Pages 12759–12808

FEDERAL REGISTER

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Contents

(Continued on next page)

Codification Guide

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

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

5 CFR

213 (3 documents) 12761

PROPOSED RULES:

890 12784

7 CFR

722 12761
944 12762

PROPOSED RULES:

1061 12779
1064 12779
1104 12779
1106 12779
1137 12779

14 CFR

71 [New] (3 documents) 12763
93 [New] 12763
507 12765

PROPOSED RULES:

137 [New] 12781

16 CFR

13 (3 documents) 12765–12767

19 CFR

24 12768

26 CFR

1 12768

36 CFR

7 12771

41 CFR

8–1 12771
8–2 12771
8–3 12771
8–52 12773

47 CFR

0 12773
1 (2 documents) 12773, 12774
34 12775
35 12775

PROPOSED RULES:

81 12784
83 12784

49 CFR

77 12776

50 CFR

32 (4 documents) 12776, 12777

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3344 is amended to show the exception under Schedule C of one additional position of Secretary to the Commissioner, Community Facilities Administration. Effective upon publication in the FEDERAL REGISTER, subparagraph (12) of paragraph (a) of § 213.3344 is amended as set out below.

§ 213.3344 **Housing and Home Finance Agency.**

(a) *Office of the Administrator.* * * *

(12) Two Secretaries to the Community Facilities Commissioner.

* * * * *

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

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

[F.R. Doc. 64–9149; Filed, Sept. 9, 1964; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3104 is amended to show the exception under Schedule A of two additional positions of Realty Officer and five positions of Interviewer (Interpreter) for the duration of the Chamizal Project. Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (c) of § 213.3104 is amended as set out below.

§ 213.3104 **Department of State.**

* * * * *

(c) *International Boundary and Water Commission, United States and Mexico.* * * *

(2) Not to exceed 19 Realty Officers, Appraisers, Negotiators, Specialists and Assistants, GS–5 through 14. Not to exceed five Interviewers (Interpreter), GS–5 through 11. Appointment under this authority may not extend beyond four years from the date of authorization of the Chamizal Project.

* * * * *

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

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

[F.R. Doc. 64–9150; Filed, Sept. 9, 1964; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that 13 positions which were abolished during reorganizations are no longer excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraphs (2), (3), (11), (12), (14), (17) of paragraph (a), subparagraph (5) of paragraph (d), subparagraph (3) of paragraph (k), subparagraph (3) of paragraph (l), subparagraph (5) of paragraph (n), and subparagraph (3) of paragraph (p) of § 213.3304 are revoked.

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

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

[F.R. Doc. 64–9151; Filed, Sept. 9, 1964; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Amdt. 11]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

EXPORT MARKET ACREAGE

This amendment is issued pursuant to the Agricultural Adjustment Act of 1838, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to provide for State committee option to appraise the average yield for farms with export market acreage by the boll count method or by the visual inspection method. In addition, the requirement that the farm operator request the county committee prior to any appraisal to use the actual yield instead of an appraised yield is modified to permit such request at any time, and the actual yield shall be used in cases where the farm operator does not agree with the appraised yield.

(b) Since determinations of average yield for farms with export market acreage are required in the near future, it is essential that this amendment be made effective as soon as possible. Accordingly it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Paragraph (d) of § 722.228 of the Acreage Allotment Regulations for the 1964 and succeeding crops of upland cotton (23 F.R. 11041 as amended) is amended as follows:

§ 722.228 **Exportation of cotton produced on export market acreage of the 1964 crop.**

* * * * *

(d) *Export cotton.* The county committee shall establish the quantity of cotton in pounds of lint cotton net weight required to be exported from the 1964 crop on each farm participating in the 1964 export market acreage program. Such quantity of cotton, referred to herein as the export cotton for a farm shall be determined by multiplying the average yield per acre in pounds of lint cotton for the farm for the 1964 crop by the export market acreage of the 1964 crop on the farm. If the county committee determines that the entire farm production of cotton of the 1964 crop on the total of the farm acreage allotment and the export market acreage is less than one bale of 350 pounds gross weight, the export cotton for such farm shall be reduced to zero. Upon the determination of the export cotton for any farm, written notice thereof shall be given to the farm operator. The State committee shall determine whether the average yield and total estimated production for the farm shall be determined by the county committee under subparagraph (1) or (2) of this paragraph taking into account the availability of qualified appraisers and the time available for appraisal with a view to obtaining a reasonable appraisal under all the circumstances. If the farm operator requests the county committee to use the actual production in lieu of the appraised yield, or if he does not agree with the appraised yield, the actual production on the farm proven to the satisfaction of the county committee shall be used. If the appraised yield is determined under subparagraphs (1) or (2) of this paragraph, the county committee shall adjust such yield downward if the producers on the farm so request and furnish proof of actual production satisfactory to the county committee which is less than the appraised yield.

(1) The boll count method of appraisal of yield shall include the following steps:

(i) The boll count shall be made when the cotton is substantially mature.

(ii) An area of 1/100 acre shall be selected and the bolls that are mature or can reasonably be expected to mature shall be counted. Such area shall be representative of the farm as a whole but if such area may not result in an accurate appraisal due to the size of the farm, different cultural practices on the fields in the farm, or variations in the crop, sample boll counts shall be made on as many additional 1/100-acre plots as necessary

to obtain an accurate appraisal. If the cotton in an area of 1/100 acre so selected is not uniform, such 1/100 acre shall be broken into fractions and the count made in different fields.

(iii) The State committee shall determine the estimated number of bolls by varieties, required to produce a pound of lint cotton for the current crop and shall furnish such determinations to the county committee.

(iv) The appraised yield per acre shall be determined by multiplying the number of bolls counted for an area (or the average number of bolls if more than one area was selected) by 100 and dividing the result by the number of bolls determined to be required to produce a pound of lint cotton of the variety involved. This calculation shall be carried to three places beyond the decimal and rounded to the nearest hundredth.

(2) The visual inspection method of appraisal of yield shall include the following: A qualified representative of the county committee shall make a visual inspection of each field of cotton on the farm in company with the farm operator. Upon the basis of such visual inspection and the yields from fields already harvested on the farm, if any, the county committee shall appraise the yield for the farm.

* * * * *

(Secs. 349, 375, 78 Stat. 173, 52 Stat. 66, as amended; 7 U.S.C. 1349, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C. on September 3, 1964.

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

[F.R. Doc. 64-9169; Filed, Sept. 9, 1964; 8:49 a.m.]

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

[Grapefruit Reg. No. 7; Grapefruit Reg. No. 6 Terminated]

PART 944—FRUITS; IMPORT REGULATIONS

Grapefruit

§ 944.103 Grapefruit Regulation No. 7.

(a) On and after 12:01 a.m., e.s.t., September 20, 1964, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports of grapefruit. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of grapefruit should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the grapefruit will be imported:

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Building, Harlingen, Tex. (Phone—Garfield 3-5644), or	1 day.
	James E. Williams, Room 204, U.S. Court House, El Paso, Tex. (Phone—Keystone 3-9351, Ext. 340).	Do.
All New York points.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Phone—Rector 2-8000, Ext. 807).	Do.
All Arizona points.	R. H. Bertelson, 136 Grand Ave., Nogales, Ariz. (Phone—Atwater 7-2902).	Do.
All Florida points.	Lloyd W. Mooney, 1200 Northwest 21 Terrace, Room 5, Miami, Fla. (Phone—Newton 5-7967), or	Do.
	Hubert S. Flynt, 775 Warner St., Orlando, Fla. (Phone—Garden 2-2447).	Do.
All California points.	Carley D. Williams, 784 South Central Avenue, Room 294, Los Angeles 21, Calif. (Phone—Madison 2-8756).	3 days.
All other points.	D. S. Matheson, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C., 20250 (Phone—Dudley 8-5870).	Do.

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this regulation, any importation of grapefruit which, in the aggregate, does not exceed five standard nailed boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of grapefruit, during the effective time of this regulation, are in most direct competition with grapefruit grown in the State of Florida. The requirements set forth in this section are the same as those being made effective for grapefruit grown in Florida (Grapefruit Regulation 40; § 905.419).

(h) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(i) Nothing contained in this regulation shall be deemed to preclude any importer from reconditioning prior to importation any shipment of grapefruit for the purpose of making it eligible for importation.

(j) The terms used herein relating to grade, diameter, standard pack, and standard box shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163). Importation means release from custody of the United States Bureau of Customs.

(k) Grapefruit Regulation No. 6 (28 F.R. 9877; 29 F.R. 311, 1316, 2857, 3391, 4767) is hereby terminated at the effective time hereof.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that herein specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8a of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those being made effective

on domestic shipments of grapefruit under Grapefruit Regulation 40 (§ 905.419); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; and (d) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

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

Dated: September 4, 1964.

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

[F.R. Doc. 64–9170; Filed, Sept. 9, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64–CE–8]

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

Alteration of Control Zone and Transition Area

On April 18, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5321) stating that the Federal Aviation Agency proposed to alter the control zone and transition area in the Greater Peoria/Bloomington, Ill., terminal area.

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

A review of the Peoria control zone and the Bloomington, Ill., transition area revealed two incorrect radial specifications. The portion of the Peoria control zone described as within 2 miles each side of the Peoria VORTAC 091° radial should read the 099° radial. The portion of the Bloomington transition area described as within 2 miles each side of the Bloomington VOR 037° radial should read the 043° radial. Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and action is taken herein to reflect the changes.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 12, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101, 555), the Peoria, Ill., control zone is amended by deleting "and within 2 miles each side of the Greater Peoria Airport ILS localizer NW course, extending from the 5-mile radius zone to 6 miles NW of the airport." and substituting "and within 2 miles each side of the ILS localizer NW course extending from the 5-mile radius zone to 11 miles NW of the airport." therefor; and by deleting "within 2 miles each side of the Peoria VORTAC 091° radial" and substituting "within 2 miles each side of the Peoria VORTAC 099° radial" therefor.

2. In § 71.181 (29 F.R. 1160, 555), the Peoria, Ill., and the Bloomington, Ill., transition areas are amended, respectively, by deleting from the text "within 2 miles each side of the Greater Peoria Airport ILS localizer NW course, extending from the 8-mile radius area to 14 miles NW of the airport;" and by deleting "and within 2 miles each side of the Bloomington VOR 037° radial," and substituting "and within 2 miles each side of the Bloomington VOR 043° radial," therefor.

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

Issued in Washington, D.C., on September 3, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–9116; Filed, Sept. 9, 1964; 8:45 a.m.]

[Airspace Docket No. 64–WA–56]

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

Revocation of Reporting Point

Issued in Washington, D.C., on September 3, 1964.

The purpose to this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke the Hard Head Intersection as a reporting point. This reporting point was used for air traffic control purposes in conjunction with an international route. This route has been cancelled. Accordingly, a further requirement for the Hard Head reporting point has been obviated and it may be revoked.

This action involves the designation of navigable airspace outside the United States, therefore the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since this amendment is procedural in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 12, 1964, as hereinafter set forth.

In § 71.209 (29 F.R. 1226) "Hard Head INT: INT 119° bearing Galveston, Tex., RBN, 248° bearing Grand Isle, La., RBN." is revoked.

(Secs. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on September 3, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–9117; Filed, Sept. 9, 1964; 8:45 a.m.]

[Airspace Docket No. 64–SO–12]

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

Alteration of Transition Area

On June 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 7515) stating that the Federal Aviation Agency proposed to alter the transition area at Atlanta, Ga.

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

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 12, 1964, as hereinafter set forth.

In § 71.181 (29 F.R. 1160), the Atlanta, Ga., 700-foot transition area is amended by deleting "extending from the 15-mile radius area to the VORTAC;" and substituting "extending from the 15-mile radius area to the VORTAC; within 5 miles SW and 8 miles NE of the Atlanta ILS localizer SE course, extending from the OM to 12 miles SE of the OM;" therefor.

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

Issued in Washington, D.C., on September 1, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–9118; Filed, Sept. 9, 1964; 8:45 a.m.]

[Reg. Docket No. 6055; Amdt. 93–4]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS [NEW]

Subpart G—Spirit of St. Louis-Lobmaster Airport Traffic Area

A notice of proposed rule making was published in the FEDERAL REGISTER on June 24, 1964 (29 F.R. 8012) stating that the Federal Aviation Agency proposed to amend Part 93 [New] of the Federal Aviation Regulations, establishing an airport traffic area and requiring pilots operating to, from, or on the Lobmaster and Spirit of St. Louis Airports to conform to special traffic patterns and to comply with special air traffic rules.

In addition, that notice announced a public hearing to be held in St. Louis, Mo., on July 15, 1964, to receive the views and comments of interested persons concerning the proposed amendments.

A supplemental notice of proposed rule making was published in the FEDERAL REGISTER on August 5, 1964 (29 F.R. 11279), extending the period for submission of written comments to August 31, 1964 and announcing an additional public hearing for August 19, 1964, at St. Louis, Mo.

Interested persons were afforded an opportunity to participate in the rule making by submission of comments and by participation in these public hearings. Due consideration was given to all relevant matter presented.

The Aircraft Owners and Pilots Association (AOPA) objected to the proposed regulatory action in principle, suggesting that suitable procedures could be developed as a solution to the operational problems present, obviating the necessity for regulatory action.

The National Pilots Association commented similarly, suggesting that mutually acceptable traffic patterns might be established for the two airports, making operation of a control tower unnecessary.

The Agency has studied the operational problems with a view to simply establishing segregated traffic patterns, and has conducted flight tests with representative aircraft types to evaluate the operational suitability of these patterns. These tests indicated that merely orienting the Lobmaster Airport traffic pattern to the east and the Spirit of St. Louis traffic pattern to the south was not a complete solution to the problem, as a critical area of conflict remained in the area near the intersection of the extended centerlines of the runways. While operating, the control tower is calculated to resolve this conflict; at other times, additional restrictions must be imposed and regulatory action is considered necessary.

The Air Line Pilot Association supported the proposal, stating that it favors the control and segregation of general aviation traffic from airline traffic, especially in high density areas.

The Air Transport Association (ATA), the Aircraft Owners and Pilots Association (AOPA), and others, commented regarding the absence of the specific language of the proposed rule in the notice of proposed rule making, and the attending difficulty encountered in preparing critical comment.

As implementing language of the proposed rule was not firm at the time that the notice was published and as it seemed probable that the language of the rule might require revision in the light of comments received, it was felt that a detailed statement of the terms and substance of the proposed regulation in the notice would be appropriate and would avoid any confusion which might result from subsequent revision of the language.

Several comments expressed objections to the fact that airports were permitted to be constructed and operated in such close proximity. It should be pointed out that section 309 of the Federal Aviation Act (49 U.S.C. 1350) requires only that reasonable prior notice of airport construction or alteration be given to the Administrator in order that he may advise as to the effects of such construction on the use of airspace by aircraft. Such notice was appropriately given in the case of the Spirit of St. Louis Airport, and in 1961 conditional airspace approval was given pursuant to this section of the Act. The principal condition of that approval was the abandonment of Lobmaster Airport, and, as that condition has not been satisfied, this regulatory action becomes necessary.

Additional comments were received relating to the adequacy of a part-time control tower from a safety viewpoint; to the increased complexity of operations for student or novice pilots in operating with a tower; to the feasibility of a single tower controlling traffic at both airports; and to the possibility of the tower giving preference to Spirit of St. Louis traffic in view of the fact that the tower is owned and operated by the management of that airport.

There are currently 72 part-time control towers in operation in the United States. The majority of these towers operate on a 16-hour basis, and are generally not in operation during late evening and early morning hours, when air traffic is very light. It is anticipated that the Spirit of St. Louis tower will be operated on a similar basis. Hours of operation are published in aeronautical publications and on aeronautical charts, and the operating condition of the tower is typically indicated by some visual signal on the airfield or on the tower. Experience has demonstrated that these measures are satisfactory and that no compromise of safety standards results. On the contrary, during periods when the tower is in operation, the safety of operations in this area should be enhanced by an appreciable measure.

It is recognized that operating with a tower may result, at least initially, in an increase in complexity of operations for student or novice pilots. On the other hand, student or novice pilots are typically accompanied by an instructor or other experienced pilot and will rapidly acquire such additional skills or knowledge as may be required.

The feasibility of a single tower controlling both airports has been the subject of detailed study by the Agency. Site studies indicate that light signals are observable from any portion of the north-south runway at Lobmaster Airport and the east-west runway at the Spirit of St. Louis Airport, as well as from the air and ground approaches to both runways. Aborted approaches, landings or takeoffs can be readily observed by the tower and necessary actions effected or initiated promptly.

While the control tower is privately owned and operated by the Spirit of St. Louis Airport, the probability of tower personnel discriminating against Lobmaster Airport in assigning landing sequence or other clearances is considered minimal. The air traffic control specialists will have been examined and certificated by the Federal Aviation Agency, and the performance of their duties is regulated in a large part by the Administrator. One of the requirements is that traffic be controlled on a "first-come, first-served" basis. Deviation from this principle might be grounds for suspension of an airman certificate or other corrective action.

Comments also indicated a fear that establishment of an airport traffic area and operation of the control tower would impose new and additional restrictions, with respect to special visual-flight-rules (VFR) clearances, parachute jumping and sky-diving, glider operations, and banner towing.

As the Lobmaster Airport and the Spirit of St. Louis Airport are presently situated within the St. Louis Municipal (Lambert Field) Airport Control Zone and all necessary clearance authority for certain of these operations now emanates, and will continue to emanate from the Lambert Field tower, no additional restrictions are imposed. Conversely, the planned installation of direct-line communications between the Spirit of St. Louis tower and the St. Louis Municipal tower should greatly simplify and facilitate acquisition of clearances and flight information.

In consideration of the foregoing, and for reasons stated in previously published notices of proposed rule making, Part 93 [New] of the Federal Aviation Regulations is amended, effective immediately by adding Subpart G as hereinafter set forth:

Subpart G—Spirit of St. Louis-Lobmaster Airport Traffic Area

Sec.
93.91 Applicability.
93.93 Description of area.
93.95 Special rules; Spirit of St. Louis Airport.
93.97 Special rules; Lobmaster Airport.

AUTHORITY: The provisions of this Subpart G issued under sec. 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

§ 93.91 Applicability.

This subpart prescribes the Spirit of St. Louis-Lobmaster Airport Traffic Area. In addition, it prescribes special air traffic rules for operating aircraft to or from the Spirit of St. Louis or Lobmaster airports. For the purposes of §§ 91.87 and 91.89 of this chapter, the Spirit of St. Louis and Lobmaster Airports are considered as one airport.

§ 93.93 Description of area.

The Spirit of St. Louis-Lobmaster Airport Traffic Area is designated as that airspace within a three-statute-mile radius of the Spirit of St. Louis Airport, extending upward from the surface to, but not including, 1,500 feet MSL. This airport traffic area is effective during periods when the control tower at the Spirit of St. Louis Airport is in operation.

§ 93.95 Special rules; spirit of St. Louis Airport.

(a) Except in an emergency, no person piloting an airplane may land, make an approach, or take off to the east and no person may land or make an approach to the west at the Spirit of St. Louis Airport when the control tower at that airport is not in operation.

(b) Unless otherwise authorized by ATC, each person piloting an airplane landing at the Spirit of St. Louis Airport shall enter the traffic pattern south of the airport and execute a right traffic pat-

tern for a landing to the east, or a left traffic pattern for a landing to the west.

§ 93.97 Special rules; Lobmaster Airport.

Unless otherwise authorized by ATC, each person piloting an airplane landing at Lobmaster Airport shall enter the traffic pattern east of the airport and execute a right traffic pattern for landing to the north, or a left traffic pattern for landing to the south.

Issued in Washington, D.C., on September 2, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-9119; Filed, Sept. 9, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6201; Amdt. 813]

PART 507—AIRWORTHINESS DIRECTIVES

Vertol Model 107-II Helicopters

Amendment 698, 29 F.R. 3157, AD 64-6-8, requires inspection of and specifies the retirement times for the rotor pitch housing and blade sockets of Vertol Model 107-II helicopters. As the result of extensive investigation, it has been determined that certain parts need not be subjected to the repetitive inspections and that the service life for some parts may be extended from 350 to 2500 hours total time in service. However, it has also been determined that the inspection periods for certain blade sockets must be increased and that new retirement times must be established for such blade sockets. Accordingly, Amendment 698 is superseded by a new directive which incorporates the foregoing provisions.

Although this amendment contains provisions that are a relaxation of the existing requirements, other provisions have been added that require compliance without further delay. Therefore, good cause exists for making this amendment effective without compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act.

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

VERTOL. Applies to Model 107-II helicopters. Compliance required as indicated.

As a result of a fatigue failure in service of the rotor pitch housing, accomplish the following:

(a) Unless already accomplished within the last 30 hours' time in service, before further flight, inspect the lug areas of all rotor pitch housings P/Ns 107R2553-1, -2, -3, -4, -5, and -6 and blade sockets P/Ns 42R1043-7 and -8 with 260 or more hours' time in service, using magnetic particle inspection method or FAA-approved equivalent. To accomplish the inspection, remove rotor blades and rotor hub pitch bearing assemblies. Repeat this inspection at intervals not to exceed 30 hours' time in service.

(b) Inspect, using magnetic particle inspection, the lug areas of all rotor pitch housings P/Ns 107R2553-1, -2, -3, -4, -5, and -6 and blade sockets P/Ns 42R1043-7 and -8 with less than 260 hours' time in service in accordance with (a) prior to the accumulation of 260 hours' time in service.

(c) Conduct a daily visual inspection for cracks in the lug areas of all rotor pitch housings P/Ns 107R2553-1, -2, -3, -4, -5, and -6 and blade sockets P/Ns 42R1043-7 and -8. This may be accomplished without disassembly from the helicopter.

(d) Conduct a visual inspection for cracks in the lug areas of all rotor pitch housings P/Ns 107R2553-7, -8, -9, -10, -13, -14, -15, and -16 and blade sockets P/Ns 42R1043-11, -12, -13, and -14 at intervals not to exceed 25 hours' time in service. This may be accomplished without disassembly from the helicopter.

(e) If any cracks are found, replace the parts before further flight.

(f) Retire from service all rotor pitch housings P/Ns 107R2553-1, -2, -3, -4, -5, and -6 and blade sockets P/Ns 42R1043-7 and -8 which have accumulated 350 or more hours' total time in service.

(g) Retire from service all rotor pitch housings P/N's 107R2553-7, -8, -9, -10, -13, -14, -15, and -16 upon the accumulation of 2,500 hours' total time in service.

This supersedes Amendment 698, 29 F.R. 3157, AD 64-6-8.

This amendment shall become effective September 10, 1964.

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

Issued in Washington, D.C., on September 3, 1964.

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

[F.R. Doc. 64-9120; Filed, Sept. 9, 1964; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-816]

PART 13—PROHIBITED TRADE PRACTICES

Roland Baron and Sandler's Fur Shop

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition:* 13.30 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* 13.1865-40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900-40 Fur Products labeling Act: 13.1900-40(a) Maker or seller; 13.1900-40(b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Roland Baron Trading as Sandler's Fur Shop, Chicago, Ill., Docket C-816, Aug. 24, 1964]

In the Matter of Roland Baron, an Individual Trading as Sandler's Fur Shop

Consent order requiring a manufacturing furrier in Chicago to cease violating the Fur Products Labeling Act by labeling, invoicing and advertising which falsely identified furs with respect to the animal producing them, and failed to show the true animal name of furs and the country of origin of imported fur, to disclose when fur was artificially colored, and to use the terms "Persian Lamb", "Dyed Broad-tail-processed Lamb" and "natural" when and as required; and failing to show the manufacturer, etc., on labels, to keep adequate records as a basis for pricing claims, and to comply in other respects with requirements of the Act.

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

It is ordered, That respondent Roland Baron, an individual trading as Sandler's Fur Shop or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation and distribution in commerce, of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the Subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

4. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" on labels in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

6. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not

pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

9. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

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

4. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

7. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip dyed or otherwise artificially colored.

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

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

Issued: August 24, 1964.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 64-9153; Filed, Sept. 9, 1964; 8:48 a.m.]

[Docket No. C-817]

PART 13—PROHIBITED TRADE PRACTICES

Solmica, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.75 *Free goods or services;* § 13.135 *Nature of product.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions;*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Solmica, Inc. (St. Louis, Mo.) et al., Docket C-817, Aug. 25, 1964]

In the Matter of Solmica, Inc., a Corporation, and Saul Schmidt and Leon A. Moel, Individually and as Officers of Said Corporation, and Solmica of St. Louis, Inc., Solmica of the South, Inc., Solmica of Georgia, Inc., and Solmica of Nashville, Tennessee, Corporations

Consent order requiring five associated corporations—the parent located in St. Louis and the subsidiaries in St. Louis, Mo., Memphis and Nashville, Tenn., and Atlanta, Ga.—engaged in the sale of aluminum siding and related home improvement products to wholesalers and direct to the public, to cease representing falsely through statements of their representatives that purchasers permitting use of their houses as demonstration models would receive a special discount price as well as a bonus on sales resulting from such advertising; representing falsely in advertising in newspapers and magazines, on television and by mail, that their aluminum siding was four or five times thicker than all others, that their "Solmica Stone" was genuine natural stone, that all who mailed a completed entry card in their "Homeowner Sweepstakes" would receive a year's supply of Saran Wrap, and that their siding materials were unconditionally guaranteed "for life" or "for 20 years".

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

It is ordered, That respondents, Solmica, Inc., a corporation, and its officers, and Saul Schmidt and Leon A. Moel, individually and as officers of said corporation, and Solmica of St. Louis, Inc., Solmica of the South, Inc., Solmica of Georgia, Inc., and Solmica of Nashville, Tennessee, corporations, and their officers, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of siding materials or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any reduced price, special price, allowance or discount is granted by respondents in return for the use of the purchaser's house or other building as a demonstration unit or for the furnishing of any other service or facility by the purchaser.

2. Representing, directly or by implication, that respondents will pay a bonus, commission or any other compensation to purchasers or prospective purchasers on sales made as a result of demonstrating or advertising the purchaser's or prospective purchaser's house or building.

3. Representing, directly or by implication, that respondents' aluminum siding is five times thicker or four times thicker than all other aluminum siding; or representing, in any manner, that the thickness of their siding materials is other than respondents can affirmatively establish is the fact.

4. Representing, directly or by implication, that respondents' "Solmica Stone" or any other substantially similar product is genuine stone in its natural state; or representing, in any manner, that the quality or composition of their simulated stone is other than respondents can affirmatively establish is the fact.

5. Representing, directly or by implication, that persons will receive a gift of a specified article of merchandise, or anything of value, unless respondents establish that the item offered as a gift was in fact delivered to each eligible person.

6. Representing, directly or by implication, that respondents' products are unconditionally guaranteed when there

are any conditions or limitations to such guarantee.

7. Using the word "Life" or any other term of the same import in referring to the duration of a guarantee of a product without clearly and conspicuously disclosing the life to which such reference is made; or representing, in any manner, that the duration of a guarantee is other than respondents can affirmatively establish is the fact.

8. Representing, directly or by implication, that respondents' products are guaranteed unless the identity of the guarantor, the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction with any such representation.

9. Furnishing any means or instrumentalities to others whereby the public may be misled as to any of the matters or things prohibited by the above provisions of this order.

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

Issued: August 25, 1964.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 64-9154; Filed, Sept. 9, 1964; 8:48 a.m.]

[Docket No. C-815]

PART 13—PROHIBITED TRADE PRACTICES

Benjamin Favorman et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act; § 13.1325 *Source or origin:* 13.1325-70 Place: 13.1325-70(k) Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.-1845-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Benjamin Favorman et al. trading as Troy Sportswear Co., etc., San Francisco, Calif., Docket C-815, Aug. 19, 1964]

In the Matter of Benjamin Favorman Also Known as Ben Favorman, and E. T. Cherin, Individually and as Co-partners Trading as Troy Sportswear Co., Sun Valley Enterprises, and Leisure Imports

Consent order requiring San Francisco manufacturers and importers of men's wearing apparel to cease violating the Wool Products Labeling Act by such practices as labeling fabrics falsely as containing "95% Virgin Wool, 5% Nylon"; affixing to woolen plaid shirts imported from Japan labels on which the name "Highlander Wools" appeared beneath an emblem resembling the Coat of Arms of Great Britain, with the woven-in words "Imported Japan" illegible except in a certain light; and failing to show on shirt labels the percentages of the constitutent fibers.

