Lykes Bros. Steamship Co., Inc., hereinafter referred to as "Delivering Car-

rier"), covers and is restricted to the transportation of cargo under through bills of lading from ports of call of the Originating Carrier in Okinawa to U.S. Gulf ports of call of the Delivering Carrier with transshipment at Yokohama or Kobe, Japan.

The agreement establishes a division of the rates to be charged for such transportation, 30 percent to originating carrier and 70 percent to delivering carrier, and provides for apportionment of the expenses of transshipment on the same basis. Each party indemnifies the other against damages resulting from loss, damage, delay or misdelivery of goods while in its possession or custody, and provision is made that any party to the agreement may terminate its participation therein upon thirty (30) days written notice to the others.

The Agreement shall not become effective until approved by the Federal Maritime Commission pursuant to section 15 of the Shipping Act, 1916, and the Maritime Administration under section II—Article 18(c) of Operating Subsidy Agreements.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: June 21, 1963.

By order of the Federal Maritime
Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-6740; Filed, June 25, 1963;
9:00 a.m.]

A/S A. O. ANDERSEN & CO.'S EFTF ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9208, between A/S A. O. Andersen & Co's, EFTF; A.O. Andersen Shipping Company A/S; Skibs-Aktieselskapet Nanset; Viriks Rederi A/S; Rederiaktiebolaget Troil tank; A/S Vigra; and, Interessentskapet Saga Sea, establishes a joint tanker service and pooling arrangement for movement of bulk liquid cargoes in the trade between all ports of the United States, its districts, territories and possessions and: (1) Ports in Great Britain, Eire, Iceland and the Continent of Northern Europe, including Scandinavia and the Baltic; (2) ports in

Portugal, Spain and ports on the Mediterranean Sea, Gulf of Taranto, Adriatic Sea and Black Sea; (3) ports in Japan, Okinawa, Korea, Formosa, Hong Kong, Vietnam, Cambodia, Thailand, Republic of the Philippines, Colony of Singapore, Federation of Malaya, Colony of Sarawak, British Protected State of Brunei, Colony of British North Borneo including Labuan, Indonesia, the Commonwealth of Australia including Tasmania, Dominion of New Zealand, Pacific and Australasian islands, Burma, Pakistan, India, Ceylon, Indian Ocean islands and ports on the Arabian Sea and the Persian Gulf; (4) ports in West, South-west, South and East Africa including the Atlantic islands of the Azores, Madeira, Canary and Cape Verde, the islands in the Gulf of Guinea, Madagascar, Reunion and Mauritius and ports on the Gulf of Aden and the Red Sea; (5) ports in Canada; and, (6) ports in Mexico, Central America, the Caribbean Sea, the West Indies and the Northern Coasts of South America, in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y. New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: June 21, 1963.

By order of the Federal Maritime
Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-6741; Filed, June 25, 1963;
9:00 a.m.]

CONTINENTAL ATLANTIC WEST- BOUND FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8210-3 between the member lines of the Continental Atlantic West-bound Freight Conference operating in the trade from Germany, The Netherlands and Belgium to United States North Atlantic ports reduces the periods constituting a suspension of service and abandonment of the trade. Under the modified agreement failure to have a sailing for a 60 consecutive-day period constitutes a suspension of service and failure to have a sailing for an additional 60 consecutive-day period consti-

tutes an abandonment of service, unless such failures are due to specified conditions all of which are beyond the carrier's control.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: June 21, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-6742; Filed, June 25, 1963;
8:45 a.m.]

MOORE-McCORMACK LINES, INC., AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9204, between Moore-McCormack Lines, Inc., and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Brazil, Argentina and Uruguay to the Virgin Islands, with transshipment at New York, Baltimore or Philadelphia. Agreement 9204, upon approval, will supersede and cancel approved Agreement 7991 between the parties in the same trade.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: June 21, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-6743; Filed, June 25, 1963;
8:45 a.m.]

MOORE-McCORMACK LINES, INC., AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9203, between Moore-McCormack Lines, Inc., and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Brazil, Argentina and Uruguay to Puerto Rico, with transshipment at Baltimore or Philadelphia. Agreement 9203, upon approval, will supersede and cancel approved Agreement 7927 between the parties in the same trade.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: June 21, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-6744; Filed, June 25, 1963;
8:45 a.m.]

STATES MARINE LINES, INC., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9207 between States Marine Lines, Inc., and Global Bulk Transport Incorporated, (as one member only), and Transocean Transport Corporation (Magsaysay Lines) covers and is restricted to the transportation of general cargo under through bills of lading from ports of the Originating Carrier (States Marine) in the Republic of the Philippines to ports of call of the On Carrier (Transocean) on the West Coast of the United States of America, with transshipment at the port of Hong Kong. Conference rates will apply to traffic within the scope of any approved Conference agreement. All other traffic shall be carried at through rates to be named by the Originating Carrier. The through rates shall be apportioned on the basis of 30 percent to States Marine and 70 percent to Transocean.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: June 21, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-6745; Filed, June 25, 1963;
8:45 a.m.]

STATES MARINE LINES, INC., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9200, between States Marine Lines Joint Service and United States Lines Company, covers and is restricted to household goods in containers moving under through government bills of lading from a port or ports in the Far East Area to port or ports on the Atlantic Coast of the United States, with transshipment at port or ports in Japan.

The through rates under this agreement will be the ocean rates established between the Military Sea Transportation Service and the parties hereto, and applicable at the time of shipment, apportioned on the basis of 30 percent to the initial carrier (States Marine) and 70 percent to United States Lines.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: June 21, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-6746; Filed, June 25, 1963;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Project 2269, 2271]

CALAVERAS COUNTY WATER DISTRICT AND TUOLUMNE COUNTY WATER DISTRICT NO. 2

Notice of Postponement of Hearing

JUNE 18, 1963.

Upon consideration of the telegraphic requests filed by Calaveras County Water District and Tuolumne County Water District No. 2 on June 14, 1963, and June 17, 1963, respectively, for postponement of the hearing now scheduled to commence on June 25, 1963, by the Commission's order issued June 4, 1963, in the above-designated matter;

Take notice that said hearing is postponed to September 15, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-6671; Filed, June 25, 1963;
8:46 a.m.]

[Docket No. CP63-266]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

JUNE 18, 1963.

Take notice that on March 26, 1963, as supplemented on April 12, 1963, The Ohio Fuel Gas Company with its principal place of business in Columbus, Ohio, filed in Docket No. CP63-266 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of transmission facilities necessary to provide additional points of delivery for rendition of service to new industrial customers, during the Calendar Year 1963 all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that normally, industrial customers are served from distribution systems, but that from time to time Applicant is requested to serve additional industrial customers where transmission facilities provide the most economical and desirable source of supply. In order to expedite planning, reduce time and related expense of extending service, and to reduce the volume of applications, Applicant seeks authority herein for the installation of routine budget-type facilities such as main line taps or value settings, lateral lines, and measuring and regulating equipment, all for the extension of service to miscellaneous directly-connected industrial customers.

The application further states that no facilities constructed as a result of authorization in this docket will be used to furnish boiler fuel service to any electric power company for the generation of electricity.

The cost of the facilities to be constructed by Applicant shall be limited to \$100,000 for any one project, with a maximum of \$425,000 covering the en-

tire construction. Estimated deliveries shall be limited to 600,000 Mcf annually for any individual customer, and 1,200,000 Mcf annually for all customers connected hereunder.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 1, 1963, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 17, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-6675; Filed, June 25, 1963;
8:48 a.m.]

[Docket No. G-11180]

EMERALD OIL & CARBONIC CO. ET AL.

Notice of Application

JUNE 19, 1963.

Take notice that on October 1, 1956, Holland-American Petroleum Corporation (Holland-American) filed in Docket No. G-11180 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale of natural gas to Texas Eastern Transmission Corporation from the Salem Field, Victoria County, Texas, initiated by Kirkwood and Company (Operator), et al. (Kirkwood), and authorized in Docket No. G-10181. Take further notice that on April 5, 1957, Emerald Oil & Carbonic Company (Operator), et al. (Applicant), filed in Docket No. G-11180 an application to be substituted as applicant in the pending certificate application in Docket No. G-11180 to continue the service initiated by Kirkwood.

The application filed in Docket No. G-11180 also requests authorization to continue sales other than those authorized in Docket No. G-10181. These successions will be the subject of other proceedings. The sale involved in the

instant proceeding is presently being made pursuant to Emerald Oil & Carbonic Company (Operator), et al., FPC Gas Rate Schedule No. 2, as supplemented, which was formerly¹ Holland-American Petroleum Corporation (Operator), et al., FPC Gas Rate Schedule No. 9, as supplemented.²

The subject filings in Docket No. G-11180 reflect the acquisition of Kirkwood's interest by Holland-American, the partial acquisition by Applicant of the interest owned by a non-operator (G. A. Musselman), and Applicant's assumption of the operation of the subject properties.

The subject sale is being made at a rate of 10.92096 cents per Mcf at 14.56 psia.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 18, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-6672; Filed, June 25, 1963;
8:46 a.m.]

[Docket No. G-2843 etc.]

FAIN & McGAHA ET AL.

Findings and Order Issuing Certificates of Public Convenience et al.; Correction

JUNE 7, 1963.

Fain & McGaha, et al., Docket No. G-2843, et al.; Gulf Oil Corporation (Operator), et al., Docket No. G-17019; Valley Gas Production, Inc., Docket No. CI61-1318, et al.

In the findings and order issuing certificates of public convenience and necessity, amending orders issuing certificates, accepting FPC Gas Rate Schedules for filing, rejecting Supplement to FPC Gas Rate Schedules, dismissing applications, terminating certificates, cancelling docket numbers, severing docket, and consolidating docket, issued May 20, 1963 and published in the FEDERAL REGISTER on June 1, 1963 (F.R. Doc. 63-5770; 28 F.R. 5445-5448) make the following changes:

Page 5446—In caption, near bottom of page, last paragraph in third column, and also on page 5447 in the sixth paragraph of Ordering clause (D) change Docket No. "G-19618" to "G-19631".

Page 5446, third column, correct last sentence of second complete paragraph from top of page to read: "This agreement is subject to changes in rate, as provided under the basic rate schedule, other than those permitted by section 154-93 of the Commission's regulations under the Natural Gas Act; and therefore, such changes in rate under such provisions, applicable to the amendatory agreement, will be rejected."

¹ Redesignated by letter dated October 2, 1957.

² Formerly Kirkwood and Company (Operator), et al., FPC Gas Rate Schedule No. 11, as supplemented.

Page 5447, second column, correct paragraph (10) of "The Commission finds:" to read:

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC Gas Rate Schedules and/or Supplements thereto set forth in paragraph (K) below should be accepted for filing to be effective on the dates indicated and that the changes in rate, filed by Applicant in Docket No. G-17019 in an amendatory agreement dated May 9, 1961, as a supplement to its FPC Gas Rate Schedule No. 150, should be rejected.

Page 5448, correct paragraph (J) of the Ordering Clause to read:

(J) The changes in rate, filed by Applicant in Docket No. G-17019 in an amendatory agreement May 9, 1961, as a supplement to its FPC Gas Rate Schedule No. 150, are hereby rejected.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-6673; Filed, June 25, 1963;
8:47 a.m.]

[Docket No. CP61-96 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Applications, Consolidation, and Date of Hearing

JUNE 18, 1963.

Natural Gas Pipeline Company of America, Docket No. CP61-96; Austral Oil Company Incorporated, Docket No. CI61-427; The Atlantic Refining Company, Docket No. CI61-482; Blanco Oil Co. (Operator), et al., Docket No. CI61-618; Killam & Hurd, Docket No. CI61-626; Katz Oil Company, Docket No. CI61-631; Texaco Inc., Docket No. CI61-677.

Take notice that applications for certificates of public convenience and necessity have been filed in the above-captioned proceedings, pursuant to section 7(c) of the Natural Gas Act, authorizing the respective applicants therein to engage in the transportation and sale of natural gas, subject to the jurisdiction of the Commission, and to construct and operate certain natural gas facilities necessary therefor, all as hereinafter described and as more fully represented in the applications which are on file with the Commission and open for public inspection.

Natural Gas Pipeline Company of America (Natural), a Delaware corporation with principal place of business in Chicago, Illinois, filed its application in Docket No. CP61-96 on September 30, 1960, as amended October 7 and 17, 1960. Natural seeks a certificate authorizing it to construct and operate 50 miles of 20-inch and 4.5 miles of 6-inch lateral supply line extending from the terminus of its existing 26-inch pipeline in Jim Wells County, Texas to the Thompsonville and Taquachie Creek Areas in Zapata, Jim Hogg and Webb Counties, Texas, together with two meter stations at centrally located points in the above-mentioned areas. These facilities will be

used for the purpose of enabling Natural to take gas which it proposes to purchase from various producers in the area. The estimated total cost of the proposed construction is stated to be \$3,233,000 and is to be financed from funds on hand. Temporary authorization to construct and operate the instant facilities was issued to Natural on November 25, 1960, and, according to required filing subsequently made on April 10, 1961, said facilities were completed and placed in operation on March 30, 1961.

Austral Oil Company Incorporated (Austral) by application filed in Docket No. CI61-427 on September 19, 1960, The Atlantic Refining Company (Atlantic) by application filed in Docket No. CI61-482 on September 26, 1960, Blanco Oil Co. (Operator), et al. (Blanco) by application filed in Docket No. CI61-618 on October 20, 1960, Killam & Hurd (Killam) by application filed in Docket No. CI61-626 on October 21, 1960, Katz Oil Company (Katz) by application filed in Docket No. CI61-631 on October 24, 1960, and Texaco Inc. by application filed in Docket No. CI61-677 on October 28, 1960, each seek a certificate authorizing the sale of natural gas in interstate commerce from Texas Railroad Commission District No. 4 to Natural Gas Pipeline Company of America for resale. The gas sales contracts involved cover the sale of gas from the Northeast Thompsonville and Taquachie Creek Areas, Webb, Zapata and Jim Hogg Counties, Texas, and each bear the date of September 1, 1960. These contracts provide for the sale of gas at an initial base price of 18.5 cents per Mcf at 14.65 psia plus 1.295 cents per Mcf for reimbursement of the Texas Occupation Tax plus 0.25 cent per Mcf for dehydration of the gas. Pending the determination of the instant applications for permanent certificates and without prejudice to such final disposition as the record may require, temporary certificates were issued to each of these seller-applicants on November 25, 1960, upon condition, inter alia, that the price for the instant gas not exceed 18 cents per Mcf at 14.65 psia including tax reimbursement and dehydration. The FPC Gas Rate Schedule designations for the instant contracts are: Austral No. 14, Atlantic No. 224, Blanco No. 9, Killam No. 1, Katz No. 7 and Texaco No. 228.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 23, 1963 at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and pro-

cedure (18 CFR 1.8 or 1.10) on or before July 9, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-6674; Filed, June 25, 1963;
8:48 a.m.]

[Docket No. E-7108]

PACIFIC POWER & LIGHT CO.

Notice of Application

JUNE 18, 1963.

Take notice that on June 13, 1963 an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, California, Montana and Idaho, with its principal business office at Portland, Oregon, seeking authorization to issue and to sell at competitive bidding \$30,000,000, principal amount of First Mortgage Bonds, ----- percent, Series due 1993 (New Bonds) and 100,000 shares of a new series of its Serial Preferred Stock, cumulative, par value \$100 per share (New Preferred Stock). Applicant states that the New Bonds will be dated August 1, 1963 and will be due thirty years from that date. The interest rate and the price to Applicant will be determined by competitive bidding. The New Bonds will be issued under Applicant's Mortgage and Deed of Trust, dated as of July 1, 1947, to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York) and Oliver R. Brooks (Wesley L. Baker, successor) as Trustees, as heretofore supplemented and as to be further supplemented by a Sixteenth Supplemental Indenture to be dated as of August 1, 1963. The New Preferred Stock will be entitled to cumulative dividends at the rate per annum to be fixed by competitive bidding, and the holders thereof will be entitled to one vote for each share held together with certain additional voting privileges during any periods when preferred stock dividends may be in arrears.

Included among the outstanding securities of the Company are (a) 90,000 shares of 6.16 percent Serial Preferred Stock of the par value of \$100 per share which were issued pursuant to authority granted by the Commission by orders dated December 21, 1956 and January 9, 1957 in Docket No. E-6713; (b) certain unsecured promissory notes due on or before March 31, 1964 which were issued under a Credit Agreement, dated August 15, 1961, as amended by a letter agreement, dated August 14, 1962, pursuant to authority granted by the Commission by order dated October 15, 1962 in Docket No. E-7052 (\$13,000,000 of said notes were outstanding at April 30, 1963 and an additional \$14,000,000 thereof are expected to be issued prior to the consummation of the financing to which this application relates); and (c) \$17,996,000 of unsecured promissory notes due December 31, 1963 which were issued under a Credit Agreement, dated September 21, 1962, pursuant to author-

ity granted by the Commission by order dated November 19, 1962 in Docket No. E-7061.

