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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Fruit Exempt From Regulations

Pursuant to the provisions of the marketing agreement and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, has adopted rules and regulations, hereinafter set forth, to effectuate the provisions of the said marketing agreement and order.

It is hereby found and determined that the said rules and regulations are in accordance with the provisions of the marketing agreement and order and will tend to effectuate the declared policy of the act; and the said rules and regulations are hereby approved as follows:

§ 1031.120 Fruit exempt from regulations.

(a) *Minimum quantity.* Any handler may handle oranges and grapefruit in quantities not to exceed 400 pounds, net weight, exempt from the provision of §§ 1031.34, 1031.40, and 1031.45: *Provided,* That such exempt quantity shall not be included as a part of any shipment of fruit exceeding 400 pounds.

(b) *Processing into fresh juice.* Any handler may handle oranges and grapefruit for processing into fresh juice exempt from the provision of § 1031.40: *Provided,* That, prior to such handling the handler notifies the committee of the proposed handling and furnishes the committee (1) with a statement, executed by the intended processor, that the fruit will be used only for processing into fresh juice, and (2) with an agreement by such processor to furnish the committee with a report as to the quantity of each shipment of fruit received and the carrier (including the truck license number or railroad car number, as the case may be) of each such shipment.

(c) *Relief or charity.* Any handler may handle oranges and grapefruit for relief or charitable purposes exempt from the provision of §§ 1031.34, 1031.40, and 1031.45: *Provided,* That, prior to each handling the handler notifies the committee of the proposed handling and furnishes the committee with a statement that the receiver will not sell such fruit in fresh market channels but will use it for relief or charitable purposes only.

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

The provisions of this section shall become effective at 12:01 a.m., c.s.t., October 10, 1960.

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

Dated: October 7, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–9558; Filed, Oct. 11, 1960; 8:50 a.m.]

[Orange Reg. 2]

PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments; Correction

In Federal Register Document 60–9471 appearing at page 9671 of the issue of Saturday, October 8, 1960 (25 F.R. 9671), the figures "2$\frac{9}{16}$" appearing in the next to the last line of § 1031.303, Orange Regulation 2, are corrected to read, "2$\frac{7}{16}$."

Dated: October 10, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–9649; Filed, Oct. 11, 1960; 11:20 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 13,915]

PART 555—BOARD RULINGS

Savings Accounts

OCTOBER 6, 1960.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of § 555.8 of the rules and regulations for the Federal Savings and Loan System (12 CFR 555.8) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said section as follows, effective immediately:

Paragraph (a) of said § 555.8 is hereby amended to read as follows:

(a) *Payments on; receipt of; defined in relation to a fixed determination date.* In the case of a Federal association that has fixed a determination date as provided in the charter, payments on savings accounts must actually be received by the association by such date in order to be considered as having been invested on the first day of the month. If the board of directors of a Federal association has fixed a determination date, which may not of course be later than the tenth of the month, no supervisory objection will be raised if, as to any month in which such date is a non-business day for the association, savings received by the association not later than the first business day next succeeding the date so fixed participate in dividends from the first of the month. It is objectionable, however, for an association to make the broad representation, for example, that savings received by the eleventh will earn dividends from the first, without stating the month to which the representation applies, because such representation can be accurate only with respect to a particular month in which the tenth is a non-business day.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.; secs. 3, 12, 60 Stat. 238, 244, 5 U.S.C. 1002, 1011)

Resolved further that since the aforesaid amendment contains only statements of general policy or interpretations of substantive rules adopted or formulated by the Board for the guidance of the public, the requirements of notice and public procedures set out in § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and section 4(a) of the Administrative Procedure Act do not apply, and for the same reasons, deferment of the effective date is not required under section 4(c) of the Administrative Procedure Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 60–9548; Filed, Oct. 11, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–WA–208]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.29 of the regulations of the Admin-

istrator is to reduce the altitude and change the controlling agency of the Camp Edwards, Mass., Restricted Area (R–14) (Boston Chart).

The Department of the Army has concurred in the reduction of R–14 from 13,000 feet MSL to 12,000 feet MSL and changing the controlling agency from Department of the Army to the Federal Aviation Agency, Otis AFB, Mass., RAPCON. Such action is taken herein.