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

It is ordered, That respondents Benjamin Favorman, also known as Ben Favorman, and E. T. Cherin, individually and as co-partners trading as Troy Sportswear Co., Sun Valley Enterprises or Leisure Imports, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or in connection with the offering for sale, sale, transportation, delivery for shipment, shipment, or distribution, in commerce of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

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

(2) Failing to clearly and conspicuously disclose on imported wool products and if such products are enclosed in packages or containers, on the front of the package or container, in such a manner as not to be hidden, or readily obliterated, the country of origin of such products.

(3) Setting forth on stamps, tags, labels or other means of identification affixed to any wool product, any symbol or emblem reasonably likely to be confused with the British Coat of Arms, or any other symbol connoting British origin, or using the words "Highlander Wool", or other words or terms connoting British origin to designate or to refer to wool products whose source is other than Great Britain.

(4) Falsely or deceptively stamping, tagging, labeling, or otherwise identifying wool products as to the country of origin of such wool products.

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

It is further ordered, That respondents Benjamin Favorman, also known as Ben Favorman, and E. T. Cherin, individually and as co-partners trading as Troy Sportswear Co., Sun Valley Enterprises, or as Leisure Imports or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

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

(2) Setting forth non-required information on labels, or elsewhere on such products, in such a manner as to interfere with, minimize, detract from, or conflict with the required information as to the country of origin of imported products or as to any other information required by the Textile Fiber Products Identification Act or the rules and regulations promulgated thereunder.

It is further ordered, That respondents Benjamin Favorman, also known as Ben Favorman, and E. T. Cherin, individually and as co-partners trading as Troy Sportswear Co., Sun Valley Enterprises or Leisure Imports or under any other trade name and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of articles of wearing apparel or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Offering for sale, selling or distributing any product which is of foreign origin, without clearly and conspicuously disclosing on such product and, if such product is enclosed in a package or container, on the front of the package or container, in such a manner as not to be hidden or readily obliterated, the country of origin of such product.

(2) Setting forth with reference to any product any symbol or emblem reasonably likely to be confused with the British Coat of Arms, or any other symbol or emblem connoting British origin, or using the word "Highlander", or other words or terms connoting British origin to designate or to refer to products whose source is other than Great Britain.

(3) Misrepresenting in any manner the country of origin of such products.

(4) Furnishing or otherwise placing in the hands of others the means through which they may deceive or mislead the purchasing public in respect to the origin of respondents' merchandise.

(5) Misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

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: August 19, 1964.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 64-9155; Filed, Sept. 9, 1964; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56251]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURES

Posting of Table of Fees in Customs Offices

Correction

In F.R. Doc. 64-9050, appearing at page 12627 of the issue for Saturday, Sept. 5, 1964, the word "changes" in the introductory text of § 24.12(b) should read "charges".

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6758]

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Deductibility of Expenses for Foreign Travel

On June 11, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 274(c) of the Internal Revenue Code of 1954 to conform the regulations to a change made by section 217 of the Revenue Act of 1964 (78 Stat. 56) was published in the FEDERAL REGISTER (29 F.R. 7513). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

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

Approved: September 4, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 274(c) of the Internal Revenue Code of 1954 to section 217 of the Revenue Act of 1964 (Public Law 88-272, 78 Stat. 56), such regulations are amended as follows:

PARAGRAPH 1. Section 1.274 is amended by revising section 274(c) and the historical note. These amended provisions read as follows:

§ 1.274 Statutory provisions; disallowance of certain entertainment, etc., expenses.

SEC. 274. *Disallowance of certain entertainment, etc., expenses—*

* * * * *

(c) *Certain foreign travel*—(1) *In general.* In the case of any individual who travels outside the United States away from home in pursuit of a trade or business or in pursuit of an activity described in section 212, no deduction shall be allowed under section 162 or section 212 for that portion of the expenses of such travel otherwise allowable under such section which, under regulations prescribed by the Secretary or his delegate, is not allocable to such trade or business or to such activity.

(2) *Exception.* Paragraph (1) shall not apply to the expenses of any travel outside the United States away from home if—

(A) Such travel does not exceed 1 week, or

(B) The portion of the time of travel outside the United States away from home which is not attributable to the pursuit of the taxpayer's trade or business or an activity described in section 212 is less than 25 percent of the total time on such travel.

(3) *Domestic travel excluded.* For purposes of this subsection, travel outside the United States does not include any travel from one point in the United States to another point in the United States.

* * * * *

[Sec. 274 as added by sec. 4(a), Rev. Act 1962 (76 Stat. 974); as amended by sec. 217(a), Rev. Act 1964 (78 Stat. 56)]

PAR. 2. Section 1.274-4 is amended to read as follows:

§ 1.274-4 Disallowance of certain foreign travel expenses.

(a) *Introductory.* Section 274(c) and this section impose certain restrictions on the deductibility of travel expenses incurred in the case of an individual who, while traveling outside the United States away from home in the pursuit of trade or business (hereinafter termed "business activity"), engages in substantial personal activity not attributable to such trade or business (hereinafter termed "nonbusiness activity"). Section 274(c) and this section are limited in their application to individuals (whether or not an employee or other person traveling under a reimbursement or other expense allowance arrangement) who engage in nonbusiness activity while traveling outside the United States away from home, and do not impose restrictions on the deductibility of travel expenses incurred by an employer or client under an advance, reimbursement, or other arrangement with the individual who engages in nonbusiness activity. For purposes of this section, the term "United States" includes only the States and the District of Columbia, and any reference to "trade or business" or "business activity" includes any activity described in section 212. For rules governing the determination of travel outside the United States away from home, see paragraph (e) of this section. For rules governing the disallowance of travel expense to which this section applies, see paragraph (f) of this section.

(b) *Limitations on application of section.* The restrictions on deductibility of travel expenses contained in paragraph (f) of this section are applicable only if—

(1) The travel expense is otherwise deductible under section 162 or 212 and the regulations thereunder,

(2) The travel expense is for travel outside the United States away from home which exceeds 1 week (as determined under paragraph (c) of this section), and

(3) The time outside the United States away from home attributable to nonbusiness activity (as determined under paragraph (d) of this section) constitutes 25 percent or more of the total time on such travel.

(c) *Travel in excess of 1 week.* This section does not apply to an expense of travel unless the expense is for travel outside the United States away from home which exceeds 1 week. For purposes of this section, 1 week means 7 consecutive days. The day in which travel outside the United States away from home begins shall not be considered, but the day in which such travel ends shall be considered, in determining whether a taxpayer is outside the United States away from home for more than 7 consecutive days. For example, if a taxpayer departs on travel outside the United States away from home on a Wednesday morning and ends such travel the following Wednesday evening, he shall be considered as being outside the United States away from home only 7 consecutive days. In such a case, this section would not apply because the taxpayer was not outside the United States away from home for more than 7 consecutive days. However, if the taxpayer travels outside the United States away from home for more than 7 consecutive days, both the day such travel begins and the day such travel ends shall be considered a "business day" or a "nonbusiness day", as the case may be, for purposes of determining whether nonbusiness activity constituted 25 percent or more of travel time under paragraph (d) of this section and for purposes of allocating expenses under paragraph (f) of this section. For purposes of determining whether travel is outside the United States away from home, see paragraph (e) of this section.

(d) *Nonbusiness activity constituting 25 percent or more of travel time*—(1) *In general.* This section does not apply to any expense of travel outside the United States away from home unless the portion of time outside the United States away from home attributable to nonbusiness activity constitutes 25 percent or more of the total time on such travel.

(2) *Allocation on per day basis.* The total time traveling outside the United States away from home will be allocated on a day-by-day basis to (i) days of business activity or (ii) days of nonbusiness activity (hereinafter termed "business days" or "nonbusiness days" respectively) unless the taxpayer establishes that a different method of allocation more clearly reflects the portion of time outside the United States away from home which is attributable to nonbusiness activity. For purposes of this section, a day spent outside the United States away from home shall be deemed

entirely a business day even though spent only in part on business activity if the taxpayer establishes—

(i) *Transportation days.* That on such day the taxpayer was traveling to or returning from a destination outside the United States away from home in the pursuit of trade or business. However, if for purposes of engaging in nonbusiness activity, the taxpayer while traveling outside the United States away from home does not travel by a reasonably direct route, only that number of days shall be considered business days as would be required for the taxpayer, using the same mode of transportation, to travel to or return from the same destination by a reasonably direct route. Also if, while so traveling, the taxpayer interrupts the normal course of travel by engaging in substantial diversions for nonbusiness reasons of his own choosing only that number of days shall be considered business days as equals the number of days required for the taxpayer, using the same mode of transportation, to travel to or return from the same destination without engaging in such diversion. For example, if a taxpayer residing in New York departs on an evening on a direct flight to Quebec for a business meeting to be held in Quebec the next morning, for purposes of determining whether nonbusiness activity constituted 25 percent or more of his travel time, the entire day of his departure shall be considered a business day. On the other hand, if a taxpayer travels by automobile from New York to Quebec to attend a business meeting and while en route spends 2 days in Ottawa and 1 day in Montreal on nonbusiness activities of his personal choice, only that number of days outside the United States shall be considered business days as would have been required for the taxpayer to drive by a reasonably direct route to Quebec, taking into account normal periods for rest and meals.

(ii) *Presence required.* That on such day his presence outside the United States away from home was required at a particular place for a specific and bona fide business purpose. For example, if a taxpayer is instructed by his employer to attend a specific business meeting, the day of the meeting shall be considered a business day even though, because of the scheduled length of the meeting, the taxpayer spends more time during normal working hours of the day on nonbusiness activity than on business activity.

(iii) *Days primarily business.* That during hours normally considered to be appropriate for business activity, his principal activity on such day was the pursuit of trade or business.

(iv) *Circumstances beyond control.* That on such day he was prevented from engaging in the conduct of trade or business as his principal activity due to circumstances beyond his control.

(v) *Weekends, holidays, etc.* That such day was a Saturday, Sunday, legal holiday, or other reasonably necessary standby day which intervened during that course of the taxpayer's trade or business while outside the United States away from home which the taxpayer endeavored to conduct with reasonable dispatch. For example, if a taxpayer travels from New York to London to take part in business negotiations beginning on a Wednesday and concluding on the following Tuesday, the intervening Saturday and Sunday shall be considered business days whether or not business is conducted on either of such days. Similarly, if in the above case the meetings which concluded on Tuesday evening were followed by business meetings with another business group in London on the immediately succeeding Thursday and Friday, the intervening Wednesday will be deemed a business day. However, if at the conclusion of the business meetings on Friday, the taxpayer stays in London for an additional week for personal purposes, the Saturday and Sunday following the conclusion of the business meeting will not be considered business days.

(e) *Domestic travel excluded*—(1) *In general.* For purposes of this section, travel outside the United States away from home does not include any travel from one point in the United States to another point in the United States. However, travel which is not from one point in the United States to another point in the United States shall be considered travel outside the United States. If a taxpayer travels from a place within the United States to a place outside the United States, the portion, if any, of such travel which is from one point in the United States to another point in the United States is to be disregarded for purposes of determining—

(i) Whether the taxpayer's travel outside the United States away from home exceeds 1 week (see paragraph (c) of this section),

(ii) Whether the time outside the United States away from home attributable to nonbusiness activity constitutes 25 percent or more of the total time on such travel (see paragraph (d) of this section), or

(iii) The amount of travel expense subject to the allocation rules of this section (see paragraph (f) of this section).

(2) *Determination of travel from one point in the United States to another point in the United States.* In the case of the following means of transportation, travel from one point in the United States to another point in the United States shall be determined as follows—

(i) *Travel by public transportation.* In the case of travel by public transportation, any place in the United States at which the vehicle makes a scheduled stop for the purpose of adding or discharging passengers shall be considered a point in the United States.

(ii) *Travel by private automobile.* In the case of travel by private automobile, any such travel which is within the United States shall be considered travel from one point in the United States to another point in the United States.

(iii) *Travel by private airplane.* In the case of travel by private airplane, any flight, whether or not constituting the entire trip, where both the takeoff and the landing are within the United States shall be considered travel from one point in the United States to another point in the United States.

(3) *Examples.* The provisions of subparagraph (2) may be illustrated by the following examples:

Example (1). Taxpayer A flies from Los Angeles to Puerto Rico with a brief scheduled stopover in Miami for the purpose of adding and discharging passengers and A returns by airplane nonstop to Los Angeles. The travel from Los Angeles to Miami is considered travel from one point in the United States to another point in the United States. The travel from Miami to Puerto Rico and from Puerto Rico to Los Angeles is not considered travel from one point in the United States to another point in the United States and, thus, is considered to be travel outside the United States away from home.

Example (2). Taxpayer B travels by train from New York to Montreal. The travel from New York to the last place in the United States where the train is stopped for the purpose of adding or discharging passengers is considered to be travel from one point in the United States to another point in the United States.

Example (3). Taxpayer C travels by automobile from Tulsa to Mexico City and back. All travel in the United States is considered to be travel from one point in the United States to another point in the United States.

Example (4). Taxpayer D flies nonstop from Seattle to Juneau. Although the flight passes over Canada, the trip is considered to be travel from one point in the United States to another point in the United States.

Example (5). If in example (4) above, the airplane makes a scheduled landing in Vancouver, the time spent in traveling from Seattle to Juneau is considered to be travel outside the United States away from home. However, the time spent in Juneau is not considered to be travel outside the United States away from home.

(f) *Application of disallowance rules*—(1) *In general.* In the case of expense for travel outside the United States away from home by an individual to which this section applies, except as otherwise provided in subparagraph (4) or (5) of this paragraph, no deduction shall be allowed for that amount of travel expense specified in subparagraph (2) or (3) of this paragraph (whichever is applicable) which is obtained by multiplying the total of such travel expense by a fraction—

(i) The numerator of which is the number of nonbusiness days during such travel, and

(ii) The denominator of which is the total number of business days and nonbusiness days during such travel.

For determination of "business days" and "nonbusiness days", see paragraph (d) (2) of this section.

(2) *Nonbusiness activity at, near, or beyond business destination.* If the place at which the individual engages in nonbusiness activity (hereinafter termed "nonbusiness destination") is at, near, or beyond the place to which he travels in the pursuit of a trade or business (hereinafter termed "business destination"), the amount of travel expense referred to in subparagraph (1) of this paragraph shall be the amount of travel expense, otherwise allowable as a deduction under section 162 or section 212, which would have been incurred in traveling from the place where travel outside the United States away from home begins to the business destination, and returning. Thus, if the individual travels from New York to London on business, and then takes a vacation in Paris before return-

ing to New York, the amount of the travel expense subject to allocation is the expense which would have been incurred in traveling from New York to London and returning.

(3) *Nonbusiness activity on the route to or from business destination.* If the nonbusiness destination is on the route to or from the business destination, the amount of the travel expense referred to in subparagraph (1) of this paragraph shall be the amount of travel expense, otherwise allowable as a deduction under section 162 or 212, which would have been incurred in traveling from the place where travel outside the United States away from home begins to the nonbusiness destination and returning. Thus, if the individual travels on business from Chicago to Rio de Janeiro, Brazil with a scheduled stop in New York for the purpose of adding and discharging passengers, and while en route stops in Caracas, Venezuela for a vacation and returns to Chicago from Rio de Janeiro with another scheduled stop in New York for the purpose of adding and discharging passengers, the amount of travel expense subject to allocation is the expense which would have been incurred in traveling from New York to Caracas and returning.

(4) *Other allocation method.* If a taxpayer establishes that a method other than allocation on a day-by-day basis (as determined under paragraph (d)(2) of this section) more clearly reflects the portion of time outside the United States away from home which is attributable to nonbusiness activity, the amount of travel expense for which no deduction shall be allowed shall be determined by such other method.

(5) *Travel expense deemed entirely allocable to business activity.* Expenses of travel shall be considered allocable in full to business activity, and no portion of such expense shall be subject to disallowance under this section, if incurred under circumstances provided for in subdivision (i) or (ii) of this subparagraph.

(i) *Lack of control over travel.* Expenses of travel otherwise deductible under section 162 or 212 shall be considered fully allocable to business activity if, considering all the facts and circumstances, the individual incurring such expenses did not have substantial control over the arranging of the business trip. A person who is required to travel to a business destination will not be considered to have substantial control over the arranging of the business trip merely because he has control over the timing of the trip. Any individual who travels on behalf of his employer under a reimbursement or other expense allowance arrangement shall be considered not to have had substantial control over the arranging of his business trip, provided the employee is not—

(*a*) A managing executive of the employer for whom he is traveling (and for this purpose the term "managing executive" includes only an employee who, by reason of his authority and responsibility, is authorized, without effective veto procedures, to decide upon the necessity for his business trip), or

(*b*) Related to his employer within the meaning of section 267(b) but for this purpose the percentage referred to in section 267(b)(2) shall be 10 percent.

(ii) *Lack of major consideration to obtain a vacation.* Any expense of travel, which qualifies for deduction under section 162 or 212, shall be considered fully allocable to business activity if the individual incurring such expenses can establish that, considering all the facts and circumstances, he did not have a major consideration, in determining to make the trip, of obtaining a personal vacation or holiday. If such a major consideration were present, the provisions of subparagraphs (1) through (4) of this paragraph shall apply. However, if the trip were primarily personal in nature, the traveling expenses to and from the destination are not deductible even though the taxpayer engages in business activities while at such destination. See paragraph (b) of § 1.162–2.

(g) *Examples.* The application of this section may be illustrated by the following examples:

Example (*1*). Individual A flew from New York to Paris where he conducted business for 1 day. He spent the next 2 days sightseeing in Paris and then flew back to New York. The entire trip, including 2 days for travel en route, took 5 days. Since the time outside the United States away from home during the trip did not exceed 1 week, the disallowance rules of this section do not apply.

Example (*2*). Individual B flew from Tampa to Honolulu (from one point in the United States to another point in the United States) for a business meeting which lasted 3 days and for personal matters which took 10 days. He then flew to Melbourne, Australia where he conducted business for 2 days and went sightseeing for 1 day. Immediately thereafter he flew back to Tampa, with a scheduled landing in Honolulu for the purpose of adding and discharging passengers. Although the trip exceeded 1 week, the time spent outside the United States away from home, including 2 days for traveling from Honolulu to Melbourne and return, was 5 days. Since the time outside the United States away from home during the trip did not exceed 1 week, the disallowance rules of this section do not apply.

Example (*3*). Individual C flew from Los Angeles to New York where he spent 5 days. He then flew to Brussels where he spent 14 days on business and 5 days on personal matters. He then flew back to Los Angeles by way of New York. The entire trip, including 4 days for travel en route, took 28 days. However, the 2 days spent traveling from Los Angeles to New York and return, and the 5 days spent in New York are not considered travel outside the United States away from home and, thus, are disregarded for purposes of this section. Although the time spent outside the United States away from home exceeded 1 week, the time outside the United States away from home attributable to nonbusiness activities (5 days out of 21) was less than 25 percent of the total time outside the United States away from home during the trip. Therefore, the disallowance rules of this section do not apply.

Example (*4*). D, an employee of Y Company, who is neither a managing executive of, nor related to, Y Company within the meaning of paragraph (f)(5)(i) of this section, traveled outside the United States away from home on behalf of his employer and was reimbursed by Y for his traveling expense to and from the business destination. The trip took more than a week and D took advantage of the opportunity to enjoy a personal vacation which exceeded 25 percent of the total time on the trip. Since D, traveling under a reimbursement arrangement, is not a managing executive of, or related to, Y Company, he is not considered to have substantial control over the arranging of the business trip, and the travel expenses shall be considered fully allocable to business activity.

Example (*5*). E, a managing executive and principal shareholder of X Company, travels from New York to Stockholm, Sweden, to attend a series of business meetings. At the conclusion of the series of meetings, which last 1 week, E spends 1 week on a personal vacation in Stockholm. If E establishes either that he did not have substantial control over the arranging of the trip or that a major consideration in his determining to make the trip was not to provide an opportunity for taking a personal vacation, the entire travel expense to and from Stockholm shall be considered fully allocable to business activity.

Example (*6*). F, a self-employed professional man, flew from New York to Copenhagen, Denmark, to attend a convention sponsored by a professional society. The trip lasted 3 weeks, of which 2 weeks were spent on vacation in Europe. F generally would be regarded as having substantial control over arranging this business trip. Unless F can establish that obtaining a vacation was not a major consideration in determining to make the trip, the disallowance rules of this section apply.

Example (*7*). Taxpayer G flew from Chicago to New York where he spent 6 days on business. He then flew to London where he conducted business for 2 days. G then flew to Paris for a 5 day vacation after which he flew back to Chicago, with a scheduled landing in New York for the purpose of adding and discharging passengers. G would not have made the trip except for the business he had to conduct in London. The travel outside the United States away from home, including 2 days for travel en route, exceeded a week and the time devoted to nonbusiness activities was not less than 25 percent of the total time on such travel. The 2 days spent traveling from Chicago to New York and return, and the 6 days spent in New York are disregarded for purposes of determining whether the travel outside the United States away from home exceeded a week and whether the time devoted to nonbusiness activities was less than 25 percent of the total time outside the United States away from home. If G is unable to establish either that he did not have substantial control over the arranging of the business trip or that an opportunity for taking a personal vacation was not a major consideration in his determining to make the trip, 5/9ths (5 days devoted to nonbusiness activities out of a total 9 days outside the United States away from home on the trip) of the expenses attributable to transportation and food from New York to London and from London to New York will be disallowed (unless G establishes that a different method of allocation more clearly reflects the portion of time outside the United States away from home which is attributable to nonbusiness activity).

(h) *Cross reference.* For rules with respect to whether an expense is travel or entertainment, see paragraph (b)(1)(iii) of § 1.274–2.

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

[F.R. Doc. 64–9135; Filed, Sept. 9, 1964; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Yellowstone National Park, Wyoming; Fishing

On page 6257 of the FEDERAL REGISTER of May 12, 1964, there was published a notice and text of a proposed amendment to § 7.13 of Title 36, Code of Federal Regulations. The purpose of this amendment is to establish a suitable management program for waters of the park in the interest of conservation and protection as recommended by research findings of the United States Fish and Wildlife Service.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. As a result of continuing study, paragraph (e)(3)(i) of the notice of proposed rule making has been revised by deleting a former restriction closing the Yellowstone River for a distance of 250 yards on either side of the center of LeHardy Rapids. The proposed amendment, with the relaxation described above, is hereby adopted as set forth below, and shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Paragraph (e) of § 7.13 is amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(e) *Fishing*—(1) *Open season.* Except as otherwise provided, the open season for fishing in the waters of the Park shall be from sunrise on May 30 to sunset on October 31.

(2) *Limited open season.* (i) Yellowstone Lake and Squaw Lake are open to fishing from sunrise on June 15 to sunset on October 31. The marking buoys in the vicinity of the outlet of Yellowstone Lake shall define the northern limit of Yellowstone Lake.

(ii) All streams emptying into Yellowstone Lake are open to fishing from sunrise on July 15 to sunset on October 31. For management purposes these streams will include those portions of Yellowstone Lake marked by signs and buoys within 100 yards of the stream outlet and/or inlet.

(iii) The Yellowstone River and its tributaries from the marking buoys in the vicinity of the outlet of Yellowstone Lake to the Upper Falls at Canyon, except as noted under closed waters, shall be open to fishing from sunrise on July 15 to sunset on October 31.

(3) *Closed waters.* The following waters of the Park are closed to fishing and are so designated by appropriate signs:

(i) The Yellowstone River from the confluence of Alum Creek with the Yellowstone River upstream to the Sulfur Caldron.

(ii) Mammoth water supply including Indian Creek, Panther Creek, and the Gardner River above their respective water supply intakes; Glen Creek above the Mammoth Water Supply Reservoir, and the Mammoth Water Supply Reservoir.

(iii) West Thumb water supply consisting of Duck Lake.

(iv) Old Faithful water supply consisting of that section of the Firehole River from the Old Faithful water supply intake to the Shoshone Lake Trail crossing above Lone Star Geyser.

(v) Canyon Village water supply consisting of Cascade Creek.

(vi) Obsidian Creek, except that portion between its confluence with the Gardner River and a point one mile upstream.

(vii) Winter Creek from its confluence with Obsidian Creek upstream to the Howard Eaton Trail crossing.

(viii) Bridge Bay Lagoon and the connecting channel with Yellowstone Lake.

(ix) Fishing is prohibited from the shores from the West Thumb boat dock along the shore of Yellowstone Lake to the mouth of Little Thumb Creek.

(4) *Night fishing.* Fishing in those waters of the Park that are open is nevertheless prohibited during the following specified times:

(i) From the opening of fishing season to August 31: 9:00 p.m. to 4:00 a.m., m.s.t.

(ii) From September 1 to close of fishing season: 8:00 p.m. to 5:00 a.m., m.s.t.

(5) *Limit of catch and in possession.* Fish that are hooked and landed but are carefully handled and returned uninjured at once to the water shall not be considered in the catch or possession limit set forth hereinafter: *Provided,* That at the time of catching and releasing, the fisherman shall have in possession no more than one fish less than the legal limit. He must cease fishing immediately upon filling his catch or possession limit, as hereinafter specified in subdivisions (i) and (ii) of this subparagraph.

(i) The legal catch and possession limit for fish taken from Yellowstone Lake and all streams entering into it, and the Yellowstone River including its tributaries between Yellowstone Lake outlet and the Upper Falls at Canyon, shall be three (3) fish per day for each person fishing.

(ii) The legal catch and possession limit for fish taken from all other waters of the Park open to fishing shall be five (5) fish per day for each person fishing.

(6) *Restriction on use of bait and lures.* (i) The use of fish or fish eggs, either fresh or preserved, including but not limited to salmon eggs, for bait is prohibited in all Park waters.

(ii) Only artificial flies, with a single hook, may be used as lures in the Firehole River, Madison River, Squaw Lake, and that section of the Gibbon River extending from the mouth of the stream to the crest of Gibbon Falls. The use of any other lures in these waters is prohibited.

(7) *Waste of edible portions of fish.* No person shall wantonly or needlessly allow any edible portion of a fish to go to waste in the park.

* * * * *

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

JOHN S. MCLAUGHLIN,
Superintendent,
Yellowstone National Park.

[F.R. Doc. 64-9122; Filed, Sept. 9, 1964; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 8—Veterans Administration

PART 8-1—GENERAL

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

PART 8-3—PROCUREMENT BY NEGOTIATION

Miscellaneous Amendments

1. In § 8-1.108-2, paragraph (e) is added to read as follows:

§ 8-1.108-2 Procedure.

* * * * *

(e) When a continuing deviation from these regulations, Chapter 8, is requested, after authorization to deviate in an individual case has been granted, the request fully justified shall be submitted through channels to the Director, Supply Management Service. The Director, Supply Management Service will forward the request with his recommendations, through channels, to the Associate Deputy Administrator. The request, approved or disapproved, shall be returned through channels to the Contracting Officer. Such deviations when approved will not be published in Chapter 8. The contract files will in each instance be annotated to show that such authority has been granted.

2. A new § 8-1.150 is added to read as follows:

§ 8-1.150 Use of designees.

Throughout the regulations in Chapter 8 responsibilities and duties are assigned to certain individuals by position title, and, in many instances, the submission of reports to and by these individuals is also prescribed. Whenever such titles are used the individual occupying such position may, unless otherwise restricted by law or the regulations in Chapter 8, designate a subordinate to act for him.

3. A new § 8-1.310-6 is added to read as follows:

§ 8-1.310-6 Responsibility.

In each instance where the procurement exceeds $2,500 and the apparent low bidder or offeror, is unknown to the Contracting Officer, he (the Contracting Officer) shall, prior to making an award, conduct such investigations as may be necessary to ensure the responsibility of the prospective contractor. The standards set forth in FPR 1-1.310-5 shall be considered and when necessary the preaward survey prescribed by FPR 1-1.310-9 shall be conducted. The results of such investigations, together

with any other pertinent material shall be made a part of the contract file.

4. The text of § 8–1.310–9 is designated paragraph (a) and a new paragraph (b) is added so that the section reads as follows:

§ 8–1.310–9 Pre-award on-site evaluation.