The Applicant further states that it proposes (1) to apply, to the extent necessary, the net proceeds from the sale of the New Bonds to the retirement of the \$17,996,000 of short-term unsecured promissory notes which are presently outstanding under said September 21, 1962 Credit Agreement; (2) to apply, to the extent necessary, the net proceeds from the sale of the New Preferred Stock to the redemption, at 106.625 percent of the par value thereof plus unpaid accumulated dividends to the date of redemption, of its 90,000 presently outstanding shares of 6.16 percent Serial Preferred Stock of the par value of \$100 per share; and (3) to apply the remaining net proceeds from the sale of the New Bonds and the New Preferred Stock to the retirement of approximately \$13,000,000 of the estimated \$27,000,000 of short-term unsecured promissory notes which are expected to be outstanding under said August 15, 1961 Credit Agreement, as amended, at the time of the consummation of the issuance and sale of the New Bonds and the New Preferred Stock. Any amounts required for such purposes not provided through the issuance and sale of the New Bonds and New Preferred Stock will be provided from treasury funds.

The August 15, 1961 Credit Agreement as amended, provides that the Applicant shall have the right to borrow, repay and reborrow thereunder from time to time up to March 31, 1964 amounts which may not exceed \$45,000,000 at any one time outstanding. Since the above-mentioned retirement of \$13,000,000 of the notes presently outstanding thereunder will reduce the amounts of notes to be outstanding thereunder to \$14,000,000, the Applicant's borrowing capacity under said revolving credit following the retirement of said \$13,000,000 of notes will be \$31,000,000. The Applicant's construction expenditures for 1963, are estimated at \$57,200,000 (of which \$12,500,000 had been expended to April 30, 1963), and the Applicant proposes to finance said construction expenditures through additional borrowings under the August 15, 1961 Credit Agreement, as amended, supplemented by funds to be generated internally. It is expected that permanent financing, the nature and timing of which have not yet been determined, will be required by not later than the first quarter of 1964.

The principal items of Applicant's 1963 construction program are described as follows: \$18,500,000 for the partial completion of the Dave Johnson Steam Plant; \$2,000,000 toward the construction of the 230/500 kv transmission line from Stephens Butte, California to Keno, Oregon; \$650,000 for the completion of Applicant's portion of Walla Walla, Washington-Wanapum Line; \$1,300,000 for the completion of the 230 kv transmission line from Rock Springs, Wyoming to Flaming Gorge Project in

Utah; \$700,000 for the construction of the 230 kv transmission line from Muddy Ridge, Wyoming to Thermopolis, Wyoming; \$1,235,000 for the completion of the 230 kv transmission line from Fran-nie, Wyoming to Oregon Basin, Wyoming via Garland Dome; \$850,000 for the completion of the Walla Walla substation; and \$16,440,000 for electric distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 10, 1963, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-6676; Filed, June 25, 1963;
8:48 a.m.]

[Docket No. CP63-274]

PENNSYLVANIA GAS CO.

Notice of Application and Date of Hearing

JUNE 19, 1963.

Take notice that on April 5, 1963, as supplemented on April 22, 1963, Pennsylvania Gas Company with its principal place of business at 213 Second Avenue in the Borough of Warren, Pennsylvania, filed in Docket No. CP63-274 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional gas compressor and connecting facilities within an existing storage area in Summit Township, Erie County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is presently operating an underground storage facility and connecting pipe lines in Summit Township, Erie County, Pennsylvania, known as "Summit Storage", where it has installed one 440 horsepower vertical gas-driven compressor presently used to inject volumes of natural gas into the reservoir. Because of the heavy consumer demand during the past winter season the reservoir must be refilled so as to be at optimum capacity for the 1963-64 winter demands. The single compressor now installed at Summit Storage does not have sufficient capacity to refill the storage during the relatively short summer period when gas is available for storage. Applicant seeks authority to install another 440 horsepower compressor unit and connecting facilities, enabling a greater utilization of the storage capacity by removing more of the stored gas when needed and also allowing Applicant to refill the reservoir during offpeak periods to its full capacity. Should the

present compressor become inoperable for any reason, it would seriously hinder Applicant's ability to refill the reservoir at the proper times.

The estimated total cost of construction is \$140,000 to be financed from depreciation accruals and retained earnings.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 31, 1963, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 16, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-6677; Filed, June 25, 1963;
8:48 a.m.]

[Docket No. G-4814, etc.]

M. F. POWERS ESTATE

Notice of Petition To Amend

JUNE 18, 1963.

M. F. Powers Estate, (Successor to M. F. Powers), Docket Nos., G-4814, G-4815, G-4816, G-4817, G-4818, G-4819, G-8869, G-11474, G-11724, G-16787.

Take notice that on November 30, 1962, Maurice Powers Hanney and the National Bank of Tulsa (Petitioners) filed in the aforementioned dockets a petition to amend the orders issuing certificates in said dockets to reflect Petitioners as successors to the interests of M. F. Powers, deceased, by virtue of their appointment as co-executors of the estate of said M. F. Powers, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The details of each certificate are as follows:

Docket No.	Purchaser	Location	Price (cents/ Mcf)	Pressure (psia)
G-4814	Colorado Interstate Gas Co.	Hugoton Field, Kearny County, Kans.	12.5	14.65
G-4815, G-11474, and G-11724	Cities Service Gas Co.	do.	11.0	16.4
G-4816, G-4817, G- 4819, and G-8869	Kansas-Nebraska Natural Gas Co., Inc.	do.	11.0	14.65
G-4818	Texas Gas Transmission Corp.	Carthage Field, Panola County, Tex.	11.6288	14.65
G-16787	Michigan-Wisconsin Pipe Line Co.	Laverne Field, Harper County, Okla.	17.0	14.65

¹ Subject to refund in Docket No. G-20084.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 12, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-6678; Filed, June 25, 1963;
8:48 a.m.]

[Docket Nos. E-7106, E-7107]

SOUTHERN CALIFORNIA EDISON CO. AND CALIFORNIA ELECTRIC POWER CO.

Notice of Applications

JUNE 18, 1963.

Take notice that on June 11, 1963, a joint application (Docket No. E-7106) was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by the Southern California Edison Company (Edison), incorporated under the laws of the State of California and doing business in the States of California, Arizona and Nevada, with its principal business office at Los Angeles, California, and California Electric Power Company (California Electric) incorporated under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at San Bernardino, California requesting authority for a proposed merger. In a related application (Docket No. E-7107) filed on the same day pursuant to section 204 of the Federal Power Act, California Electric seeks authority to issue Promissory Notes in an aggregate principal amount of \$17,000,000.

Edison is engaged in the generation, purchase, transmission, distribution and sale of electric energy in parts of southern California. California Electric is engaged in the generation, purchase, transmission, distribution, and sale of electric energy in parts of southeastern California and southwestern Nevada.

The application indicates that the total assets and other debits as of March 31, 1963, were for Edison, \$1,537,683,744.16 and for California Electric, \$182,232,271.22.

According to the application, California will use the proceeds from the proposed issuance of Promissory Notes to redeem all of the outstanding shares of its \$2.50 Cumulative Preferred Stock, 6 percent Cumulative Preferred Stock and 5.75 percent Cumulative Preferred Stock prior to the record date to be selected for determining the shareholders who

will be entitled to vote upon the adoption of the Merger Agreement. Of its preferred stock, only the noncallable \$3 Preferred Stock will remain outstanding.

Under the terms of the Merger Agreement dated May 16, 1963, when the Merger Agreement becomes effective, the separate existence of California Electric will cease and Edison will succeed to all the rights and properties and be responsible for all debts, liabilities and obligations of California Electric. The Merger Agreement provides that each share of California Electric's Common Stock par value of \$1 may be exchanged for 0.95 shares of Common Stock par value \$8½ of the Surviving Corporation. Each share of the California Electric's \$3 Cumulative Preferred Stock par value \$50 outstanding at the effective date of the merger may be exchanged for three shares of Cumulative Preferred Stock, 4.78 percent Series, \$25 par, per share, of the Surviving Corporation.

According to the application, the bases upon which shares of the Preferred and Common Stock of California Electric are proposed to be exchanged for shares of the Preferred and Common Stock of the Surviving Corporation were arrived at as a result of arm's-length negotiations between the managements of the respective companies.

According to the application the proposed merger will result in better use of existing and future power resources of the two companies, including, as a result of completely integrated operation, the full advantages of diversities of resources and seasonal peaks of the two presently independent systems with consequent savings in both capital and operating costs.

The \$17,000,000 aggregate principal amount of Promissory Notes will be issued to the Bank of America National Trust and Savings Association in accordance with the terms of a Loan Agreement dated May 31, 1961 and will mature in less than 12 months from the date of issue.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 15th day of July 1963, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-6679; Filed, June 25, 1963;
8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF ADMINISTRATION, REGION II (PHILADELPHIA)

Designation

The officer appointed to the following position in Region II (Philadelphia) is hereby designated to serve as Acting Regional Director of Administration, Region II, during the absence of the Regional Director of Administration, with all the powers, functions, and duties delegated or assigned to the Regional Director of Administration:

1. Head, Budget and Management Section, Administrative Branch.

This designation supersedes the designation effective August 28, 1962 (27 F.R. 8962, September 8, 1962).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 26th day of June 1963.

[SEAL]

WARREN P. PHELAN,
Regional Administrator,
Region II.

[F.R. Doc. 63-6750; Filed, June 25, 1963;
8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

FEDERAL DISASTER ASSISTANCE

Notice of Minimum State and Local Expenditures

Issued pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763 and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to State and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of the requirements of § 1710.15 of the Office of Emergency Planning Federal Disaster Assistance Regulations (27 F.R. 8789), reading in part as follows:

(a) Federal assistance under Public Law 875 in any State will be available only after the Governor of that State certifies that the total of State and local expenditures and obligations (or resources utilized) by the government of each State, local government thereof, or other agencies (over and above their normal expenditures) for disaster relief purposes exceeds an amount published by the Director as the minimum for that State in that disaster and for all disasters during the twelve-month period immedi-

ately preceding the request for assistance under Public Law 875.

The following schedule of minimum State and local expenditures and obligations shall be effective July 1, 1964:

\$350,000 MINIMUM

Alaska.	Puerto Rico.
Hawaii.	South Dakota.
Idaho.	Vermont.
Nevada.	Virgin Islands.
New Hampshire.	Wyoming.
North Dakota.	

\$750,000 MINIMUM

Arizona.	Mississippi.
Arkansas.	Montana.
Delaware.	New Mexico.
District of Columbia.	Rhode Island.
Maine.	Utah.

\$1,500,000 MINIMUM

Alabama.	Oklahoma.
Colorado.	Oregon.
Kansas.	South Carolina.
Kentucky.	West Virginia.
Nebraska.	

\$2,000,000 MINIMUM

Connecticut.	Minnesota.
Florida.	North Carolina.
Georgia.	Tennessee.
Iowa.	Virginia.
Louisiana.	Washington.
Maryland.	

\$2,750,000 MINIMUM

Indiana.	Missouri.
Massachusetts.	Wisconsin.

\$3,500,000 MINIMUM

Michigan.	Ohio.
New Jersey.	Texas.

\$4,000,000 MINIMUM

Illinois.	Pennsylvania.
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\$5,000,000 MINIMUM

California.	New York.
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The schedule of minimum State and local expenditures and obligations now in effect (24 F.R. 2759, 25 F.R. 9625, 26 F.R. 4301, 27 F.R. 6280) shall remain in effect until June 30, 1964.

Expenditures and obligations (or resources utilized) for disaster relief purposes, as used herein, are those which are over and above normal expenditures. Expenditures for usual recurring emergency costs in fire fighting; snow removal; street, road, and bridge maintenance; mosquito control, etc., from regular appropriations for these purposes, are considered to be normal expenditures.

Dated: June 5, 1963.

EDWARD A. McDERMOTT,

Director,

Office of Emergency Planning.

[F.R. Doc. 63-6694; Filed, June 25, 1963; 8:51 a.m.]

No. 124—11

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4150]

GEORGIA POWER CO.

Notice of Proposed Acquisition of Utility Assets by Long-Term Lease With Option To Purchase

JUNE 20, 1963.

Notice is hereby given that Georgia Power Company ("Georgia"), Electric Building, Atlanta 3, Georgia, an exempt holding company and a public-utility subsidiary company of The Southern Company, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") and has designated sections 9 and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the proposed transaction which is summarized below.

Georgia proposes to acquire by lease for a term of 25 years all the electric distribution facilities of Plant Telephone and Power Company, Inc. ("Plant"), a nonaffiliated Georgia corporation, at a monthly rental of \$958.33. The lease agreement also gives Georgia an option to purchase said electric distribution facilities at the termination of the lease at a price of \$108,000, subject to adjustment for any additions prior to the effective date of the lease agreement. The option price of \$108,000 represents the original cost of the properties, less depreciation, as of May 3, 1963. The application states that Georgia desired an outright purchase of the electric distribution facilities, that Plant preferred a leasing arrangement, and that the lease agreement resulted from arm's-length bargaining.

Plant is primarily engaged in a telephone business in southwestern Georgia; however, since 1931, it and its predecessors have operated an electric distribution system now serving approximately 375 customers located in Worth County, Georgia. The electric distribution systems of Plant and Georgia are not presently interconnected, but Georgia has transmission facilities in the immediate vicinity which will be connected with the leased distribution system on the effective date of the lease.

Georgia expects that its operation of Plant's electric facilities will result in greater economies of operation and greater dependability of service, and will permit more efficient utilization and expansion of facilities. Georgia states that the electric sales and income before

taxes of the Plant electric property are estimated at 1843 M-Kwh. and \$7,800, respectively, for the year 1963; and anticipates that, as part of Georgia's electric system, future electric sales and income from the leased property will increase substantially. The uniform rate schedule of Georgia will be applied to the new territory, resulting in lower commercial rates and, with possible minor exceptions, lower residential rates.

The application states that expenses incident to the proposed transaction will be less than \$500 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed acquisition.

Notice is further given that any interested person may, not later than July 12, 1963, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

ORVAL L. DuBois,
Secretary.

[F.R. Doc. 63-6682; Filed, June 25, 1963; 8:49 a.m.]

[File No. 70-4151]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Issuance of Notes to Banks

JUNE 18, 1963.

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), One Woodward Avenue, Detroit 26, Michigan, a nonutility subsidiary company of American Natural Gas Company, a registered holding company, has filed an application with this

Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Michigan Wisconsin proposes to issue to a group of banks, from time to time commencing on July 31, 1963, up to an aggregate of \$24,000,000 face amount of promissory notes. The notes will be dated as of the date of issuance and will mature on July 30, 1964. They will be issued in varying amounts and at various dates as funds are required by the company. Each note will bear interest at the prime rate (presently $4\frac{1}{2}$ percent per annum) of First National City Bank, New York, New York ("First National"), in effect on the date of each borrowing, and the interest rate will be adjusted to the prime rate in effect at First National at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty.

The proposed notes will be issued to the banks, and in the maximum respective amounts, shown below:

Name of bank	Amount of commitment (in thousands)
First National City Bank, New York, N.Y.	\$9, 000
National Bank of Detroit, Detroit, Mich.	7, 500
Manufacturers Hanover Trust Co., New York, N.Y.	3, 500
Mellon National Bank & Trust Co., Pittsburgh, Pa.	2, 000
First Wisconsin National Bank of Milwaukee, Milwaukee, Wis.	1, 500
Marine National Exchange Bank of Milwaukee, Milwaukee, Wis.	500
Total	24, 000

Michigan Wisconsin proposes to use the proceeds, together with treasury funds, to retire \$17,500,000 of outstanding notes, incurred to finance its 1962 construction program, and to finance its 1963 construction program estimated at \$7,500,000.

The application states that the company's expenses incident to the proposed issuance of notes is estimated at \$1,000 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 15, 1963, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of

service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 63-6681; Filed, June 25, 1963;
8:49 a.m.]

TARIFF COMMISSION

[AA1921-29]

HOT-ROLLED CARBON STEEL WIRE RODS FROM WEST GERMANY

Determination of no Injury or Likelihood Thereof

JUNE 21, 1963.

On April 2, 1963, the Tariff Commission received advice from the Treasury Department that "hot-rolled carbon steel wire rods from West Germany are being, or are likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act." Accordingly, the Commission, on April 4, 1963, instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public notice of the institution of the investigation and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER (28 F.R. 3463). The hearing was held on May 14, 1963.

In arriving at a determination in this case, due consideration was given by the Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously¹ determined that an industry in the United States is not being, and is not likely to be injured, or prevented from being established, by reason of the importation of hot-rolled carbon steel wire rods from West Germany, sold at less than fair value, within the meaning of the Antidumping Act, 1921, as amended.

*Statement of reasons.*² The wire rods here considered are semifinished articles

¹ Commissioner Schreiber did not participate in this determination because of absence.