Since the changes effected by this amendment are less restrictive in nature than the present requirements, and impose no additional burden on any person, notice and public procedure thereon are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing the following action is taken:

In § 608.29 *Massachusetts,* the Camp Edwards, Mass., Restricted Area (R–14) (Boston Chart) (23 F.R. 8582, 25 F.R. 5929) "Surface to 13,000 feet MSL" and "Department of Army, TAC Camp Edwards, Mass." is deleted and "Surface to 12,000 feet MSL" and "Federal Aviation Agency, Otis AFB Mass., RAPCON" is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on October 6, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–9528; Filed, Oct. 11, 1960; 8:45 a.m.]

[Airspace Docket No. 60–KC–78]

PART 608—RESTRICTED AREAS

Revocation

The purpose of this amendment to § 608.30 of the regulations of the Administrator is to revoke the Camp Lucas, Mich., Restricted Area (R–467) (Lake Superior Chart).

The Department of the Army has requested the Federal Aviation Agency to revoke R–467 since they have no forseeable requirement for the area.

In view of the above, the Federal Aviation Agency is revoking R–467 herein.

Since this amendment eliminates a burden on the public, compliance with the notice, public procedure and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing the following action is taken:

In § 608.30 *Michigan* (23 F.R. 8582, 24 F.R. 9989), the Camp Lucas, Mich. (Manainse Point, Ontario, Canada) Restricted Area (R–467) (Lake Superior Chart) is revoked.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on October 6, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–9527; Filed, Oct. 11, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7882 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Bond Upholstering Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–80 *Retail as cost, etc., or discounted.* Subpart—Misrepresenting oneself and goods—PRICES: § 13.1805 *Exaggerated as regular and customary;* § 13.1820 *Retail as cost, etc., or discounted.*[1]

(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, Bond Upholstering Co., Inc., etc. (Baltimore, Md.), et al., Docket 7882, August 11, 1960]

In the Matter of Bond Upholstering Co., Inc., a Corporation, Trading as Bond Furniture Manufacturing Co., Bond Furniture Manufacturing Company, Inc., a Corporation, and, Melvin Weisberg, and Seymour S. Weisberg, Individually and as Officers of Each of Said Corporations, and Herbert Kaplan, and Anthony Trifilletti, Individually and as Officers of Bond Furniture Manufacturing Company, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated corporate manufacturers of household furniture, with main offices in Baltimore and Philadelphia and retail outlets in and around those cities and Washington, D.C., with such false representations in advertising as that sofas they offered for sale at $129 and $129.50 sold at retail for $300 and purchasers of their furniture would save the difference; and that because of a "Manufacturers' Close-Out", a particular line of sofas could be bought at the manufacturers' wholesale price.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on August 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Bond Upholstering Co., Inc., a corporation, and its officers, trading and doing business under the name of Bond Furniture Manufacturing Co., or trading and doing business under any other name or names, and Bond Furniture Manufacturing Company, Inc., a corporation, and its officers, and Seymour S. Weisberg and Melvin Weisberg, individually and as officers of each of said corporations, and Herbert Kaplan and Anthony Trifilletti, individually and as officers of said Bond Furniture Manufacturing Company, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of household furniture or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

(a) That any amount is the usual and regular retail selling price of said merchandise when such amount is in excess of the price at which said merchandise is or has been usually and customarily sold at retail in recent, regular course of business by retailers and dealers regularly selling said merchandise;

(b) That purchasers at retail of said merchandise are afforded savings in an amount greater than the difference between respondents' retail selling price for said merchandise and the usual and customary retail selling price of said merchandise in the normal course of business in respondents' trade area; or that savings in any amount are afforded purchasers of said merchandise unless such is the fact;

(c) Through the use of the term "Manufacturers' Close-Out" or any other words or phrases, that because of some unusual event or manner of business said merchandise is offered for sale at a savings from respondents' usual and customary price of said merchandise in the recent, regular course of respondents' business unless such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Bond Upholstering Co., Inc., a corporation, trading as Bond Furniture Manufacturing Co., Bond Furniture Manufacturing Company, Inc., a corporation, and Melvin Weisberg and Seymour S. Weisberg, individually and as officers of each of said corporations, and Herbert Kaplan and Anthony Trifilletti, individually and as officers of Bond Furniture Manufacturing Company, Inc., 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 the order to cease and desist.