(a) Pre-award on-site evaluation shall be made for contracts covering the products and services of bakeries, dairies, ice cream plants and laundries. A committee under the direction of the Contracting Officer and composed of representatives of the medical and using service, appointed by the station head, shall inspect and evaluate the plant, personnel, equipment and processes of the prospective contractor. Prior to any inspection, the Contracting Officer will inquire whether the plant has been recently inspected and approved by another Veterans Administration station or Federal agency. Approved inspection reports of another Veterans Administration station will be accepted by Veterans Administration stations and approved inspection reports of other Federal agencies may be accepted as satisfactory evidence that the facilities of the bidder meet the requirements of the Invitation to Bid, provided, inspection was made not more than six months prior to the proposed contract period.

(b) Pre-award on-site evaluation of dairy plants will not be made by the Veterans Administration when acceptable bids are received from suppliers of those dairy products designated as No. 1 in the Federal Specifications. Suppliers must have received, prior to opening of bids, a pasteurized milk rating of 90 percent or more for the type product being supplied, on the basis of the U.S. Public Health Service milk ordinance and code. Such rating must be current (not over 2 years old), and shall have been determined by a certified State milk sanitation rating officer in the State of origin or by the Public Health Service and shall continue at 90 percent or more during the period of the contract. Firms not so rated may only offer dairy products designated as No. 2 in the Federal Specifications. Award to such firms may be made only after completion of a pre-award on-site evaluation conducted in accordance with paragraph (a) of this section.

5. Section 8–2.407–1 is revised to read as follows:

§ 8–2.407–1 General.

(a) No contract for the purchase of a firm quantity of supplies or equipment, at cost in excess of $200,000 shall be awarded until such contract has been reviewed by the Director, Supply Management Service. To permit proper review and evaluation of such proposed contracts the contracting officer shall submit the following through channels to the Director, Supply Management Service.

(1) A copy of the specification (Veterans Administration, Federal, etc.).

(2) A copy of each bid received including any correspondence accompanying a bid.

(3) Copies of any correspondence received in lieu of a bid.

(4) A copy of the abstract.

(5) Contracting Officer's determination of bidder's responsibility.

(6) Statement as to proposed inspection and testing to assure compliance with specifications.

(7) Contracting Officer's analysis of bids received and his determination as to the award.

(b) Upon completion of his review the Director, Supply Management Service shall return the entire file to the Contracting Officer together with his recommendation. In the event award is not recommended the specific reasons for such recommendation shall be furnished the Contracting Officer.

(c) Multiple bids submitted by one individual on his own behalf or on behalf of two or more companies, or by two or more affiliated companies, may be considered in making an award, provided the bids were not submitted:

(1) For the purpose of circumventing a law such as the Davis-Bacon Act or the Walsh-Healey Public Contracts Act, or

(2) For any other purpose which would be prejudicial to the United States or to other bidders.

(d) To preclude any bidder from gaining an unfair advantage through the submission of multiple bids which are equal in all respects to other low bids received under the same invitation for bids, only one such bid shall be considered in the award by lot. The selection of the bid (of the equal multiple bids received) to represent the person or firm, or affiliates thereof, shall be by lot.

(e) Construction contractors will be given written "Notice to Proceed" with the work. SF 19 when completed by the contracting officer and returned to the contractor serves the purpose for contracts not in excess of $2,000. A letter will serve as such notice in contracts exceeding $2,000 and will be furnished the contractor upon the approval of the required payment and performance bonds.

(1) Where the urgency of the work or other proper reason requires the contractor to immediately begin work, the award letter may include the "Notice to Proceed" with the reservation that payments are contingent upon approval of the bonds furnished.

6. Section 8–2.407–8 is revised to read as follows:

§ 8–2.407–8 Protests against awards.

(a) *General.* Simultaneous with the submission of a protest to the Comptroller General by a Contracting Officer under authority of this section 8–2.407–8, the appropriate department head or staff officer concerned, and the Director, Supply Management Service, will be furnished a complete copy of such submission. The Contracting Officer will notify the protesting individual or firm promptly in writing, of the decision of the Comptroller General. A copy of the decision and notification will be furnished to the department head or staff officer concerned and the Director, Supply Management Service.

(1) When a written protest is filed in Central Office on other than a construction contract to be awarded by the Central Office Construction Contracting Officer, it shall be immediately forwarded to the Director, Supply Management Service. The Director, Supply Management Service will immediately notify the Contracting Officer and the department head or staff officer concerned furnishing him a copy of the protest. The Contracting Officer will furnish the Director, Supply Management Service the material outlined in FPR 1–2.406 that is pertinent to the protest. Time permitting all communications will be routed through channels.

(b) *Protests before award.* When a written protest has been lodged with the Contracting Officer, and he considers it desirable to do so, he may obtain the views of the Comptroller General. The submission will be made direct to him and will include the material indicated in FPR 1–2.407–6 which is pertinent to the protest.

(1) While a case involving a protest before award is pending in the office of the Comptroller General, no award may be made under FPR 1–2.407–8(b)(3), unless prior approval of the appropriate department head or staff officer has been secured. The request for approval will include complete documentation of the determination to make the award.

(2) The department head or staff officer will file a notice of intent to make award with the Comptroller General and request advice as to the status of the case. A copy of such notice will be forwarded to the Director, Supply Management Service. Upon receipt of this information the department head or staff officer will approve the determination to make the award, or advise the Contracting Officer as to the action to be taken.

(c) *Protests after award.* When a written protest is lodged with the Contracting Officer, he will furnish the protestor a written explanation of the basis for the award. The protestor shall be informed that he may appeal the decision to the department head or staff officer concerned, the Administrator or the Comptroller General.

7. In § 8–3.210, paragraph (b) is amended to read as follows:

§ 8–3.210 Impracticable to secure competition by formal advertising.

* * * * *

(b) The procurement of utility connections and services from a utility services company, that is the sole source for such services, may be negotiated under authority of FPR 1–3.210. Contracts for utility services need not be executed, unless requested by the company, when the rates for such services are regulated by a Federal, State, municipal or other regulatory body.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: September 3, 1964.

By direction of the Administrator.

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

[F.R. Doc. 64–9145; Filed, Sept. 9, 1964; 8:48 a.m.]

PART 8–52—CONTRACT ADMINISTRATION

Subpart 8–52.1—Contract Administration

ASSISTANCE—GENERAL COUNSEL

1. Section 8–52.101 is revised to read as follows:

§ 8–52.101 Scope.

With the exclusion of construction contracts, this subpart applies to all contracts, whether advertised or negotiated. However, the provisions of § 8–52.107 are applicable to construction contracts.

2. In Subpart 8–52.1, a new § 8–52.109 is added to read as follows:

§ 8–52.109 Assistance—General Counsel.

(a) In the administration of a contract many problems can and do arise which make termination of the contract either necessary or desirable. The decision as to the action to be taken must, of course, be made by the Contracting Officer in each instance. To reduce to an absolute minimum the possibility of litigation resulting from his decision, the Contracting Officer shall, except as provided in paragraph (b) of this section, prior to rendering a decision, seek the advice and assistance of the General Counsel. The Contracting Officer shall submit the problem in sufficient detail through channels to the General Counsel to permit him to properly advise the Contracting Officer.

(b) Default actions, resulting from the failure of the contractor to deliver supplies or equipment or to render the services required within the time specified, or his failure to furnish supplies or equipment in accordance with specifications, may be taken without consulting the General Counsel.

(c) Contracts containing a mutual termination clause may be terminated without reference to the General Counsel.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: September 3, 1964.

By direction of the Administrator.

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

[F.R. Doc. 64–9144; Filed, Sept. 9, 1964; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64–799]

PART 0—COMMISSION ORGANIZATION

Chief and Associate Chief, Field Engineering Bureau; Delegation of Authority

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of September 1964;

The Commission having under consideration § 0.311(a)(4)(ii) of its rules and regulations, concerning the authority of the Chief, Field Engineering Bureau, to issue cease and desist orders in cases involving the operation of industrial, scientific and medical (ISM) equipment under Part 18 of the rules and regulations; and

It appearing, that § 0.311(a)(4)(ii) provides for the issuance of cease and desist orders in those instances in which the allegations of the show cause order are, by regulation of the Commission, deemed to have been admitted; and

It further appearing, that the Commission's regulations no longer specify circumstances in which allegations of a show cause order are deemed to have been admitted, and that the delegation to the Chief, Field Engineering Bureau, should be related to current standards; and

It further appearing, that § 1.92 of the rules and regulations now specifies the circumstances under which the right to a hearing may be waived in a show cause proceeding, and that the authority of the Chief, Field Engineering Bureau, to issue cease and desist orders in cases involving ISM equipment after waiver of hearing—regardless of whether the respondent has admitted, or is deemed to have admitted, the allegations of the order to show cause—should be related to the waiver of hearing rights expressly provided for in § 1.92; and

It further appearing, that the amendment adopted herein pertains to matters of Commission organization and procedure and hence that the public notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(i), and 303(r) of the Communications Act of 1934, as amended:

It is ordered, Effective September 11, 1964, that § 0.311(a)(4)(ii) of the Commission's rules is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat. 1066, as amended, 1068, as amended, 1082, as amended; 47 U.S.C. 154, 155, 303)

Released: September 3, 1964.

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

1. Section 0.311(a)(4) is amended to read as follows:

§ 0.311 Authority delegated to the Chief and to the Associate Chief of the Field Engineering Bureau.

(a) * * *

(4) With respect to the operation of industrial, scientific, and medical equipment subject to Part 18 of this chapter, to issue, in accordance with section 312(c) of the Act, (i) orders to show cause why a cease and desist order pursuant to section 312(b) should not be issued; and (ii) cease and desist orders after waiver of hearing and certification of the proceeding to the Commission pursuant to § 1.92 of this chapter.

* * * * *

[F.R. Doc. 64–9164; Filed, Sept. 9, 1964; 8:48 a.m.]

[FCC 64–798]

PART 1—RULES OF PRACTICE AND PROCEDURE

General Provisions

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of September 1964:

The Commission having under consideration a recent amendment to section 1.291 of its rules and regulations providing that, "No hearing proceeding shall be terminated until all pending interlocutory matters have been disposed of" (FCC 64–399; 29 F.R. 6441, May 16, 1964); and

It appearing, that there has been some uncertainty as to the meaning of this provision and, in particular, as to whether it precludes the closing of the record pending the disposition of pending interlocutory matters; and

It further appearing, that the sole purpose of this provision was to prevent an initial decision from becoming final under § 1.276(e) of the rules and regulations during the period in which an interlocutory petition is pending before the Commission; that the closing of the record or the issuance of an initial decision while an interlocutory matter is pending before the Review Board or the Commission is properly a matter of discretion on the part of the presiding officer, in which he will consider the need to expedite the proceeding and the likelihood that further proceedings may be required; and that § 1.291(d) should be amended to clarify the Commission's intention in this respect; and

It further appearing, that authority for the amendment set forth below is contained in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendment set forth below involves matters of procedure and hence that the notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable:

It is ordered, effective September 11, 1964, that § 1.291(d) of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303)

Released: September 3, 1964.

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

1. Section 1.291(d) is amended to read as follows:

§ 1.291 General provisions.

* * * * *

(d) No initial decision shall become effective under § 1.276(e) until all inter-

locutory matters pending before the Review Board or the Commission in the proceeding at the time the initial decision is issued have been disposed of and the time allowed for appeal from interlocutory rulings of the presiding officer or the Review Board has expired.

[F.R. Doc. 64-9112; Filed, Sept. 9, 1964; 8:45 a.m.]

[FCC 64-797]

PART 1—RULES OF PRACTICE AND PROCEDURE

Witnesses; Right to Counsel

1. Section 6(a) of the Administrative Procedure Act, 5 U.S.C. Section 1005 (a), states: "Any person compelled to appear in person before any agency or representative thereof shall be accorded the right to be accompanied, represented and advised by counsel * * *" The Administrative Conference of the United States in its Final Report of December 15, 1963 (Recommendation No. 15) urged, inter alia, that each agency subject to the Administrative Procedure Act re-examine it rules and practice in this regard to ensure conformity with the following standards:

a. The right to be "accompanied" by counsel means the right to have counsel present during any proceeding or investigation.

b. The right to be "advised" by counsel means the right to consult with counsel in confidence before, during and after the conclusion of the agency proceeding or investigation.

c. The right to be "represented" by counsel means at a minimum that counsel is entitled to make objections on the record and to argue briefly the basis for such objections in connection with any examination of his client.

In addition, the Conference recommended that agencies consider allowing a witness appearing under compulsion to be examined by his own counsel and in this connection to make such changes in their procedures as seem appropriate. Lastly, the Conference urged that in the interest of "administrative fairness" agencies recognize that where implications of wrongdoing by the witness are made part of a public record the right to counsel should, whenever appropriate, include the opportunity for counsel to cross-examine and offer evidence in rebuttal.

2. Heretofore the Commission has had no rules dealing with the right to counsel of witnesses appearing before the agency involuntarily. Particularly in investigatory proceedings, the practice followed has differed somewhat from case to case, depending on the nature of the proceeding. See § 1.1 of the Commission's rules and regulations, 47 CFR § 1.1. In our Study of Radio and Television Network Broadcasting (Docket No. 12782), for example, counsel was permitted to make motions but not to object to questions asked the witness. In our Inquiry into Local Television Programming in Omaha, Nebraska (Docket No. 14863), counsel was allowed to object to any question addressed to his client and to state concisely the grounds for such objection; he was not, however, allowed to cross-examine or otherwise to adduce evidence. In McLendon Corp. (Docket No. 14939), on the other hand, counsel for McLendon was allowed to object, to examine and cross-examine witnesses, and to present documentary evidence.

3. The Commission has determined that it would be appropriate at this time to implement section 6(a) through a rule specifying certain standards with respect to the right to counsel of a witness compelled to appear in person at its proceedings. The rule we are adopting, as set forth below, reflects the result of the Commission's experience in the abovementioned and other proceedings. It also takes into account Recommendation 15 of the Administrative Conference and the Report of its Committee on Compliance and Enforcement, pertinent judicial pronouncements, and the rules of practice of other administrative agencies.[1]

4. To a substantial degree the rule simply codifies our present procedures. Thus, the right of a witness appearing involuntarily to be accompanied by counsel and to be advised in confidence during all stages of the proceeding has consistently been recognized by the Commission. However, as noted supra, counsel's function in "representing" the witness has varied considerably depending on the nature of the proceeding. It is our intention here to delineate generally applicable standards in this area that would strike a proper balance between considerations of fairness and efficiency in the conduct of our proceedings.

5. The provision that counsel may examine the witness-client for purposes of clarifying the record is in accordance with both these concepts and is consistent with the recommendation of the Administrative Conference that agencies permit the witness to be examined by his own counsel to the extent deemed proper. Such questioning, it is emphasized, would be at the discretion of the presiding officer and solely for the purpose of clarifying or completing the record with respect to answers already given.

6. The right of counsel for the witness to object to questions and to state briefly the basis therefor has previously been dealt with on an ad hoc rather than general basis. The Commission recognizes that an involuntary witness is entitled to rely on the advice of counsel with respect to constitutional privileges and rights which may arise from statutes, regulations and other sources. We are persuaded that, from the standpoint of both the agency and the witness, claims along these lines can best be advanced by counsel rather than through the witness. Similarly, other matters such as arguments as to general relevancy under the issues governing the proceeding should, we think, be raised and presented in the same way. The Commission recognizes that there may be abuses for purposes of harassment or delay, such as objections which go primarily to the weight to be accorded evidence.[2] We are of the view, however, that it is neither practicable nor appropriate to attempt, by rule, to qualify the right to representation by counsel in order to prevent such abuses.[3] Rather, we expect that presiding officers will use the authority of their position to regulate the course of the hearing in such a manner as to prevent or restrain disorderly, dilatory, obstructionist or contumacious conduct. In this connection, also, it is anticipated that, wherever appropriate, objections will be treated as continuing ones, so that repetitious or cumulative objection and argument will be avoided.

7. We have provided that with the exception noted in par. 5, counsel for the witness may not examine or cross-examine any witness, or offer documentary evidence, unless authorized by the Commission to do so. We have done so, because the nature and scope of our proceedings, particularly in the investigatory area, differ greatly from case to case, and therefore, aside from the basic requirements specified in subsections (a)–(c) of the rule, the ad hoc approach provided by § 1.1 of the rules is clearly called for. Thus, as provided by § 1.1 and in accordance with our present practice, the Commission will in appropriate proceedings continue to specify ad hoc procedures over and above the minimum standards specified herein. Cf. McLendon Corp., 24 R.R. 927; Administrative Conference Recommendation 15(2).

8. Since the rule adopted herein is procedural in nature, the requirements of notice and public procedure contained in section 4 (a) and (b) of the Administrative Procedure Act, as well as the effective date requirement of section 4 (c), are not applicable. Authority for the adoption of the rule is contained in sections 4(i), 4(j) and 303(r) of the Communications Act of 1934, as amended, and section 6(a) of the Administrative Procedure Act.

Accordingly, it is ordered, This 2d day of September 1964, that, effective September 11, 1964, Part I of the Commission's rules is amended as set forth below.

(Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303; Sec. 6, 60 Stat. 240; 5 U.S.C. 1005)

Released: September 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

The undesignated center heading preceding § 1.21 is amended, and § 1.27 is added, to read as follows:

PARTIES, PRACTITIONERS, AND WITNESSES

* * * * *

[1] For example, 14 CFR §§ 301.3(b), 302.11 (b), 305.9; 16 CFR § 1.36; 17 CFR § 201.3(c).

[2] Cf. McLendon Corp., (F.C.C. 63-245, Mimeo No. 32112, pp. 3-4).

[3] We note that the Administrative Conference recommendation contains no restriction on the right to object during the examination of the witness-client. See also Murchison, Rights of Persons Compelled to Appear in Federal Agency Investigational Hearings, 62 Mich. L. Rev. 485.

[4] Commissioner Ford concurring in part.

§ 1.27 **Witnesses; right to counsel.**

Any individual compelled to appear in person in any Commission proceeding may be accompanied, represented, and advised by counsel as provided in this section. (Regulations as to persons seeking voluntarily to appear and give evidence are set forth in § 1.225.)

(a) Counsel may advise his client in confidence, either upon his own initiative or that of the witness, before, during and after the conclusion of the proceeding.

(b) Counsel for the witness will be permitted to make objections on the record, and to state briefly the basis for such objections, in connection with any examination of his client.

(c) At the conclusion of the examination of his client, counsel may ask clarifying questions if in the judgment of the presiding officer such questioning is necessary or desirable in order to avoid ambiguity or incompleteness in the responses previously given.

(d) Except as provided by paragraph (c) of this section, counsel for the witness may not examine or cross-examine any witness, or offer documentary evidence, unless authorized by the Commission to do so. (Sec. 6(a), 60 Stat. 240; 5 U.S.C. 1005(a).)

[F.R. Doc. 64-9165; Filed, Sept. 9, 1964; 8:48 a.m.]

[Docket No. 15489; FCC 64-796]

PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS

PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

Miscellaneous Amendments

In the matter of amendment of Part 34 (Uniform System of Accounts for Radiotelegraph Carriers) and Part 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) of the Commission's Rules with respect to accounting for ocean cables; and related amendments of Annual Report Form R for Radiotelegraph Carriers.

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of September 1964;

The Commission having under consideration the notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on June 6, 1964 (29 F.R. 7396) in accordance with section 4(a) of the Administrative Procedure Act;

It appearing, that the time for filing comments with respect to this matter has expired and no comments have been received; and

It further appearing, that the proposed amendments should be adopted exactly as proposed in the notice of proposed rule making with respect to this matter:

It is ordered, Under authority contained in sections 4(i) and 220 of the Communications Act of 1934, as amended, that Part 34 (Uniform System of Accounts for Radiotelegraph Carriers) and Part 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) of the Commission's rules are amended as set forth below, effective April 1, 1965: *Provided, however,* That any company may, at its option, adopt these changes as of any earlier date which is not prior to January 1, 1964; and

It is further ordered, Under authority contained in sections 4(i) and 219 of the Communications Act of 1934, as amended, that Annual Report Form R for Radiotelegraph Carriers, commencing with the Report Form for 1964, is amended by inserting new accounts 37 or 4126, as appropriate, in Schedules 101R, Communication Plant and Related Accounts—Radiotelegraph; 105R, Allowance for Depreciation—Radiotelegraph Plant (Account 1515 or 1535); 106R, Analysis of Retirements (Other than Sales) of Radiotelegraph Plant Charged to Accounts 1515 or 1535; 107R Depreciation Rates—Radiotelegraph Plant; and 330R, Radiotelegraph Operating Expenses (Account 4000); and by making the necessary consistent editorial changes in the line numbers and instructions of such schedules.

(Secs. 4, 220, 48 Stat. 1066, as amended, 1078; 47 U.S.C. 154, 220)

Released: September 3, 1964.

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

I. Part 34—Uniform System of Accounts for Radiotelegraph Carriers, is amended as follows:

§ 34.04–1 [Amended]

1. In § 34.04–1 *Classes of Depreciable Operated Plant* following "Power supply and distribution equipment (account 36)" insert a new line reading:

[Ocean cable (account 37).]

2. In § 34.1–2(c) following the words "operating unit" insert the words "or interest therein"; § 34.1–2(c) as amended reads as follows:

§ 34.1–2 **Accounting for plant acquisitions.**

* * * * *

(c) When property that comprises a substantially complete operating system or operating unit or interest therein is (or, prior to the effective date of this system of accounts, has been) acquired from predecessors by purchase, merger, consolidation, liquidation, or otherwise, that portion of the acquisition cost applicable to operated plant, plant under construction, and plant held for future communication use shall be charged to account 91, "Plant acquired; undistributed charges."

* * * * *

§ 34.1–99 [Amended]

3. In § 34.1–99 *Contemplated Form of Plant Statement* following "36 Power supply and distribution equipment" insert a new line reading:

37 Ocean cable.....

4. Following § 34.36 *Power Supply and Distribution Equipment* insert the following new section:

§ 34.37 **Ocean cable.**

This account shall include the cost of ocean cable, including ocean-cable repeaters, which is not appropriate for inclusion in account 1530, "Telephone, wire-telegraph, and ocean-cable plant."

§ 34.41–99 [Amended]

5. In § 34.41–99 *Contemplated Form of Operating Expense Statement* following "4125 Maintenance of fixed and land station transmission equipment" insert a new line reading:

4126 Maintenance of ocean cable.....

6. Following § 34.4125 *Maintenance of Fixed and Land Station Transmission Equipment* insert the following new section:

§ 34.4126 **Maintenance of ocean cable.**

This account shall include the amount of expenses incurred in maintaining plant the cost of which is includible in account 37, "Ocean cable."

§ 34.1–6–1 [Amended]

7. In § 34.1–6–1 *Retirement Units* after the retirement units listed for Power Supply and Distribution Equipment (Account 36) insert the following:

§ 34.1–6–1 **Retirement units.**

* * * * *

OCEAN CABLE (ACCOUNT 37)

A section of ocean cable between two terminal points, or a section involved in rerouting such cable.

A repeater.

NOTE: Carriers having a shared interest in ocean cable shall use the same retirement units for such cable as the carrier which performs the initial plant accounting with respect thereto and continues as the party responsible for its maintenance and the accounting therefor. If the party responsible for cable maintenance and the accounting therefor is not a carrier under the Communications Act, the Commission shall be consulted concerning the retirement units to be used.

* * * * *

II. Part 35—Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers, is amended as follows:

1. In § 35.1–2(c) following the words "operating unit" insert the words "or interest therein"; § 35.1–2(c) as amended reads as follows:

§ 35.1–2 **Accounting for plant acquisitions.**

* * * * *

(c) When property that comprises a substantially complete operating system or operating unit or interest therein is acquired from predecessors by purchase, merger, consolidation, liquidation, or otherwise, that portion of the acquisition cost applicable to operated plant, plant under construction, and plant held for future communication use shall be charged to account 91, "Plant acquired; undistributed charges."

* * * * *

§ 35.1–6–1 [Amended]

2. In § 35.1–6–1 *List of Units to be Used in Connection with the Accounting Provided in § 35.1–6* item (9) under Ocean Cable (Account 31) is amended to read as follows:

§ 35.1–6–1 List of units to be used in connection with the accounting provided in § 35.1–6.

* * * * *

OCEAN CABLE (ACCOUNT 31) [1]

* * * * *

(9) A section of ocean cable between two terminal points, or a section involved in rerouting such cable. However, carriers having a shared interest in ocean cable shall use the same retirement units for such cable as the carrier which performs the initial plant accounting with respect thereto and continues as the party responsible for its maintenance and the accounting therefor. If the party responsible for cable maintenance and the accounting therefor is not a carrier under the Communications Act, the Commission shall be consulted concerning the retirement units to be used.

* * * * *

[F.R. Doc. 64–9166; Filed, Sept. 9, 1964; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 59–A]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Retesting of Cargo Tanks

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 21st day of August A.D. 1964.

Upon consideration of the report of the Commission, Division 3, herein, decided October 31, 1963, and of the order of Division 3, of March 5, 1964, and of:

(1) Letter-petition filed by Suburban Propane Gas Corporation, April 10, 1964, for reconsideration of the report;

(2) Supplementary letter-petition filed July 22, 1964;

(3) Telegraphic request of July 28, 1964, for extension of time in which to file a formal petition for reconsideration, and

(4) Petition for reconsideration tendered for filing August 12, 1964;

It appearing, that the petitions in (1) and (2) above present good cause for modification of the order of March 5, 1964, to exclude from the internal inspection requirement of the report of October 31, 1963, and the order of March 5, 1964, those cargo tank vehicles constructed of other than quenched and tempered steel and having a capacity of 3,000 water gallons or less:

It is ordered, That 49 CFR 77.824, be, and it is hereby modified by amending paragraph (d) (1) of said order of March 5, 1964, to read as follows:

§ 77.824 Retesting of cargo tanks.

* * * * *

(d) * * *

(1) Not later than September 30, 1964, an external and internal visual inspection shall be made to determine whether the tank is in compliance with the requirements of the regulations, specifications, and provisions of the code under which it was built, provided that an external inspection of shell and heads shall not be required on insulated tanks and internal inspection shall not be required in tanks without manways or as to tanks constructed of other than quenched and tempered steel which have a water capacity of 3000 gallons or less. Particular determination shall be made as follows:

(i) Whether excessive weld metal build-up, above that permitted by the code provisions, or other indication of improper welding during fabrication exists.

(ii) Whether evidence of a crack or cracks, or other damage exists.

(iii) Whether openings in the tank are grouped as required by § 78.336–1(c) of this chapter.

(iv) Whether valves, fittings, accessories, safety relief devices, and gauging devices are adequately protected against mechanical damage as required by § 78.336–10 of this chapter.

(v) Whether marking and placarding are legible and meet the size requirements of § 77.823(d).

(vi) Whether the automatic excess flow valve required by § 73.33(o) of this chapter conforms to all requirements of that section, particularly that the capacity of all connections and lines is greater than the rated flow of the excess flow valve.

(vii) Whether the manually operated shut-off valve, required by § 73.33(o)(3) of this chapter, is operative and in conformity with the regulation.

(viii) Whether pipes, fittings, valves, valve connections, or nozzles extend to or beyond a point at which they are protected from mechanical damage.

* * * * *

It is further ordered, That the letter-petition of April 10, 1964, as supplemented by the letter-petition of July 22, 1964, except to the extent granted herein be, and it is hereby, denied.

And it further appearing, that the above ordering paragraphs make action on the telegraphic request of July 28, 1964, and the petition tendered for filing August 12, 1964, unnecessary;

It is ordered, That said telegraphic request and petition be, and they are hereby, dismissed.

It is further ordered, That this order shall remain in effect until the further order of the Commission.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Division 3, acting as an appellate division.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–9137; Filed, Sept. 9, 1964; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Open Areas; Migratory Game Birds, Upland Game, and Sport Fishing

On page 10400 of the FEDERAL REGISTER of July 25, 1964, there was published a notice of a proposed amendment to §§ 32.11, 32.21, and 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds on Noxubee National Wildlife Refuge, Mississippi, and Savannah National Wildlife Refuge, Georgia and South Carolina; the public hunting of upland game on Wapanocca National Wildlife Refuge, Arkansas; and sport fishing on Choctaw National Wildlife Refuge, Alabama, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting and fishing, it shall become effective upon publication in the FEDERAL REGISTER. (Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d.)