² The basis for the Commission's decision in this case is essentially the same as in the case pertaining to imports of hot-rolled carbon steel wire rods from Belgium, the report on which was issued on June 19, 1963.

made by passing heated billets through a series of reducing rolls. Most wire rods range between $\frac{3}{32}$ and $\frac{1}{4}$ inches in diameter and are generally marketed in coils. The characteristics of wire and wire products made from such rods depend not only upon the drawing and other operations employed but also upon the kind of steel from which the rods are made.

The bulk of the steel produced in the United States for use in making wire rods is made by the basic open-hearth process, but some is made by other processes. Steel for wire rods is produced by the same processes abroad, but some such steel, particularly in European countries, is made by the Thomas, or basic Bessemer, process. The Thomas process has never been used commercially in the United States.

Thomas wire rods are not as suitable as open-hearth wire rods for conversion into the finer gages of wire or for conversion into wire used for certain purposes. For this reason, as well as for others, prices of Thomas wire rods generally are significantly lower than those of open-hearth rods. It is estimated that in the period 1960-62 Thomas rods accounted for about 17 percent of steel wire rods imported from all countries, for about 20 percent of those imported from West Germany, and for 35 to 45 percent of those imported from Belgium, Luxembourg, West Germany, and France combined.³

"Average unit value" price comparisons between imported and domestic wire rods must be interpreted with caution because, inter alia, (1) imports from the aforementioned four countries consist mostly of industrial quality rods, principally of the open-hearth variety but in considerable proportion of Thomas rods; (2) imports from Japan consist solely of open-hearth rods, including industrial and extra-quality grades; and (3) domestic rods consist principally of open-hearth rods having a wide range of qualities.

In assessing the impact on domestic industry of imports of West German hot-rolled carbon steel wire rods sold at less

The Commission calls attention, however, to the following differences between the two cases: (1) Aggregate imports of such rods were substantially greater from West Germany than from Belgium; (2) whereas 60 to 70 percent of the imports from West Germany sold at less than fair value consisted of open-hearth quality rods, less than 15 percent of imports from Belgium sold at less than fair value were of that type; and (3) although the "margin of difference" (see footnote p. 4) varied considerably in the case of wire rod imported from West Germany, the weighted average margin of difference was smaller for the imports from West Germany than for those from Belgium.

³ The Treasury Department found sales of hot-rolled carbon steel wire rods at less than fair value not only from West Germany but also from Belgium (notice received Mar. 19, 1963), from Luxembourg (Mar. 21, 1963), and from France (May 29, 1963). The Treasury concluded its investigation of imports of wire rods from Japan on May 6, 1963, after having found no evidence of sales from that source at less than fair value. There are no other wire rod cases pending before the Treasury Department at this time.

than fair value (LTFV), the Commission took into account the following factors:

1. The ratio of the combined LTFV imports from Belgium, Luxembourg, West Germany, and France to total U.S. imports;

2. The ratio of aggregate imports from those four countries to imports from all countries (including imports not sold at less than fair value from such countries);

3. The share of total LTFV imports supplied by West Germany;

4. The "margin of difference"⁴ applicable to the LTFV imports from West Germany;

5. The U.S. market prices of the rods imported from West Germany at less than fair value in relation to the corresponding prices of comparable rods imported from Japan and all other suppliers of imported wire rods entered at not less than fair value;

6. The comparative volume of sales of the above-mentioned rods from West Germany, from Japan, and from other foreign countries;

7. The existing and prospective capacity of rod mills in West Germany;

8. Domestic producers' prices of steel wire rods sold in the open market during the past several years;

9. The volume of aggregate sales of domestic steel wire rods during the same period; and

10. The trend in recent years of U.S. production of wire rods, including that used by captive mills.

The Commission recognizes that the large quantities of imported wire rods marketed in the United States at prices substantially below those for domestic rods have disturbed the integrated domestic producers of wire rods, wire, and wire products. Such disturbance cannot properly be taken into account under the Antidumping Act unless attributable in significant part to imports of wire rods sold at less than fair value. LTFV imports, however, have not been a significant factor in the situation. The significant factor has been the large volume of imports of wire rods from countries that have not been found to be selling at less than fair value, particularly those from Japan, which Treasury specifically found were not being sold at less than fair value.

Whether importers of rods from Japan or other countries, including West Germany, initiated price reductions at any particular time or place in the United States is immaterial in view of the dominant proportion of the total imports that were sold at fair value and at prices little, if any, different from those that were sold at less than fair value.

The Commission's finding that injury to the domestic industry could not be assigned to LTFV imports of wire rods from West Germany is applicable whether the domestic industry is conceived of in narrow terms or in broad terms.

⁴ The "margin of difference" is the difference between the foreign market value of an article and the price at which that article is sold for export to the United States. The margins found by the Treasury Department to exist in the present case are not public information.

Therefore the Commission does not feel called upon to delineate the precise scope of the industry. The Commission deems it appropriate, however, to comment on certain concepts advanced by complainants⁵ concerning the scope of the domestic industry that they claim is being, or is likely to be, injured by the LTFV imports of rods from West Germany.

The complainants contend that this industry is coextensive with the production of wire rods for sale in the market, i.e., they exclude the portion used by the manufacturers in their own integrated mills. Further, they contend that each of four geographic areas of the United States that they describe (the boundaries of which vary seasonally) constitute a separate "industry" within the meaning of the Antidumping Act.

With regard to "captive" production, the Commission observes that no domestic producer of wire rods is without facilities for using rods in a captive wire mill. Some 70 to 75 percent of the total domestic production of such rods is in fact used in captive mills, with the result that only 25 to 30 percent of the domestic production is sold to "arms-length" customers. Moreover, the determination of the quantity of rods to be produced and the proportion thereof to be used in captive mills, as well as the pricing policies relating to market sales, are almost fully within the managerial discretion of the domestic producers. The Commission consequently finds no merit in the complainants' contention that the output of an article by integrated producers does not embrace the totality of such output but merely the share sold in the market.

With regard to the "regional industry" claim, the Commission recognizes the propensity of users to buy from the lowest priced suppliers. It recognizes also that domestic producers of such articles as wire rods can generally supply nearby users at lower costs than can the more distant domestic producers. Nevertheless, virtually all such domestic producers, in greater or lesser degree, regularly penetrate one another's "natural" markets. Moreover, both the buyers and sellers in each of such markets take vigilant note of the happenings in each of the other of such markets. Accordingly, in the case of wire rods, the Commission finds no merit in the "regional industry" concept.

The foregoing observations on industry concepts advanced by the complainants should not be construed as Commission subscription to those advanced by the importers.

The Commission's determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

⁵ Bethlehem Steel Co., Colorado Fuel and Iron Corp., Detroit Steel Corp., Armco Steel Corp., Jones and Laughlin Steel Corp., Republic Steel Corp., Youngstown Sheet and Tube Co. joined in the complaint on Nov. 14, 1962, and the Pittsburgh Steel Co., on Feb. 8, 1963. These eight concerns accounted for less than half of the domestic production and also less than half of the total shipments (open market sales) of hot-rolled carbon steel wire rods in 1962. At least nine other domestic producers, including the largest single domestic producer, did not join in the complaint.

By the Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 63-6692; Filed, June 25, 1963; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562, Amdt. 12 to Taylor's I.C.C. Order 136]

RUTLAND RAILROAD CORP.

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 (Rutland Railroad Corporation) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 31, 1963 unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1963, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 21, 1963.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[SEAL]

[F.R. Doc. 63-6729; Filed, June 25, 1963; 8:57 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 21, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 16397, filed May 22, 1963. Applicant: JULIAN BELEW, doing business as CHARLOTTESVILLE-FARMVILLE BUS LINE, 422 Putney Street, Farmville, Va. Applicant's attorney: Raymond H. Warns, Box 1191, Charlottesville, Va. Certificate of public convenience and necessity sought to operate as follows: Transportation of passengers, baggage, light express, mail and newspapers in regular route operations between Farmville and Blackstone, Va., over U.S. Highway 460, serving all intermediate points.

HEARING: September 17, 1963, at 10 a.m., Courtroom, Blanton Building, Richmond, Va.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Virginia State Corporation Commission, Post Office Box 1197, Richmond 19, Va., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-6730; Filed, June 25, 1963;
8:57 a.m.]

[Notice 260]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 21, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 936 (Deviation No. 1), VALLEY MOTOR LINES, INC., 1220 West Washington Boulevard, Montebello, Calif., filed June 10, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Los Angeles, Calif., at the intersection of U.S. Highways 101 and 99 (also known as the intersection of the Santa Ana Freeway and the Golden State Freeway), two miles southeast of Los Angeles Civic Center over U.S. Highway 101 to Gilroy, Calif., and return over the same route,

for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Sacramento, Calif., over U.S. Highway 99 to junction California Highway 198, thence over California Highway 198 to Visalia, Calif.; from San Francisco, Calif., over U.S. Highway 101 to Gilroy, thence over California Highway 152 to junction U.S. Highway 99; from junction California Highway 198 and U.S. Highway 99 over U.S. Highway 99 to Tulare, Calif.; and from Bakersfield, Calif., over U.S. Highway 99 to Tulare, and return over the same routes.

No. MC 2202 (Deviation No. 62), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron 9, Ohio, filed June 13, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo over Interstate Highway 280 to junction Ohio Highway 120 near the Ohio Turnpike, thence over Ohio Highway 120 to junction U.S. Highway 20, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo over U.S. Highway 24 to Maumee, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 120, and return over the same route.

No. MC 22167 (Deviation No. 4), CONSOLIDATED COPPERSTATE LINES, 1220 West Washington Boulevard, Montebello, Calif., filed June 10, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 99 and California Highway 111 at Coachella, Calif., over California Highway 111 to Brawley, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Los Angeles Harbor and Long Beach, Calif., over city streets to Los Angeles, Calif., thence over U.S. Highway 99 to El Centro, Calif., thence over U.S. Highway 80 to Gila Bend, Ariz., thence over Arizona Highway 84 to Tucson, Ariz., thence over U.S. Highway 80 to Douglas, Ariz., and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 1501 (Deviation No. 131), THE GREYHOUND CORPORATION (Southern Greyhound Lines Division), 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed June 13, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* and their baggage, over deviation routes as follows: (A) From Miami, Fla., over Interstate Highway 95 to junction Sunshine State Parkway, thence over Sunshine State Parkway to Wildwood, Fla.; (B) from junction of Sunshine Parkway to Fort Lauderdale, thence over Florida Highway 820 to Hollywood, Fla.; (C) from junction of Sunshine Parkway and

Sunrise Boulevard (McArthur Interchange) over Sunrise Boulevard, West Dixie Highway and Broward Boulevard to Fort Lauderdale, thence over Florida Highway 84 to Sunshine Parkway; (D) from junction of Sunshine Parkway and Florida Highway 814 over Florida Highway 814 to Pompano Beach, Fla.; (E) from junction of Sunshine Parkway and Florida Highway 806 over Florida Highway 806 to Delray Beach, Fla.; (F) from junction Sunshine Parkway and Florida Highway 802, thence over Florida Highway 802 to Lake Worth, Fla.; (G) from junction of Sunshine Parkway and Florida Highway 704, thence over Florida Highway 704 to West Palm Beach, Fla.; (H) from junction Sunshine Parkway and Florida Highway 714, thence over Florida Highway 714 to Stuart, Fla.; and (I) from junction of Sunshine Parkway and Florida Highway 70, thence over Florida Highway 70 to Fort Pierce, Fla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Jacksonville, Fla., over U.S. Highway 1 via Bunnell and Daytona Beach, Fla., to Key West, Fla.; from Jacksonville over U.S. Highway 17 to Lake Alfred, Fla.; from Gainesville, Fla., over U.S. Highway 441 via Ocala, Fla., to Belleview, Fla., thence over U.S. Highway 301 via Wildwood and Dade City, Fla., to junction Florida Highway 39; from Belleview over U.S. Highway 441 to Orlando, Fla.; from Orlando west over Florida Highway 50 to junction unnumbered highway, thence over unnumbered highway via Ocoee, Winter Garden, Oakland, Mohawk, Minneola, and Clermont to junction Florida Highway 561; from Inverness, Fla., over Florida Highway 44 to Leesburg; from Kissimmee, Fla., over U.S. Highway 192 to Holopaw, Fla., thence over U.S. Highway 441 via Okeechobee to junction U.S. Highway 98, thence over U.S. Highway 98 to West Palm Beach, Fla.; from Holopaw over U.S. Highway 192 to Melbourne; from junction U.S. Highways 441 and 98 east of Loxahatchee, Fla., over U.S. Highway 441 to Miami; from Leesburg over U.S. Highway 27 to Minneola; from junction Florida Highways 710 and 70 over Florida Highway 70 to junction Florida Highway 700, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-6731; Filed, June 25, 1963;
8:58 a.m.]

[Notice 540]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 21, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act

and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time or 9:30 a.m., local daylight saving time, if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub-No. 19), filed May 22, 1963. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), serving the facilities of the New York Central Railroad, known as the Big Four Yards, located generally in the territory east of Indiana Highway 267, south of U.S. Highway 136 and north of U.S. Highway 40, in Hendricks County, Ind., as an off-route point, in connection with applicant's authorized regular route operations to and from Indianapolis, Ind., subject to the restriction that the commodities to be transported have had or will have an immediately prior or subsequent movement under the billing of the New York Central Railroad.

HEARING: September 9, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 1124 (Sub-No. 193), filed May 21, 1963. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), serving the plant site of the Central International Chemical Company located near Sandune, Tex., approximately five (5) miles north of Liberty, Tex., on farm-to-market Road No. 1011, as an off-route point in connection with applicant's presently authorized regular-route operations.

HEARING: September 20, 1963, at the Federal Building and U.S. Courthouse, 515 Rusk Street, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 2202 (Sub-No. 249), filed April 15, 1963. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nashville, Tenn., and St. Louis, Mo.; from Nashville over U.S. Highway 41-A to junction with U.S. Highway 68, thence over U.S. Highway 68 to junction with U.S. Highway 45, thence over U.S. Highway 45 to junction with Illinois Highway 146, thence over Illinois Highway 146 to junction with Illinois Highway 3, thence over Illinois Highway 3 to East St. Louis, Ill. (St. Louis Commercial Zone), and return over the same route, serving no intermediate points, as an alternate route.

NOTE: Common control may be involved.

HEARING: September 10, 1963, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Laurence E. Masoner.

No. MC 2202 (Sub-No. 251), filed May 15, 1963. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between South Bend, Ind., and Benton Harbor, Mich.; from South Bend over U.S. Highway 31 to Benton Harbor, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE: Common control may be involved.

HEARING: September 13, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 23.

No. MC 23942 (Sub-No. 11) (CLARIFYING AMENDMENT) filed February 18, 1963, published FEDERAL REGISTER issue of May 15, 1963, and republished as clarified, this issue. Applicant: THE SEACOAST TRANSPORTATION COMPANY, a corporation, 500 Water Street, Jacksonville, Fla. Applicant's attorney: Richard D. Sanborn, Jr., Law Department, Atlantic Coast Line Railroad Company, Jacksonville, Fla. Applicant is authorized in Certificate No. MC 23942 (Sub-No. 3) to transport, over regular routes, between named points therein, in North Carolina, South Carolina, Georgia, Florida, and Alabama, general commodities, without exceptions, but subject to restrictions, including certain key-points. The purpose of the subject application is to seek modification of the present key-point restriction of Savannah, Ga., so as to merge it with its present Waycross-Patterson-Nahunta-Brunswick-Dupont, Ga., (considered as one) key point. Applicant states that under its present operation it is prevented from transporting less-than-carload merchandise from Savannah to any of the South Georgia distribution points of Waycross, Brunswick, and Nahunta by motor vehicle. Applicant also states that the partial modification of the key-point restriction will result in substantial operating economies and provide

service at least equal to, and in some cases, better than that presently being performed. The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of its rail service, and it is applicant's understanding that if Savannah is linked with the other key-points, it will not be allowed to move traffic in motor vehicle service to any key-point from Savannah except those key-points to which Savannah is linked; and that movement from Savannah to Jacksonville, Savannah to Cordele, for instance would be prohibited.

NOTE: The purpose of the republication is to clarify the proposed service.

HEARING: Remains as assigned June 28, 1963, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 30378 (Sub-No. 55), filed June 5, 1963. Applicant: ASSOCIATED TRANSPORTS, INC., Post Office Box 85, Hazelwood, Mo. Applicant's attorney: James N. Clay III, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New automobiles, new trucks, new chassis, new tractors, and parts and accessories incidental to the vehicles being transported*, in secondary movements, in truckaway and drive-away service, from the plant site of the Ford Motor Company at or near Claycomo, Mo., to points in North Dakota, (2) *farm tractors, with or without attachments, and parts and accessories incidental to the vehicles being transported*, from the plant site of the Ford Motor Company at or near Claycomo, Mo., to points in North Dakota, and (3) *damaged and rejected shipments of the commodities specified in (1) and (2)*, on return.