Issued: August 11, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60–9529; Filed, Oct. 11, 1960; 8:46 a.m.]

[1] Amended to read as set forth.

[Docket 7809 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Charles Glickman

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Charles Glickman, New York, N.Y., Docket 7809, August 11, 1960]

The complaint in this case charged a New York City furrier with violating the Fur Products Labeling Act by failing to comply with invoicing provisions.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on August 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Charles Glickman, an individual trading as Charles Glickman, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur which has been shipped and received in commerce, as "commerce" and "fur" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing fur by failing to furnish to purchasers of fur an invoice showing all the information required to be disclosed by each of the subsections of Section 5(b)(1) of the Fur Products Labeling Act.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is 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 the order to cease and desist.

Issued: August 15, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60–9530; Filed, Oct. 11, 1960; 8:46 a.m.]

[Docket 6973 o.]

PART 13—PROHIBITED TRADE PRACTICES

Grand Union Co.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Grand Union Company, East Paterson, N.J., Docket 6973, August 12, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a 340-store eastern supermarket chain with inducing or receiving from a number of its suppliers advertising payments and other benefits—not made available to all its competitors on proportionally equal terms—in connection with the suppliers' advertising on a "combined electric spectacular and animated cartoon display" in the Times Square area of New York City for which some 30 firms each paid Grand Union $1,000 a month for advertising one minute of each 20 of the sign's advertising cycle, receiving in return assurance of in-store promotion of their products, agreement to take on additional items of their lines, or the handling of their products on an exclusive or preferential basis.

Following pre-trial conference, hearing, and stipulation of facts, the hearing examiner made his initial decision and order to cease and desist, from which respondent appealed. Having heard the matter on briefs and oral argument, the Commission denied the appeal and on August 12 adopted the initial decision.

The order to cease and desist is as follows:

It is ordered, That respondent The Grand Union Company, a corporation, its officers, employees, agents or representatives, directly or through any corporate or other device, in or in connection with the purchase in commerce (as "commerce" is defined in the Federal Trade Commission Act) of grocery products or related merchandise do forthwith cease and desist from: Knowingly inducing, receiving or contracting for the receipt of anything of value as compensation or in consideration for advertising, promotional displays or other services or facilities furnished by or through respondent in connection with the sale or offering for sale of products sold to respondent by any of its suppliers, when such payment is not affirmatively offered or otherwise made available by such suppliers on proportionally equal terms to all their other customers competing with respondent in the sale and distribution of the suppliers' products.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent, The Grand Union Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 12, 1960.

By the Commission (Commissioner Tait dissenting).

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60–9531; Filed, Oct. 11, 1960; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

Transitional Regulations Under Title II of Color Additives Amendments of 1960 to Federal Food, Drug, and Cosmetic Act

The purpose of this order is to provide for the provisional listing and for the use on an interim basis, until the basic provisions of section 706 of the Federal Food, Drug, and Cosmetic Act shall have become fully effective, of established color additives, to the extent and under conditions consistent with the public health; provide for the termination of provisional listing of certain color additives where such action is found necessary for the protection of the public health; and provide, in the case of certain color additives, temporary tolerance limitations and conditions of use. This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by Title II of the Color Additives Amendments of 1960 (secs. 203(d)(1)(A), 203(d)(1)(C), 203(d)(3); 74 Stat. 404; 21 U.S.C., note under sec. 376) and delegated to the Commissioner of Food and Drugs (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611).

1. Title 21 is amended by adding thereto the following new part:

PART 8—COLOR ADDITIVES

Sec.

8.501 Provisional lists of color additives.
8.502 Termination of provisional listings of color additives.
8.503 Temporary tolerances.
8.510 Cancellation of certificates.
8.515 Limitation of certificates.

AUTHORITY: §§ 8.501 to 8.515 issued under Title II of Public Law 85–618, sec 203 (c), (d); 74 Stat. 405; 21 U.S.C., note under 376.

PROVISIONAL REGULATIONS

§ 8.501 Provisional lists of color additives.