1. Section 32.11 is amended by the addition of the following areas to those where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

GEORGIA

SAVANNAH NATIONAL WILDLIFE REFUGE

* * * * *

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

* * * * *

SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

* * * * *

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

* * * * *

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

* * * * *

3. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

ALABAMA

CHOCTAW NATIONAL WILDLIFE REFUGE

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 2, 1964.

[F.R. Doc. 64-9126; Filed, Sept. 9, 1964; 8:47 a.m.]

PART 32—HUNTING

Open Areas; Big Game

On page 11192 of the FEDERAL REGISTER of August 4, 1964, there was published a notice of a proposed amendment to § 32.31 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of big game on the Valentine National Wildlife Refuge, Nebraska, and the Chase Lake National Wildlife Refuge, North Dakota, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER (sec. 10, 45 Stat. 1224; 16 U.S.C. 715i and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d).

1. Section 32.31 is amended by the addition of the following areas where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * *

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

* * * * *

NORTH DAKOTA

CHASE LAKE NATIONAL WILDLIFE REFUGE

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 2, 1964.

[F.R. Doc. 64-9125; Filed, Sept. 9, 1964; 8:46 a.m.]

PART 32—HUNTING

White River National Wildlife Refuge, Arkansas

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

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

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of big game on the White River National Wildlife Refuge, Arkansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 100,000 acres or 86 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer.

(b) Open season: October 16 through October 30, 1964, with bows and arrows, and November 13 and 14, 1964, with firearms.

(c) Total bag limits: One deer of either sex for each hunt. The hunting of big game species as may be otherwise authorized by Arkansas State regulations is prohibited.

(d) Methods of hunting:

(1) Weapons: Bows with pull of not less than 40 lbs., and arrows with ⅞-inch minimum width blades. Guns: all rifles must be greater than a .22 caliber and shotguns larger than .410 gauge. Shotguns must use shot larger than No. 4 or ball shot or rifle slugs.

(2) Crossbows or other mechanical bows and firearms are prohibited during the archery season. Bows and arrows are prohibited during the gun season.

(3) Rifles of .22 caliber and under including 218 Bee, 219 Zipper, .22 Hornet, .22 Savage, 220 Swift and 222 Remington, and all rifles using rim fire cartridges are prohibited.

(4) Dogs and horses are not allowed.

(e) Other provisions:

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

(2) Camping is permitted in designated camp sites. No loaded firearms will be permitted in the camp areas. Camps may be established after 8 a.m. on the date preceding the hunts.

(3) No fires are allowed to be built outside the camping areas.

(4) Boats are not allowed in refuge lakes during the gun season.

(5) Bobcats may be taken.

(6) Shooting from White River Levee, Jack's Bay Road, and other roads used by vehicles is prohibited.

(7) All deer killed by hunters must be tagged immediately upon possession and checked by officers at one of the light designated check stations.

(8) A Federal permit is not required to enter the public hunting area.

(9) The provisions of this special regulation are effective to November 15, 1964.

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

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the White River National Wildlife Refuge, Arkansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 110,664 acres or 95 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrels, rabbits, bobcats.

(b) Open season: October 1 through October 10, 1964.

(c) Daily bag limits: Squirrels—8, rabbits—8, no limit on bobcats. The hunting of other upland species, as may be authorized by Arkansas State regulations, is prohibited.

(d) Methods of hunting:

(1) Any type gun may be used.

(2) Dogs prohibited.

(e) Other provisions:

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

(2) Maps and information sheets are available from Refuge Manager, P.O. Box 7L, St. Charles, Arkansas.

(3) Hunting camps may be established at noon on September 30, 1964. Camp only in designated camp sites.

(4) No fires may be built outside of camping areas.

(5) Loaded firearms are not permitted in camping areas.

(6) A Federal permit is not required to enter the public hunting area.

(7) The provisions of this special regulation are effective to October 11, 1964.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-9159; Filed, Sept. 9, 1964; 8:48 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oregon

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

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

OREGON

HART MOUNTAIN NATURAL ANTELOPE REFUGE

The public hunting of ducks, geese, coots and gallinules on the Hart Mountain National Antelope Refuge, Oregon, is permitted from October 10, 1964, through January 7, 1965, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,150 acres, is delineated on maps available at refuge headquarters, Lakeview, Oregon, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay, Portland 8, Oreg. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

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

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1965.

HARRY A. GOODWIN,
Acting Regional Director,
Portland, Oregon.

SEPTEMBER 2, 1964.

[F.R. Doc. 64-9160; Filed, Sept. 9, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1061, 1064]

[Docket Nos. AO–23–A26, AO–327–A5]

MILK IN GREATER KANSAS CITY AND ST. JOSEPH, MISSOURI, MARKETING AREAS

Notice of Hearing 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), notice is hereby given of a public hearing to be held in the Oak Room of the Bellerive Hotel, Armour and Warwick Boulevards, Kansas City, Mo., beginning at 9:00 a.m., local time, on September 17, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Greater Kansas City and St. Joseph, Mo., marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Pure Milk Producers Association:

Proposal No. 1. Amend Order No. 64 regulating the handling of milk in the Greater Kansas City marketing area to give an immediate Class I price increase.

Proposed by Shawnee Milk Producers Association:

Proposal No. 2. Request emergency amendment increasing the Class I price under Federal milk Order No. 64 regulating the handling of milk in the Greater Kansas City marketing area by 25 cents per hundredweight through March 1965.

Proposed by Sunflower Dairy:

Proposal No. 3. Request Federal Order No. 64 regulating the handling of milk in the Greater Kansas City marketing area be amended to increase the Class I price by 25 cents per hundredweight.

Proposed by St. Joseph Milk Producers Association:

Proposal No. 4. Request an amendment to give a substantial price increase on Class I milk under Federal Order No. 61 regulating the handling of milk in the St. Joseph, Mo., marketing area.

Proposed by Nemaha Cooperative Creamery Association:

Proposal No. 5. Request an immediate and substantial increase in Class I price under Federal Order No. 61 regulating the handling of milk in the St. Joseph, Mo., marketing area.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 6. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, U. Grant Grayson, 7939 Floyd Avenue, P.O. Box 4336, Overland Park, Kans., 66204, or from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on September 4, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64–9171; Filed, Sept. 9, 1964; 8:49 a.m.]

[7 CFR Parts 1104, 1106]

[Docket Nos. AO–298–A5, AO–210–A17]

MILK IN RED RIVER VALLEY AND OKLAHOMA METROPOLITAN MARKETING AREAS

Notice of Hearing 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 formation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Eighty-Niner Room at the Eighty-Niner Inn, 3300 Lincoln Boulevard, Oklahoma City, Okla., beginning at 9:00 a.m., c.s.t., on September 15, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Red River Valley and Oklahoma Metropolitan marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central Oklahoma Milk Producers Association, the Pure Milk Producers Association of Eastern Oklahoma and the North Texas Producers Association:

Proposal No. 1. Increase the Class I prices under the Oklahoma Metropolitan and Red River Valley orders 25 cents per hundredweight for each of the months of September 1964 through March 1965.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, Richard E. Arnold, 3747 South Harvard, P.O. Box 4568, Tulsa, Okla., 74114, or 701 North 17th Street, P.O. Box 1129, Lawton, Okla., 73502, or from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on September 4, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64–9172; Filed, Sept. 9, 1964; 8:49 a.m.]

[7 CFR Part 1137]

[Docket No. AO–326–A5]

MILK IN EASTERN COLORADO MARKETING AREA

Decision on Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Denver, Colo., on July 10, 1964, pursuant to notice thereof issued on June 24, 1964 (29 F.R. 8228).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 13, 1964 (29 F.R. 11841; F.R. Doc. 64–8350) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to diversion of producer milk by cooperative associations.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The order provision governing diversions should be amended to provide addi-

tional flexibility by permitting two or more cooperatives to combine their total deliveries to pool plants for the purpose of calculating the amount of milk which they may divert jointly as producer milk. This option should only apply when each association has filed a written request with the market administrator on or before the first day of the month for which the agreement is effective. This request should also indicate the responsibility each association assumes for designating the farmers whose milk is diverted in excess of the allowable amounts.

The order presently provides that the quantity of producer milk diverted by a single cooperative may not exceed 30 percent of its member-producer milk received at all distributing pool plants in the months of March, April, May, June, July and December and 20 percent of such receipts in other months.

The Denver Milk Producers, Inc., a cooperative association representing a majority of the producers on the market, and the Cache Valley Dairy Association, also a cooperative with producers on the market, supported the proposal to permit two or more cooperatives to base diversions on combined deliveries to pool plants. Their representative testified that a number of Cache Valley's producers may lose their market due to a change in ownership of a plant supplied by this association. He stated that these producers have been associated with the Eastern Colorado market for some time and their milk is needed on the market during a portion of the year. The need for this milk is evident from the large quantities of milk which it has been necessary to import into the market during the fall months over the past years. He further testified that the proposed amendment would permit this milk to continue to be associated with the market during the months of short supply without the necessity of uneconomic movements of milk or the overloading of nearby manufacturing facilities during the flush production months.

The facilities within the marketing area for handling milk not needed for fluid use are limited. The major outlets for surplus milk are a condensery at Johnstown, Colorado, and a cheese plant at Denver, Colorado. During the recent flush period, these plants were operating at capacity and in some instances it was necessary for Denver Milk Producers, Inc., to hold surplus milk in their storage facilities for several days before it could be accepted by these manufacturing plants. However, nonpool manufacturing plants in Utah at Smithfield, Ogden and Richmond had the capacity to handle considerable quantities of diverted milk.

This amendment would facilitate for the proponent cooperative associations the arranging of their operations so that milk not needed for fluid use in the market could be more readily diverted to manufacturing plants nearer the production area. They have entered into a proposed agreement whereby the milk of their member producers who are located in Utah and northern Colorado would be diverted to nonpool plants in Utah when not needed for fluid use in the market. This would eliminate the necessity of this milk being hauled long distances to pool plants in or near Denver in order to keep it associated with the pool, while milk produced in nearby areas is being diverted to distant manufacturing plants. Thus, the necessary reserve milk for the fluid market would be utilized more efficiently.

The diversion of the more distant milk would also tend to increase the uniform price to all producers. Since the order prices milk at the point at which actually received, the market pool would benefit by the total value of the location differentials applicable on the diverted milk.

Permitting cooperative associations to combine total deliveries to pool plants for calculating the quantity of milk which they may divert would not result in the total amount of milk which may be diverted as producer milk being any greater than under the present order. Neither would it change the requirement that the milk of each member producer must continue to be received at a distributing pool plant for at least three days during the month for such person to qualify as a producer. This amendment would add flexibility to the diversion provisions without lowering the standards presently provided.

The order presently places on the cooperative the burden of assigning overdiverted milk among producers. This practice should be continued. In many cases it would be difficult for the market administrator to fix the responsibility for milk diverted in excess of permissible quantities when two or more cooperatives are involved. Therefore, in its request to exercise this option each cooperative should state the basis on which over-diverted milk is to be assigned to the producer members of each cooperative association. Such basis of assignment must be approved by the market administrator as a practical method which will insure the application of the intended limits with respect to total eligible diversions.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of a certain interested party. 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 the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied for the reasons previously stated in this decision.

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

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

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

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

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception 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 the exception, such exception is hereby overruled for the reasons previously stated.

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

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

Determination of representative period. The month of June 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Colorado marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Order[1] Amending the Order Regulating the Handling of Milk in the Eastern Colorado Marketing Area

[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.

§ 1137.0 Findings and determinations.

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

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

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

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

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

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Agricultural Marketing Service, on August 13, 1964, and published in the FEDERAL REGISTER on August 19, 1964 (29 F.R. 11841; F.R. Doc. 64-8350), shall be and are the terms and provisions of this order, and are set forth in full herein.

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

§ 1137.10 Producer.

* * * * *

(b) * * *

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

* * * * *

Signed at Washington, D.C., on September 4, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-9173; Filed, Sept. 9, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 137 [New]]

[Reg. Docket No. 1464; Reference Draft Release No. 62-47]

AGRICULTURAL AIRCRAFT OPERATIONS

Notice of Public Hearing

The Agency will hold a public hearing at 10:00 a.m. on Thursday, November 5, 1964, at the Federal Aviation Agency Aeronautical Center, Civil Aeromedical Research Institute Conference Room, Will Rogers Field, Oklahoma City, Okla., to receive the views of interested persons concerning proposed Part 137 (formerly proposed Part 55) of the Federal Aviation Regulations. This amendment was proposed in a notice of proposed rule making, Notice 62-47, dated November 1, 1962, published in the FEDERAL REGISTER (27 F.R. 10848).

The Agency is considering changes from the proposal made in the notice. These changes resulted from a study of the comments received in response to the notice and further analysis of the problems involved.

The Agency Certificate proposed in the notice would not reach the agricultural aircraft pilot who was actually dispensing economic poisons. Some of the comments suggested that an agricultural aircraft pilot rating be developed in order to extend the regulatory control to the person dispensing the economic poison. The Agency proposes in the proposed final rule to require any pilot engaged in agricultural aircraft operations to demonstrate his knowledge and skill in these operations according to the same standards that the certificate holder or the supervising pilot would be required to demonstrate his knowledge and skill, as set forth in the notice of proposed rule making.

Many comments also objected to the requirement for an approved handbook as proposed in the notice. These comments indicated that the development of a handbook for small-operations would be burdensome and would not accomplish any material improvement in safety, since its use would be limited primarily to the persons who developed the handbook. The Agency is considering the elimination of this requirement as indicated in the proposed final rule.

In view of the public interest generated by the proposal and the numerous comments received in regard to the proposal, and further, in view of the lapse of time since the issuance of the notice of proposed rule making, the Agency has determined that a public hearing on the above-mentioned issues would be in order. The hearing will not, however, be restricted to these issues. Oral statements and comments directed to any aspect of the notice of proposed rule making or to the proposed final rule will be accepted.

The hearing will be an informal hearing, conducted by a designated representative of the Agency under section 4(b) of the Administrative Procedure Act. It will not be a judicial or evidentiary type hearing so there will be no cross-examination of persons presenting statements.

An Agency spokesman will open the hearing with a statement describing the proposed part, discussing comments received in response to the notices, and giving reasons for the proposed changes. Interested persons will then have an opportunity to present their initial oral statements. These statements should focus on the issue of pilot requirements where possible. They may, however, be directed to any phase of the Agency's regulatory action in regard to agricultural aircraft operations. Statements respecting provisions of the proposal may be submitted in writing and made a part of the record for the hearing. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given an opportunity to do so, in the same order in which they made their initial statements.

Interested persons are invited to attend the hearing and present oral or written statements on the matters as set forth above, which will be made part of the record of the hearing. Any person who wishes to make an oral statement at the hearing should notify the Agency by October 25, 1964, Office of General Counsel, Rules Docket, Federal Aviation Agency, Washington, D.C., 20553, marked "Attention: Presiding Officer, Public Hearing on Notice 62-47", stating the amount of time requested for his initial statement. In addition, any person who is unable to attend the hearing may submit written comments with respect to any provision of the proposal. These

comments must be received by the Agency by October 25, 1964, to be made part of the hearing record. Communications concerning this hearing should be addressed to the Office of General Counsel, Rules Docket, Federal Aviation Agency, Washington, D.C., 20553, marked "Attention: Presiding Officer, Public Hearing on Notice 62–47".

A transcript of the hearing will be made; anyone may buy a copy of the transcript from the reporter.

Issued in Washington, D.C., on September 3, 1964.

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

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS [NEW]

Subpart A—Applicability

Subpart B—Certification Rules

Subpart C—Operating Rules

Subpart D—Records and Reports

Subpart A—Applicability

§ 137.1 Applicability.

(a) Except as provided in paragraph (b) of this section, this part prescribes rules governing the certification of commercial and private agricultural aircraft operators, and the operation of civil aircraft in agricultural activities in the United States.

(b) In the event of a public emergency these rules may, to the extent necessary, be waived by the Administrator for relief and welfare activities approved by an agency of the United States or of a State or local government.

Subpart B—Certification Rules

§ 137.11 Certificate required.

(a) No person may conduct agricultural aircraft operations without, or in violation of, an agricultural aircraft operator certificate issued by the Administrator.

(b) No person may conduct agricultural aircraft operations for compensation or hire without, or in violation of, a commercial agricultural aircraft operator certificate issued by the Administrator.

(c) Nothwithstanding Part 133 of this chapter, an operator may, if he complies with this part, conduct agricultural aircraft operations with a rotorcraft with external dispensing equipment in place without a rotorcraft external-load operator certificate.

§ 137.13 Designation of certificate.

An agriculcural aircraft operator certificate is designated as either—

(a) A private agricultural aircraft operator certificate; or

(b) A commercial agricultural aircraft operator certificate.

§ 137.15 Duration of certificate.

An agricultural aircraft operator certificate is effective until it is surrendered, suspended, or revoked. The holder of an agricultural aircraft operator certificate that is suspended or revoked shall return it to the Administrator.

§ 137.17 Application for certificate.

An application for an agricultural aircraft operator certificate is made on a form and in a manner prescribed by the Administrator, and filed with the FAA district office that has jurisdiction over the area in which the applicant's home base of operations is located.

§ 137.19 Continuance of existing authority.

Any person conducting agricultural aircraft operations under a certificate of waiver or authorization that is in effect on the day before the date on which this part becomes effective may continue to operate under the certificate if he applies for an agricultural aircraft operator certificate before the effective date of this part. Such an extension of authority terminates when he is given notice of final action on his application, unless his waiver is sooner suspended, revoked, or otherwise terminated.

§ 137.21 Certification requirements.

An applicant for a private agricultural aircraft operator certificate is entitled to that certificate if he shows that he meets the requirements of paragraphs (a), (c), and (d) of this section. An applicant for a commercial agricultural aircraft operator certificate is entitled to that certificate if he shows that he meets the requirements of paragraphs (b), (c), and (d) of this section.

(a) *Private operator—pilot.* The applicant must hold a current United States private, commercial, or airline transport pilot certificate and be properly rated for the aircraft to be used.

(b) *Commercial operator—pilots.* The applicant must have available the services of at least one person who holds a current United States commercial or airline transport pilot certificate and who is properly rated for the aircraft to be used. The applicant himself may be the person available.

(c) *Aircraft.* The applicant must have at least one certificated and airworthy aircraft, equipped for agricultural operation, that is owned by him, or is leased to him under a lease granting exclusive use of the aircraft by the applicant for at least six consecutive months. The aircraft must be equipped with a suitable and properly installed shoulder harness for use by the pilot in command, and a similar shoulder harness for the copilot, if a copilot is used. The harness must be able to restrain both shoulders of the wearer and still allow necessary freedom of movement.

(d) *Knowledge and skill tests.* The applicant must show, or have the person who is to supervise agricultural aircraft operations for him show, that he has satisfactory knowledge and skill regarding agricultural aircraft operations, as described in subparagraphs (1) and (2) of this paragraph. However, an applicant need not comply with this paragraph if, at the time he applies for an agricultural aircraft operator certificate, he holds a current certificate of waiver for conducting agricultural aircraft operations or the person who is to supervise agricultural aircraft operations for him holds such a certificate, and if his record of operation under the waiver has not disclosed any question regarding the safety of his flight operations or his competence in dispensing agricultural materials or chemicals.

(1) The test of knowledge consists of the following:

(i) Steps to be taken before starting operations, including survey of the area to be worked.

(ii) Safe handling of commonly used agricultural materials, including economic poisons, and the proper disposal of used containers.

(iii) The general effects of commonly used economic poisons and agricultural chemicals on plants, animals, and persons, with emphasis on those normally used in the areas of intended operations; and the precautions to be observed in using poisons and chemicals.

(iv) Primary symptoms of poisoning of persons from economic poisons, the appropriate emergency measures to be taken, and the location of poison control centers.

(v) Performance capabilities of, and operating limitations for, the aircraft to be used.

(vi) Safe flight and application procedures.

(2) The test of skill consists of the following maneuvers that must be shown in any of the aircraft specified in paragraph (c) of this section, and at the aircraft's certificated gross weight or the gross weight established in accordance with Part 21 [New] of this chapter, whichever applies:

(i) Short-field and soft-field takeoffs (airplanes and gyroplanes only).

(ii) Approaches to the working area.

(iii) Flare-outs.

(iv) Swath runs.

(v) Pullups and turnarounds.

(vi) Rapid deceleration (quick stops) in helicopters only.

(e) If an applicant applies for an agricultural aircraft operator certificate containing a prohibition against the dispensing of economic poisons, that applicant is not required to demonstrate the knowledge required in subdivisions (ii) through (iv) of paragraph (d) (1) of this section.

§ 137.23 Availability of certificate.

Each agricultural aircraft operator shall keep his certificate at his home base of operations and shall make it available

for inspection by the Administrator, or, upon reasonable request, by any other person.

Subpart C—Operating Rules

§ 137.31 General.

(a) *Information for employees.* Each person holding a commercial agricultural aircraft operator certificate shall inform each person in his employ who participates in agricultural aircraft operations of that employee's duties and responsibilities and shall make available to him a copy of this Part.

(b) *Business name.* No person may operate under a business name that is not shown on his operating certificate.

(c) *Hazardous dispensing.* No person may dispense, or cause to be dispensed from an agricultural aircraft, any material or substance in a manner that creates a hazard to persons or property.

(d) *Economic poison dispensing.* No person may dispense or cause to be dispensed any material defined as an economic poison—

(1) For a purpose that is disapproved by its Federal label;

(2) Contrary to any safety instructions on the label;

(3) Contrary to any instructions on the label relating to aerial application; or

(4) In violation of any law or regulation of the United States.

(e) *Aircraft requirements.* No person may operate an aircraft that does not meet the requirements of § 137.21(c).

(f) *Supervisory requirements.* No agricultural aircraft operator may utilize a person to supervise agricultural aircraft operations for him unless that person has met the knowledge and skill requirements of § 137.21(d).

(g) *Private agricultural aircraft operators.* No private agricultural aircraft operator may conduct any operation outside of other than congested areas, the certificate holder's own property, property under bona fide lease to him, or property in whose crop he has a legal interest.

(h) *Pilots.* No person may use a pilot unless that pilot has demonstrated to the holder of the agricultural aircraft operator certificate, or if the holder has designated a pilot to supervise agricultural aircraft operations conducted under the certificate, to the pilot so designated, that the pilot meets the knowledge and skill requirements of § 137.21(d). This paragraph does not apply to any pilot who—

(1) Is, at the time of the filing of an application by an agricultural aircraft operator, working as a pilot for that operator; and

(2) Has a record of operation under that applicant that does not disclose any question regarding the safety of his flight operations or his competence in dispensing agricultural materials or chemicals.

(i) *Airport traffic areas and control zones.* Before conducting operations within an airport traffic area, or a control zone with a functioning control tower, the operator or the pilot in command must obtain approval from the control tower. In addition, before conducting operations in weather conditions below VFR minimums within a control zone without a functioning control tower, he must obtain approval from the facility exercising instrument flight rule (IFR) control. In either case, the pilot must comply with air traffic instructions issued.

(j) *Nonobservance of airport traffic pattern.* Notwithstanding Part 91 of this chapter, the pilot of an agricultural aircraft may deviate from an airport traffic pattern when authorized by the control tower concerned. At an airport without a functioning control tower, the pilot may deviate from the traffic pattern if—

(1) Prior coordination is made with the airport management concerned:

(2) Deviations are limited to agricultural operations;

(3) Landing and takeoffs are not made on ramps, taxiways, or other areas of the airport not intended for such use, unless due to an emergency requiring a landing; and

(4) The agricultural aircraft will at all times remain clear of, and give way to, aircraft conforming to the traffic pattern for the airport.

(k) *Operations without position lights.* Notwithstanding Part 91 of this chapter, any person may conduct agricultural aircraft operations without position lights during the periods of morning and evening civil twilight if—

(1) Prominent unlighted objects are visible for at least one mile; and

(2) Takeoffs and landings at airports with a functioning control tower are made only as authorized by the tower controller. Takeoffs and landings at other airports may be made only with the permission of the airport management, and only if no other operations requiring position lights are in progress at that airport.

(l) *Carrying certificate in the aircraft.* A facsimile of the agricultural aircraft operator certificate must be carried in each aircraft while it is being used in agricultural aircraft operations. The facsimile must be made available for inspection by the Administrator or, upon reasonable request, by any other person.

§ 137.33 Operation over other than congested areas.

Notwithstanding Part 91 of this chapter but subject to this subpart, the holder of an agricultural aircraft operator certificate may conduct agricultural aircaft operations over other than congested areas below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property.

§ 137.35 Operation over congested areas: general.

Congested area operations must be conducted in accordance with paragraphs (a) through (f) of this section.

(a) Prior written approval must be obtained from the appropriate official or governing body of the political subdivision over which the operations are conducted.

(b) Notice of the intended operation must be given to the public by some effective means, including daily newspapers, radio, television, or door-to-door notice.

(c) A plan for each complete operation must be developed by the operator, coordinated with, and approved by, appropriate personnel of the General Aviation District Office of the FAA having jurisdiction over the area where the operation is to be conducted. The plan must include consideration for obstructions to flight; the emergency landing capabilities of the aircraft to be used, including rotorcraft; and necessary coordination with air traffic control.

(d) Except for helicopters, no person may takeoff a loaded single-engine aircraft or make turnarounds over a congested area with such an aircraft. No person may make a swath run, over a congested area, in a single-engine aircraft.

(e) Multiengine airplanes must be operated as follows:

(1) No person may takeoff over a congested area except under conditions that will allow the airplane to be brought to a safe stop within the effective length of the runway from any point on takeoff up to the time of attaining with all engines operating at normal takeoff power, 105 percent of the minimum control speed in the takeoff configuration or 115 percent of the power-off stall speed in the takeoff configuration, whichever is greater, as shown by the accelerate stop distance data. In applying this requirement, takeoff data is based upon still-air conditions, and no correction is made for any uphill gradient of one percent or less when the percentage is measured as the difference between elevation at the end points of the runway divided by the total length. For uphill gradients greater than one percent, the effective takeoff length of the runway is reduced 20 percent for each one percent grade.

(2) No person may operate an airplane at a weight greater than the weight that, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within the area to be worked or at an altitude of 5,000 feet, whichever is higher. For the purposes of this subdivision, it is assumed that the propeller of the inoperative engine is in the minimum drag position; that the wing flaps and landing gear are in the most favorable positions; and that the remaining engine or engines are operating at the maximum continuous power available.

(f) Low altitude flight over a congested area must be limited to the dispensing of agricultural materials and pesticides, except for approaches, departures, and necessary turnarounds.

§ 137.37 Operation over congested areas: altitudes.

Notwithstanding any provision of Part 91 of this chapter, the holder of a commercial agricultural aircraft operator certificate may conduct agricultural and pest control operations over congested areas at such altitudes as may be

required to accomplish the objective, if the General Aviation District Office having jurisdiction of the area in which the operation is to be conducted has approved his proposed plan and he conducts the operation according to the approved plan, and if the operations are conducted with the maximum safety to persons and property consistent with the activity.

§ 137.39 Operation over congested areas: pilots and aircraft.

(a) This section prescribes pilot and aircraft rules for operations over congested areas.

(b) Pilots: No person may use a pilot unless that pilot has at least 25 hours of pilot-in-command flight time in the make and basic model of the aircraft to be used, at least 10 hours of which must have been acquired within the 12 months preceding application; and has also acquired at least 100 hours of flight experience as pilot in command in dispensing agricultural materials or chemicals.

(c) Aircraft: No person may use an aircraft that does not meet the requirements of § 137.21(c), and the following requirements:

(1) Within the preceding 100 hours of time in service, it must have—

(i) Had a 100-hour or periodic inspection by a person authorized by Part 43 [New] of this subchapter; or

(ii) Been maintained under a progressive inspection system.

(2) If other than a helicopter, it is equipped with a device capable of jettisoning at least one-half of the aircraft's maximum authorized load of agricultural material within 45 seconds. If the aircraft is equipped with a device for releasing the tank or hopper as a unit, there must be a means to prevent inadvertent release by the pilot or other crewmember.