HEARING: July 3, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner Francis A. Welch.

No. MC 30837 (Sub-No. 292), filed February 11, 1963. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1903 N Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweeping and turf-conditioning machines*, from Winton, Calif., to points in the United States (except Alaska and Hawaii).

HEARING: September 9, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 30844 (Sub-No. 112), filed June 10, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. 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 Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lincoln, Nebr., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New

Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

HEARING: July 2, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Alton R. Smith.

No. MC 31600 (Sub-No. 547), filed June 6, 1963. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Niagara Falls and Buffalo, N.Y., to points in Connecticut, Massachusetts, Rhode Island, and Wisconsin.

HEARING: August 1, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 35295 (Sub-No. 6), filed May 28, 1963. Applicant: AMERICAN TRANSFER CO., a corporation, 2810 Jensen Avenue, Fresno, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank truck and trailer equipment (except petroleum and petroleum products), between points in California.

HEARING: September 24, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 35628 (Sub-No. 249), filed April 11, 1963. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville, SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), serving the plant site of L. A. Darling Company located on Michigan Highway 86, approximately 4½ miles north of Bronson, Mich., as an off-route point in connection with applicant's regular-route operations between Coldwater and Charlotte, Mich., and between Somerset Center and Sturgis, Mich.

HEARING: September 24, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 42963 (Sub-No. 18), filed April 3, 1963. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1311-12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica flour and silica sand*, in bulk, in pneumatic pressure differential bulk trailers, from points in St. Louis and Jefferson Counties, Mo., to points in Arkansas, Iowa, Illinois, Kentucky, and Tennessee, and *empty containers or other such incidental facilities* (not specified)

used in transporting the above described commodities, on return.

HEARING: September 13, 1963, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Laurence E. Masoner.

No. MC 44300 (Sub-No. 9), filed March 18, 1963. Applicant: HESS CARTAGE COMPANY, a corporation, 17065 Hess Avenue, Melvindale, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in packages, from points in Michigan to points in Michigan.

NOTE: Applicant states that the proposed service will be restricted to shipments having a prior movement by rail or water.

HEARING: September 23, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 44300 (Sub-No. 10), filed May 6, 1963. Applicant: HESS CARTAGE COMPANY, a corporation, 17065 Hess Avenue, Melvindale, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Fort Wayne, Ind., to points in Ohio and Michigan.

HEARING: September 10, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 9.

No. MC 52858 (Sub-No. 99), filed May 27, 1963. Applicant: CONVOY COMPANY, a corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in secondary movements, in truckaway service, from Milpitas, Calif., to points in Nevada.

NOTE: Applicant states that the proposed operation will be restricted to shipments having prior movement by rail.

HEARING: September 12, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 59852 (Sub-No. 16), filed March 13, 1963. Applicant: ALL STATES FREIGHT, INC., 1250 Kelly Avenue, Akron 6, Ohio. Applicant's attorney: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and those requiring special equipment), between Plymouth, Ind., and South Bend, Ind., serving no intermediate points and serving Plymouth for purposes of joinder only with existing routes, for operating convenience only; from Plymouth over U.S. Highway 31 to

South Bend, and return over the same route.

NOTE: Applicant states that service is limited to the transportation of traffic originating at or destined to points east of the Ohio-Indiana State line.

HEARING: September 12, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 23.

No. MC 59852 (Sub-No. 17), filed March 13, 1963. Applicant: ALL STATES FREIGHT, INC., 1250 Kelly Avenue, Akron 6, Ohio. Applicant's attorney: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and those requiring special equipment), between Chicago, Ill., and Detroit, Mich., serving no intermediate points, for operating convenience only; from Chicago over Interstate Highway 94 to Detroit, and return over the same route.

NOTE: Applicant states that service is limited to the transportation of traffic originating at or destined to points east of the Ohio-Pennsylvania State line.

HEARING: September 12, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 73.

No. MC 67866 (Sub-No. 15), filed November 20, 1962. Applicant: FILM TRANSIT, INC., 311 South Second Street, Memphis, Tenn. Applicant's attorney: Harold S. Shertz, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Memphis, Tenn., on the one hand, and, on the other, points on and within a boundary line beginning at the southwestern corner of Arkansas and extending north along the Arkansas-Texas State line to the Red River, thence west along Red River to the Oklahoma State line, thence north along the Arkansas-Oklahoma State line to the Arkansas-Missouri State line, thence east along the Arkansas-Missouri State line to junction U.S. Highway 62, thence northeast and north along U.S. Highway 62 to Malden, Mo., thence north along Missouri Highway 25 to junction unnumbered highway approximately 5 miles north of Malden, thence east along such unnumbered highway to junction U.S. Highway 62, thence over U.S. Highway 62 to the Mississippi River south of New Madrid, Mo., thence along the Mississippi River to the Tennessee-Kentucky State line, thence along the Mississippi River to the Ohio River, thence along the Ohio River to the Kentucky-Indiana State line, thence along the Kentucky-

Indiana State line to Owensboro, Ky., thence south along U.S. Highway 431 to junction U.S. Highway 62 at Central City, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 171 at Greenville, Ky., thence south along Kentucky Highway 171 to junction Kentucky Highway 107 at Kirkmansville, Ky., thence southwest along Kentucky Highway 107 to junction U.S. Highway 68 near Hopkinsville, Ky., thence west along U.S. Highway 68 to junction U.S. alternate Highway 41 in Hopkinsville, and thence south along U.S. Alternate Highway 41 to the Tennessee-Kentucky State line, thence south along U.S. Alternate Highway 41 to Clarksville, Tenn., thence south along Tennessee Highway 48 to Dickson, Tenn., thence south along Tennessee Highway 46 to junction Tennessee Highway 100, thence along Tennessee Highway 100 to Centerville, Tenn., thence southeast along Tennessee Highway 50 to Lewisburg, Tenn., thence southeast along U.S. Highway 431 to Fayetteville, Tenn., thence south along U.S. Highway 431 to the Alabama-Tennessee State line, thence west along the Alabama-Tennessee State line to U.S. Highway 43, thence south along U.S. Highway 43 to Hamilton, Ala., thence northwest along U.S. Highway 78 to the Mississippi-Alabama State line, thence south along the Mississippi-Alabama State line to U.S. Highway 80, thence west along U.S. Highway 80 to the Mississippi River near Vicksburg, Miss., thence north along the Mississippi River to the Arkansas-Louisiana State line, and thence west along the Louisiana-Arkansas State line to the point of beginning, including points on the indicated portions of the highway specified, and, (2) between Little Rock, Ark., on the one hand, and, on the other, points on and within a boundary line beginning at the southwestern corner of Arkansas and continuing north along the Arkansas-Texas State line to the Red River, thence west along the Red River to the Oklahoma State line, thence north along the Arkansas-Oklahoma State line to the Arkansas-Missouri State line thence east along the Arkansas-Missouri State line to junction U.S. Highway 63, thence southeast along U.S. Highway 63 to junction U.S. Highway 67, thence southwest along U.S. Highway 67 to junction Arkansas State Highway 17 at Newport, Ark., thence south along Arkansas Highway 17 to junction U.S. Highway 79, thence west along U.S. Highway 79 to the White River at Clarendon, Ark., thence south and east along the White River to the Arkansas-Mississippi State line at the Mississippi River, thence south along the Mississippi River to the Arkansas-Louisiana-Mississippi State line southeast of Eudora, Ark., and thence west along the Arkansas-Louisiana State line to the point of beginning including points on the indicated portions of the highways specified. **RESTRICTION:** The authority granted herein is restricted to shipments having a prior or subsequent movement by aircraft.

NOTE: Common control may be involved.

HEARING: September 23, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner Joseph A. Reilly.

No. MC 70015 (Sub-No. 1), filed April 8, 1963. Applicant: ALEXANDER B. POLLOCK, doing business as JIFFY VANS, 2333 Lesley Avenue, Indianapolis, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Indiana.

HEARING: September 9, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 78787 (Sub-No. 48), filed May 7, 1963. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco 5, Calif. Applicant's attorney: John MacDonald Smith, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles*, in initial movements, in truckaway and driveaway service, (1) from the site of General Motors Corporation's assembly plant at South Gate, Calif., to points in Los Angeles Harbor, Calif., Commercial Zone, and to San Francisco, Calif., and (2) from the site of the General Motors Corporation assembly plant at Los Angeles, Calif., to San Francisco, Calif. **RESTRICTION:** The operations proposed herein will be limited to a transportation service to be performed under a continuing contract, or contracts, with General Motors Corporation, of Detroit, Mich.

NOTE: Applicant holds common carrier authority in MC 78786 and Subs thereunder; therefore, dual operations may be involved. Applicant states that it is a wholly owned subsidiary of Southern Pacific Company, a carrier by railroad.

HEARING: September 18, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 78787 (Sub-No. 49), filed May 7, 1963. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco 5, Calif. Applicant's attorney: John MacDonald Smith, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles*, in initial movements, in truckaway and driveaway service, from the site of General Motors Corporation's assembly plant located at Fremont, Calif., to San Francisco, Calif., and points in the Los Angeles Harbor, Calif. Commercial Zone. **RESTRICTION:** The operations proposed herein shall be limited to a transportation service to be performed under a continuing contract or contracts, with General Motors Corporation, of Detroit, Mich.

NOTE: Applicant holds common carrier authority in MC 78786 and Subs thereto; therefore dual operations may be involved. Also, common control may be involved.

HEARING: September 18, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board

waives its right to participate, before Examiner F. Roy Linn.

No. MC 82079 (Sub-No. 8), filed April 10, 1963. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph SW., Grand Rapids, Mich. Applicant's attorney: J. M. Neath, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk flour*, (1) from Hillsdale and Quincy, Mich., to Chicago, Ill., and (2) from Quincy, Mich., to Seelyville, Ind.

HEARING: September 27, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 73.

No. MC 83539 (Sub-No. 98) (AMENDMENT), filed February 21, 1963, published FEDERAL REGISTER issue March 27, 1963, amended April 23, 1963, and republished as amended this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers*, from the plant site of the Allis-Chalmers Manufacturing Company, located at Pittsburgh, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois (except Chicago, Ill., and points in the Chicago Commercial Zone), Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri (except St. Louis, Mo., and points in the St. Louis Commercial Zone), Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE: The purpose of this republication is to add the destination state of Oregon.

HEARING: September 24, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Frank R. Saltzman.

No. MC 83539 (Sub-No. 101), filed April 29, 1963. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and *parts thereof* when moving in connection with such commodities, between points in Missouri, on the one hand, and, on the other, points in Kansas (except Wichita, Kans.), Louisiana, Oklahoma, and Texas (except those points in Texas on and north of U.S. Highway 80 from the Texas-Louisiana State line through Marshall, Dallas, and Fort Worth to Mineral Wells, Tex., and on and east of U.S. Highway 281 from Mineral Wells through Wichita Falls to the Texas-Oklahoma State line).

NOTE: Applicant states this is a gateway removal application. The authority proposed herein will permit applicant to operate directly between the involved areas and eliminate the present requirement to traverse Wichita, Kans., or a point in the described northeastern Texas area as a gate-

way. Applicant seeks no duplicating authority.

HEARING: September 9, 1963, at the Federal Building, 200 Northwest Fourth Street, Oklahoma City, Okla., before Examiner Joseph A. Reilly.

No. MC 85934 (Sub-No. 25), filed March 18, 1963. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in packages, between points in Michigan.

NOTE: Applicant states the proposed operations are to be restricted to shipments having a prior movement by rail or water. Common control may be involved.

HEARING: September 23, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 85934 (Sub-No. 26), filed April 4, 1963. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Fort Wayne, Ind., to points in Ohio and Michigan.

NOTE: Common control may be involved.

HEARING: September 10, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 9.

No. MC 89723 (Sub-No. 31), filed February 20, 1963. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, Room 1151, St. Louis 3, Mo. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis 3, Mo. Applicant is presently authorized to transport general commodities, moving in express service, between Palestine, Tex., and Houston, Tex., from Palestine over U.S. Highway 287 to Crockett, Tex., thence over Texas Highway 19 (formerly Texas Highway 45) to Huntsville, Tex., thence over U.S. Highway 75 to Houston, and return over the same routes, subject to certain key-point restrictions as contained in No. MC 89723 (Sub-No. 4). The purpose of this application is to modify the key-points of Houston and Palestine insofar as they pertain to Railway Express Agency service only.

NOTE: Applicant is a wholly owned subsidiary of the Missouri Pacific Railroad Company.

HEARING: September 16, 1963, at the Federal Building and U.S. Courthouse, 515 Rusk Street, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 103880 (Sub-No. 291), filed April 11, 1963. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Toledo, Ohio and points within ten (10) miles thereof, to points in Ohio, Indiana and Michigan.

HEARING: September 27, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 103880 (Sub-No. 294), filed May 8, 1963. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panasflex*, in bulk, in tank vehicles, from Fort Wayne, Ind., to Stryker, Ohio.

HEARING: September 11, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 60.

No. MC 107348 (Sub-No. 4), filed February 18, 1963. Applicant: L. A. SIMMONS, doing business as A & F MOTOR LINES, Box 244, Ashdown, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the Millwood Dam Site located near Ashdown, Ark., as an off-route point in connection with applicant's regular-route operations.

HEARING: September 12, 1963, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215, or, if the Joint Board waives its right to participate, before Examiner Joseph A. Reilly.

No. MC 107496 (Sub-No. 283), filed May 17, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid agricultural insecticide*, in bulk, in tank vehicles, from Omaha, Nebr., to points in Oklahoma and Texas.

HEARING: September 17, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner.

No. MC 108207 (Sub-No. 112), filed March 25, 1963. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, shortening and oleomargarine*, in vehicles equipped with mechanical refrigeration, from Oklahoma City, Okla., to Las Vegas, Nev.

HEARING: September 10, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Frank R. Saltzman.

No. MC 109397 (Sub-No. 67), filed March 15, 1963. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54

American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear and by-product materials, radioactive materials and related reactor experiment equipment, component parts and associated materials*, between points in the counties of Middlesex, N.J., Madison, Ohio, Los Angeles and Ventura, Calif., Unicoi, Tenn., and the National Reactor Testing Station in Idaho.

HEARING: September 16, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner.

No. MC 110325 (Sub-No. 34) (AMENDMENT), filed March 21, 1963, published FEDERAL REGISTER issue April 20, 1963, amended May 6, 1963, and republished as amended this issue. Applicant: TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities injurious or contaminating to other lading), between Dallas, Tex., and Atlanta, Ga.: from Dallas over U.S. Highway 80 to Tuskegee, Ala., thence over U.S. Highway 29 to Atlanta, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, with service restricted against traffic moving to or from Houston, Tex.

NOTE: The purpose of this republication is to substitute the highway description of requested alternate route as above in lieu of that previously published.

HEARING: September 6, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Frank R. Saltzman.

No. MC 110525 (Sub-No. 570) (AMENDMENT), filed April 23, 1963, published in FEDERAL REGISTER issue June 12, 1963, amended June 19, 1963, and republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Moundsville, W. Va., including points within (5) five miles thereof, and Natrium, W. Va., to points in Alabama, Florida, Georgia and Texas.

NOTE: The purpose of this republication is to broaden the scope of authority previously sought.

HEARING: Remains as assigned July 23, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 110525 (Sub-No. 574) (AMENDMENT), filed April 30, 1963, published FEDERAL REGISTER issue June 12, 1963, amended June 18, 1963 and re-

published as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Moundsville, W. Va., and points within five (5) miles thereof, and from Natrium, W. Va., to points in Arkansas, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia and Wisconsin.

NOTE: The purpose of this republication is to add the origin point of Moundsville, W. Va., and points within five miles thereof.

HEARING: Remains as assigned July 23, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 110698 (Sub-No. 248), filed May 17, 1963. Applicant: RYDER TANK LINE, INC., Winston-Salem, R.D. (Post Office Box 457), Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perchloroethylene*, in bulk, in tank vehicles, from Fort Worth, Tex., to points in New Mexico, Oklahoma (except Tulsa and Oklahoma City, Okla.), Arkansas, Louisiana, Colorado and Kansas.

NOTE: Common control may be involved.

HEARING: September 19, 1963, at the Federal Building and U.S. Court House, 515 Rusk Street, Houston, Tex., before Examiner Frank R. Saltzman.

No. MC 112020 (Sub-No. 198), filed May 14, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Perchloroethylene*, in bulk, in tank vehicles, from Fort Worth, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, Colorado, Kansas, and Texas.

NOTE: Common control may be involved.

HEARING: September 19, 1963, at the Federal Building and U.S. Court House, 515 Rusk Street, Houston, Tex., before Examiner Frank R. Saltzman.

No. MC 112020 (Sub-No. 200), filed May 20, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides*, in bulk, in tank vehicles, from Omaha, Neb., to points in Oklahoma and Texas.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport, of Oklahoma, Inc.

HEARING: September 17, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner.