The Commissioner of Food and Drugs finds that the following lists of color additives, the specifications for which appear in Part 9 of this chapter, are deemed provisionally listed under section 203(b) of the Color Additives Amendments of 1960:

(a) *Color additives provisionally listed for food, drug, and cosmetic use.*

FD&C Green No. 1 (§ 9.21 of this chapter).
FD&C Green No. 2 (§ 9.22 of this chapter).
FD&C Green No. 3 (§ 9.23 of this chapter).
FD&C Yellow No. 5 (§ 9.40 of this chapter).
FD&C Yellow No. 6 (§ 9.41 of this chapter).
FD&C Red No. 1 (§ 9.60 of this chapter).
FD&C Red No. 2 (§ 9.61 of this chapter).
FD&C Red No. 3 (§ 9.62 of this chapter).
FD&C Red No. 4 (§ 9.63 of this chapter).
FD&C Blue No. 1 (§ 9.80 of this chapter).
FD&C Blue No. 2 (§ 9.81 of this chapter).
FD&C Violet No. 1 (§ 9.90 of this chapter).
Lakes (FDC) (§ 9.100 of this chapter).

(b) *Color additives provisionally listed for drug and cosmetic use.*

D&C Green No. 5 (§ 9.103 of this chapter).
D&C Green No 6 (§ 9.104 of this chapter).
D&C Green No. 7 (§ 9.105 of this chapter).
D&C Green No. 8 (§ 9.106 of this chapter).
D&C Yellow No. 7 (§ 9.130 of this chapter).
D&C Yellow No. 8 (§ 9.131 of this chapter).
D&C Yellow No. 10 (§ 9.133 of this chapter).
D&C Yellow No. 11 (§ 9.134 of this chapter).
D&C Red No. 5 (§ 9.150 of this chapter).
D&C Red No. 6 (§ 9.151 of this chapter).
D&C Red No. 7 (§ 9.152 of this chapter).
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D&C Red No. 36 (§ 9.181 of this chapter).
D&C Red No. 37 (§ 9.182 of this chapter).
D&C Red No. 38 (§ 9.183 of this chapter).
D&C Red No. 39 (§ 9.184 of this chapter).
D&C Orange No. 3 (§ 9.200 of this chapter).
D&C Orange No. 4 (§ 9.201 of this chapter).
D&C Orange No. 5 (§ 9.202 of this chapter).
D&C Orange No. 8 (§ 9.205 of this chapter).
D&C Orange No. 10 (§ 9.207 of this chapter).
D&C Orange No. 11 (§ 9.208 of this chapter).
D&C Orange No. 14 (§ 9.211 of this chapter).
D&C Orange No. 15 (§ 9.212 of this chapter).
D&C Orange No. 16 (§ 9.213 of this chapter).
D&C Orange No. 17 (§ 9.214 of this chapter).
D&C Brown No. 1 (§ 9.230 of this chapter).
D&C Blue No. 4 (§ 9.240 of this chapter).
D&C Blue No. 6 (§ 9.242 of this chapter).
D&C Blue No. 7 (§ 9.243 of this chapter).
D&C Blue No. 9 (§ 9.245 of this chapter).
D&C Black No. 1 (§ 9.260 of this chapter).
D&C Violet No. 2 (§ 9.270 of this chapter).
Lakes (D&C) (§ 9.280 of this chapter).

(c) *Color additives provisionally listed for use in externally applied drugs and cosmetics.*

Ext. D&C Yellow No. 1 (§ 9.301 of this chapter).
Ext. D&C Yellow No. 3 (§ 9.303 of this chapter).
Ext. D&C Yellow No. 5 (§ 9.305 of this chapter).
Ext. D&C Yellow No. 6 (§ 9.306 of this chapter).
Ext. D&C Yellow No. 7 (§ 9.307 of this chapter).
Ext. D&C Yellow No. 9 (§ 9.309 of this chapter).
Ext. D&C Yellow No. 10 (§ 9.310 of this chapter).
Ext. D&C Red No. 1 (§ 9.340 of this chapter).
Ext. D&C Red No. 2 (§ 9.341 of this chapter).
Ext. D&C Red No. 3 (§ 9.342 of this chapter).
Ext. D&C Red No. 8 (§ 9.347 of this chapter).
Ext. D&C Red No. 10 (§ 9.349 of this chapter).
Ext. D&C Red No. 11 (§ 9.350 of this chapter).
Ext. D&C Red No. 13 (§ 9.352 of this chapter).
Ext. D&C Red No. 14 (§ 9.353 of this chapter).
Ext. D&C Blue No. 1 (§ 9.370 of this chapter).
Ext. D&C Blue No. 4 (§ 9.373 of this chapter).
Ext. D&C Green No. 1 (§ 9.400 of this chapter).
Ext. D&C Violet No. 2 (§ 9.411 of this chapter).
Ext. D&C Orange No. 1 (§ 9.420 of this chapter).
Ext. D&C Orange No. 3 (§ 9.422 of this chapter).
Ext. D&C Orange No. 4 (§ 9.423 of this chapter).
Lakes (Ext. D&C) (§ 9.440 of this chapter).