§ 137.41 Inspection authority.

Each holder of a commercial agricultural aircraft operator certificate shall allow the Administrator at any time and place to make inspections, including on-the-job inspections, to determine compliance with applicable regulations and the agricultural aircraft operator certificate.

Subpart D—Records and Reports

§ 137.51 Records.

(a) Each holder of a commercial agricultural aircraft operator certificate shall maintain and keep current, at the base of operations designated in his application, the records described in this section. These records must contain the following information and must be available for inspection by the Administrator upon reasonable request—

(1) The name and address of each person for whom agricultural aircraft services are provided;

(2) The date(s) of the service; and

(3) The name and quantity of the material dispensed for each operation conducted.

(b) The name, address, and certificate number and the date on which any pilot used in agricultural aircraft operations under the holder's certificate met the knowledge and skill requirements of § 137.21(d).

(c) The records required by this paragraph must be kept at least 12 months.

§ 137.53 Reports.

Each holder of a commercial agricultural aircraft operator certificate shall, upon request of the Administrator, furnish an annual report of agricultural aircraft operations, on a form provided by the Administrator.

§ 137.55 Change of address.

Each holder of a certificate issued under this part shall notify the FAA, in writing, at least 30 days in advance, of any changes in the address of its base of operations.

[F.R. Doc. 64-9147; Filed, Sept. 9, 1964; 8:48 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Proposed Open Season

Notice is hereby given that under authority of the Act of September 28, 1959, as amended, 5 U.S.C. 3001 et seq., it is proposed to amend Part 890 of Title 5 of the Code of Federal Regulations.

The Commission is proposing that an open season under the Federal Employees Health Benefits Program be held during the period February 1 through February 15, 1965. The proposed amendments of Part 890 outlined below are designed to give effect to that proposal. These amendments represent further amendments of the proposed over-all revision of this Part which was published in the FEDERAL REGISTER as proposed rule making on August 19, 1964 (29 F.R. 11844).

Interested persons may submit written comments, objections, or suggestions to the Bureau of Retirement and Insurance, U.S. Civil Service Commissison, Washington, D.C., 20415, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 890.301(d) is amended to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season.* (1) Not less often than once every three years, the Commission by regulation shall provide every employee an opportunity for enrollment and change of enrollment, on such terms and conditions as it may prescribe.

(2) During the period February 1 to February 15, 1965, an employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self alone to self and family, or both.

* * * * *

Section 890.306(d) (1) and (2) are amended to read as follows:

§ 890.306 Effective dates.

* * * * *

(d) *Open season.* (1) The effective date of a change in enrollment under paragraph (d)(2) of § 890.301 is the first day of the first pay period beginning on or after March 1, 1965.

(2) The effective date of a new enrollment under § 890.301(d)(2) is the first day of the first pay period beginning on or after March 1, 1965, which follows a pay period in which the employee is in pay status.

* * * * *

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

[F.R. Doc. 64-9152; Filed, Sept. 9, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83]

[Docket No. 15613; FCC 64-801]

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 81 and 83 of the Commission's rules to make the frequency pair 2442 kc/s (coast)—2009 kc/s (ship) available for public ship-shore use in the Astoria, Oregon, area on a day only basis; Docket No. 15613, RM-534.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The amendments proposed to be adopted are set forth below.

2. The Pacific Northwest Bell Telephone Company, Seattle, Washington, has filed a petition requesting that §§ 81.306 and 83.354 of the Commission's rules be amended to provide for the day only use of an additional frequency pair for public ship to shore communication in the vicinity of Astoria, Oregon.

3. The requested coast station frequency 2442 kc/s is not now assigned to any public Class II-B coast station. The requested ship (coast receiving) frequency 2009 kc/s is assigned to ships for communication with public Class II-B coast station at Los Angeles, California.

4. The petitioner has also filed an application for construction permit to modify the present authorization for station KFX, Astoria, Oregon, to add 2442 kc/s as a second frequency for day only operation. Petitioner operates public coast stations at Portland (KQX) and at Astoria (KFX) in Oregon and states that the present shared channel 2598 kc/s has experienced a severe congested condition and that there is a need for an additional channel to supplement the present service to ships operating in the Astoria area.

5. The petitioner states that the number of calls through station KFX (As-

toria) has increased by over 5000 in the last ten years and the number of registered vessels using the service of Astoria and Portland stations has increased from 700 to 1100 in the past six years. Petitioner also states that use of a second channel by the Astoria station would relieve present delays of up to one hour during high demand periods.

6. The rule amendments proposed herein would make the frequency pair 2442 kc/s (coast)—2009 kc/s (ship) available for public ship-to-shore use in the vicinity of Astoria, Oregon, day only.

7. This proposal is issued under the authority contained in section 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 12, 1964, and reply comments on or before October 22, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. All submissions by parties to this proceeding or by persons acting on behalf of parties must be made in the form of written comments, reply comments or other appropriate pleadings.

9. In accordance with § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: September 2, 1964.

Released: September 3, 1964.

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

A. Part 81 is amended as follows:

1. § 81.306(b), the table is amended to add a new entry for Astoria, Oreg., preceding the entry for Astoria-Portland, Oreg., to read as follows:

§ 81.306 Frequencies available below 27.5 Mc/s.

* * * * *

(b) * * *

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use [2]	Frequency (kc/s)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in §83.354(a)(1) of this chapter [2]
* * *	* * *	* * *	* * *	* * *
Astoria, Oreg	2442	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2009	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
* * *	* * *	* * *	* * *	* * *

* * * * *

B. Part 83 is amended as follows:

1. In § 83.354(a)(1), the table is amended to add a new entry for Astoria, Oreg., preceding the entry for Astoria-Portland, Oreg., to read as follows:

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

(a) * * *

(1) * * *

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use [2]	Frequency (kc/s)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in §81.306(b) of this chapter.[2]
* * *	* * *	* * *	* * *	* * *
Astoria, Oreg	2009	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2442	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
* * *	* * *	* * *	* * *	* * *

[F.R. Doc. 64-9167; Filed, Sept. 9, 1964; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1964, Rev. Supp. No. 6]

NATIONAL REINSURANCE CORP.

Surety Company Acceptable on Federal Bonds

SEPTEMBER 3, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $3,097,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE
New York; The National Reinsurance Corp.; New York, N.Y.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 64–9148; Filed, Sept. 9, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Small Tract Classification No. 132]

ALASKA

Small Tract Classification

SEPTEMBER 2, 1964.

1. Pursuant to authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215) as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015) dated March 5, 1964, I hereby classify the following described lands, totaling 85.0 acres near Birchwood, Alaska, as suitable for lease and for sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

SEWARD MERIDIAN

T. 15 N., R. 1 W.,
Sec. 5, W½NW¼NE¼, NW¼SW¼NE¼, and E½SW¼SW¼NE¼;
Sec. 7, W½NW¼NE¼, W½SW¼NE¼, and NE¼SW¼NE¼.

2. Classification of the above-described lands by this order segregates them from all forms of appropriations, including locations under the mining laws, except to applications under the mineral leasing laws and to selections by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 79; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands described in paragraph 1 of this order were withdrawn and reserved for classification by Public Land Order No. 802 of February 5, 1952.

4. The lands classified by this order shall not become subject to application under the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer opening the lands to application or bid.

AL J. HOLLEY,
Acting Manager, Anchorage District and Land Office.

[F.R. Doc. 64–9123; Filed, Sept. 9, 1964; 8:46 a.m.]

IDAHO

Redelegation of Authority by Land Office Manager to Assistant Managers, Branches of Land, Minerals, and Records and Public Services

1. Pursuant to the authority contained in section 2.1 of Bureau of Land Management Order No. 701 (29 F.R. No. 147, July 29, 1964) authority is hereby redelegated to the Assistant Manager in charge of the Branch of Minerals to take action for the Manager in all matters listed in section 2.6, of the above-cited order, and to the Assistant Manager in charge of the Branch of Lands to take action for the Manager in all matters listed in section 2.9, and to the Assistant Manager in charge of the Records and Public Services Branch authority within his specific area of responsibility to take action for the Manager as follows:

SEC. 2.2. *General and miscellaneous matters.* * * *

(c) *Copies of records.* Furnish copies and exemplifications of patents, plats and other records.

* * * * *

SEC. 2.3. *Fiscal affairs.* * * *

(a) *Bonds.* * * *

(1) Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under the Manager's jurisdiction.

(c) *Repayment.* Make repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount required under the Public Land Administration Act (43 U.S.C. 1374); and repayments under 43 CFR Part 217 (now subpart 1822).

* * * * *

SEC. 2.6 *Minerals.* * * *

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail:

(1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose; (2) The land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed; (3) The application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form); (4) The requested land area does not meet legal requirements of compactness, contiguity, or acreage; (5) The application was not successful in a public drawing held to establish priorities of conflicting applications.

* * * * *

SEC. 2.9 *Land use.* * * *

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail:

(1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose; (2) The land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed; (3) The Application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form); (4) The requested land area does not meet legal requirements of compactness, contiguity, or acreage; (5) The application was not successful in a public drawing held to establish priorities of conflicting applications.

2. The authority delegated by this order may not be redelegated.

Effective date: September 15, 1964.

ORVAL G. HADLEY,
Manager, Land Office.

Approved: September 1, 1964.

JOE T. PALLINI,
Idaho State Director, Bureau of Land Management.

[F.R. Doc. 64–9124; Filed, Sept. 9, 1964; 8:46 a.m.]

[Group 394]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

SEPTEMBER 2, 1964.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., October 8, 1964:

GILA AND SALT RIVER MERIDIAN

T. 40 N., R. 13 W.,
Secs. 1 to 36, inclusive.

The areas described aggregate 22,226.24 acres of public land.

2. The lands described above are mostly rough and mountainous, broken by numerous draws and washes. The soil varies from clay loam to limestone and sandy gravel. Lava rock is in abundance over most of the area.

3. All rights of the State of Arizona to sections 2, 16, 32, and 36 have been conveyed to the United States.

4. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless, or until, the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws (except applications for Small Tracts), and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on October 8, 1964 will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64-9156; Filed, Sept. 9, 1964; 8:48 a.m.]

[Classification No. C3-16]

CALIFORNIA

Small Tract Classification

AUGUST 24, 1964.

1. Pursuant to the authority delegated to me by the California State Director, Bureau of Land Management, under Part 1, Redelegation of Authority, dated March 27, 1962 (27 F.R. 3297), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, the public land in Shasta County, California, described as follows:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 4, lots 18 and 19;
Sec. 5, lot 6;
Sec. 6, lots 14, 15, and 16;
Sec. 8, lots 5, 6, 7, 8, 9, 11, 12, 15, 16, and 21;
Sec. 10, lots 4 and 10, NW¼SW¼SW¼, N½SW¼SW¼SW¼ and SW¼SW¼SW¼SW¼;
Sec. 15, lot 2, N½NE¼NE¼NW¼, SW¼NE¼NE¼NW¼, N½N½NW¼NE¼NW¼, that part of SW¼NW¼NE¼NW¼ exclusive of pat'd M.S. 4972, that part of SE¼SW¼NE¼NW¼ exclusive of pat'd M.S. 4972, that part of NW¼SE¼NW¼ exclusive of pat'd M.S. 4972, SE¼NE¼NW¼, E½SE¼NW¼, SW¼SE¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, E½SW¼NE¼SW¼, NW¼SW¼NE¼SW¼, S½NW¼SW¼, E½SW¼SW¼, E½W½SW¼SW¼, NW¼NW¼SW¼SW¼, N½SW¼NW¼SW¼SW¼, S½NW¼SW¼SW¼SW¼, SW¼SW¼SW¼SW¼, E½SE¼SW¼, E½W½SE¼SW¼, and SW¼NW¼SE¼SW¼.
T. 33 N., R. 5 W.,
Sec. 26, those parts of lot 1 lying south of Shasta Dam Boulevard, and lots 2 and 3;
Sec. 33, lot 3, SW¼NW¼, W½SW¼, W½NE¼SW¼, and S½NW¼NW¼;
Sec. 34, NE¼NE¼;
Sec. 35, NW¼NW¼.

2. The lands are located approximately eight miles northwest of the city limits of Redding, California, and lie within three miles of the Keswick Reservoir on both sides of the Sacramento River. These lands are described as level to undulating in terrain with a vegetative cover of manzanita and digger pine. Access may be had via paved and unpaved county roads and goods and services may be obtained in the City of Redding. Local school and utility districts provide community services.

3. Subject lands have been withdrawn from public entry and reserved for reclamation purposes for many years. As a result of a request for partial revocation of withdrawal filed by the Bureau of Reclamation on August 21, 1963, action is being taken toward revocation of the former withdrawal, insofar as it affects the lands herein described.

4. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

5. The lands classified by this order shall not become subject to disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to sale.

VIRGIL L. BOTTINI,
District Manager,
Redding District Office.

[F.R. Doc. 64-9157; Filed, Sept. 9, 1964; 8:48 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 1, 1964.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number New Mexico 0554865, for the withdrawal of lands described below, from all forms of appropriation including the general mining but not the mineral leasing laws. The applicant desires the land for proposed establishment of the Grants Job Corps Camp near the town of Grants, New Mexico.

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, Acting State Director, P.O. Box 1449, Santa Fe, New Mexico, 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 11 N., R. 10 W.,
Sec. 24, N½SE¼.

The area described contains 80 acres.

MORRIS A. TRAGSTAD,
Acting State Director.

[F.R. Doc. 64-9158; Filed, Sept. 9, 1964; 8:48 a.m.]

[Small Tract Classification No. 131]

ALASKA

Small Tract Classification

Correction

In F.R. Doc. 64-8017, appearing at page 11470 of the issue for Saturday, August 8, 1964, the following correction is made in the land description: Under

T. 3 N., R. 12 W., the entry appearing as Sec. 29 should appear as Sec. 28.

DEPARTMENT OF COMMERCE

Office of the Secretary

DEPUTY FEDERAL HIGHWAY ADMINISTRATOR, BUREAU OF PUBLIC ROADS, AND U.S. COMMISSIONER, NEW YORK WORLD'S FAIR

Notice of Basic Compensation

Pursuant to the provisions of section 309 of the Government Employees Salary Reform Act of 1964, the basic compensation for the following positions in the Department of Commerce shall be $24,500 per annum (GS 18 rate), effective on the date of enactment of the Government Employees Salary Reform Act of 1964:

1. Deputy Federal Highway Administrator, Bureau of Public Roads, and
2. U.S. Commissioner, New York World's Fair.

Dated: September 2, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-9121; Filed, Sept. 9, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HUMBLE OIL & REFINING CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1498) has been filed by Humble Oil & Refining Company, Post Office Box 2180, Houston 1, Texas, proposing that in paragraph (a) of § 121.2558 *Isoparaffinic petroleum hydrocarbons, synthetic* the specification "Boiling point 145°–410° F., * * *" be changed to read "Boiling point 145°–500° F., as determined by A.S.T.M. Method D–86."

Dated: September 4, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-9161; Filed, Sept. 9, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15437, Order No. E-21248]

CARIBBEAN ATLANTIC AIRLINES, INC.

Nonpriority Service Mail Rates Between Puerto Rico and Virgin Islands; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of September 1964.

On July 31, 1964, Caribbean-Atlantic Airlines, Inc. (Caribair), filed a petition for amendment of its service mail rate for the carriage of nonpriority mail over its routes between San Juan, Puerto Rico, St. Thomas and St. Croix, Virgin Islands. The requested rate is $112,000 per year.

The Board, by Order E–19329, dated February 28, 1963, established an annual rate of $87,750 for the carriage of nonpriority mail by Caribair over the carrier's San Juan-St. Thomas, San Juan-St. Croix, and St. Thomas-St. Croix segments. This rate, based on a forecast of 3,250,000 pounds or 124,773 ton-miles of nonpriority mail annually, yields 2.7 cents per pound.

Caribair states that the circumstances that led to the adoption of Order E–19329 continue to exist except that the volume of nonpriority mail has increased. In its instant petition Caribair estimates a future year's nonpriority mail volume of 4,150,000 pounds, based on the historic trend of increase. At a rate of $112,000 annually, the yield per pound for the estimated mail volume would be 2.7 cents.

The Postmaster General, by answer filed August 24, 1964, states that he will not object to the rate increase requested by Caribair.

Upon consideration of the foregoing, Caribair's petition, the answer of the Postmaster General and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The fair and reasonable final rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between San Juan, Puerto Rico, and St. Thomas, Virgin Islands; between San Juan, Puerto Rico, and St. Croix, Virgin Islands; and between St. Thomas, Virgin Islands, and St. Croix, Virgin Islands, on and after August 1, 1964, is $112,000 per annum;

2. Such service mail rate is payable in 13 equal installments with compensation for less than a year computed on the basis of days;

3. Such nonpriority service mail rate of $112,000 per annum shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board; and

4. The "nonpriority mail" for which the aforesaid rate is established is defined as all classes of mail except air mail and air parcel post and shall be dispatched on a space-available basis from the respective airports not later than 36 hours after tender. Transportation of nonpriority mail between airport and post office is to be the responsibility of the Post Office Department at San Juan and of the carrier at St. Thomas and St. Croix.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof:

It is ordered, That,

1. All interested persons, and particularly Caribbean-Atlantic Airlines, Inc., Airlift International, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions, and fix, determine, and publish $112,000 per annum as the fair and reasonable rate to be paid Caribair for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between San Juan, Puerto Rico, and St. Thomas, Virgin Islands; between San Juan, Puerto Rico, and St. Croix, Virgin Islands; and between St. Thomas, Virgin Islands, and St. Croix, Virgin Islands, on and after August 1, 1964;

2. All further procedures herein shall be in accordance with the rules of practice (14 CFR Part 302); and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein;

4. If answer is filed, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order be served upon Caribbean-Atlantic Airlines, Inc., Airlift International, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-9174; Filed, Sept. 9, 1964; 8:49 a.m.]

[Docket No. 13959]

DALLAS-FORT WORTH REGIONAL AIRPORT INVESTIGATION

Notice Reassigning Oral Argument

Notice is hereby given that oral argument in the above-entitled proceeding, now assigned to be heard on September 16, 1964, is reassigned to be heard on September 15, 1964, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before the Board.

Dated at Washington, D.C., September 4, 1964.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 64-9175; Filed, Sept. 9, 1964; 8:49 a.m.]

BAGGAGE WEIGHT CHARGES

Excess Free Allowance, and Minimum Excess; Order of Investigation, Suspension and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of September 1964.

On January 10, 1963,[1] and on January 30, 1963,[2] the Board issued order of investigation and suspension of tariff revisions of several carriers[3] which proposed to increase the minimum charge for excess baggage weight from 25 cents to 50 cents. Subsequent to the expiration of the Board's suspension, several other carriers have effected similar increases in the minimum charge, but their proposals were not placed under investigation.[4]

On July 28, 1964, Delta filed a tariff revision to be effective September 11, 1964, which would increase the minimum excess baggage charge from 50 cents to one dollar.[5] By motion filed July 30, 1964, Delta requests that any investigation which the Board may order of its proposed increase be consolidated into the investigation already instituted in Docket 14274.

No complaint was filed against Delta's proposal.

The Board has decided to order an investigation of and to suspend Delta's proposal for reasons previously stated in Orders E–19182 and E–19252, and to consolidate this investigation into Docket 14274. In addition, we have determined that an expansion of the scope of this investigation is necessary.

Except in rare instances, excess baggage charges produce yields higher than those for other types of traffic. While a person may choose any of several classes of service at different fares, his excess baggage weight must be transported at a rate which is one-half of one percent of the normal first-class fare. In view of the efficiency of turbine powered aircraft, the economies resulting from improved baggage and cargo handling techniques, and the fact that the Free Baggage Allowance and Excess-Baggage Charges[6] case was decided in the prejet era (1959), we believe that an investigation of the lawfulness of the excess weight charges and maximum free weight allowance should be instituted at this time. We are also concerned with carrier practices under these tariffs. This investigation will encompass these practices. This investigation will be consolidated into Docket 14274 in order to provide a complete record upon which the Board can review the question of the lawfulness of the present free baggage allowance, excess baggage weight charges and minimum excess baggage charges, of the domestic trunkline and local service carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, and 1002 thereof:

It is ordered, That,

1. An investigation be instituted to determine whether the rates,[7] charges, regulations, provisions, and practices described in Appendix A hereto 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 rates, charges, regulations, provisions and practices;

2. Pending hearing and decision by the Board, the following provisions on 34th and 35th Revised Pages 49 of Agent C. C. Squire's tariff C.A.B. No. 43:

The minimum charge of $1.00 via "DL" in Rule 69(A), and

Rule 69(A) insofar as it cancels the minimum charge of 50 cents for "DL" in Rule 69(A) on 33d Revised Page 49,

are suspended and their use deferred to and including December 9, 1964, 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. The investigations instituted herein be and hereby are consolidated into the investigation instituted in Docket 14274 by Order E–19182;

4. This investigation shall be assigned for hearing as part of the investigation instituted in Docket 14274;

5. A copy of this order shall be served upon all domestic certificated trunkline and local service air carriers, which are made parties to this consolidated investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–9176; Filed, Sept. 9, 1964; 8:49 a.m.]

[Docket 15529, Order No. E–21251]

PASSENGER BAGGAGE TARIFF RULES

Excess Valuation Charges, Limitation of Carrier Liability, Notice to Passengers, and Carrier Practices; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of September 1964.

The Board today instituted an investigation of excess baggage weight charges, the domestic free baggage weight allowance, minimum excess baggage charges and related carrier rules and practices.[1]

In addition to the area encompassed by that investigation, we are concerned with the lawfulness of tariff rules stating limitations of carrier liability for baggage,[2] rules stating excess valuation charges, the notice which passengers are given of these rules, and carrier practices thereunder, including the application of the rules on an interline basis.

In our view, limitations on carrier liability must be reasonably related to the value of passenger baggage and the passenger should be able to obtain additional protection if he so requires beyond such limitations by paying a reasonable additional charge for excess valuation. We recognize that carrier tariff rules generally are deemed to advise passengers with respect to these matters, but it must be recognized that many passengers are unaware of the provisions of carrier tariffs and their legal implications. In this respect, signs posted at ticket counters may be helpful but cannot be relied upon in all cases as affording an opportunity for passengers to arrange adequate protection in the event their baggage is lost or damaged. We believe that it is in the public interest, therefore, to further consider the question of the reasonableness of notice which must be given with regard to limited carrier liability. We are also concerned with the reasonableness of the carrier practice under which baggage cannot be checked through on intercarrier services where excess valuation has been declared. Under these circumstances, we have concluded that the current carrier rules and practices governing limitations on liability, excess valuation charges, and interline carriage of baggage may be unjust or unreasonable and their application may be unjustly discriminatory, unduly preferential or unduly prejudicial.

Under the foregoing circumstances, we will order an investigation of these rules and practices. Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, and 1002 thereof:

It is ordered, That,

1. An investigation be instituted to determine whether the rates, charges, regulations, provisions, and practices described in Appendix A hereto[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 rates, charges, regulations, provisions and practices;

2. This investigation shall be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. This order shall be served upon all domestic certificated trunkline and local service air carriers, which are made parties to the investigation instituted herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–9177; Filed, Sept. 9, 1964; 8:49 a.m.]

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[1] Order E–19182.
[2] Order E–19252.
[3] Central Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc.
[4] Allegheny Airlines, Inc., Frontier Airlines, Inc., New York Airways, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Pacific Air Lines, Inc., Southern Airways, Inc., and Western Air Lines, Inc.
[5] Agent C. C. Squire's Local and Joint Passenger Rules Tariff No. PR–4 C.A.B. No. 43.
[6] 28 C.A.B. 517.

[7] Appendix A filed as part of original document.
[1] Order E–21250, Docket 14274.
[2] The limitation of liability for loss, damage or delay in the delivery of baggage is generally $250 for the domestic trunk carriers and $100 for local service carriers.

[3] Appendix A filed as part of original document.

[Docket 14274]

INVESTIGATION OF EXCESS BAGGAGE CHARGES

Notice of Further Postponement of Prehearing Conference

In view of Board Order E–21250, adopted September 4, 1964, which expands substantially the scope of the above-entitled proceedings and the number of parties involved, the prehearing conference presently assigned to be held September 10, 1964, is hereby postponed until 10:00 a.m., e.d.s.t., September 24, 1964, in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., September 4, 1964.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 64–9178; Filed, Sept. 9, 1964; 8:49 a.m.]

[Docket 15062, Order No. E–21252]

SOUTH CENTRAL AIRLINES, INC.

Application for Exemption To Permit Operation of Aircraft Not in Excess of 13,500 Pounds Gross Take-Off Weight; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of September 1964.

By order E–21037 dated July 7, 1964, the Board exempted South Central Airlines, Inc. (South Central) from provisions of section 401 of the Federal Aviation Act of 1958, as amended, and Part 298 of the Board's Economic Regulations so as to enable it to utilize, as an air taxi operator, in air transportation between Miami and Key West, Florida an aircraft having a maximum gross take-off weight of not over 13,500 pounds.

The Board is now advised that South Central ceased operations on July 11, 1964, and that it surrendered its Air Taxi Operator's Certificate, No. 8SO–36, by letter addressed to the regional office of the Federal Aviation Agency in St. Petersburg, Florida, effective July 27, 1964. This leads us to conclude tentatively that it is no longer in the public interest to continue the exemption authority heretofore granted in Order E–21037. That authority was granted to South Central "as an air taxi operator." South Central no longer enjoys that status, and the Board may no longer assume, for example, that South Central possesses the high level of competence which a carrier must demonstrate and maintain as an air taxi operator.[1]

Accordingly, it is ordered, That,

1. All interested persons are directed to show cause why the Board should not issue an order revoking Order E–21037 dated July 7, 1964, and the authority conferred thereunder, by filing with the Board written objections within seven (7) days from the date of service of this order.

2. In the event that objections are filed, the Board will take such further action with respect to the issues raised by the objections as it deems appropriate.

3. In the event that no objections are filed, the issues herein will be submitted to the Board for final action.

4. A copy of this order will be served upon South Central Airlines, Inc. and the cities of Miami and Key West, Florida.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–9179; Filed, Sept. 9, 1964; 8:49 a.m.]

[1] The requirements for obtaining an Air Taxi Operator's Certificate are set forth in Appendix B of Part 42A of the Civil Air Regulations.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14611; FCC 64M–832]

PROGRESS BROADCASTING CORP. (WHOM)

Order Continuing Hearing

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP–13915; for construction permit.

Pursuant to a prehearing conference of this date: *It is ordered,* This third day of September 1964, that both the prehearing conference, now scheduled for October 1, 1964, and the hearing scheduled for January 12, 1965, be and the same are hereby continued without dates.

Released: September 4, 1964.

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

[F.R. Doc. 64–9168; Filed, Sept. 9, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

HAMBURG - SUEDAMERIKANISCHE DAMPFSCHIFFFAHRTS-GESELLSCHAFT (COLUMBUS LINE) AND BLUE STAR LINE LTD.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by: Edmund C. Smith, Casey, Lane & Mittendorf, 26 Broadway, New York 4, N.Y.

Agreement No. 9378 between Hamburg-Suedamerikanische Dampfschifffahrts-Gesellschaft (Columbus Line) and Blue Star Line Limited provides for the establishment of a sailing arrangement covering the transportation of freight traffic from United States Atlantic and Gulf ports to ports in Australia. The parties plan to maintain alternate sailings spaced at approximately two-week intervals in accordance with terms and conditions set forth in the agreement.

Dated: September 4, 1964.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 64–9162; Filed, Sept. 9, 1964; 8:48 a.m.]

NORTHERN PAN-AMERICA LINE A/S (NOPAL) AND MITSUI O.S.K. LINES, LTD.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by: Oivind Lorentzen, Inc., General Agents for NOPAL Line, 21 West Street, New York, N.Y., 10006.

Agreement 9376 between The Northern Pan-America Line A/S (NOPAL) and

Mitsui O.S.K. Lines, Ltd., covers a through billing arrangement for synthetic resin from Houston, Tex. and New Orleans, La. to Durban, South Africa, with transhipment at Buenos Aires, Argentina, under terms and conditions as set forth in said agreement.