No. MC 112822 (Sub-No. 38), filed May 31, 1963. Applicant: EARL BRAY, INC., Post Office Box 910, Linwood and North

Streets, Cushing, Okla. Applicant's Attorney: Marion F. Jones, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum treating compounds*, from Oklahoma City, and Tulsa, Okla., including points within 10 miles thereof, to points in Alabama, Arizona, Arkansas, California, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, South Dakota, Texas, Wyoming, and to the ports of entry on the International boundary line between the United States and Mexico, located at Brownsville, and Hidalgo, Tex.

NOTE: Common control may be involved.

HEARING: September 5, 1963, at the Federal Building, 200 Northwest 4th, Oklahoma City, Okla., before Examiner Joseph A. Reilly.

No. MC 113267 (Sub-No. 95), filed March 24, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 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: (1) *Cured meats, canned foods, dairy products, frozen foods and poultry*, from St. Paul, Minn., points in Wisconsin, and Chicago, Ill., to points in Arkansas, Louisiana, Mississippi, Tennessee, Texas, the East St. Louis, Ill., and St. Louis, Mo., Commercial Zone (restricted to partial unloading in said Commercial Zone), and Alabama, (2) *dairy products, frozen foods, poultry, and canned foods*, from points in Wisconsin and Chicago, Ill., to points in Arkansas, Louisiana, Mississippi, Tennessee, Texas, the East St. Louis, Ill., and St. Louis, Mo., Commercial Zone (restricted to partial unloading in said Commercial Zone), and Alabama, and (3) *dairy products, frozen foods, and poultry*, from points in Wisconsin, to points in Arkansas, Louisiana, Mississippi, Tennessee, Texas, the East St. Louis, Ill., and St. Louis, Mo., Commercial Zone (restricted to partial unloading in said Commercial Zone), and Alabama.

NOTE: Applicant states the shipments to points in Alabama as shown in (1), (2), and (3) above, are restricted to those partially unloading therein, when preceded by delivery at one or more destinations in Mississippi or Tennessee. The proposed operations, restricted to the transportation of the commodities specified above in (1) from points in Wisconsin and Chicago, Ill., on vehicles originating at St. Paul, Minn., to complete shipments at points in Wisconsin or Chicago, Ill., to the destination points listed therein, and (2) from Chicago, Ill., on vehicles originating shipments at any point in Wisconsin to complete shipments at Chicago, Ill., to the destination points listed therein. It is further noted that common control may be involved.

HEARING: September 12, 1963, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Laurence E. Masoner.

No. MC 113459 (Sub-No. 25), filed May 31, 1963. Applicant: H. J. JEFERIES TRUCK LINE, INC., 4720 South Shields Boulevard, Oklahoma City 29, Okla.

Applicant's attorney: James W. Hightower, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks, platform and warehouse tractors and their parts and attachments*, from Danville, Harvey, and Peoria, Ill., and points within 5 miles thereof, to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, and damaged or rejected shipments thereof, on return.

HEARING: September 5, 1963, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Laurence E. Masoner.

No. MC 114004 (Sub-No. 43), filed May 1, 1963. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles and campers' trailers, in initial movements, in truck-away service, from Hot Springs, Ark. to points in the United States, including Alaska but excluding Hawaii, and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, on return.

HEARING: September 16, 1963, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Joseph A. Reilly.

No. MC 114239 (Sub-No. 8), filed March 28, 1963. Applicant: GENNIE FARRIS, doing business as FARRIS TRUCK LINE, Faucett, Mo. Applicant's attorney: Carl V. Kretsinger, 510 Professional Building, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural pesticides, ingredients thereof, and chemicals*, (a) dry, in containers and in bulk (other than in tank vehicles) and (b) liquid, in containers, from St. Joseph, Mo., to points in Ohio, Indiana, Michigan, Iowa, Wisconsin, South Dakota, North Dakota, Oklahoma, Texas, Tennessee, Kentucky, Colorado, New Mexico, Wyoming, and Montana, and (2) *agricultural pesticides, ingredients thereof, and chemicals*, (a) dry, in containers and in bulk (other than in tank vehicles) and (b) liquid, in containers, from points in Arkansas, Tennessee, Mississippi, Florida, California, Nevada, New Mexico, Colorado, Iowa, Illinois, Ohio, Michigan, South Dakota, and New Jersey to St. Joseph, Mo.

NOTE: The proposed operation will be under a continuing contract with Woodbury Chemical Company, of St. Joseph, Mo. Applicant states that no duplicating authority is sought hereunder.

HEARING: September 18, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner.

No. MC 114533 (Sub-No. 63), filed March 31, 1963. Applicant: B. D. C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture film, and materials and supplies used in connection with commercial and television motion pictures), between Detroit, Mich., on the one hand, and, on the other, Elyria, Painesville, Windham, Akron, Berea, Medina, Kent, Lorain, North Ridgeville, Vermilion, Brecksville, and Brunswick, Ohio.

HEARING: September 25, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 114533 (Sub-No. 65), filed March 31, 1963. Applicant: B. D. C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Proofs, cuts, copy, photo engravings, artwork, photographic supplies, illustrations, manuscripts, photographs and other source materials, printed material, advertising and display material, including films and transcriptions* as are used by printing and advertising businesses and customers thereof, limited to shipments weighing less than 70 pounds per shipment, between Milwaukee, Wis., on the one hand, and, on the other, points in Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673.

HEARING: September 16, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 115841 (Sub-No. 120) (AMENDMENT), filed December 23, 1962, published *FEDERAL REGISTER* of January 16, 1963, amended May 17, 1963, and republished, as amended, this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, frozen foods, and exempt commodities*, (1) Between points in Mississippi, and (2) between points in Louisiana.

NOTE: The purpose of this republication is to set forth the enlarged territorial description.

HEARING: September 19, 1963, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 28, or, if the Joint Board waives its right to participate before Examiner Joseph A. Reilly.

No. MC 115975 (Sub-No. 4), filed May 6, 1963. Applicant: C. B. W. TRANSPORT SERVICE, INC., Hedge Road, South Roxana, Ill. Applicant's attorney: Ernest A. Brooks II, 1311-12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Varnish, resins and plastics*, in bulk, in tank vehicles, from the plant site of Phelan-Faust Paint Manufacturing Company, located at or near Burlington, Iowa, to points in Missouri, Illinois, Nebraska, and Colo-

rado, and (2) *petroleum solvents*, in bulk, in tank vehicles, from St. Louis, Mo., and Wood River, Ill., to Burlington, Iowa.

NOTE: Applicant states the proposed operation will be for the account of Phelan-Faust Paint Manufacturing Co.

HEARING: September 11, 1963, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Laurence E. Masoner.

No. MC 116063 (Sub-No. 31), filed April 28, 1963. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Post Office Box 7346, Fort Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages, in truckload and mixed truckload with *mineral mixtures*, in packages and *pepper*, in packages, from Grand Saline, Tex., and points within 5 miles thereof, to points in Arkansas, Louisiana and Oklahoma, and *rejected and damaged shipments of the commodities named above*, on return.

HEARING: September 9, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Frank R. Saltzman.

No. MC 117119 (Sub-No. 88), filed May 7, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Springdale, Ark., to points in Arkansas, Texas, and Oklahoma.

HEARING: September 17, 1963, at the Arkansas Commerce Commission Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 15, or if the Joint Board waives its right to participate before Examiner Joseph A. Reilly.

No. MC 117201 (Sub-No. 4), filed February 24, 1963. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8381 Durango SW., Tacoma 99, Wash. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated wood ridge, undercourse, shim stock, edging and shingle and shake items incidental to the application of roofing and siding, wooden shingles and shakes, and exempt commodities*, between points in that part of Washington on and west of the summit of the Cascade Mountains, on the one hand, and, on the other, points in that part of California on and north of a line beginning at the California-Nevada State line and extending along U.S. Highway 50 to Sacramento, Calif., and thence along U.S. Highway 40 to Oakland, Calif., and points in Arizona and Nevada, (2) *roofing and insulating materials, and exempt commodities*, between points in Washington, on the one hand, and, on the other points in Arizona, Nevada and California, and (3) *interior fixtures, consisting of counters, benches,*

shelving, files, blackboards and partitions, wooden, and exempt commodities, between points in Pierce County, Wash., on the one hand, and, on the other, points in California and Nevada.

HEARING: September 10, 1963 at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner R. Roy Linn. A further hearing is contemplated at Seattle, Wash., at a later date.

No. MC 118196 (Sub-No. 10), filed March 10, 1963. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Carthage, Mo. Applicant's attorney: Harry Ross, 920 Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods (including fruit and vegetable concentrates)* in mixed shipments with *canned fruits or vegetables* and with commodities exempt from economic regulation pursuant to the provisions of section 203 (b) (6) of the Interstate Commerce Act, and (2) *canned fruits or vegetables* in mixed shipments with commodities exempt from economic regulation pursuant to the provisions of section 203 (b) (6) of the Interstate Commerce Act, from points in California and Arizona, to points in Colorado, Iowa, Nebraska, Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Georgia, Florida, Alabama, Tennessee, and Kentucky.

HEARING: September 23, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner. This is for applicant's presentation only.

No. MC 119450 (Sub-No. 6), filed March 27, 1963. Applicant: BARSH TRUCK LINES, INC., 520 North First Street, Sapulpa, Okla. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass jars, glass bottles, jelly glasses and glass tumblers*, (2) *bottle caps and bottle tops*, and (3) *fiberboard boxes*, in mixed shipments with one or more of the items listed in (1) or (2) above, from Sapulpa and Sand Springs, Okla., to points in South Dakota, North Dakota, Montana, Idaho, Wyoming, Washington, Oregon, Utah, Nevada, and points north of U.S. Highway 40 in California.

HEARING: September 19, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner.

No. MC 119531 (Sub-No. 17), filed May 26, 1963. Applicant: DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati 26, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and machinery, equipment and supplies used in connection therewith* (except machinery, equipment, and supplies which because of their size or weight require the use of special equipment or special handling), between Cincinnati, Ohio, on the one hand, and, on the other, St. Louis, Mo., Buffalo and Corning, N.Y., Ford City and Pittsburgh, Pa., the District of Columbia, and points in Indiana,

Maryland, the lower peninsula of Michigan and West Virginia.

HEARING: July 29, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 119778 (Sub-No. 37), filed May 23, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from points in Madison County, Ala., to points in Arkansas.

NOTE: Common control may be involved.

HEARING: July 29, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Theodore M. Tahan.

No. MC 124123 (Sub-No. 12), filed May 5, 1963. Applicant: SCHWERTMAN TRUCKING CO. OF ILL., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizers and fertilizer materials, insecticides, pesticides, and herbicides*, in bulk, from Streator, Ill., to points in Wisconsin, and (2) *fertilizers and fertilizer materials, insecticides, pesticides, and herbicides*, in bulk, and bags, from Streator, Ill., to points in Iowa.

NOTE: Common control may be involved.

HEARING: September 19, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 111.

No. MC 124236 (Sub-No. 6), filed May 17, 1963. Applicant: CHEMICAL EXPRESS, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 2420 Republic National Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages from Lubbock, Tex., to points in New Mexico and Oklahoma.

HEARING: September 13, 1963, at the Baker Hotel, Dallas, Tex., before Joint Board No. 210, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 124247 (Sub-No. 3), filed April 24, 1963. Applicant: DAN LODESKY TRUCKING, INC., Gurnee, Ill. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, mineral filler dust*, in bulk, from Waukesha, Wis., and points within 5 miles thereof, to points in Illinois.

HEARING: September 18, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 13.

No. MC 124584 (Sub-No. 1) (AMENDMENT), filed May 16, 1963, published *FEDERAL REGISTER* issue June 19, 1963, and republished as amended this issue. Applicant: CHEMICAL CARRIERS CORPORATION, 323 Laskin Road,

Virginia Beach, Va. Applicant's attorney: James J. Williams, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank or closed-hopper vehicles, from Chesapeake, Va., to points in Delaware, Maryland, North Carolina, and South Carolina.

NOTE: Common control may be involved. The purpose of this republication is to change the commodity description.

HEARING: Remains as assigned July 29, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 125144 (Sub-No. 1), filed March 22, 1963. Applicant: BRIGHT COOP COMPANY, 803 West Seale Street, Nacogdoches, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed additives and supplements*, in bags and in containers (specifically excluding any transportation in bulk, in tank, hopper or dump vehicles), from Peoria and Chicago Heights, Ill., to points in Bowie, Red River, Lamar, Fannin, Hunt, Delta, Hopkins, Franklin, Titus, Norris, Cass, Van Zandt, Rains, Wood, Upshur, Camp, Marion, Smith, Gregg, Harrison, Henderson, Rusk, Panola, Anderson, Cherokee, Nacogdoches, Shelby, Leon, Houston, Angelina, San Augustine, Sabine, Madison, Brazos, Walker, Trinity, Polk, Tyler, Newton, and Jasper Counties, Tex. and *damaged and rejected shipment of the specified commodities*, on return.

HEARING: September 16, 1963, at the Federal Building and U.S. Court House, 515 Rusk Street, Houston, Tex., before Examiner Frank R. Saltzman.

No. MC 125150, filed February 28, 1963. Applicant: DELBERT A. SPILKER, 25 North Wayburn Street, Cumberland, Ind. Applicant's attorney: Fred A. Wiecking, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Superphosphate and mixed chemical fertilizers*, in bulk and in bags, from Danville, Ill., to Peru, Ind.; from Danville over U.S. Highway 136 to Crawfordsville, thence over U.S. Highway 231 to Lafayette, thence over Indiana Highway 25 to Logansport and then over U.S. Highway 24 to Peru, and return over the same route, serving no intermediate points.

HEARING: September 13, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 21.

No. MC 125179 (Sub-No. 1), filed May 19, 1963. Applicant: GEORGE E. LAPPIN, 108 West Coleen Street, Mt. Sterling, Ill. Applicant's attorney: Robert T. Lawley, 306-308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Appendix I, Section B, to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209, 766, and *ice cream*,

from Quincy, Ill., to points in Adams and Hancock Counties, Ill., Lee County, Iowa, and Scotland, Adair, Knox, Lewis, Marion, Clark, and Schuyler Counties, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states the proposed operation will be for the account of Prairie Farms Dairy, Inc.

HEARING: September 6, 1963, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 46, or, if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 125180 (Sub-No. 1), filed May 19, 1963. Applicant: EUGENE M. DREW, 307 East Chestnut Street, Mt. Sterling, Ill. Applicant's attorney: Robert T. Lawley, 306-308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Appendix I, Section B, to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209, 766, and *ice cream*, from Quincy, Ill., to points in Adams and Hancock Counties, Ill., Lee County, Iowa, and Scotland, Adair, Knox, Lewis, Marion, Clark, and Schuyler Counties, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states the proposed operation will be for the account of Prairie Farms Dairy, Inc.

HEARING: September 6, 1963, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 46, or, if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 125200, filed March 18, 1963. Applicant: EDWARD SAMUELS, JOHN ANDREWS and ARTHUR SAMUELS, a partnership, doing business as SAMUELS TRUCKING CO., 2558 Monterey, Detroit, Mich. Applicant's attorney: William B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* on special equipment, and (2) *plyscord, exterior sheathing, door frames and moldings* when moving with lumber, from Detroit, Mich., to points in Williams, Fulton, Lucas, Henry, Putnam, Paulding, Defiance, Seneca, Wood, Ottawa, Sandusky, Hancock, Erie, Huron, and Lorain Counties, Ohio, and *empty containers or other such incidental facilities* used in transporting the above specified commodities, on return.

NOTE: Applicant states the proposed service will be conducted on a continuing contract with Banner Lumber Co.

HEARING: September 24, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 125213 (Sub-No. 1) filed May 5, 1963. Applicant: B. LEEK TRANSFER INC., 305 East 26th, Muncie, Ind. Applicant's representative: Charles R. Greenwell, 2820 New York Avenue, Mun-

cie, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, articles distributed by packing houses and equipment, materials and supplies* used in the conduct of a meat packing house, from Muncie, Ind., to points in the Lower Peninsula of Michigan.

NOTE: Applicant states the proposed service will be for Marhoefer Packing Company, Inc.

HEARING: September 11, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 9.

No. MC 125236, filed April 1, 1963. Applicant: ADOLPHUS G. TURCOTTE, JR., 10014 Burt Road, Detroit 28, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, on flatbed equipment, from Canton, Port Washington, Somerset, Yorkville, and Sugar-creek, Ohio, to Detroit, Mich. and points within thirty-five (35) miles thereof.

NOTE: Applicant states the proposed operation will be under a continuing contract or contracts with The Belden-Stark Brick Company, of Detroit, Mich.

HEARING: September 26, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 193.