Dated: September 4, 1964.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 64-9163; Filed, Sept. 9, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-5716 etc.]

NORTHERN NATURAL GAS PRODUCING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 1, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1964.

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 without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-5716 D 1-14-60 11-2-60 [1]	Northern Natural Gas Producing Co.	Northern Natural Gas Co., Kansas Hugoton Field, Grant, Finney, Haskell, Kearny, Seward, and Stevens Counties, Kans.	Assigned	
G-6278 E 8-24-64	J. C. Trahan Drilling Contractor, Inc. (Operator), et al. (successor to J. C. Trahan (Operator), et al.).	Arkansas Louisiana Gas Co., Sentell Field, Bossier, and Caddo Parishes, La.	[2] 13.053	15.025
G-9518 E 8-24-64	Otis C. Coles, Jr. (successor to Basic Metal & Coal Corp.).	Arkansas Louisiana Gas Co., Gibbs Gas Unit, Ada Field, Webster Parish, La.	[3] 11.670	15.025
G-10491 E 8-18-64	Penrose Production Co., et al. (successor to Makin Drilling Co.).	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	[4] 10.5	15.025
G-10644 E 8-18-64	do	do	[4] 10.5	15.025
G-11187 E 8-21-64	K. S. Adams, Jr. (successor to City Products Corp.).	Cities Service Gas Co., South Blunk Field, Barber County, Kans.	[5] 12.0	14.65
G-11881 E 8-5-63 [6]	Del Oil & Gas Corp. (successor to Sunnyland Contracting Co., Inc.).	Tennessee Gas Transmission Co., Bully Camp Field, Lafourche and Terrebonne Parishes, La.	[7] 18.5	15.025
G-20318 8-20-64 [8]	MWJ Producing Co. (Operator), agent (formerly MWJ Producing Co. (Operator), et al.).	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	[9] 17.2295	14.65
CI62-36 E 8-20-64	Alexander G. Kaspar and Frank Kell Cahoon (Operators), et al. (successor to Fred M. Allison) Operator), et al.).	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	16.0	14.65
CI62-1184 C 8-26-64	Sinclair Oil & Gas Co. (Operator), et al.	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	15.0	14.65
CI62-1412 C 8-24-64	Sunray DX Oil Co	Oklahoma Natural Gas Gathering Corp. and National Fuels Corp., Ringwood Field, Major County, Okla.	11.0	14.65
CI63-187 C 7-30-64 [10]	Southern Triangle Oil Co., Inc.	Hope Natural Gas Co., Cove District, Doddridge County, W. Va.	[11] 27.0	15.325
CI64-351 2-6-64 [12]	Bowers Drilling Company, Inc. (Operator), et al.	Cities Service Gas Co., Boggs Field, Barber County, Kans.	[13] 13.0	14.65
CI64-1237 C 7-28-64 [10]	Mayhew Oil & Gas Developments.	Hope Natural Gas Co., Salt Lick District, Braxton County, W. Va.	[11] 27.0	15.325
CI65-80 A 7-30-64 [10]	J. C. Baker & Son, Inc.	do	[11] 27.0	15.325
CI65-81 A 7-30-64 [10]	Warren L. Taylor, et al.	Hope Natural Gas Co., Hamilton and Beaver Districts, Nicholas County, W. Va.	[11] 27.0	15.325
CI65-156 A 8-18-64	Occidental Petroleum Corp.	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	11.0	14.65
CI65-157 B 8-21-64	Forest Oil Corp	Wunderlich Development Co., Southeast Autwine Field, Kay County, Okla.	Uneconomical	
CI65-158 A 8-21-64	H. R. Young Construction Co., et al.	Pennzoil Co., Spencer District, Roane County, W. Va.	15.0	14.7
CI65-159 A 8-21-64	Carter & Mandel Co	Cities Service Gas Co., acreage in Barber County, Kans.	14.0	14.65
CI65-160 A 8-21-64	St. Clair Oil Co	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	25.0	15.325
CI65-161 A 8-24-64	Dave Morgan (Operator), et al.	Cities Service Gas Co., acreage in Harper County, Okla.	16.0	14.65
CI65-162 A 8-24-64	Sohio Petroleum Co	Tennessee Gas Transmission Co., South Pass Block 24 Field, Plaquemines Parish, La.	23.6	15.025
CI65-163 A 8-24-64	T. F. Hodge, Operator	Texas Eastern Transmission Corp., South Weesatche Field, Goliad County, Tex.	10.0	14.65
CI65-164 A 8-24-64	Sunray DX Oil Co. (Operator), et al.	Texas Eastern Transmission Corp., Wharco-Schilling Area, Wharton and Colorado Counties, Tex.	14.6	14.65
CI65-165 A 8-24-64	San Jacinto Drilling Co. (Operator), et al.	United Gas Pipe Line Co., Jarvis Creek Area, Wharton County, Tex.	12.0	14.65
CI65-166 A 8-25-64	Ashland Oil & Refining Co. (Operator), et al.	Arkansas Louisiana Gas Co., Clay Area, Lincoln Parish, La.	13.454	15.025
CI65-167 B 8-24-64	National Cooperative Refinery Assn.	Cities Service Gas Co., Sharon Field, Barber County, Kans.	Depleted	
CI65-168 A 8-19-64	Francis Friestad, Trustee	Kentucky-West Virginia Gas Co., Middle Creek Field, Floyd County, Ky.	18.0	15.225
CI65-169 A 8-26-64	Oil and Gas Property Management, Inc.	Florida Gas Transmission Co., Palacios Field, Matagorda County, Tex.	16.0	14.65
CI65-170 A 8-25-64	San Jacinto Drilling Co. (Operator), et al.	United Gas Pipe Line Co., Jarvis Creek Area, Wharton County, Tex.	12.0	14.65
CI65-171 A 8-25-64	R. H. Burns (Operator), et al.	Cities Service Gas Co., Canyon Creek Pool, Osage County, Okla.	12.0	14.65
CI65-172 A 8-26-64	Ross Production Co. (Operator), et al.	Texas Eastern Transmission Corp., Huxley Field, Shelby County, Tex.	13.0	14.65
CI65-173 B 8-26-64	Marshall R. Young	United Gas Pipe Line Co., West Mermantu Field, Jefferson Davis Parish, La.	Depleted	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI65-174..... B 8-26-64	Sinclair Oil & Gas Co.....	Trunkline Gas Co., Hinkle Field, Harris County, Tex.	Depleted	

[1] Supplements application filed January 14, 1960, so as to release only the interest assigned to Shell Oil Co.
[2] Subject to 0.75 cent/Mcf deduction for one stage compression: 1.5 cents/Mcf for two stage compression.
[3] Plus 1 cent/Mcf Louisiana Severance Tax Reimbursement.
[4] Subject to reduction of 0.4467 cent/Mcf for pressure boosting.
[5] Deduction of 1½ cents/Mcf for compression, when applicable.
[6] Application erroneously noticed August 12, 1963, in Docket Nos. G-3000, et al. at a rate of 23.09167 cents/Mcf.
[7] Rate of 23.09167 cents/Mcf being collected subject to refund in Docket No. G-19896 by predecessor.
[8] Petition to amend certificate to reflect change in certificate holder from MWJ Producing Company (Operator), et al. to MWJ Producing Co. (Operator), Agent.
[9] Rate in effect subject to refund in Docket No. RI61-370.
[10] Application erroneously noticed August 4, 1964, in Docket Nos. G-6311, et al. at a rate of 25.0 cents/Mcf.
[11] Includes 2.0 cents/Mcf for amortization of seller's gathering facilities and development drilling.
[12] Amendment to certificate filed wherein Applicant requests to continue to operate subject properties as Co-owner and Operator in lieu of sole owner.
[13] Rate effective subject to refund in Docket No. G-19934, the predecessor's (Superior Oil Co.) rate proceeding, redesignated by order of March 10, 1964, to include Bowers.

[F.R. Doc. 64-9065; Filed, Sept. 9, 1964; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 481]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of August, 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, Therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from Hurricane Cleo and accompanying conditions occurring on or about August 26, 1964.

OFFICES

Small Business Administration Regional Office,
90 Fairlie Street NW.,
Atlanta 3, Ga.

Small Business Administration Branch Office,
47 West Forsyth Street,
Jacksonville, Fla.

Small Business Administration Branch Office,
912 Federal Office Building,
51 Southwest First Avenue,
Miami 32, Fla.

2. A temporary office will be established in Miami, Florida, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1965.

Dated: August 28, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-9115; Filed, Sept. 9, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 319]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 4, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Deviation No. 20), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., 32203, filed August 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Macon and Dublin, Ga., over Interstate Highway 16, 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: Between Macon and Dublin over U.S. Highway 80.

No. MC 2900 (Deviation No. 21), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., 32203, filed August 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jackson, Miss., over Interstate Highway 55 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, La., 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 Jackson over U.S. Highway 51 to Laplace, La., thence over U.S. Highway 61 to junction Louisiana Highway 48, thence over Louisiana Highway 48 to New Orleans, and return over the same route.

No. MC 2900 (Deviation No. 22), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., 32203, filed August 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Houston, Tex., over Interstate Highway 45 to Galveston, Tex., 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 Galveston over U.S. Highway 75 to junction Texas Highway 146, thence over Texas Highway 146 to Texas City, Tex., thence over unnumbered highway to La Marque, Tex., thence over Texas Highway 3 to Houston, and return over the same route.

No. MC 2900 (Deviation No. 23) RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., 32203, filed August 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From New Orleans, La., over Interstate Highway 10 to Baton Rouge, La., 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 New Orleans, La., over U.S. Highway 61 to Baton Rouge, and return over the same route.

No. MC 2900 (Deviation No. 24), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., 32203, filed August 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Charlotte, N.C., over Interstate Highway 77 to Statesville, N.C., 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 Charlotte over U.S. Highway 21 to Statesville and return over the same route.

No. MC 2900 (Deviation No. 25), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., 32203, filed August 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Asheville, N.C. over Interstate Highway 26 to Spartanburg, S.C., 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 Asheville over U.S. Highway 25 to Hendersonville, N.C., thence over U.S. Highway 176 to Spartanburg, and return over the same route.

No. MC 2998 (Deviation No. 6), WOLVERINE EXPRESS, INC., 701 Erie Avenue, Muskegon, Mich., filed August 24, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over U.S. Highway 6 to junction Ohio Highway 2 at Sandusky, Ohio, thence over Ohio Highway 2 to Toledo, Ohio, 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 as follows: From Cleveland, Ohio, over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, and return over the same route.

No. MC 39406 (Deviation No. 3), CENTRAL MOTOR LINES, INC., Post Office Box 1067, Charlotte, N.C., filed August 24, 1964. 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 1 and Interstate Highway 95 to Richmond, Va., over Interstate Highway 95 to New York, N.Y., 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 New York via Holland Tunnel to Jersey City, N.J., thence over New Jersey Highway 25 to junction U.S. Highway 1 at Newark, N.J., thence over U.S. Highway 1 to Philadelphia, Pa., thence over U.S. Highway 13 to State Road, Del., thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to junction U.S. Highway 15–501 near Sanford, N.C., and return over the same route.

No. MC 59680 (Deviation No. 24), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222, filed August 24, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities* with certain exceptions (limited to Classes A and B explosives between Little Rock, Ark., and Amarillo, Tex.), over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 40 to Amarillo, and return over the same route, for operating convenience only. The carrier indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Memphis over U.S. Highway 70 to Little Rock, Ark., thence over U.S. Highway 65 to Conway, Ark., thence over U.S. Highway 64 to Russellville; thence over U.S. Highway 64 to Fort Smith, Ark., thence over U.S. Highway 64 to Warner, Okla., thence over U.S. Highway 266 to Dewar, Okla., thence over U.S. Highway 62 to Oklahoma City, Okla., thence over U.S. Highway 66 to Amarillo, and return over the same routes.

No. MC 69224 (Deviation No. 4), H & W MOTOR EXPRESS COMPANY, Post Office Box 837, 3000 Elm Street, Dubuque, Iowa, 52003, filed August 26, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to Des Moines, Iowa using U.S. Highway 6 between segments not yet open for travel over Interstate Highway 80, and a bypass to be known as Interstate 280, which is under construction in the Davenport, Iowa, Moline and Rock Island, Ill. area, and will be used as a linkage between junction of Interstate 80 and 280 in that area, 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 Chicago over Illinois Highway 64 to Oregon, Ill., thence over U.S. Alternate Highway 30 to Sterling, Ill., thence over Illinois Highway 2 to Tri Cities, Iowa-Ill., thence over U.S. Highway 6 to Des Moines, Iowa, and return over the same route.

No. MC 105957 (Deviation No. 10), DELTA MOTOR LINE, INC., 301 South 11th Street, Fort Smith, Ark., filed August 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Crystal Springs, Miss., over Mississippi Highway 27 to the Mississippi-Louisiana State line, thence over Louisiana Highway 25 to junction approaches to the Lake Pontchartrain Causeway (Bridge), near Mandeville, La., thence over approaches to junction Lake Pontchartrain Causeway (Bridge), thence over Lake Pontchartrain Causeway to junction unnumbered approaches and highways extending from southern end of Lake Pontchartrain Causeway (Bridge) to junction U.S. Highway 61 near New Orleans, La., thence over U.S. Highway 61 to New Orleans, La., 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 Crystal Springs over U.S. Highway 51 to junction U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 188), GREYHOUND LINES, INC. (Central Greyhound Lines Division), 1740 Main Street, Kansas City, Mo., 64108, filed August 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Dallas, Tex., and Greenville, Tex., over Interstate Highway 30, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over a pertinent service route as follows: From Greenville over Texas Highway 24 to Farmersville, Tex., thence over Texas Highway 78 via Garland, Tex., to Dallas, and return over the same route.

No. 1515 (Deviation No. 189), GREYHOUND LINES, INC. (Central Greyhound Lines Division), 1740 Main Street, Kansas City, Mo., filed August 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 24 and Interstate Highway 70 at the Colorado-Kansas State line over Interstate Highway 70 to junction Interstate Highway 35W, thence over Interstate Highway 35W to Salina, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over a pertinent service route as follows: From Junction City, Kans., over U.S. Highway 40 to Oakley, Kans., thence over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Kansas Highway 182, thence over Kansas Highway 182 to Brewster, Kans., thence return over Kansas Highway 182 to junction U.S. Highway 24, thence over U.S. Highway 24 to Limon, Colo., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–9138; Filed, Sept. 9, 1964; 8:47 a.m.]

[Notice No. 677]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 4, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act

and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. 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

SECTION A

No. MC 114098 (Sub-No. 45), filed September 1, 1964. Applicant: LOWTHER TRUCKING COMPANY, a corporation, Post Office Box 2115, Charlotte, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and iron and steel*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Boyd County, Ky., on the one hand, and, on the other, points in North Carolina, South Carolina, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Tennessee, and Louisiana.

HEARING: September 17, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

SECTION B

No. MC 99300 (Sub-No. 1) (REPUBLICATION), filed August 27, 1963, published FEDERAL REGISTER, issue of February 5, 1964, and republished this issue. Applicant: SAND SPRINGS RAILWAY COMPANY, Sand Springs, Okla. Pursuant to a Report and Order, which became effective by operation of law on April 27, 1964, applicant was issued a certificate on June 12, 1964, authorizing operations as a common carrier by motor vehicle of general commodities, with the usual exceptions, restricted to traffic having an immediately prior or subsequent movement by rail in so-called piggy-back service, between Sand Springs, Okla., and Tulsa, Okla., over U.S. Highway 64, serving no intermediate points. By petition (letter) filed June 29, 1964, applicant seeks modification of the authority granted to include the transportation of general commodities, with the usual exceptions, restricted to traffic having an immediately prior or subsequent movement by rail, between the points and over the route described above. An order of Division 1, Acting as an Appellate Division, dated August 19, 1964, served August 26, 1964, sets forth that the Report and Order, which became effective on April 27, 1964, be modified by deleting from the findings paragraph shown on sheet 2 line 10 of the following: "in so-called piggy-back service,". Said order also states that notice of this action be published in the FEDERAL REGISTER, with the provision that any person-in-interest may, within 30 days of the date of publication, submit for filing its representation in opposition to the above-described modification.

No. MC 118722 (Sub-No. 2) (REPUBLICATION), filed July 3, 1963, published FEDERAL REGISTER, issue of August 14, 1963, and republished this issue. Applicant: FRIGID EXPRESS, INC., 396 Henderson Street, Jersey City, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J. By application filed July 3, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of prepared frozen foods (restricted to shipments not exceeding 500 pounds), and, in the same vehicle therewith, exempt poultry and fish (including shell fish), as defined in section 203(b)(6) of the Interstate Commerce Act and in Administrative Ruling 107, dated March 19, 1958, of the Commission's Bureau of Motor Carriers, from New York, N.Y., Jersey City, N.J., to specified points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, and Wisconsin. An Order dated August 19, 1964, served August 26, 1964, by Division 1, acting as an Appellate Division orders, among other things, that notice of the application, as granted by Operating Rights Review Board No. 2 in its report and order of April 22, 1964, be published in the FEDERAL REGISTER, and that the proceeding be reopened for further hearing at a time and place to be hereafter fixed. Said report of August 19, 1964, found "that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, (1) of prepared frozen foods, from the plant site of Gretchen Grant Kitchens, Inc., at Jersey City, N.J., and (2) of frozen poultry, fish, and shellfish, when moving in the same vehicle with prepared frozen foods, from New York, N.Y., and Jersey City, N.J., to Birmingham, Dothan, Gadsden, Mobile, Montgomery, Huntsville, and Tuscaloosa, Ala., Athens, Atlanta, Augusta, Macon, and Savannah, Ga., Bloomington, Chicago, East St. Louis, Joliet, Moline, Peoria, Rockford, and Springfield, Ill., Bloomington, Evansville, Ft. Wayne, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., Lexington and Louisville, Ky., Baton Rouge, New Orleans, Shreveport, and Thibodaux, La., Ann Arbor, Detroit, Grand Rapids, Jackson, Kalamazoo, and Lansing, Mich., Duluth, Hopkins, Minneapolis, and St. Paul, Minn., Jefferson, Joplin, Kansas City, St. Joseph, St. Louis, and Springfield, Mo., Charlotte, Raleigh, and Winston-Salem, N.C., Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Lima, Portsmouth, Springfield, Toledo, and Youngstown, Ohio, Pittsburgh, Pa., Charleston, Columbia, Greenville, and Spartanburg, S.C., Baraboo, Eau Claire, Madison, Milwaukee, and Oshkosh, Wis." Any interested person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication, file an appropriate pleading.

No. MC 119290 (Sub-No. 1) (CORRECTED REPUBLICATION), filed September 24, 1963, published FEDERAL REGISTER issue of November 20, 1963, republished issue of September 2, 1964, and republished this issue. Applicant: GEORGE C. HESTER, doing business as G. C. HESTER DELIVERY SERVICE, 230 Bayport Avenue, Bayport, L.I., N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. By application filed September 24, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of radio isotopes (a radioactive material), in an express service, from the Research Center of Union Carbide Nuclear Company, Division of the Union Carbide Corp., Sterling Forest Gardens, located at or near Tuxedo, N.Y., to points in Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, and Maryland, and empty containers or other incidental facilities (not specified) used in transporting the above-described commodity, on return. The application was referred to Examiner Armin G. Clement for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 17, 1964 at New York, N.Y. In order to distinguish the authority granted herein, the examiner proposes to change the commodity description in this case to read "radioactive materials, other than radioactive waste materials or reactor fuel elements." While this broadens the commodity description, it does so only to the extent necessary to make clear exactly what the commodity is. A report and order, served May 15, 1964, which became effective August 21, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, of *radioactive materials, other than radioactive waste materials or reactor fuel elements*, in an express service, in containers each weighing not more than 250 pounds in weight, from the Research Center of Union Carbide Nuclear Company, Division of the Union Carbide Corp., Sterling Forest Gardens, located at Tuxedo, N.Y., to points in Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, and Maryland; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operations should be granted subject to the condition that the authority to conduct the above-described operation shall be limited, in point of time, to a period expiring 5 years from the date of the certificate; but the certificate should *not* be granted until after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, provided that no petitions for further hearing are received during that period.

NOTE: The purpose of this correction is to change the phrase "each shipment not to exceed 150 pounds in weight" to: "in containers each weighing not more than 250 pounds", in the findings set forth above.

PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

Prehearing conference. In accordance with Rule 68 of the Commission's general rules of practice, notice is hereby given to all parties interested that a prehearing conference in the proceedings described in the applications that follow, will be held at 9:30 a.m. U.S. standard time or 9:30 a.m., daylight saving time, if that time is observed, at the place and time specified after each application.

At the prehearing conference it is contemplated that the following matters will be discussed:

(1) The issues generally with a view to 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 statement;

(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 therof aided.

These applications and the authority sought MC 111485 (Sub-No. 8) and No. MC 113495 (Sub-No. 14) are as follows:

No. MC 111485 (Sub-No. 8), filed September 1, 1964. Applicant: PASCHALL TRUCK LINES, INC., Murray, Ky. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, self-propelled, or not requiring special equipment, each weighing 15,000 pounds or more with or without incidental machinery, tools, parts, and supplies moving in conjunction therewith, in driveaway, haulaway, and towaway service, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in that part of Kentucky west of the Tennessee River, on the one hand, and, on the other, points in Indiana, Illinois, Missouri, Arkansas, and Tennessee.

PREHEARING CONFERENCE: September 28, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., with Examiner James C. Cheseldine presiding.

No. MC 113495 (Sub-No. 14), filed August 28, 1964. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles, self-propelled, or not requiring special equipment, each weighing 15,000 pounds or more, with or without incidental machinery, tools, parts, or supplies moving in conjunction therewith*, in driveaway, haulaway, or towaway service, (1) from points in Illinois, to points in Virginia; and (2) between points in Tennessee, Kentucky, that portion of Virginia on and west of U.S. Highway 220, and those in that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line.

NOTE: Applicant states it presently holds authority to transport heavy construction machinery and equipment which because of size or weight require the use of special equipment in the territory described in (1) above. It also presently holds authority to transport heavy machinery and construction equipment, the transportation of which, because of size or weight require the use of special equipment in the territory described in (2) above. No duplicating authority is sought.

PREHEARING CONFERENCE: September 28, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., with Examiner James C. Cheseldine presiding.

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 126521, filed August 18, 1964. Applicant: BEN R. SCHILLI, doing business as SCHILLI TRANSPORTATION, 8944 Granbury Circle, St. Louis 23, Mo. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, in containers, from Louisville, Ky., to points in Illinois, Indiana, and Tennessee, (2) *fertilizer and fertilizer compounds*, in containers, from Louisville, Ky., Jeffersonville, New Albany, and Seymour, Ind., and Lockland, Ohio, and points within three (3) miles of each, to points in Illinois, Indiana, and Kentucky, (3) *fertilizer and fertilizer compounds*, in bulk (except liquid fertilizer in bulk, in tank vehicles), from New Albany, Ind., and Lockland, Ohio, to points in Illinois and Kentucky, (4) *ammonium nitrate fertilizer, urea fertilizer*, and *urea feed grade*, dry, in bulk, and in bags, from West Henderson, Ky., and points within five (5) miles thereof, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, and (5) *empty containers*, from points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin to West Henderson, Ky., and points within five (5) miles thereof.

NOTE: Applicant states this authority is applied for to obtain common carrier authority in lieu of the above contract carrier authority held by Garrison Elevator Company, Inc., vendor in No. MC-F-8803, under permits in No. MC 110333, No. MC 110333 Sub 2, and No. MC 110333 Sub 4. This application is directly related to No. MC-F-8803, published FEDERAL REGISTER issue of July 15, 1964.

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-8866. Authority sought (A) for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio, 44309, of the operating rights of THE WESTERN EXPRESS COMPANY (K. V. NICOLA, RECEIVER), 1277 East 40th Street, Cleveland 14, Ohio, and for acquisition by GALEN J. ROUSH, also of Akron, Ohio, of control of such rights through the purchase; (B) for purchase by GREAT LAKES EXPRESS CO., 172 Davenport, Saginaw, Mich., as assignee from ROADWAY EXPRESS, INC., of a portion of the operating rights of THE WESTERN EXPRESS COMPANY, to be acquired by ROADWAY EXPRESS, INC., and for acquisition by WILLIAM C. BLAIR, DAVID C. DOYLE, 172 Davenport, Saginaw, Mich., and JAMES V. FINKBEINER, 812 Second National Bank Building, Saginaw, Mich. (VOTING TRUSTEES), of control of such rights through the purchase; and (C) for purchase by JONES TRANSFER COMPANY, 927 Washington, Monroe, Mich., as assignee from ROADWAY EXPRESS, INC., of another portion of the operating rights of THE WESTERN EXPRESS COMPANY, to be acquired by ROADWAY EXPRESS, INC., and for acquisition by JOSEPH E. DUFFEY, ROBERT J. DUFFEY, and R. B. MANAUSSO, all of Monroe, Mich., of control of such rights through the purchase. Applicants' attorneys: John R. Turney and Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C., 20036, Henry B. Johnson, 730 Standard Building, Cleveland, Ohio, Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226, and Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich.

Operating rights sought to be transferred: (A) (ROADWAY EXPRESS, INC.) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between junction U.S. Highways 20 and 62, south of Buffalo, N.Y., and Crittenden, N.Y., between Buffalo, N.Y., and Syracuse, N.Y., serving all intermediate points, between certain specified points in New York, serving all termini and intermediate points except Rochester, N.Y., between Boston, Mass., and Syracuse, N.Y., serving all intermediate points on the specified routes and off-route points within 10

miles of the specified routes, those within 10 miles of Boston, and those within 10 miles of Syracuse, between Niagara Falls, N.Y., and Rochester, N.Y., serving the intermediate points of Lockport, N.Y., but not at Rochester, N.Y., except for joinder, one alternate route for operating convenience only; *canned goods*, over irregular routes, from Rome, N.Y., to Hartford and Waterbury, Conn., Providence, Pawtucket, Woonsocket, and Westerly, R.I., Boston, Mass., and points in Massachusetts within 25 miles of Boston, from Medina, Fulton, and Lockport, N.Y., to Providence, R.I., from Fulton, N.Y., to points in Massachusetts, from Albion, N.Y., to Hartford, Conn.; *candles*, from Syracuse, N.Y., to points in Massachusetts; *salvaged materials*, from points in Massachusetts, to Syracuse, N.Y.; *shades and shade cloth*, and such commodities used or useful in the manufacture thereof, between Oswego, N.Y., on the one hand, and, on the other, Boston and Everett, Mass.; *confectionery*, between Fulton, N.Y., and Cambridge, Mass.; *electrical supplies*, between Syracuse, N.Y., on the one hand, and, on the other, Bridgeport, Conn., and Burrage, Mass.; *brass and brass fittings*, between Syracuse, N.Y., on the one hand, and, on the other, New Bedford, Mass., and Cromwell, Conn.; *silverware and chinaware*, between Oneida and Sherrill, N.Y., on the one hand, and, on the other, Providence, R.I., and Hartford, Conn.; *fish*, between Boston and Gloucester, Mass., on the one hand, and, on the other Elmira, and Fulton, N.Y.; and *wallpaper*, between Cortland, N.Y., on the one hand, and, on the other Boston, Mass., and points in Massachusetts within ten miles of Boston; (B) (Operating rights to be purchased by GREAT LAKES EXPRESS CO., as assignee from ROADWAY EXPRESS INC.) *General Commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Cleveland, Ohio, and Syracuse, N.Y., between Cleveland, Ohio, and Buffalo, N.Y., serving all intermediate points between Cleveland and Syracuse, except Batavia, Bergen, Fairport, Lyons, and Port Byron, N.Y., between certain specified points in New York, between Cleveland, Ohio, and North Kingsville, Ohio, serving the intermediate and off-route points which said carrier is presently authorized to serve over its authorized routes between Cleveland and Kingsville, between Cleveland and Willoughby, Ohio, serving no intermediate points; and (C) (Operating rights sought to be purchased by JONES TRANSFER COMPANY, as assignee from ROADWAY EXPRESS, INC.) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Cleveland, Ohio, and Toledo, Ohio, serving the intermediate points of Sandusky, Elyria, and Milan, Ohio, an alternate route for operating convenience only. ROADWAY EXPRESS, INC., is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Michigan, Missouri, Indiana, Pennsylvania, Illinois, Kansas, Tennessee, Alabama, Georgia, North Carolina, South Carolina, New Jersey, New York, Kentucky, Maryland, West Virginia, Virginia, Connecticut, Wisconsin, Mississippi, Massachusetts, and Rhode Island. GREAT LAKES EXPRESS CO., is authorized to operate as a *common carrier* in Illinois, Michigan, Ohio, Indiana, and Pennsylvania. JONES TRANSFER COMPANY, is authorized to operate as a *common carrier* in Michigan, and Ohio. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC–2202 (Sub-268), is a matter directly related.

No. MC–F–8867. Authority sought (A) for purchase by F. J. BOUTELL DRIVE-AWAY CO., INC., 705 South Dort Highway, Flint 1, Mich., of a portion of the operating rights and certain property of CONTRACT CARTAGE COMPANY, 353 East Madison Avenue, Pontiac 17, Mich., and for acquisition by W. H. BOUTELL, G 8105 South Saginaw, Grand Blanc, Mich., and M. E. BOUTELL, 2566 Nolan Drive, Flint, Mich., 48504, of control of such rights and property through the purchase; and (B) for purchase by MOTORCAR TRANSPORT COMPANY, 290 East Tennyson, Pontiac 17, Mich., of another portion of the operating rights of CONTRACT CARTAGE COMPANY, and for acquisition by RALPH C. WILSON AGENCY, One Woodward Avenue, Detroit, Mich., 48226, and, in turn by RALPH C. WILSON, JR., 510 Oxford Road, Grosse Point Woods, Mich., of control of such rights and property through the purchase. Applicants' attorneys: George S. Dixon, One Woodward Avenue, Detroit, Mich., 48226, and Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006. Operating rights sought to be transferred: (A) (F. J. BOUTELL DRIVE-AWAY CO., INC.) *New automobiles, new trucks, new bodies*, and *new chassis*, restricted to initial movements, in truckaway service, as a *common carrier*, over irregular routes, from places of manufacture and assembly in Pontiac, Mich., to points in Illinois, Indiana, and Missouri; (B) (MOTORCAR TRANSPORT COMPANY) *New automobiles, new trucks, new bodies*, and *new chassis*, restricted to initial movements, in truckaway service, as a *common carrier*, over irregular routes, from places of manufacture and assembly in Pontiac, Mich., to points in West Virginia and that part of Pennsylvania in and west of U.S. Highway 219. F. J. BOUTELL DRIVE-AWAY CO., INC., is authorized to operate as a *common carrier*, in Michigan, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Delaware, Massachusetts, Indiana, Kentucky, Illinois, Connecticut, Vermont, Rhode Island, New Hampshire, Maine, Nebraska, Iowa, Virginia, and the District of Columbia. MOTORCAR TRANSPORT COMPANY is authorized to operate as a *common carrier* in Illinois, Michigan, Nebraska, Alabama, Georgia, Indiana, Iowa, Missouri, Tennessee, Ohio, Wisconsin, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8868. Authority sought for purchase by COAST DRAYAGE, 615 Cedar Street, Berkeley 10, Calif., of the operating rights of TODD FREIGHT LINES, INC. (JACK A. ULRICH, TRUSTEE), c/o Blewett, Blewett and Garretson, 141 East Acacia Street, Stockton, Calif., and for acquisition by EDWIN R. ADAMS, also of Berkeley 10, Calif., of control of such rights through the purchase. Applicants' attorneys: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif., and Rolla A. Garretson, 141 East Acacia Street, Stockton, Calif. Operating rights sought to be transferred: In pending Docket No. MC–120505 Sub-1, seeking a certificate of registration, covering the transportation of property in the State of California. COAST DRAYAGE seeks a certificate of registration in pending Docket No. MC–120619 Sub-2, to continue to operate as a common carrier in the State of California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8869. Authority sought for consolidation into KERR MOTOR LINES, INC., ¼ Jackson Street, Binghamton, N.Y., of the operating rights and property of (A) FLOYD L. KERR, doing business as LEWIS TRUCK LINES, New Milford, Pa., (B) FLOYD L. KERR AND ROBERT KERR, a partnership, doing business as F. L. KERR & SON, ¼ Jackson Street, Binghamton, N.Y., (C) CONRAD TRUCKING COMPANY, INC., ¼ Jackson Street, Binghamton, N.Y., and (D) BINGHAMTON DELIVERY, INC., ¼ Jackson Street, Binghamton, N.Y., and for acquisition by FLOYD L. KERR, ROBERT KERR, JAMES KERR, and EDWARD KERR, all of New Milford, Pa., of control of such rights and property through the transaction. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y., 13202. Operating rights sought to be consolidated: (A) (FLOYD L. KERR, doing business as LEWIS TRUCK LINES) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Thompson, Pa., and Binghamton, N.Y., between Binghamton, N.Y., and Hallstead, Pa., serving all intermediate and certain off-route points, between Binghamton, N.Y., and Springville, Pa., serving certain intermediate points; *general commodities*, except household goods as defined by the Commission, between Endicott, N.Y., and Hawley, Pa., serving all intermediate points, and certain off-route points with restriction; (B) (FLOYD L. KERR AND ROBERT KERR, a partnership, doing business as F. L. KERR & SON) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Binghamton, N.Y., and Downsville, N.Y., serving all intermediate points, except Windsor, N.Y., and the off-route point of Corbett, N.Y.; (C) (CONRAD TRUCKING COMPANY, INC.) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Binghamton, N.Y., and Delhi, N.Y., serving all intermediate points, except on New York Highway 17 between Bing-

hamton and Deposit, not including Deposit, and the off-route points of Rockroyal and Trout Creek, N.Y.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Binghamton, N.Y., on the one hand, and, on the other, points in Delaware, Greene, Schoharie, and Ulster Counties, N.Y., except the Village of Ellenville (Ulster County), N.Y.; (D) (BINGHAMTON DELIVERY, INC.) In pending docket No. MC–99094 (Sub-1), seeking a certificate of registration, covering the transportation of general commodities, within the State of New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8870. Authority sought for control by VERNICE W. LAW and GEORGE B. LAW, Airport Road, Nashua, N.H., of BULK HAULERS, INC., Crown Street, Nashua, N.H. Applicants' representative: T. J. O'Loughlin, Jr., 18 Baker Street, Hudson, N.H. Operating rights sought to be controlled: Authority applied for in No. MC–126528, covering the transportation of *pig iron*, as a *contract carrier*, over irregular routes, from Nashua, N.H., to all points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont. VERNICE W. LAW, and GEORGE B. LAW, hold no authority from this Commission. However, they are the controlling stockholders of LAW MOTOR FREIGHT, INC., which is authorized to operate as a *common carrier*, in New Hampshire, Massachusetts, New York, Connecticut, and Rhode Island. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–8871. Authority sought for control by C & T HAULAGE, INC., M.D. 25 & McCall Place, Newburgh, N.Y., of JEFF MOTOR LINES, INC., Box 123, Orangeburg, N.Y., and for acquisition by THOMAS PALUMBO, also of Newburgh, N.Y., of control of JEFF MOTOR LINES, INC., through the acquisition by C & T HAULAGE, INC. Applicants' attorney and representative: Arthur L. Winn, Jr., Investment Building, Washington, D.C., and Charles H. Trayford, 220 East 42d Street, New York, N.Y., 10017. Operating rights sought to be controlled: *Fibre conduit and fibre sewerpipe*, uncrated, and *junction boxes and fittings*, for the installation of fibre conduit and fibre sewerpipe, as a *contract carrier*, over irregular routes, from Orangeburg, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia; *plastic pipe, plastic tubing*, and *plastic pipe fittings*, from Orangeburg, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, RESTRICTION: The above-described operations are limited to a transportation service, to be performed under a continuing contract, or contracts, with Orangeburg Manufacturing Co., Inc., Orangeburg, N.Y.; and *cement and asbestos fibre conduit, cement and asbestos fibre pipe*, and *attachments, parts, and fittings*, for the preceding commodities, from Orangeburg, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Orangeburg Manufacturing Company, division of the Flintkote Company, at Orangeburg, N.Y. C & T HAULAGE, INC., is authorized to operate as a *contract carrier* in New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Ohio, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8872. Authority sought for control by THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven 10, Conn., of MILLER MOTOR EXPRESS, INC., 1807 West Independence Boulevard, Charlotte, N.C., and for acquisition by M. L. ADLEY, DANIEL J. ADLEY, both of New Haven, Conn., DONALD A. ADLEY, 310 West Shepard Avenue, Hamden, Conn., and RALPH J. ADLEY, 850 Prospect Street, Hamden, Conn., of control of MILLER MOTOR EXPRESS, INC., through the acquisition by THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Atlanta, Ga., and Norfolk, Va., between Columbia, S.C., and Murfreesboro, N.C., between Wilmington, N.C., and Charlotte, N.C., between Petersburg, Va., and Raleigh and Rocky Mount, N.C., between North Emporia, Va., and Franklin, Va., between certain points in North Carolina, between Baltimore, Md., and State Road, Del., serving all intermediate points, between Norfolk, Va., and Philadelphia, Pa., serving certain intermediate and off-route points with restrictions, between Norfolk, Va., and New York, N.Y., serving certain intermediate points with restrictions, and certain off-route points; *seafood*, from Elizabeth City, N.C., to New York, N.Y., serving certain intermediate points with restrictions; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points on the above-specified regular routes, with certain exceptions, on the one hand, and, on the other, Columbia, S.C., and certain points in South Carolina, Georgia, and North Carolina, between Richmond, Va., and points on the above-specified regular routes sought of Richmond, with certain exceptions, on the one hand, and, on the other, certain points in Virginia, New Jersey, and Pennsylvania. THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, Connecticut, Rhode Island, New York, New Jersey, Virginia, Maryland, Delaware, Georgia, West Virginia, North Carolina, South Carolina, Florida, Ohio, Vermont, New Hampshire, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8873. Authority sought for control and merger by COLORADO CARTAGE COMPANY, INC., 8103 East 39th Avenue, Denver 7, Colo., of the operating rights and property of BRIGHTON-FT. LUPTON TRANSPORTATION CO., 8103 East 39th Avenue, Denver 7, Colo., and for acquisition by RAYMOND L. MAULDIN, 941 South Fulton, Denver, Colo., of control of such rights and property through the transaction. Applicants' representative: Raymond L. Mauldin, 8103 East 39th Avenue, Denver, Colo. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Denver, Colo., and Roggen, Colo., between Denver, Colo., and Henderson, Colo., between Denver, Colo., and Prospect Valley, Colo., serving all intermediate points and the off-route points of Welby, Eastlake, and Rocky Mountain Arsenal near Ladora, Colo. COLORADO CARTAGE COMPANY, INC., seeks a certificate of registration in Docket No. MC–120872 Sub-2, in the State of Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8874. Authority sought for control by LEONARD BROS. MOTOR EXPRESS SERVICE, INC., Coulter Avenue, South Greensburg, Westmoreland County, Pa., of (A) TRAVELERS MOTOR FREIGHT, INC., 1149 Kenmore Boulevard, Akron, Ohio, and (B) M. & J. TRUCKING CO., INC., 1149 Kenmore Boulevard, Akron, Ohio, and for acquisition by WALTER E. LEONARD, 500 Harvey Street, Greensburg, Pa., ROBERT LEONARD, 7 Greenleaf Street, Greensburg, Pa., JOHN LEONARD, 430 Walnut Street, Greensburg, Pa., G. RUSSELL LEONARD, 428 Harrison Avenue, Greensburg, Pa., REGINA JENNINGS, 351 College Avenue, Greensburg, Pa., and the estate of MARTHA LEONARD (G. RUSSELL LEONARD and REGINA JENNINGS, EXECUTORS), 428 Harrison Avenue, Greensburg, Pa., of control of TRAVELERS MOTOR FREIGHT, INC., and M. & J. TRUCKING CO., INC., through the acquisition by LEONARD BROS. MOTOR EXPRESS SERVICE, INC. Applicants' attorneys: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa., 15219, and Noel F. George, 44 Broad Street, Columbus, Ohio. Operating rights sought to be controlled: (A) (TRAVELERS MOTOR FREIGHT, INC.) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Parkersburg, W. Va., and Spencer, W. Va., between Macfarlan, W. Va., and Grantsville, W. Va., serving all intermediate points, between Parkersburg, W. Va., and Wheeling, W. Va., serving

all intermediate points, and the off-route point of Steinersville, Ohio; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Ohio and Marshall Counties, W. Va., and Belmont County, Ohio, between points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va., on the one hand, and, on the other, Newark, N.J., and points in New Jersey and New York within 30 miles of Newark, N.J.;

General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, in truckloads only, between points in Marshall County, W. Va., on the one hand, and, on the other, Philadelphia, Pa., all points in Ohio, and certain specified points in Pennsylvania; *trunks, baggage*, and *theatrical equipment*, between Wheeling, W. Va., on the one hand, and, on the other, points in that part of Ohio, Pennsylvania, and West Virginia, within 100 miles of Wheeling, W. Va.; (B) (M. & J. TRUCKING CO., INC.) *General commodities*, excepting, among others, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Toronto, Ohio, and Pittsburgh, Pa., and Bellaire, Ohio, and Wheeling, W. Va., serving all intermediate points, between Pittsburgh, Pa., and Weirton, W. Va., serving all intermediate points in West Virginia, and certain off-route points with restriction, between Steubenville, Ohio, and Hollidays Cove, W. Va., between Steubenville, Ohio, and West Virginia Highway 2, between Bridgeport, Ohio, and Wheeling, W. Va., between Bellaire, Ohio, and Wheeling, W. Va., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Hancock and Brooke Counties, W. Va., on the one hand, and, on the other, certain specified points in Ohio. LEONARD BROS. MOTOR EXPRESS SERVICE, INC., is authorized to operate as a *common carrier* in Pennsylvania, New York, Connecticut, Maryland, and New Jersey. Application has been filed for temporary authority under section 210a(b).

NOTE: A petition for dismissal has been filed in Docket No. MC-F-8726 (TRAVELERS MOTOR FREIGHT, INC.—CONTROL AND MERGER—M. & J. TRUCKING CO., INC.).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-9139; Filed, Sept. 9, 1964; 8:47 a.m.]

[Notice No. 19]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

SEPTEMBER 4, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The special rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

GEORGIA

No. MC 120392 (Sub-No. 1) (REPUBLICATION), filed December 21, 1962, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: GEORGE S. SMITH AND HENRY C. SMITH, a partnership, doing business as ARROW VAN LINES, Post Office Box 1051, 88 Randolph Street, Savannah, Ga., and HENRY C. SMITH, doing business as ARROW VAN LINES, Post Office Box 1051, 88 Randolph Street, Savannah, Ga., joint applicants.

NOTE: The purpose of this republication is to show Henry C. Smith, an individual, doing business as Arrow Van Lines, as joint applicant.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-9140; Filed, Sept. 9, 1964; 8:47 a.m.]

[Notice No. 676]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 4, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 1759 (Sub-No. 17), filed August 20, 1964. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (except unleavened and frozen bakery products), from the plant sites of S. B. Thomas, Inc. at Totowa, N.J., Arnold Bakers, Inc., at Port Chester, N.Y., and Pepperidge Farms, Inc., at Norwalk, Conn., to points in Onondaga County, N.Y., and *stale, damaged, refused and rejected shipments* of bakery products, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 6945 (Sub-No. 31), filed August 21, 1964. Applicant: THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. Applicant's attorney: Thomas I. Wattles, 1600 Dime Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, dangerous explosives, matches, household goods as defined by the Commission, commodities in bulk (other than metal scrap in bulk), and commodities requiring special equipment), serving the plant site of International Harvester Company located approximately four and one-half (4½) miles north of Springfield, Ohio, as an off-route point in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 20207 (Sub-No. 36), filed August 21, 1964. Applicant: CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham Street, McKees Rocks, Pa. 15136. Applicant's attorney: Samuel P. Delisi, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment) serving the plant site of Chevrolet Division of General Motors Corp., located in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 22278 (Sub-No. 16), filed August 19, 1964. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), (1) OVER REGULAR ROUTES, serving Cherokee, Iowa, as an off-route point in connection with applicant's regular-route operations, and (2) OVER IRREGULAR ROUTES, from Cherokee, Iowa, to points in Illinois, restricted to Wilson and Co., Inc. traffic originating at the plant site and/or cold storage facilities utilized by Wilson and Co., Inc., at or near Cherokee, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 26739 (Sub-No. 41), filed August 21, 1964. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo., 64501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from La Porte, Ind., to points in North Dakota, South Dakota, Minnesota, Iowa, Kansas, Missouri, Nebraska, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 36151 (Sub-No. 38), filed August 19, 1964. Applicant: HENRY JENKINS TRANSPORTATION CO., INCORPORATED, Braintree Industrial Plaza, Braintree 84, Mass. Applicant's attorney: Francis P. Barrett, Professional Building, 25 Bryant Avenue, East Milton 86, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Bakery products*, serving Concord, N.H., as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE: Applicant states the proposed service is "restricted against the transportation of any traffic originating at or destined to points in Massachusetts and Rhode Island." If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 45736 (Sub-No. 14), filed August 24, 1964. Applicant: GUIGNARD FREIGHT LINES, INC., 646 Atando Avenue, Charlotte, N.C., 28206. Applicant's representative: W. D. Turner, Post Office Box 3661, Charlotte, N.C., 28203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, siding and siding materials* on flatbed equipment from Charleston, S.C., to points in Virginia east of U.S. Highway 1 from the North Carolina-Virginia line to Richmond, Va., and on and east of U.S. Highway 301 from Richmond, Va., to the Potomac River.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 50544 (Sub-No. 56) (CORRECTION), filed May 25, 1964, published FEDERAL REGISTER, issue of June 17, 1964, and republished as corrected this issue. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, a corporation, 1507 Pacific Avenue, Dallas, Tex. Applicant's attorney: Tom L. Farmer, 809 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Cypress, and Shreveport, La., from Cypress over Louisiana Highway 120 to Belmont, La., thence over Louisiana Highway 175 to junction U.S. Highway 84, thence over U.S. Highway 84, to junction U.S. Highway 171, thence over U.S. Highway 171 to Shreveport, and return over the same route, serving all intermediate points and (2) between Robeline, La., and Natchitoches, La., and Louisiana Highway 6, and return over the same route, serving no intermediate points.

NOTE: Applicant presently holds the above applied for authority subject to the following restrictions: "Carrier service is limited to that which is auxiliary to or supplemental of train service of The Texas and Pacific Railway Company . . . and carrier shall not render any service to or from any point not a station on a rail line of the railways. . . ." Applicant states that the Railway Company has an application pending before the Interstate Commerce Commission to abandon that portion of its line which is generally parallel to the highways described in this application and which furnishes rail service to the points sought to be served herein. In the event, and only in the event the application of The Texas and Pacific Railway Company to abandon that portion of its line is granted, then this application is filed to permit continuation of service to these communities by the applicant." Applicant is a wholly-owned subsidiary of The Texas and Pacific Railway Company. The purpose of this republication is to show that applicant proposes to transport general commodities. Previous publication named the so-called usual exceptions to general commodities, in error. Also this republication corrects certain designated highways shown in previous publication, in error. If a hearing is deemed necessary, applicant requests it be held in Shreveport, La.

No. MC 58214 (Sub-No. 5), filed August 17, 1964. Applicant: ROOT TRANSIT, INC., Hodell and Prospect Streets, Shelbyville, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017–1019 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, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving points in Rush and Franklin Counties, Ind., on and north of U.S. Highway 52 as off-route points in connection with applicant's regular routes between Indianapolis and the Indiana-Ohio State line, and (2) serving Sparta, Morristown, Flat Rock, Homer, Manila, Blue Ridge, Milroy, Gowdy, Moscow, Westport, Letts, and St. Paul, Ind., as off-route points between Indianapolis and the Indiana-Ohio State line.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 61825 (Sub-No. 27), filed August 20, 1964. Applicant: ROY STONE TRANSFER CORPORATION, Post Office Box 385, Collinsville, Va. Applicant's attorney: Spencer T. Money, 411 Park Lane Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from St. Joseph, Mo., to points in North Carolina and Virginia on and west of U.S. Highway 220 and to Altavista, Staunton, and Waynesboro, Va., and *returned shipments* of the above commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76436 (Sub-No. 20), filed August 21, 1964. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 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, articles of unusual value, commodities in bulk, commodities injurious or contaminating to other lading, and commodities which require special equipment), (1) between the site of the Princeton Company plant located near Princeton, Ky. and Nashville, Tenn.; from the site of the Princeton Company plant located near Princeton, over Kentucky Highway 128 to junction Kentucky Highway 91, thence over Kentucky Highway 91 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Nashville, and return over the same route, serving all intermediate points in Kentucky, (2) between the site of the Princeton Company plant located near Princeton, Ky. and Elizabethtown, Ky.; (a) from the site of the Princeton Company plant located near Princeton, over Kentucky Highway 128 to junction Kentucky Highway 91, thence over Kentucky Highway 91 to Princeton, thence over U.S. Highway 62 to Elizabethtown, and return over the same route, serving no intermediate points and serving Elizabethtown for joinder only, and (b) from the site of the Princeton Company plant located near Princeton, Ky., over Kentucky 128 to junction Kentucky Highway 91, thence over Kentucky Highway 91 to junction with the Western Kentucky

Turnpike, thence over the Western Kentucky Turnpike to Elizabethtown, and return over the same route, serving no intermediate points and serving Elizabethtown for joinder only, and (3) between Hopkinsville, Ky. and the junction U.S. Highway 41 and the Western Kentucky Turnpike near Nortonville, Ky.; from Hopkinsville over U.S. Highway 41 to junction U.S. Highway 41 and the Western Kentucky Turnpike near Nortonville, and return over the same route, serving no intermediate points, and serving the junction U.S. Highway 41 and the Western Kentucky Turnpike near Nortonville, for joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations, restricted against the transportation of freight moving between Louisville, Ky., and Nashville, Tenn., and further restricted against the transportation of freight moving between Nashville, Tenn., and Scottsville, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 76436 (Sub-No. 21), filed August 21, 1964. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. 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, articles of unusual value, commodities injurious or contaminating to other lading, and commodities which require special equipment), between Nashville, Tenn., and Franklin, Ky., over U.S. Highway 31W, serving no intermediate points, and serving the points of Nashville, Tenn., and Franklin, Ky., for the purpose of joinder only, as an alternate route, for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant does not specify particular location.

No. MC 83835 (Sub-No. 52), filed August 24, 1964. Applicant: WALES TRUCKING COMPANY, a corporation, 905 Meyers Road, Grand Prairie, Tex. Applicant's attorney: James W. Hightower, Wynnewood Professional Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fence Posts*, iron or steel, from Sand Springs, Okla., to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, and Texas.

NOTE: If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 95540 (Sub-No. 592), filed August 19, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from La Porte, Ind., to points in Alabama, Arkansas, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 98173 (Sub-No. 4), filed August 24, 1964. Applicant: CHESTER L. ROBERTS, doing business as ROBERTS MOTOR FREIGHT, 220 Birdge Street, Sweet Springs, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 610, Professional Building, Kansas City, 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 those injurious or contaminating to other lading, (1) between points in the Kansas City, Mo.-Kans. commercial zone (as defined by the Commission), on the one hand, and, on the other, Eaglesville, Mo., from Kansas City, over U.S. Highway 69, to Eaglesville, and return over the same route, serving the intermediate and off-route points of Albany, Avenue City, Bethany, Blythedale, Carmack Junction, Civil Bend, Coffee, Evona, Ford City, Gilman City, Helena, King City, Martinsville, McFall, New Hampton, Pattonsburg, Ridgeway, Rochester, Stanberry, and Union Star, (2) between points in the St. Joseph, Mo. commercial zone (as defined by the Commission), on the one hand, and, on the other, Eaglesville, Mo., from St. Joseph, over U.S. Highway 169, to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 69, thence over U.S. Highway 69, to Eaglesville, and return over the same route, serving the intermediate and off-route points of Albany, Avenue City, Bethany, Blythedale, Carmack Junction, Civil Bend, Coffee, Evona, Ford City, Gilman City, Helena, King City, Martinsville, McFall, New Hampton, Pattonsburg, Ridgeway, Rochester, Stanberry, and Union Star, and (3) from junction U.S. Highways 36 and 69, as a common point of joinder over U.S. Highway 36 to St. Joseph, Mo., and return over the same route as an alternate route for operating convenience only with no service authorized over said route on any traffic moving between Kansas City, and St. Joseph, Mo.

NOTE: Applicant states it "holds Missouri Intrastate Certificate issued by the Mo. P.S.C. in T-11, 250, dated October 1, 1951, which was registered with the Interstate Commerce Commission under the second proviso of the Act. He subsequently made timely filing for a "grandfather" Certificate of Registration in accordance with the requirements of section 206(a)(7) of the Act, as amended October 15, 1962. The Commission's compliance order was issued October 3, 1963 and served October 22, 1963. Certificate of registration was issued and served January 6, 1964. The within application seeks a Certificate of Public Convenience and Necessity from this Commission for lesser and more clearly defined authority than that described in the above Certificate of Registration. Applicant will request cancellation of the Certificate of Registration in MC-98173, Sub-No. 2, by this Commission, concurrently with the issuance to him of a Certificate of Public Convenience and Necessity as applied for herein." If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 102817 (Sub-No. 8), filed August 18, 1964. Applicant: PERKINS FURNITURE TRANSPORT, INC., 419 West Merrill Street, Indianapolis, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridan Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, ranges, air conditioners, water heaters, washers and dryers, dishwashers, electric heaters, air coolers, electric ovens, dehumidifiers, garbage disposals*, from points in Indiana, and Mansfield and Columbus, Ohio, to points in Delaware, Iowa, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New York, North Dakota, South Dakota, Virginia, Wisconsin, Missouri, Pennsylvania, Tennessee, Michigan, West Virginia, Ohio, Illinois, Kentucky, and Washington, D.C., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 103880 (Sub-No. 321), filed August 21, 1964. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *nitrogen fertilizer solution*, in bulk, in tank vehicles, from Peru, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105733 (Sub-No. 35), filed August 18, 1964. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. Applicant's attorney: Edmund C. Smith, 26 Broadway, New York 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Sayreville, N.J., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 105813 (Sub-No. 116), filed August 24, 1964. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined

by the Commission, from Greeley, Colo., to points in Arkansas, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 107403 (Sub-No. 575), filed August 20, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, dry*, in bulk, including but not limited to red lead, lead oxide, and lead silicated, from Chicago, Ill. to points in Maryland, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

NOTE: Applicant states no authority is requested from that portion of the Chicago, Ill., commercial zone lying with the State of Indiana to points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 330), filed August 20, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, 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: *Limestone and phosphate feed supplements*, from Alden, Iowa, to points in Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107515 (Sub-No. 492), filed August 20, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast and yeast products* in vehicles equipped with mechanical refrigeration, from New Orleans, La., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 108449 (Sub-No. 185), filed August 18, 1964. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from Wolsey, S. Dak., and points within fifteen (15) miles thereof (except from the site of the terminal outlet of Kaneb Pipeline Company at or near Wolsey, S. Dak.) and from Aberdeen, S. Dak., and points within fifteen (15) miles thereof, to points in Wyoming, Montana, Nebraska, North Dakota, Minnesota, and Iowa, and (2) from Jamestown, N. Dak. and points within fifteen (15) miles thereof, to points in Montana, Minnesota, South Dakota, and points in North Dakota on the International Boundary Line between the United States and Canada.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108461 (Sub-No. 99) (CORRECTION), filed July 30, 1964, published FEDERAL REGISTER, issue of August 19, 1964, under Docket No. MC 114897 (Sub-No. 57), Corrected August 26, 1964, and republished, as corrected this issue. Applicant: WHITFIELD TRANSPORTATION, INC., 300 North Clark Road (Post Office Drawer 9897), El Paso, Tex., 79989. 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 in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment) (1) between Dallas, Tex., and Albuquerque, N. Mex.; from Dallas over city streets to Fort Worth, Tex., thence over U.S. Highway 180 to Snyder, Tex., thence over U.S. Highway 84 via Post, Tex., to Ft. Sumner, N. Mex., thence over U.S. Highway 60 to Encino, N. Mex., thence over U.S. Highway 285 to Clines Corners, N. Mex., thence over U.S. Highway 66 to Albuquerque, and return over the same route, serving the intermediate point of Post, Tex., for joinder only, and serving the intermediate point of Lubbock, Tex. for interchange only, and (2) between Post, Tex. and Tularosa, N. Mex.; from Post over U.S. Highway 380 to Hondo, N. Mex., thence over U.S. Highway 70 to Tularosa, and return over the same route, serving Post as a point of joinder only.