No. MC 125237, filed March 25, 1963. Applicant: WELCO TRANSPORTATION COMPANY, a corporation, 1225 Ozark Street, North Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *plasterboard joining cement, paint, liquid or dry, and patching materials* (except in tank vehicles), from the plant site of Welco Manufacturing Company located in North Kansas City, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, and (2) *white silica sand, animal glue, dry casein, cellulose, pumice, soya flour, dry pigments, calcium carbonate gypsum, mica, paper bags, paper cartons, and containers*, from points in Illinois, Kansas, Minnesota, Nebraska, and Texas, to the plant site of Welco Manufacturing Company, located in North Kansas City, Mo.

NOTE: Applicant states the proposed service is "restricted to transportation for Welco Manufacturing Company, under a continuing contract between Welco Manufacturing Company and Welco Transportation Company."

HEARING: September 20, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner.

No. MC 125290 filed April 22, 1963. Applicant: OLLIE ASH, doing business as OLLIE ASH TRANSPORT COMPANY, 306 South K Street, Muskogee, Okla. Applicant's attorney: Harold R. Shoemaker, 110 North Sixth Street, Muskogee, Okla. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil and greases*, in packages and containers, and *empty containers*, between Kansas City, Kans., and St. Louis, Mo., on the one hand, and, on the other, points in Oklahoma (with right to load in St. Louis and/or complete said load in Kansas City, and haul same to points in Oklahoma).

HEARING: September 4, 1963, at the Federal Building, 200 Northwest 4th, Oklahoma City, Okla., before Examiner Joseph A. Reilly.

No. MC 125291, filed April 22, 1963. Applicant: MRS. BERNICE GIBE, doing business as J. D. SCHAFER CARTAGE COMPANY, 2639 Indiana Avenue, Chicago, Ill. Applicant's attorney: Themis N. Anastos, 343 South Dearborn Street, Chicago 4, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in the Chicago, Ill., Commercial Zone, to Oak Brook, Ill.

NOTE: Applicant holds common carrier authority in MC 31242; therefore, dual operations may be involved.

HEARING: September 20, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 125309, filed April 26, 1963. Applicant: CHARLES H. REX, R.R. No. 2, Dixon, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Beer*, from LaCrosse and Sheboygan, Wis., to Joilet, Ill., and *empty containers*, on return.

HEARING: September 19, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 141.

No. MC 125349 EX, filed May 9, 1963. Applicant: JOSEPH RAY FOSTER, doing business as FOSTER'S TRANSPORTATION SERVICE, 301 Fourth Street, Taft, Kern County, Calif. A Certificate of Exemption sought under Section 204(a)(4a), Part II, in the conduct of operations as a *common carrier*, by motor vehicle, over regular routes, transporting: *Express* when transported in passenger vehicles, from Bakersfield, Calif., to Taft, Calif., over U.S. Highway 99 to Greenfield Corners, Calif., thence over U.S. Highway 399 to Taft, and return over the same route, serving all intermediate points.

HEARING: September 17, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 125377, filed May 20, 1963. Applicant: ETTORE D. PANOZZO, 12339 South Michigan Avenue, Chicago 28, Ill. Applicant's attorney: Victor W. Lello, 1608 Otis Building, 10 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundry compounds and facings* packed in bags and/or drums, *equipment, material and supplies* used

in the manufacture of foundry forgings, and empty containers or other such incidental facilities (not specified) used in transporting the above described commodities, between Chicago, Ill., and Racine, Milwaukee and Waukesha, Wis.

HEARING: September 18, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 18.

APPLICATIONS FOR BROKERAGE LICENSES MOTOR CARRIER OF PROPERTY

No. MC 12860, filed April 18, 1963. Applicant: MELVIN D. SAVAGE, JR., 315 Montgomery Street, Room 607, San Francisco, Calif. For a license (BMC 4) to engage in operations as a *broker* at San Francisco, Calif., in arranging for transportation, by motor vehicle in interstate or foreign commerce, of *General commodities* between points in the United States, including Alaska and Hawaii.

HEARING: September 16, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

MOTOR CARRIERS OF PASSENGERS

No. MC 12788 (Sub-No. 1), filed April 26, 1963. Applicant: HAROLD SAGER, doing business as BEST VALU TRAVEL AND TOURS, 1414 Mark Drive, Freeport, Ill. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Freeport, Ill., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and groups, in special and charter operations, beginning and ending at points in Boone, Carroll, DeKalb, Jo Daviess, Ogle, Stephenson, Whiteside, and Winnebago Counties, Ill., Clinton and Jackson Counties, Iowa, and Grant, Green, Iowa, Lafayette, and Rock Counties, Wis., and extending to points in the United States, including Ports of Entry on the International Boundary lines between the United States and Canada and the United States and Mexico.

HEARING: September 20, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 12859, filed April 11, 1963. Applicant: BETTY LOU WALACE, doing business as THE QUINCY TRAVEL CENTER, 120 North 12th Street, Quincy, Ill. For a license (BMC 5) to engage in operations as a *broker* at Quincy, Ill., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, in all-expense tours, both as individuals and groups, beginning and ending at Quincy, Ill., and extending to points in the United States.

HEARING: September 4, 1963, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 12862, filed April 25, 1963. Applicant: ANTHONY TOUR SERVICE, INC., 1007 Texas Bank Building, Dallas 2, Tex. For a license (BMC 5) to engage

in operations as a *broker* at Dallas, Tex., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and in groups, in charter and special operations, beginning and ending at points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Missouri, and extending to points in the United States.

HEARING: September 5, 1963, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 12864, filed May 1, 1963. Applicant: ORAN CARLTON NICHOLS, doing business as SPORT TOURS, 1200 South Lee, Post Office Box 1, Morton, Ill. For a license (BMC 5) to engage in operations as a *broker* at Morton, Ill., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in tours, in groups, beginning and ending at Morton, Ill., and extending to Chicago, Ill., and Indianapolis, Ind.

HEARING: September 4, 1963, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 12866, filed May 9, 1963. Applicant: VIP TRAVEL, INC., doing business as AMERICAN HOLIDAY CHARTER CO., 1023 Petroleum Tower, Corpus Christi, Tex. For a license (BMC 5) to engage in operations as a *broker* at Corpus Christi, Tex., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and in groups, for sightseeing and recreation purposes, between points in the United States.

HEARING: September 10, 1963, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

Notice to the parties: In accordance with Rule 68 of the Commission's general rule of practice, notice is hereby given to all parties interested that a prehearing conference in the proceedings described in the appendix attached hereto will be held at 8:30 a.m., U.S. standard time (9:30 a.m., District of Columbia daylight saving time), on July 1, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheseldine presiding.

At the prehearing conference it is contemplated that the following matter will be discussed.

(1) The issues generally with a view of their simplification:

(2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements:

(3) The time and place or places of such hearing or hearings as may be agreed upon;

(4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants;

(5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to:

(a) Their present operating authority,
(b) Their corporate organizations if any, ownership and control,
(c) Their Fiscal Data,

(d) Their equipment, terminals and other facilities;

(6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and

(7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

These applications and the authority sought MC 109497 (Sub-No. 8) through MC 123067 (Sub-No. 18), are as follows:

No. MC 109497 (Sub-No. 8), filed June 7, 1963. Applicant: A. F. COMER TRANSPORT SERVICE, INC., Rocky Mount, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha*, but excluding all other acids and chemicals, in bulk, in tank vehicles, from Colonial Pipe Line Company terminals located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and returned and rejected shipments, on return.

No. MC 110698 (Sub-No. 250), filed June 18, 1963. Applicant: RYDER TANK LINE, INC., Winston-Salem Road, Post Office Box 457, Greensboro, N.C. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipeline Company terminals located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Florida, South Carolina, North Carolina, Virginia, and Georgia, and returned or rejected shipments, on return.

NOTE: Common control may be involved.

No. MC 111302 (Sub-No. 27), filed June 12, 1963. Applicant: HIGHWAY TRANSPORT, INCORPORATED, Post Office Box 79, Powell, Tenn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank ve-

hicles, from Colonial Pipeline Terminals and tank storage areas on or near the Colonial Pipeline or spurs thereof, located at points in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 116254 (Sub-No. 29), filed June 10, 1963. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from terminals located on the pipe line of the Colonial Pipe Line Company in Alabama, Georgia, Tennessee, and South Carolina, to points in Alabama, Georgia, Tennessee, Florida, and South Carolina.

No. MC 119496 (Sub-No. 4), filed June 17, 1963. Applicant: THE JAMES GIBBONS COMPANY, a corporation, Sutton Avenue (Relay), Baltimore 27, Md. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from all distribution points on the Colonial Pipe Line located in Maryland and Virginia, including all spur lines, to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 123067 (Sub-No. 18), filed June 5, 1963. Applicant: M & M TANK LINE, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C., and Frank C. Phillips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha*, but excluding all other acids and chemicals, in bulk, in tank vehicles, (1) from Colonial Pipe Line Terminals in North Carolina, to points in South Carolina and Virginia, and (2) from Colonial Pipe Line Terminals in South Carolina and Virginia, to points in North Carolina, and rejected and refused shipments, on return.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 1951) (CORRECTION), filed May 13, 1963, published in FEDERAL REGISTER issue of May 29, 1963, and republished as corrected this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. Applicant's attorney: William H. Marx (same address as applicant).

NOTE: As previously published, the notice referred to "Maine Ave.," Clifton, N.J., whereas it should have stated "Main Ave." The purpose of this republication is to correct the spelling of *Main Ave.*

No. MC 98433 (Sub-No. 1), filed June 5, 1963. Applicant: L. I. GRIFFIN AND SONS, INC., 5002 South Hanna Street, Fort Wayne, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation of which because of size or weight requires the use of special equipment or handling, and of related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight requires special equipment or special handling*, between points in Indiana.

No. MC 71459 (Sub-No. 14), filed May 6, 1963. Applicant: SOUTHERN CALIFORNIA FREIGHT LINES, LTD., 2800 West Bayshore Road, Palo Alto, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), (1) between the junction of U.S. Highway 99 and California Highway 120 approximately two (2) miles East of Manteca, Calif., and Richmond, Calif.: from the junction of U.S. Highway 99 and California Highway 120 over U.S. Highway 40 to Richmond, and return over the same route, serving no intermediate points, and (2) between the junction of U.S. Highway 50 and California Highway 120 approximately four (4) miles west of Manteca, Calif., and Richmond, Calif.: from the junction of California Highway 120 and U.S. Highway 50 over U.S. Highway 50 to Sacramento, Calif., thence over U.S. Highway 40 to Richmond, and return over the same route, serving no intermediate points.

NOTE: Applicant requests the right to interline freight and trailers with connecting carriers at Sacramento, Calif., only. Applicant further states that it is under common control with Oregon Nevada California Fast Freight, Inc., MC-9115, and all outstanding stock of this company is controlled by Carroll J. Roush.

No. MC 78786 (Sub-No. 249), filed June 4, 1963. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco 5, Calif. Applicant's attorney: John MacDonald Smith, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading and those requiring special equipment), between Elko, Nev., and Wells, Nev.: From Elko over U.S. Highway 40 to Wells and return over the same route, serving all intermediate points.

No. MC 95840 (Sub-No. 2), filed June 13, 1963. Applicant: GRAYSON DAM-

RON, doing business as ASHTON-DAMRON TOWING CO., 8951 Dwyer, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and replacement motor vehicles, semi-trailers and trailers*, by truckaway method requiring the use of a wrecker, between points in Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

No. MC 100129 (Sub-No. 4), filed June 13, 1963. Applicant: NORA ROBERTSON, doing business as ACME TOWING SERVICE, 4225 Third Street, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and replacement motor vehicles, semi-trailers and trailers*, by truckaway method requiring the use of a wrecker, between points in Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

No. MC 102616 (Sub-No. 726), filed June 7, 1963. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes: transporting: *Gasoline, natural, in bulk*, in tank vehicles, from Waynesburg, Pa., to Hastings, W. Va.

No. MC 114194 (Sub-No. 45), filed June 3, 1963. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and blends thereof*, in bulk, from Granite City, Ill., to points in New York, Connecticut, New Jersey, Delaware, and Maryland, and *returned and rejected shipments*, of commodities specified above, on return.

No. MC 114885 (Sub-No. 12), filed June 10, 1963. Applicant: TANK TRUCK TRANSPORT, LIMITED, Costa Road, R.R. No. 1, Maple, Ontario, Canada. Applicant's attorney: Louis Reznick, 5009 Keokuk Street, Washington 16, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk in tank motor vehicles, from Buffalo, N.Y., to the port of entry on the international boundary line between the United States and Canada at Buffalo, N.Y.

NOTE: Applicant states the proposed operation is restricted to traffic destined to points in Canada.

No. MC 114897 (Sub-No. 42), filed May 24, 1963. Applicant: WHITFIELD TANK LINES, INC., 300 North Clark Road (Post Office Drawer 9897), El Paso 89, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal*

fats, in bulk, in tank vehicles, from El Paso, Tex., to Phoenix, Ariz.

NOTE: Common control may be involved.

No. MC 115946 (Sub-No. 23), filed June 5, 1963. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Savannah, Ga. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Savannah, Ga., to points in Texas.

No. MC 119849 (Sub-No. 2), filed June 3, 1963. Applicant: DYE HAULING COMPANY, a corporation, 123 Commerce Street, Post Office Box 5688, Dallas, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, sand, rock, shell, ore, dirt, flexible base, ready-mix asphalt, rip rap, aggregates, bulk cement mixed with sand, gravel and crushed limestone*, in bulk, in dump vehicles, between points in Dallas, Tarrant, and Parker Counties, Tex., on the one hand, and, on the other, points in Atoka, Bryan, Carter, Comanche, Cotton, Harmon, Jackson, Jefferson, Johnston, Kiowa, Love, Marshall, Stephens, Texas, Tillman, Cimarron, and Beaver Counties, Okla., Morton, Stevens and Seward Counties, Kans., and Boca County, Colo.

No. MC 125172 (Sub-No. 2), filed May 27, 1963. Applicant: SABER, INC., 514 South Wall Street, Sioux City, Iowa. Applicant's attorney: Wallace W. Huff, 314 Security Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mixed liquid fertilizer solutions containing nitrogen, phosphate and potassium, phosphatic fertilizer solutions, ammoniated or otherwise, insecticides for use therein, anhydrous ammonia fertilizer solutions, and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Sioux City, Iowa, on the one hand, and on the other, points in Nebraska, South Dakota, and Minnesota as follows: Beginning at the Nebraska-Iowa State line at Sioux City and extending south along the Nebraska-Iowa State line to the intersection of U.S. Highway 30 near Blair, Nebr., thence west along U.S. Highway 30 through Blair, Fremont, Columbus, and Grand Island to North Platte, Nebr., thence north along U.S. Highway 83 through Thedford and Valentine, Nebr., to Mission, S. Dak., thence east along U.S. Highway 18 to junction U.S. Highway 183 near Winner, S. Dak., thence north along U.S. Highway 183 to Presho, S. Dak., thence east along U.S. Highway 16 to Chamberlain, S. Dak., thence north along South Dakota Highway 47 to Highmore, S. Dak., thence east along U.S. Highway 14 to Miller, S. Dak., thence north along South Dakota Highway 45 to Ipswich, S. Dak., thence east along U.S. Highway 12 to Aberdeen, S. Dak., thence north along U.S. Highway 281 to the South Dakota-North Dakota

State line, thence east along the North Dakota-South Dakota State line to the intersection of the North Dakota-South Dakota-Minnesota State line, thence south along the South Dakota-Minnesota State line to Ortonville, Minn., thence east along U.S. Highway 12 through Benson to Willmar, Minn., thence south along U.S. Highway 71 to junction Minnesota Highway 19 near Morton, Minn., thence east along Minnesota Highway 19 to Winthrop, Minn., thence south along Minnesota Highway 15 to junction U.S. Highway 14 near New Ulm, Minn., thence east along U.S. Highway 14 through Mankato to Owatonna, Minn., thence south along U.S. Highway 218 to the Iowa-Minnesota State line, thence west along the Iowa-Minnesota State line to the intersection of the Iowa-Minnesota-South Dakota State line, thence south along the Iowa-South Dakota State line to the point of beginning at Sioux City, including all points designated on the above designated highways.