NOTE: Common control may be involved. The purpose of this republication is to show applicant's correct docket number and to clearly set forth the proposed route in (1) above. If a hearing is deemed necessary, applicant requests it be held at Albuquerque and Las Cruces, N. Mex., and Dallas, Tex.

No. MC 109637 (Sub-No. 262), filed August 13, 1964. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylonitrile*, in bulk, in tank vehicles, from the plant site of Sohio Chemical Company at Lima, Ohio, to Louisville, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110525 (Sub-No. 677), filed August 19, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Wyandotte, Mich., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 111044 (Sub-No. 2), filed August 18, 1964. Applicant: SOUTHERN OREGON TRANSFER & STORAGE CO., a corporation, Post Office Box 1445, Medford, Oreg. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Medford, Oreg., on the one hand, and, on the other, points in Jackson County, Oreg.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Medford, Oreg.

No. MC 111656 (Sub-No. 3), filed August 21, 1964. Applicant: FRANK LAMBIE, 112 East 27th Street, New York, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, rayon, wool and synthetic fabrics, materials and supplies*, between Carlstadt, N.J., on the one hand, and, on the other, New York, N.Y. RESTRICTION: Under a continuing contract with Theo. Tiedmann & Sons, Inc., of Carlstadt, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 112188 (Sub-No. 8), filed August 17, 1964. Applicant: GEORGE McBREEN CO., INC., 1841 Northwest 22d Avenue, Portland, Oreg. Applicant's attorney: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, newspapers, advertising material, books, pamphlets, calendars, periodicals, and dated publications*, (1) from Portland, Oreg., to points in Oregon, and (2) between Portland, Oreg., on the one hand, and, on the other, Vancouver, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 112417 (Sub-No. 3), filed August 18, 1964. Applicant: JOHN KOBLAN AND MICHAEL KOBLAN, a partnership, doing business as CLIFF TRUCKING CO., 24 Cliff Street, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Decorated glassware, plastic bottles, and caps and covers therefor*, from the plant site of Ceragraphic Inc., Hackensack, N.J., to New York, N.Y., and points in Orange, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., and

points in Fairfield, New Haven, and Middlesex Counties, Conn.

NOTE: Applicant states that the authority sought may not be tacked with any other authority held by applicant so as to perform a through service via Hackensack, N.J. If the authority sought is granted, authority sought in MC 125737 (contract carrier) is to be canceled. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 112750 (Sub-No. 202) (AMENDMENT), filed July 7, 1964, published FEDERAL REGISTER, issue July 22, 1964, amended August 20, 1964, and republished as amended this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Blvd., Bayside, N.Y. Applicant's attorney: Claude J. Jasper, Suite 301, 111 South Fairchild Street, Madison 2, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper samples*, no single shipment of which shall exceed 20 pounds in weight, *customer orders* for purchase of merchandise, *correspondence, records* and *reports* under a continuing contract or contracts with Consolidated Papers, Inc., between Chicago, Ill., on the one hand, and, on the other, Wisconsin Rapids, Wis., and (2) *Business papers, records and audit and accounting media of all kinds* (excluding plant removals), under a continuing contract or contracts with Sealtest Foods Division of National Dairy Products Corporation, between Chicago, Ill., on the one hand, and, on the other, Fond du Lac, Kenosha, La Crosse, Madison and Milwaukee, Wis.

NOTE: The purpose of this republication is to more clearly set forth the commodity description as requested by applicant in (1) above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113267 (Sub-No. 134), filed August 20, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Post Office Box 548, Caseyville, Ill. Applicant's attorney: R. H. Burroughs, 115 East Main Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Chatham County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 113325 (Sub-No. 29), filed August 17, 1964. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois, Iowa, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113528 (Sub-No. 10), filed August 18, 1964. Applicant: MERCURY FREIGHT LINES, INC., Post Office Box 1624, 710 North Joachim Street, Mobile, Ala. Applicant's attorney: Drew L. Carraway, Suite 818, Perpetual Building, 1111 E Street NW., Washington, 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, livestock, commodities in bulk, and those requiring special equipment), between Mobile, Ala., and the junction of Mississippi Highway 26, with U.S. Highway 11 located at or near Poplarville, Miss., from Mobile, over U.S. Highway 98 to junction with Mississippi Highway 26, thence over Mississippi Highway 26 to junction with U.S. Highway 11 located at or near Poplarville, and return over the same route, serving no intermediate points, but serving the described junction for the purpose of joinder only in connections with applicant's authorized regular route operations over U.S. Highway 11.

NOTE: The proposed service route will be used in connection with the transportation of traffic between Mobile, Ala., and Pensacola, Fla., on the one hand, and Houston, and Beaumont, Tex., on the other.

No. MC 113678 (Sub-No. 82) (AMENDMENT), filed August 11, 1964, published FEDERAL REGISTER, issue of August 26, 1964, amended August 26, 1964 and republished as amended this issue. Applicant: CURTIS, INC., 770 East 51st Street, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Nelson, Harding & Acklie, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses* as described in Appendix I in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 from Rapid City, S. Dak., New Castle, Wyo. and points within ten miles thereof to Minneapolis and St. Paul, Minn., Milwaukee, Wis., points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont and *commodities used by packinghouses* on return.

NOTE: The purpose of this republication is to more clearly set forth the commodity description and origin points as requested by applicant in lieu of that previously published. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 83) (AMENDMENT), filed August 12, 1964, published FEDERAL REGISTER, issue of August 26, 1964, amended August 26, 1964, and republished this issue. Applicant: CURTIS, INC., 770 East 51st Street, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Nelson, Harding & Acklie, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as described in Appendix I in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 from Rapid City, S. Dak., New Castle, Wyo., and points within ten miles thereof to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington and *commodities used by packinghouses* on return.

NOTE: The purpose of this republication is to more clearly set forth the commodity description and origin points as requested by applicant in lieu of that previously published. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 114045 (Sub-No. 160), filed August 20, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* in vehicles equipped with mechanical refrigeration, from La Porte, Ind. to points in Texas and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 115113 (Sub-No. 4), filed July 16, 1964. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 338, Fort Dodge, Iowa. Applicant's attorney: Don N. Kersten, 200 Snell Building, Fort Dodge, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and frozen offal*, from Fort Dodge, Iowa, to Akron, Ohio, Stamford, Bridgeport and Waterbury, Conn., Boston, Gardner and Holyoke, Mass., Baltimore, Md., Washington, D.C., Newark, N.J., Buffalo, Troy and New York, N.Y., Philadelphia, Pa., and Norfolk, Va.

NOTE: Applicant presently holds certificate MC 115113 to operate from the plant site of Fort Dodge Packing Company, at Fort Dodge, Iowa. The purpose of this application is to request change in authority of the point of origin to the City of Fort Dodge, Iowa. If a hearing is deemed necessary, applicant requests it be held at Fort Dodge, Iowa.

No. MC 115276 (Sub-No. 3), filed August 21, 1964. Applicant: CHARLES O. INGMIRE, INCORPORATED, Box 487, Indiana, Pa. Applicant's attorney: Joseph J. Laws, 227 State Street, Harrisburg 01, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including stringing and picking up

thereof (except the stringing and picking up of pipe in connection with main lines), between points in Pennsylvania, West Virginia, Ohio, Maryland, Virginia, New York, and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 115840 (Sub-No. 14), filed August 24, 1964. Applicant: COLONIAL FAST FREIGHT LINES, 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: *Salt and salt mixtures* (except in bulk and tank vehicles), from Baldwin and Anse La Butte, La., to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116273 (Sub-No. 30), filed August 21, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, from Chicago, Ill., to Cincinnati, Ohio, Detroit, Mich., Kansas City and St. Louis, Mo., and Milwaukee, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116273 (Sub-No. 31), filed August 21, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, 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: *Anhydrous ammonia* and *nitrogen fertilizer solution*, in bulk, in tank vehicles, from Peru, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117954 (Sub-No. 13), filed August 25, 1964. Applicant: H. L. HERRIN, JR., Post Office Box 456, Metairie, La. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plant sites and cold storage facilities utilized by Wilson & Co. Inc. located at or near Cherokee, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118292 (Sub-No. 7) (AMENDMENT), filed July 20, 1964, published FEDERAL REGISTER issue of August 5, 1964, amended August 24, 1964 and republished as amended this issue. Applicant: BALLENTINE PRODUCE, INC., Alma, Ark. Applicant's attorney: Lester M. Bridgeman, Woodward Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Little Rock, Fort Smith, and Van Buren, Ark., to points in Alabama, Florida, Georgia, Louisiana, Michigan, North Carolina, South Carolina, Tennessee, and Texas.

NOTE: The purpose of this republication is to add Fort Smith and Van Buren as origin points. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 118434, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 119767 (Sub-No. 29), filed August 19, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream products, ice cream confections, and related products*, in mechanically refrigerated temperature controlled vehicles, from Chicago, Ill., to points in Minnesota, North Dakota, and South Dakota.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 30), filed August 19, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients, materials, equipment, and supplies used and/or useful in the manufacture, mixing, and/or sale of these commodities*, between points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin, Louisville, Ky., and St. Louis, Mo. Applicant states that the proposed operation is restricted against the transportation in bulk, in tank and/or hopper vehicles.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 31), filed August 26, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet St., Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk or cream substitutes*, from Waverly, Iowa to Oconomowoc, Chilton, and Jefferson, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119778 (Sub-No. 73), filed September 2, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay slurry, and clay products*, in bulk, from points in Twiggs, Wilkinson, Washington, and Decatur Counties, Ga., to points in California, Illinois, Indiana, Kentucky, New Jersey, New York, Ohio, Pennsylvania, Washington, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119928 (Sub-No. 6), filed August 20, 1964. Applicant: C & E TRUCKING CORPORATION, 1311 South Olive Street, South Bend 19, Ind. 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: *Meats, dairy products, packinghouse products*, and *commodities used by packinghouses*, as described in Sections A, B, C, and D, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) between Fremont, Ohio, and Chicago, Ill., and (2) between Fremont, Ohio, on the one hand, and, on the other, Fort Wayne, Ind. and Kalamazoo, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123393 (Sub-No. 41), filed August 21, 1964. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in Van Wert County, Ohio to points in Jasper County, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity, on return.

NOTE: Applicant states that exempt commodities will also be transported on return. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 124803 (Sub-No. 2), filed August 21, 1964. Applicant: CHARLES E. TRAYLOR, doing business as TRAYLOR GRAIN SALES, 909 North Line Street, Loogootee, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., Milwaukee, Wis., Evansville, Ind., Louisville, Ky., and St. Louis, Mo., to points in Indiana south of U.S. Highway 40, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 125521 (Sub-No. 4), filed August 24, 1964. Applicant: FUNK

MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo, Ohio, 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Fostoria, Ohio, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant states the above-proposed operations will be performed under a continuing contract with Hanson Distributing Company, Fostoria, Ohio. If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 125722 (Sub-No. 5), filed August 18, 1964. Applicant: GREAT WESTERN PACKERS EXPRESS, INC., Post Office Box 16886, Denver, Colo. 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: *Meats, packinghouse products, dairy products*, and *commodities used by packinghouses* as described in Sections A, B, C, and D to Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Colorado Springs, and Pueblo, Colo., to Ehrenberg and Topock, Ariz.

NOTE: Applicant states it "is now authorized to transport the involved commodities from Denver, Colo. to Phoenix, Ariz., among other points. The purpose of this application is to establish new points of interchange in connection with traffic moving beyond Arizona." If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126003 (Sub-No. 1), filed August 17, 1964. Applicant: ANTHONY TUSSO, doing business as M & T AUTO WRECKERS, 762 Bergen Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, and repossessed motor vehicles and freight trailers, and replacements thereof, fork lifts, trucks, and car and truck cranes, by towing and flat body equipment* (excluding household trailers designed to be drawn by passengers vehicles), between points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Pennsylvania, Ohio, Virginia, Maine, New Hampshire, Vermont, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126021 (Sub-No. 1), filed August 20, 1964. Applicant: W. EMERSON GAMBLE, doing business as MULLIS TRANSFER, 5587 South Hill Street, Littleton, Colo. Applicant's attorney: Harold D. Torgan, 810 American National Bank Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, those of unusual value, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, (1) between points in Denver, Adams, Arapahoe, Jefferson, and Douglas Counties, Colo., and (2) from points in Denver, Adams, Arapahoe, Jefferson, and Douglas Counties, Colo., to points in Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126270 (Sub-No. 2), filed August 17, 1964. Applicant: BILLY J. HUNT AND HOLLIS GARRETT, a partnership, doing business as COMPTON APPLIANCE SERVICE CO., 4319 Manchester, St. Louis, Mo. Applicant's attorney: G. F. Gunn, Jr., Suite 1230, Boatman's Bank Building, St. Louis, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated), *bicycles*, and *gym sets, kitchen equipment* as described in Appendix IV, 61 M.C.C. 209, and *electrical appliances, equipment and parts* as described in Appendix VII, 61 M.C.C. 209, *lawn mowers, athletic* and *sporting goods* and *equipment*, from the warehouses and stores of J. C. Penney Co., Inc., located points in St. Louis County, and St. Louis, Mo., to that part of Illinois lying east of the Mississippi River (with the Mississippi River as the western boundary bounded by Illinois Highway 96 located at or near Mozier, Ill.), thence eastward along Illinois Highway 96 to its junction with Illinois Highway 108, thence eastward along Illinois Highway 108 to its junction with Interstate Highway 55, thence southward along Interstate Highway 55 to its junction with Illinois Highway 16, thence eastward along Illinois Highway 16 to its junction with Illinois Highway 127, thence southward along Illinois Highway 127 to its junction with Illinois Highway 154, thence westward along Illinois Highway 154 to its junction with Illinois Highway 150, thence south and southwestward along Illinois Highway 150 to its junction with the Mississippi River, located at or near Chester, Ill.

NOTE: Applicant states the proposed service will be for the account of J. C. Penney Company, Inc. and it will adjust and install household appliances in connection with the proposed service. If a hearing is deemed necessary, applicant states it will be held at St. Louis, Mo.

No. MC 126291 (Sub-No. 2), filed August 21, 1964. Applicant: QUIRION TRANSPORT, INC., La Guadaloupe, Cte. Fontenac, Quebec, Canada. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road (at South Shore Plaza, Braintree 84, Mass. and Donald J. Bourassa, 116 State Street, Augusta, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood squares*, from ports of entry on the international boundary line between the United States and Canada located at or near Jackman and Coburn Gore, Maine, Derby Line, Norton Mills, and St. Albans, Vt., to points in Maine, Massachusetts, New Hampshire, and Vermont, and (2) *lumber and cedar products*, from ports of entry on the international boundary line between the United States and Canada located at or near Jackman and Coburn Gore, Maine, Derby Line, Norton Mills, and St. Albans, Vt., and Rouses Point, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine.

No. MC 126323 (Sub-No. 2), filed August 17, 1964. Applicant: W. M. BLEDSOE, doing business as W. M. BLEDSOE MINING CO., New Florence, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire clay*, in bulk, in dump vehicles, from points in Audrain, Montgomery, Warren, Gasconade, Osage, and Callaway Counties, Mo., to Madison and St. Clair Counties, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 126356 (CLARIFICATION), filed June 22, 1964, published in FEDERAL REGISTER, issue of July 15, 1964, and republished as clarified this issue. Applicant: GROCERS DELIVERY, INC., Williamsburg, Ind. Applicant's attorney: James L. Beattey, Suite 1019–1029, 130 East Washington Street, Indianapolis, Ind., 46204. Authcrity sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General grocery items*, canned, bottled and packaged, including *candy, bleach, and sugar*, in bags and boxes, between the plant site of H. J. Eavey, Inc., located at or near Richmond, Ind., and Chicago, Ill., Findlay, Ohio, Toledo, Ohio, and Cincinnati, Ohio, (2) *sugar*, in bags and boxes, between the plant sites of H. J. Eavey, Inc., located at or near Richmond, Ind., and Chicago, Ill., Findlay, Ohio, Toledo, Ohio, and Cincinnati, Ohio, (3) *canned and bottled foods*, between the plant sites of H. J. Eavey, Inc., located at or near Richmond, Ind., and Chicago, Ill., Findlay, Ohio, Toledo, Ohio, and Cincinnati, Ohio, and (4) *canned and packaged goods and sugar*, between the plant sites of H. J. Eavey, Inc., located at or near Richmond, Ind., and Chicago, Ill., Findlay, Ohio, Toledo, Ohio and Cincinnati, Ohio.

NOTE: Applicant states that the proposed service will be under contract with Henry Eavey Co., Inc., of Richmond, Ind. The purpose of this republication is to more clearly describe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126358 (Sub-No. 1), filed August 24, 1964. Applicant: LAWRENCE L. BENNETT, d.b.a. BENNETT TRUCKING CO., 113 Mitchell Street, Hawkinsville, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from Fairfax, S.C., and Lu-

dowici, Ga., to Lenoir, and Madison, N.C., Temple, Tex., Salem, Va., Winnsboro and Dillon, S.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 126428, filed August 20, 1964. Applicant: ZIBERT TRANSPORT CO., a corporation, Post Office Box 65, Peru, Ill., 62708. Authority sought to operphenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and plastics*, in tank or hopper vehicles, from Peru, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, and (2) *dry plastic*, in tank or hopper vehicles, from Peru, Ill., to points in Arkansas, Kansas, Kentucky, Nebraska, Pennsylvania, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126523, filed August 19, 1964. Applicant: JAMES B. WELCH, doing business as JOE'S TRANSFER AND STORAGE, 2712 Northwest 56th Street, Miami, Fla. Applicant's attorney: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla., 33125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, between points in Broward, Brevard, Charlotte, Collier, Dade, De Soto, Glades, Hendry, Highlands, Hardee, Hillsborough, Indian River, Lee, Manatee, Monroe, Martin, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, and Saint Lucie Counties, Fla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 126525, filed August 21, 1964. Applicant: FORT STEUBEN LIMOUSINE SERVICE CO., a corporation, 2211 Pennsylvania Avenue, Weirton, W. Va. Applicant's attorney: Samuel P. Delisi, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the Greater Pittsburgh Airport, Moon Township, Allegheny County, Pa., on the one hand, and, on the other, points in Hancock and Brooke Counties, W. Va., and points in Jefferson County, Ohio, restricted to traffic having an immediately prior or an immediately subsequent movement by air.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Wheeling, W. Va.

No. MC 126526, filed August 10, 1964. Applicant: JOHN C. HAGGERTY, doing business as FAS TRANSPORTATION COMPANY, 3867 Jefferson Street, Sioux City, Iowa. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities in bulk), between Sioux Falls and Rapid City, S. Dak., Storm Lake and Sioux City, Iowa, Omaha and Wakefield, Nebr., and Fargo, N. Dak., on the one hand, and, on the other, points in Alaska.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit MC 125999 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fairbanks, Alaska.

MOTOR CARRIER OF PASSENGERS

No. MC 453 (Sub-No. 22), filed August 17, 1964. Applicant: THE GRAY LINE, INC., 1010 Eye Street NW., Washington, D.C. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between Washington, D.C., and Charles Town, W. Va.; from Washington over the 14th Street Bridge and Interstate Highway 95 to junction with Washington Boulevard (Arlington County); thence over Washington Boulevard to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Virginia Highway 7, thence over Virginia Highway 7 to junction Virginia Highway 9, thence over Virginia Highway 9 to the Virginia-West Virginia State line, thence over West Virginia Highway 9 to Charles Town, and return over the same route, serving all intermediate points. RESTRICTION: No passengers and their baggage, express, mail, or newspapers will be transported between Washington, D.C., and points in Virginia on and east of the junction of Virginia Highway 7 and Virginia Highway 123.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIER OF PASSENGERS

No. MC 12922, filed August 20, 1964. Applicant: GEORGE M. BADSTUBER, 21701 Maydale Avenue, Euclid, Ohio. Applicant's attorney: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, Ohio, 44113. For a license (BMC 5) to engage in operations as a *broker* at Euclid, Ohio, in arranging for transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage* in groups and as individuals, beginning and ending at points in Cuyahoga County, Ohio, and extending to points in the United States, including ports of entry on the international boundary line between the United States and Canada and between the United States and Mexico.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub-No. 122), filed August 14, 1964. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837), Dallas, Tex., 75207. Applicant's attorney: Charles D. Mathews, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (but excluding commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Anacoco, La., and Hemphill, Tex., from Anacoco over Louisiana Highway 111 to Toledo Bend Dam and Powerhouse, located on the Sabine River, thence over Farm-to-Market Road 944 to junction Texas Highway 87, thence over Texas Highway 87 to Hemphill, and return over the same route, serving the intermediate point of Toledo Bend Dam and Powerhouse, and (2) between Burkeville, Tex., and Anacoco, La.; from Burkeville over Texas Farm-to-Market Road 692 to junction Texas Highway 63, thence over Texas Highway 63 to the Louisiana-Texas State line, thence over Louisiana Highway 8 to junction U.S. Highway 171, and thence over U.S. Highway 171 to Anacoco, and return over the same route, serving the intermediate point of Toledo Bend Dam and Powerhouse.

NOTE: Applicant states it proposes to tack the above authority with existing authority in MC 2229 and Subs.

No. MC 29120 (Sub-No. 73), filed August 19, 1964. Applicant: WILSON ALL-AMERICAN TRANSPORT, INC., 1500 "I" Avenue, Post Office Box 756, Sioux Falls, S. Dak. 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), (1) between Chicago, Ill., and Fairmont, Minn.; from Chicago over Interstate Highway 90 to Madison, Wis., thence over U.S. Highway 14 to La Crosse, Wis., thence over U.S. Highway 16 to Fairmont, Minn., and return over the same route, serving no intermediate points (also from junction Interstate Highway 90 and U.S. Highway 14 near Janesville, Wis., over U.S. Highway 14 to Madison, Wis., and return over the same route, serving no intermediate points), and (2) between junction U.S. Highway 16 and Minnesota Highway 44 at Hokah, Minn., and junction U.S. Highway 16 and Minnesota Highway 44, near Preston, Minn.; from junction U.S. Highway 16 and Minnesota Highway 44 at Hokah, Minn., over Minnesota Highway 44 to junction U.S. Highway 16 near Preston, Minn., and return over the same route, serving no intermediate points.

NOTE: Applicant states that alternate routes are for operating convenience only, no service is sought at intermediate points, service at junction points and at Fairmont, Minn., is for joinder with existing routes only, and no service is sought at Fairmont, Minn. Common control may be involved.

No. MC 69763 (Sub-No. 6), filed August 20, 1964. Applicant: CRAIG HENDERSON, doing business as GLENVILLE TRANSFER, Post Office Box 431, Glenville, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk and those requiring special equipment and those injurious and contaminating to other lading) between points in Wirt County, W. Va., and points in West Virginia.

No. MC 116600 (Sub-No. 4), filed August 18, 1964. Applicant: LEWIS TRANSPORT, LIMITED, 1531 Keele Street, Toronto, Ontario, Canada. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y., 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen vegetables* from Buffalo, Waterport, and LeRoy, N.Y., to the port of entry on the international boundary line between the United States and Canada located in the Town of Lewiston (Lewiston-Queenston Bridge), Niagara County, N.Y., (2) *meats, meat products, and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the port of entry on the international boundary line between the United States and Canada at the Town of Lewiston (Lewiston-Queenston Bridge), Niagara County, N.Y., to points in that part of New York on and west of a line beginning at Port Ontario, N.Y., and extending along New York Highway 13 to Vienna, N.Y., thence along New York Highway 49 to Utica, N.Y., thence along New York Highway 8 to Deposit, N.Y., thence along New York Highway 17 to junction U.S. Highway 11 and thence along U.S. Highway 11 to the New York-Pennsylvania State line, that part of Pennsylvania on, and west and north of a line beginning at the Pennsylvania-New York line, near Tuna, Pa., and extending along U.S. Highway 219 through Bradford, Pa., to Ebensburg, Pa., and thence along U.S. Highway 22 through Pittsburgh, Pa., to Pennsylvania-West Virginia State line, and that part of Ohio on, and north and east of a line beginning at the Ohio-West Virginia State line, near Steubenville, Ohio, and extending along U.S. Highway 22 to Cadiz, Ohio, thence along U.S. Highway 250 to Ashland, Ohio, and thence along Ohio Highway 58 to Lorain, Ohio, and (3) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Buffalo, N.Y., on the one hand, and, on the other, the port of entry on the international boundary line between the United States and Canada, at the Town of Lewiston (Lewiston-Queenston Bridge), Niagara County, N.Y.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-9141; Filed, Sept. 9, 1964; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 4, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 3969 Sub 1, filed June 25, 1964. Applicant: HARPETH FREIGHT LINES, INC., Columbia Avenue, Franklin, Tenn. Applicant's attorney: Harold Seligman, Life and Casualty Tower, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between points in Williamson County, Tenn., to be used in conjunction with existing authority held by carrier.

HEARING: October 15, 1964, at 9:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests concerning this application, should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-9142; Filed, Sept. 9, 1964; 8:47 a.m.]

[No. MC-C-4548]

RIO GRANDE BRIDGE SYSTEM

Exempt Carrier

SEPTEMBER 4, 1964.

Petitioner: George D. Geer, Rio Grande Bridge System, P.O. Box 1566, McAllen, Tex., 78502. By petition filed August 20, 1964, petitioner seeks a determination, pursuant to section 203(b)(8) of the Interstate Commerce Act, that the for-hire transportation carriage of passengers and their baggage, in interstate or foreign commerce, between McAllen, Tex., and the port of entry on the international boundary line between the United States and Mexico at or near Hidalgo, Tex., from McAllen over Texas Farm-to-Market Road 1926 to Hidalgo, thence over U.S. Highway 281 to the port of entry on the international boundary line between the United States and Mexico at or near Hidalgo, and return over the same routes, serving no intermediate points, is exempt from the provisions of Part II of the Act, except those provisions related to qualifications and maximum hours of service of employees, and safety of operations and standards of equipment.

Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations (original and 6 copies) supporting or opposing the relief sought by petitioner.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-9143; Filed, Sept. 9, 1964; 8:48 a.m.]

[Notice 1041-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 8, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66925. By order of September 8, 1964, Division 3, acting as an Appellate Division, approved the transfer to W. A. Clackum, doing business as Clackum Transfer, Marietta, Ga., of the operating rights in Certificate No. MC 61035, issued March 13, 1941, to Carroll Hawkins, Canton, Ga., authorizing the transportation, over irregular routes, of: Cotton piece goods, from Canton, Ga., to Nashville, and McMinnville, Tenn., and Middlesboro, Ky. Richard D. Gleaves, 3415 West End Avenue, Nashville 3, Tenn., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-9220; Filed, Sept. 9, 1964; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during September.

49 CFR

Page

77 ..... 12588, 12776
131 12589
500 12508

PROPOSED RULES:

71 12593
72 12593
73 12593
74 12593
75 12593
76 12593
77 12593
78 12593
170 12517

50 CFR

10 ..... 12465, 12726
32 ..... 12466, 12555, 12556, 12589, 12729, 12730, 12776, 12777.
33 12651
263 12730

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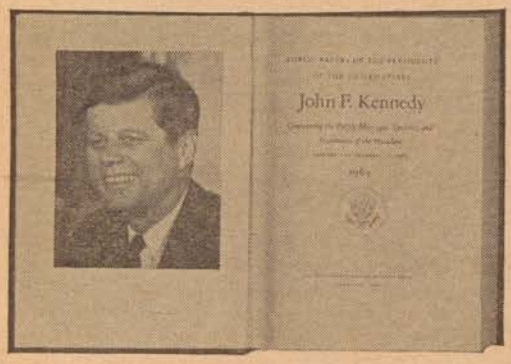

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