NOTICE OF FILING OF PETITIONS

No. MC 4189 (PETITION TO AMEND PERMIT), filed May 13, 1963. Petitioner: BRICK TRUCKING SERVICE COMPANY, Post Office Box 207, Lee's Summit, Mo. Petitioner is a contract carrier operating under a Permit in MC 4189, which Permit authorizes, in part, the transportation of clay products, from the sites of the United Brick & Tile Company's plants at Vale and Harrisonville, Mo., to points in Kansas on and east of U.S. Highway 77 (except those on and east of a line extending along U.S. Highway 75 from the Kansas-Nebraska State line to Yates Center, and thence along U.S. Highway 54 to the Kansas-Missouri State line), with no transportation for compensation on return except as otherwise authorized, and from the sites of the United Brick & Tile Company's plants at Coffeyville, Iola, and Weir, Kans., to points in Missouri on and west of U.S. Highway 63 (except those on and west of U.S. Highway 65), with no transportation for compensation on return except as otherwise authorized. On February 1, 1963, the Acme Brick Company of Fort Worth, Tex., purchased the properties of United Brick & Tile Company. By the instant petition, petitioner prays that the Commission amend that portion of its Permit in MC 4189, referred to above, to read as follows: "Clay products, from the sites of the Acme Brick Company's plants at Vale and Harrisonville, Mo., to points in Kansas on and east of U.S. Highway 77 (except those on and east of a line extending along U.S. Highway 75 from the Kansas-Nebraska State line to Yates Center, and thence along U.S. Highway 54 to the Kansas-Missouri State line), with no transportation for compensation on return except as otherwise authorized, and from the sites of the Acme Brick Company's plants at Coffeyville, Iola, and Weir, Kans., to points in Missouri on and west of U.S. Highway 63 (except those on and west of U.S. Highway 65), with no transportation for compensation on return except as otherwise authorized. Any person or persons desiring to participate in this proceeding, may, within 30 days

from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 20722 (PETITION FOR MODIFICATION OF CERTIFICATE PURSUANT TO REPORT IN MC-C-3024), filed May 27, 1963. Petitioner: M & G CONVOY, INC., 590 Elk Street, Buffalo, N.Y. Petitioner's attorney: Walter N. Biene-man, Suite 1700, One Woodward Avenue, Detroit 26, Mich. Petitioner is authorized in No. MC 20722 to transport new automobiles, new trucks, and new chassis in initial movements, from automobile manufacturing plants in Wayne County and Warren Township, Macomb County, Mich., to destinations in Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut. It also holds similar authority to perform secondary movements in ex-boat service from Buffalo, N.Y., to the same destination area. In view of the Report of the Commission of October 15, 1962, in No. MC-C-3024, National Automobile Transporters Association Petition for Declaratory Order (wherein provision is made for modification of existing authorities under certain conditions), the holder of the above-described operating authority, by petition, filed May 27, 1963, requests that the Commission modify its No. MC 20722 Certificate to include the following additional authority: "New automobiles, new trucks, and new chassis, in secondary movements, in driveway and truck-away service, from points in New York and Massachusetts to all points in Vermont, New Hampshire, Maine, and Rhode Island. RESTRICTION: Service shall be restricted to traffic originating at plant sites of Chrysler Corporation in Wayne County and Warren Township, Macomb County, Mich., and having an immediately prior movement by rail." Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each) within 45 days from the date of this publication in the FEDERAL REGISTER.

No. MC 30319 (PETITION FOR REOPENING AND RECONSIDERATION FOR THE PURPOSE OF MODIFYING RESTRICTIONS AT SHERIDAN AND ROCK ISLAND, TEXAS), filed May 31, 1963. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, Post Office Box 4054, Houston 14, Tex. Petitioner's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Petitioner is a motor common carrier and, with some exceptions, performs a service that is auxiliary to and supplemental of rail services rendered by Southern Pacific Company. In MC 30319 petitioner is authorized, in part, to transport general commodities, except those of unusual value, livestock and Classes A and B explosives, serving Sheridan and Rock Island, Tex., as intermediate points in regular route operations between Rosenberg and Hallettsville, Tex. Two restrictions in this certificate are pertinent to this petition. They are as follows: 1. "The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of rail service of the Southern Pacific Company, hereinafter called the

Railroad, except at Chappell Hill, Sublime, Hallettsville, Rusk, Maydelle and Palestine, Tex. 2. The carrier shall not render any service to or from any point not a station on the line of the railroad, except Coldspring, Tex., and except the site of the Southern Production Company, near Pledger, Tex., and the site of the Freeport Sulphur Plant near Damon, Tex., and except Chappell Hill, Sublime, Hallettsville, Rusk, Maydelle and Palestine, Tex." Because Southern Pacific Company presently has pending before the Commission an application to abandon its rail operation between Sheridan and Altair, Tex., petitioner will no longer be able to serve Rock Island and Sheridan under its present restricted authority. By the instant petition, petitioner requests the Commission to reopen and reconsider Consolidated Certificate MC 30319 and modify the restrictions concerned to read as follows: 1. The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of rail service of the Southern Pacific Company, hereinafter called the Railroad, except at Chappell Hill, Sublime, Hallettsville, Rusk, Maydelle, Palestine, Sheridan, and Rock Island, Tex. 2. The carrier shall not render any service to or from any point not a station on the line of the Railroad, except Coldspring, Tex., and except the site of the Southern Production Company near Pledger, Tex., and the site of the Freeport Sulphur Company, Damon, Tex., and except Chappell Hill, Sublime, Hallettsville, Rusk, Maydelle, Palestine, Sheridan, and Rock Island, Tex. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 85300 (PETITION FOR FORMAL OPINION), filed May 27, 1963. Petitioner: ANTON VIDAS, doing business as ANTON VIDAS TRANSFER LINE, 1012 Vermont Street, Quincy, Ill. Petitioner's attorneys: Melvin Routman, Robert T. Lawley, 306-308 Reisch Building, Springfield, Ill. and Sam Schneidman, 620-622 W.C.U. Building, Quincy, Ill. Petitioner is authorized in MC 85300 to operate as a common carrier, by motor vehicle, transporting: Such commodities as are sold by retail mail order houses, from Quincy, Ill., to points in Illinois, Missouri, Iowa, and Wisconsin. Petitioner's authority to transport air compressors of the type manufactured by Gardner-Denver Co., Quincy, Ill., under the above commodity description has been questioned. By the instant petition, petitioner requests a formal interpretative opinion with respect to the extent of petitioner's present authority finding that such air compressors it now transports are commodities sold by retail mail order houses and that petitioner may transport them within its presently authorized territory. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 123907 (PETITION TO CONVERT REGULAR ROUTES INTO IR-

REGULAR ROUTES), filed May 27, 1963. Petitioner: J. H. NOWINSKY TRUCKING COMPANY, Hatley, Wis. Petitioner's attorney: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. Pursuant to a conversion proceeding, a Certificate in MC 123907 was issued to petitioner as of December 29, 1961. This Certificate authorizes both regular and irregular route operations. Petitioner's regular route authority is as follows: Paper and paper products, from Tomahawk, Wis., to Chicago, Ill., serving the intermediate and off-route points of Merrill and Mosinee, Wis., and those in the Town of Bradley, Lincoln County, Wis., and Waukegan, Winnetka, Wilmette, Evanston, Chicago Heights, and Joliet, Ill., and the Chicago, Ill., Commercial Zone, as defined by the Commission. Materials, supplies, and equipment used in the manufacture of paper and paper products, from Chicago, Ill., to Tomahawk, Wis., serving the intermediate and off-route points of Merrill and Mosinee, Wis., and those in the Town of Bradley, Lincoln County, Wis., and Waukegan, Winnetka, Wilmette, Evanston, Chicago Heights, and Joliet, Ill., and Chicago, Ill., Commercial Zone, as defined by the Commission. Veal and eggs, from Edgar, Wis., to Chicago, Ill., serving all intermediate and off-route points in Marathon County, Wis. Such merchandise as is handled in rural stores, from Chicago, Ill., to Edgar, Wis., serving all intermediate and off-route points in Marathon County, Wis. Petitioner's irregular route authority fundamentally is between Illinois and Wisconsin points. By the instant petition, petitioner requests that the Commission revise its present certificate by reclassifying the regular route operations as those of an irregular route common motor carrier. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 108398 (Sub-No. 33), filed June 11, 1963. Applicant: FORTIER TRANSPORTATION COMPANY, a corporation, 3201 Ringsby Court, Denver, Colo. Applicant's attorney: Edward M. Berol, 100 Bush Street, Suite 2107, San Francisco 4, Calif. Authority sought to operate as a common carrier, by motor vehicle, transporting: (A) *General commodities* (except commodities of unusual value, household goods as defined by the Commission, and those requiring special equipment, except when such commodities are transported, in bulk, in tank truck or tank trailer equipment). Regular routes: Between points in California, serving all intermediate points and points within 10 miles thereof, as follows: (1) From San Francisco over U.S. Highways Nos. 101, 101 By-Pass and 101 Alternate to San Diego, except that no service shall be provided between San Diego and National City, on the one hand, and, on the other, points in Ne-

vada on and west of U.S. Highway 395; (2) from Los Angeles over U.S. Highway 99 to Sacramento; (3) from Sacramento over U.S. Highway 99W to Woodland; (4) from Sacramento over U.S. Highway 99E to Yuba City; (5) from San Francisco over U.S. Highway No. 40 to Auburn; (6) from Sacramento over U.S. Highway No. 50 to Placerville; (7) from Gilroy over California Highway No. 152 to Califa; (8) from San Francisco over U.S. Highway No. 50, California Highway No. 17 and California Highway No. 120 to Manteca; (9) from Tracy over California Highway No. 33 to Maricopa; (10) from the intersection of California Highway No. 166 and U.S. Highway No. 99 over California Highway No. 166 to Maricopa; (11) from Davis over alternate U.S. Highway No. 40, to Portola; (12) from the intersection of California Highway No. 89 with U.S. Highway No. 40 Alternate over California Highway 89 to Greenville; (13) from Crescent Mills over unnumbered roads to Taylorsville; (14) from Portola over U.S. Highways 40 Alternate and 395 and unnumbered State or County road to Hurlong.

(15) From Woodland over California Highway No. 16 to Sacramento; (16) from the intersection of California Highway 4 with U.S. Highway No. 40 over California Highway 4 to the intersection of California Highway 4 with U.S. Highway 99; (17) from the intersection of California Highway 12 with U.S. Highway No. 40, over California Highway 12 to the intersection of said highway with U.S. Highway No. 99; (18) from Sacramento over California Highway 24 to the intersection of said Highway with California Highway 4; (19) from Modesto over California Highway No. 132 to Vernalis; (20) from Merced over California Highway No. 140 to Gustine; (21) from Fresno over unnumbered roads via Sanger, Reedley, Dinuba, Orosi, Visalia, Exeter, Lindsay, and Porterville, to Famoso; (22) from Tipton over unnumbered roads via Corcoran, Hanford, Lemoore, and Riverdale, to Fresno; (23) from Mendota over California Highway No. 180 to Fresno; (24) from Coalinga over California Highway No. 198 to the intersection of said highway with U.S. Highway No. 99; (25) from Famoso over U.S. Highway 466 to the intersection of said highway with California Highway No. 33; (26) from McKittrick over California Highway 178 to Bakersfield; (27) from Taft over U.S. Highway No. 399 to Greenfield, and return over the same routes, serving all intermediate points and the intermediate or off-route points of: Alameda Naval Air Station, Benicia Arsenal, Camp Beale, Camp Cook, Camp Irwin, Camp McQuaid, Camp Pendleton, Camp Roberts, Camp San Luis Obispo, Castle Air Force Base, Shelly Air Force Base, Fort Ord, Hamilton Air Force Base, Naval Installation at Long Beach, San Pedro, and Wilmington, March Air Force Base, Mare Island, Mather Air Force Base, McClellan Air Force Base, Marine Corps Base, and Naval Installation—San Diego, Naval Supply Annex—Stockton, Naval Supply Depot—Oakland, Norton Air Force Base, Lemoore Naval Station, Oakland Army Base, Parks Air Force Base, Port Chicago Naval Ammunition

Dump, Presidio—San Francisco, Sacramento Signal Depot, Sharp General Depot—Lathrop, Sharp General Depot Annex—Lyoth, Sierra Ordnance Depot, Camp Stoneman, Travis Air Force Base, U.S. Marine Transit and Storage Depot, near Barstow, George Air Force Base, Naval Test Station—Inyokern, Air Force Station at Oxnard and Santa Rosa, Cheli Air Force Base, Naval Supply Depot—National City, Mira Loma Quartermaster Department, Point Mugu, Port Hueneme. RESTRICTION: No service shall be provided to points on U.S. Highway 99-E north of Yuba City.

IRREGULAR ROUTES: (1) Between points in California within an area bounded by a line beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate, and extending northeasterly on Sunset Boulevard to California Highway No. 7; northerly along California Highway No. 7 to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to and including the city of Redlands; westerly along U.S. Highway No. 99 to U.S. Highway No. 395; southerly along U.S. Highway No. 395 to California Highway No. 18 to U.S. Highway No. 91; westerly along U.S. Highway No. 91 to California Highway No. 55; southerly on California Highway No. 55 to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northerly along a line to point of beginning.

(2) Between the above described points on the one hand, and, on the other, San Jose, and points in an area bounded by a line beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Company right of way; southerly along

the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to California Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs, northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

(B) *Canned goods* between points in the described Los Angeles territory, on the one hand, and, on the other, points as follows: (1) Between Elsinor and Corona, Calif., on California Highway 71 and points within 25 miles thereof; (2) between Carpinteria and Santa Paula on California Highway 150 and points within 10 miles thereof; (3) between Santa Paula and Castaic Junction, on California Highway 126 and points within 10 miles thereof; (4) between Auburn and Colfax, Calif., on U.S. Highway No. 40; and points within 10 miles thereof, and (5) between Davis and Winters, as an unnumbered County road, and points within 10 miles thereof.

NOTE: This application is a matter directly related to MC-F-8471 and MC-F-8472, published this issue.

Authority sought (1) in No. MC-F-8471, for GARY S. RINGSBY and D. W. RINGSBY, Dinosaurs City, Ariz. (Peach Springs, Ariz.), sons of J. W. RINGSBY, 3201 Ringsby Court, Denver, Colo., to acquire control of FORTIER TRANSPORTATION COMPANY, 949 Ferry Street, Oakland, Calif., through purchase of capital stock; and (2) in

No. MC-F-8472, for the purchase by FORTIER TRANSPORTATION COMPANY, of the operating rights and property of CONVERSE TRUCKING SERVICE, also of Oakland, Calif., and for acquisition by GARY S. RINGSBY and D. W. RINGSBY, of control of such rights and property through the purchase. Applicants are not motor carriers but are the sons of J. W. RINGSBY, who controls RINGSBY TRUCK LINES, INC., also of Denver, Colo. The latter is sole stockholder of FORTIER TRANSPORTATION COMPANY and CONVERSE TRUCKING SERVICE, pursuant to authority granted (a) in No. MC-F-7835 (RINGSBY TRUCK LINES, INC.—CONTROL AND MERGER—FORTIER TRANSPORTATION CO.), decided December 20, 1962 (stock control exercised and the time for effecting the merger extended until December 31, 1963), as modified by supplemental orders dated February 21, and May 10, 1963; and (b) in No. MC-F-8004 (RINGSBY TRUCK LINES, INC.—CONTROL AND MERGER—CONVERSE TRUCKING SERVICE), decided November 14, 1962 (stock control exercised and the time for effecting the merger extended to December 31, 1963).

In No. MC-52709 Sub-135, directly related to and embraced in No. MC-F-7835, supra, RINGSBY TRUCK LINES, INC., was conditionally granted a certificate covering certain operations in California. A new BMC-78 application filed by FORTIER TRANSPORTATION COMPANY, assigned No. MC-108398 Sub-33 (as shown below), as a matter directly related to the new applications in Nos. MC-F-8471 and MC-F-8472, seeks a certificate for the same authority as was granted RINGSBY TRUCK LINES, INC., in No. MC-52709 Sub-135. Applicants' attorneys: Berol, Loughran & Geernaert, 100 Bush Street, Suite 2107, San Francisco 4, Calif. Operating rights sought to be controlled: (1) *General commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier over irregular routes, between Long Beach and Los Angeles Harbor, Calif., on the one hand, and, on the other, points in the Los Angeles Commercial Zone, as defined by the Commission in Los Angeles, Calif., Commercial Zone, 3 M.C.C. 248; *general commodities*, excepting, among others, commodities in bulk, other than wine and olive oil, but not excepting, household goods, between points in California; *cotton*, from Bakersfield, Calif., and points within 75 miles of Bakersfield, to Los Angeles Harbor, Calif.; *wool*, from points in Kern County, Calif., to Los Angeles Harbor, Stockton, San Francisco, and Oakland, Calif.; *electric conduit, farm machinery and equipment, and groceries*, from Los Angeles Harbor, Calif., to Bakersfield, Calif.; *conduit, wire netting, steel and copper wire, lumber, paper, steel pipe and tubing, seed, nuts, honey, clay products, peat moss, grain, rice, bran, fish meal, tapioca meal, flaxseed meal, sesame seed meal, perilla meal, copra meal, peanut meal, fertilizer, and oil in drums*, from Los Angeles Harbor and Long Beach, Calif., to Los Angeles and Vernon, Calif.; *clay products, fertilizer, talc, honey and oil*

in drums, from Los Angeles and Vernon, Calif., to Los Angeles Harbor and Long Beach, Calif.; *fertilizer*, from Los Angeles Harbor and Long Beach, Calif., to San Fernando, Whittier, Upland, Claremont, Glendora, Alta Loma, Rivera, Canoga Park, Covina, Pomona, and Pacoima, Calif., and points within 5 miles of each; *machinery*, from Alhambra, Calif., to Los Angeles Harbor and Long Beach, Calif.; *burlap bags, bagging, and bale ties*, from Los Angeles Harbor, Calif., to Bakersfield, Calif., and points within 100 miles of Bakersfield, Calif.; *paper and paper products*, except newsprint, from Los Angeles Harbor, Calif., to Bakersfield, Calif., and points within 15 miles of Bakersfield, Calif.; *pipe and heavy machinery and equipment*, between Los Angeles Harbor, Calif., on the one hand, and, on the other, Bakersfield, Calif., and points within 75 miles of Bakersfield; *edible oils*, crude and refined, and *unseed oil*, in bulk, in tank vehicles, between points in the Los Angeles, Calif., Commercial Zone, on the one hand, and, on the other, points in the Los Angeles Harbor Commercial Zone, as such zones are defined by the Commission, and between points in the above zones, on the one hand, and, on the other, Buena Park and Norwalk, Calif.; *latex* (liquid crude rubber), from points in the Los Angeles Harbor, Calif., Commercial Zone, to points in the Los Angeles, Calif., Commercial Zone; *general commodities*, with the same exceptions listed above, between Travis Air Force Base, Calif., on the one hand, and on the other, points in California, restricted to shipments other than those moving from or to points on San Francisco Bay; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California as more specifically described in Docket No. MC-108398 Sub-31. Operating rights sought to be purchased:

(2) *General commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier over regular routes between Portland, Oreg., and San Francisco, Calif., serving all intermediate and certain off-route points and between Goshen, Oreg., and Weed, Calif., serving the intermediate point of Klamath Falls, Oreg., for traffic originating at or destined to points other than Klamath Falls subject to the restriction that no traffic shall be transported (1) between Vancouver, Wash., and points in Oregon; (2) between one point in Oregon and another point in Oregon; and (3) between one point in California and another point in California; and over an alternate route for operating convenience only, serving no intermediate points; *machinery, materials, supplies, and equipment*, incidental to, or used in mining, milling, building construction, and highway building and maintenance, over irregular routes, between points in California, Nevada, and Malheur County, Oreg.; *structural steel*, between San Francisco, Calif., and points within 20 miles of San Francisco, on the one hand, and, on the other, points in Nevada, restricted against the transportation of any shipments which requires special equipment

and handling by reason of unusual weight, bulk, or length, except petroleum products in tank vehicles, in shipments of not less than 10,000 pounds, between points in California, on the one hand, and, on the other, points in Nevada; *machinery and machinery parts, and mining and construction materials, equipment and supplies*, between points, both of which are located in the same state, in Washington and Oregon (except Malheur County, Oreg.), restricted to traffic having an immediately prior or immediately subsequent movement by rail carrier, between points in California, on the one hand, and, on the other, points in Oregon and Washington, between points in Nevada, on the one hand, and, on the other, points in Oregon and Washington, and between points in California; *frozen berries*, from Tacoma and Grandview, Wash., and Beaverton, Gresham and Portland, Oreg., to points in Alameda County, Calif.; *frozen fruit*, from Grandview, Wash., and Beaverton, Oreg., to points in Alameda County, Calif.; *frozen vegetables*, from Arlington, Wash., to San Francisco, Modesto, and Sacramento, Calif.; and *tea*, from San Francisco, Calif., to Portland, Oreg., and Seattle and Spokane, Wash.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7912 (LONG TRANSPORTATION CO.—PURCHASE—JOSEPH F. LAGROU), published in the July 12, 1961, issue of the FEDERAL REGISTER on page 6258. Application under section 5 was dismissed by order dated October 5, 1962; temporary authority granted under section 210a(b) by order dated July 14, 1961, as extended, is continuing. Applicants now request reconsideration, reopening of the proceeding, reinstatement of the application and oral hearing.

No. MC-F-8464 (GARRETT FREIGHTLINES, INC.—PURCHASE—UNITED STATES EXPRESS (W. J. HEMPY, ASSIGNEE), published in the June 19, 1963, issue of the FEDERAL REGISTER on page 6327. UNITED STATES EXPRESS has been adjudicated in bankruptcy in the Southern Division of the United States District Court for the Northern District of California, in connection with the above application and the directly related application Docket No. MC-263 Sub 154, as published in the same issue of the FEDERAL REGISTER. JOHN O. ENGLAND has been appointed Trustee for the Bankrupt's estate, and has adopted the agreement of record.

No. MC-F-8475. Authority sought for purchase by SIERRA DISTRIBUTING, LTD., 8536 Elder Creek Road, Sacramento, Calif., of the operating rights

of F.T.S. TRANSPORT SYSTEM, INC. (C. J. MORRISSEY, TRUSTEE in Bankruptcy), Post Office Box 2727, Sacramento, Calif., and for acquisition by DONALD O. CULY and HAROLD F. CULY, both of 8536 Elder Creek Road, Sacramento, Calif., of control of such rights through the purchase. Applicants' attorneys: Berol, Loughran and Mastoris, 625 Market Street, San Francisco, Calif., and Handler, Baker and Mastoris, 625 Market Street, San Francisco, Calif. Operating rights sought to be transferred: Under BMC-75 Statement under section 206(a) (7), of the Act, pursuant to BOR-99, in No. MC-120558 Sub-2, covering the transportation of *general commodities*, with certain restrictions, between points within the San Francisco-East Bay cartage zone; *specified commodities*, between various points in the State of California bounded on the north by Santa Rosa and Sacramento and on the south by Colton; *other specified commodities*, between Sacramento, on the one hand, and San Francisco, San Jose, Alameda, Oakland, Pittsburgh, Stockton, and Perkins, on the other hand, between Walnut Grove and Modesto, between Sacramento and Represa, and between Sacramento, on the one hand, and Davis, Woodland, Elkhorn, Elk Grove, and Nicolaus on the other hand. Vendee holds no authority from this Commission. However, its controlling stockholders are affiliated with PADRE FREIGHT LINES, 8536 Elder Creek Road, Sacramento, Calif., which claims "grandfather" rights in California, under section 206(a) (7) of the Act, pursuant to BOR-99, in No. MC-121338 Sub-1. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8476. Authority sought for control and merger by TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo., of the operating rights and property of BEE LINE TRUCK DISPATCH, 744 Folger Avenue, Berkeley 10, Calif. Applicants' attorneys: Marvin Handler, 1312 Bank of America Building, San Francisco, Calif., and Max G. Morgan, 450 American National Building, Oklahoma City, Okla. Operating rights sought to be controlled and merged: *Explosives*, as a common carrier over irregular routes, from Oakland, Calif., and points within 20 miles thereof, to points in Arizona, Idaho, Montana, New Mexico, Utah, and Washington, and to ports of entry on the United States-Mexico boundary line, at San Ysidro and Calexico, Calif., from points within 20 miles of Oakland, Calif., to points in Nevada and Oregon, and between Trevano and Oakland, Calif., and points within 20 miles of Oakland, Calif., on the one hand, and, on the other, points in California. RESTRICTION: No single portion of the authority described above shall be tacked or joined, directly or indirectly, with any other authority specified above for the purpose of performing any through service; *oxidizing materials*, other than liquid, when intended to be used as an explosive agent, from Creed and Oakland, Calif., and points within 20 miles of Oakland, Calif., to points in Arizona, Idaho, Montana, New Mexico, Utah,

Washington, Oregon, and Nevada, between Trevano, Creed, and Oakland, Calif., and points within 20 miles of Oakland, Calif., on the one hand, and, on the other, points in California, and from Oakland, Calif., and points within 20 miles thereof, to ports of entry on the United States-Mexico boundary line, at San Ysidro and Calexico, Calif.; Classes A, B, and C explosives, from Creed, Calif., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, and Utah. RESTRICTION: The authority granted immediately above, to the extent that it authorizes the transportation of Classes A & B explosives, shall be limited, in point of time to a period expiring five years after December 23, 1957; from Creed, Calif., to points in Washington; *Classes A, B, and C explosives and oxidizing materials*, other than liquid, when intended to be used as an explosive agent, from the storage facilities of Trojan Powder Company at Creed and San Leandro, Calif., to points in San Miguel County, Colo., points within 2 miles of Victor, Colo., including Victor, and points on and within 5 miles of that portion of Colorado Highway 9 which extends from Fairplay to Breckenridge, Colo. TRI-STATE MOTOR TRANSIT CO., is authorized to operate as a common carrier in Missouri, Oklahoma, Kansas, Texas, Pennsylvania, New York, Illinois, Indiana, Nebraska, Arkansas, Virginia, Washington, New Mexico, Iowa, Minnesota, California, Idaho, Massachusetts, Maryland, Connecticut, Georgia, Michigan, Ohio, Tennessee, Utah, Colorado, Nevada, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8477. Authority sought for merger into McLEAN TRUCKING COMPANY, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C., of the operating rights and property of HAYES FREIGHT LINES, INC., 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C., and for acquisition by M. C. BENTON, JR., and P. P. DAVIS, both of Winston-Salem, N.C., of control of such rights and property through the transaction. Applicants' attorney: David G. Macdonald, Suite 602, Solar Building, 1000 16th Street NW., Washington 6, D.C. Operating rights sought to be merged: *General commodities*, with certain exceptions, including household goods and commodities in bulk, as a common carrier over regular routes including routes between St. Louis, Mo., and Davenport, Iowa, Chicago, Ill., Evansville and Richmond, Ind., Columbus, Ohio, and Louisville, Ky., between Keokuk, Iowa, and Cleveland, Ohio, between Peoria, Ill., and Indianapolis, Ind., between Peoria, Ill., and Cincinnati, Ohio, between Davenport, Iowa, and Sterling, Ill., between Cleveland, Ohio, and Danville, Ill., Indianapolis, Ind., and Louisville, Ky., between Toledo, Ohio, and Detroit, Mich., between Chicago and Joliet, Ill., and Youngstown, Columbus and Cincinnati, Ohio, Muncie, Anderson and Evansville, Ind., and Memphis, Tenn., between South Bend, Ind., and Nashville, Tenn., between Litchfield, Ill., and Louisville, Ky., between specified points in Kentucky, between specified

points in Illinois, between specified points in Indiana, between specified points in Illinois and specified points in Kentucky, between Cincinnati, Ohio, and Fulton, Ky., between Pittsburgh, Pa., and Columbus, Ohio, and between Wheeling, W. Va., and Columbus, Ohio, serving certain intermediate and off-route points; numerous alternate routes for operating convenience only.

Class A and B explosives, and general commodities, with certain exceptions excluding household goods and including loose bulk commodities, between Cincinnati, Ohio, and Nashville, Tenn., between specified points in Kentucky, between Greenville, Ky., and Clarksville, Tenn., between Russellville, Ky., and Milan, Tenn., between Fulton, Ky., and junction U.S. Highways 45E and 45W, between specified points in Tennessee, between Paris, Tenn., and Murray, Ky., between Paris, Tenn., and junction Kentucky Highways 97 and 94, and between Owensboro, Ky., and Cincinnati, Ohio, serving certain intermediate and off-route points; alternate route for operating convenience only between Memphis, Tenn., and Cairo, Ill.; *general commodities*, with certain exceptions including neither household goods nor commodities in bulk, between Owensboro, Ky., and Springfield, Tenn., and between Evansville, Ind., and Owensboro, Ky., serving certain intermediate points; *class A and B explosives*, between Peoria, Ill., and Rock Island, Ill., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over regular and irregular routes, between Logansport, Ind., and Naval Ammunition Depot, near Burns City, Ind., and between Louisville, Ky., and points in Fayette County, Ky., serving no intermediate points; *general commodities*, with certain exceptions including household goods and loose bulk commodities, between Cincinnati, Ohio, and certain points in Ohio; *road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Mattoon, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Massachusetts, Maine, Maryland, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Vermont, West Virginia, and Wisconsin; *iron and steel articles*, as described in Groups II and III of Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Aurora, Ind., to points in Indiana; *meats, meat products, and meat byproducts* (except commodities in hermetically sealed containers), as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from Springfield, Ill., to points in Massachusetts, New York, New Jersey, Maryland, and certain points in Pennsylvania, as more specifically de-

scribed in certificates No. MC-42329 and numerous subs. McLEAN TRUCKING COMPANY is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, New York, Virginia, Maryland, Pennsylvania, Illinois, West Virginia, Ohio, Indiana, Kentucky, New Jersey, Connecticut, Massachusetts, Rhode Island, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: McLEAN TRUCKING CO., controls HAYES FREIGHT LINES, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC-F-6915, which became the order of the Commission on November 12, 1959.

No. MC-F-8478. Authority sought for purchase by LESTER C. NEWTON TRUCKING CO., Post Office Box 255, Bridgeville, Del., of the operating rights of BUGLIO TRUCKING CO., Richland, N.J., and for acquisition by LESTER C. NEWTON, also of Bridgeville, Del., of control of such rights through the purchase. Applicants' attorneys: H. Charles Ephraim, 1001 15th Street NW., Room 45, Washington 5, D.C., and Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Operating rights sought to be transferred: *Agricultural commodities*, except in bulk, as a *common carrier*, over irregular routes, from Vineland, Landisville, Hammonton, Swedesboro, and Cedarville, N.J., to Boston, Mass., Providence, R.I., New Haven, Conn., Syracuse and New York, N.Y., Philadelphia, Scranton, and Wilkes-Barre, Pa., and Baltimore, Md.; *such commodities*, as are used in, or incidental to the preparation, packing, and shipment of canned, frozen and processed foods, except in bulk, and *fresh fruits and vegetables*, from points in Pennsylvania, Delaware, Maryland, New York, Connecticut, Rhode Island, Virginia, Massachusetts, and the District of Columbia, to points in Atlantic and Cumberland Counties, N.J.; *such commodities*, as are used in, or incidental to the preparation, packing, and shipment of canned and processed foods, except in bulk, from Meriden, Conn., New York, N.Y., Philadelphia, New Cumberland, and Pittsburgh, Pa., Aberdeen and Baltimore, Md., Washington, D.C., and Norfolk, Va., to Swedesboro, N.J.; *fertilizer and fertilizer materials, chemicals, insecticides, empty tin cans, barrels, boxes, and pails*, from Baltimore, Md., Philadelphia, Pa., and New York, N.Y., to Vineland, Newfield, and Landisville, N.J.; *lime*, except in bulk, from Plymouth Meeting, Pa., to Vineland, N.J.; *glass containers*, from Bridgeton, N.J., to New York, N.Y.; *such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, except in bulk, from New York, N.Y., to Philadelphia, and Norristown, Pa., Aberdeen, Baltimore, and Edgewood, Md., Washington, D.C., Accotink, Hampton, Norfolk, Rosslyn, and Quantico, Va., and points in New Jersey on and south of New Jersey Highway 27, from Philadelphia, Pa., to New York, N.Y.; *processed foods*, except in bulk, and *canned foods*, from points in Atlantic, Burlington, Camden, Cumber-

land, Gloucester, Mercer, and Salem Counties, N.J., to points in Pennsylvania, Delaware, Maryland, the District of Columbia, New York, Connecticut, Rhode Island, and Massachusetts. Vendee is authorized to operate as a *common carrier* in Delaware, Maryland, Virginia, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, North Carolina, Vermont, New Hampshire, Maine, Georgia, Florida, South Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8479. Authority sought for purchase by INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn., of the operating rights and property of FRANK A. WILLERS, doing business as WILLERS HEAVY HAULING, 1109 East 3d Street, Sioux Falls, S. Dak., and for acquisition by ROBERT E. THEEL, also of Rochester, of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and Robert G. May, 316 Northwestern Bank Building, Sioux Falls, S. Dak. Operating rights sought to be transferred: *Such commodities*, as by reason of their size or weight, require the use of special equipment or special handling, and *related contractor's materials and supplies* when transported in connection with commodities which by reason of their size or weight require the use of special equipment, or special handling, as a *common carrier*, over irregular routes, between all points in South Dakota and those in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, all points in Iowa, Nebraska, and North Dakota, and those in Minnesota, on or south of U.S. Highway 12 and on or west of U.S. Highway 65; *such commodities*, which by reason or size or weight require the use of special equipment or special handling, and *related contractor's materials and supplies*, when transported in connection with such commodities, between points in South Dakota, and those in Minnesota and Iowa, within 50 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in Colorado, Wisconsin, Illinois, Michigan, Indiana, Kansas, and Missouri, between points in that part of South Dakota east of the Missouri River, and those in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in Montana and Wyoming; *commodities*, the transportation of which because of size or weight requires the use of special equipment and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of such commodities, between points in South Dakota, on the one hand, and, on the other, points in Ohio, Pennsylvania, and Utah; *spreaders, road construction machinery and equipment*, and *such commodities* which because of size or weight require the use of special equipment, of special handling, from Beresford, Sioux Falls, Dell Rapids, and

Hawarden, S. Dak., to points in California, Oregon, and Washington. Vendee is authorized to operate as a *common carrier* in all States except Hawaii. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-6732, Filed, June 25, 1963;
8:58 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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