(d) *Color additive provisionally listed for use on mature oranges.*

Citrus Red No. 2 (§ 9.16 of this chapter).

(e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been subject to certification.*

Annatto.
Beet juice.
Bixin and norbixin.
Caramel.
Carbon black (prepared by the "impingement" or "channel" process).
Carminic acid.
Carotene, natural and synthetic.
Charcoal (NF XI).
Chlorophyll copper complex and chlorophyllin copper complex.
Cochineal.
Iron oxides.
Titanium dioxide (limit of 0.4 percent as pigment in bakery and confectionery products).
Turmeric and curcumin.
Ultramarine blue, 0.5 percent in salt for animal feed.

(f) *Color additives provisionally listed for drug use on the basis of prior commercial sale, but which have not been subject to certification.*

Carotene, natural and synthetic.
Charcoal (NF XI).
Chlorophyll copper complex and chlorophyllin copper complex.
Cochineal.
Logwood.
Iron oxides.
Titanium dioxide.

(g) *Color additives provisionally listed for cosmetic use on the basis of prior commercial sale, but which have not been subject to certification.*

Alloxan.
Aluminum powder.
Barium sulfate (blanc fixe).
Bentonite.
Bismuth oxychloride.
Bronze powder.
Calcium carbonate.
Calcium silicate.
Calcium sulfate.
Carbon black (prepared by the "impingement" or "channel" process).
Chlorophyll copper complex and chlorophyllin copper complex.
Chromium oxide greens.
Cobaltous aluminate (cobalt blue).
Cochineal.
Copper, metallic powder.
Dihydroxyacetone.
Fuller's earth.
Gold.
Iron oxides.
Kaolin.
Kieselguhr (diatomite).
Lapis lazuli (lazurite).
Lithopone.
Logwood (bluewood, campeche wood).
Magnesium carbonate.
Manganese violet (probably $2(NH_4)_2Mn_2(P_2O_7)_2$).
Potassium ferrocyanide.
Talc.
Tin oxide.
Titanium dioxide.
Ultramarine blue.
Zinc oxide.
Zirconium oxide.
Zirconium silicate.

(Secs. 203(b)(2), Public Law 86-618; 74 Stat. 405; 21 U.S.C., note under 376)

§ 8.502 Termination of provisional listings of color additives.

(a) *Ext. D&C Yellow Nos. 9 and 10.* These colors cannot be produced with any assurance that they do not contain β-naphthylamine as an impurity. While it has been asserted that the two colors can be produced without the impurity named, no method of analysis has been suggested to establish the fact. β-Naphthylamine is a known carcinogen; therefore, there is no scientific evidence that will support a safe tolerance for these colors in products to be used in contact with the skin. The Commissioner of Food and Drugs, having concluded that such action is necessary to protect the public health, hereby terminates the provisional listing of Ext. D&C Yellow No. 9 and Ext. D&C Yellow No. 10 (§§ 9.309 and 9.310 of this chapter).

(b)(1) *D&C Red Nos. 8, 9, 10, 19, 33, 37; D&C Yellow No. 7; D&C Orange Nos. 5 and 17.* Subacute studies have established that these colors are toxic substances, unsafe for unrestricted use in drugs and cosmetics.

(2) *D&C Red Nos. 11, 12, and 13.* These colors are chemically related to D&C Red No. 10, being the calcium, barium, and strontium salts of the same dye, and are chemically indistinguishable from D&C Red No. 10 in the analysis of a product in which such colors have been used. They therefore must be subject to the same restrictions imposed on D&C Red No. 10.

(3) *D&C Yellow No. 8.* This color is chemically and pharmacologically related to D&C Yellow No. 7, and therefore must be subject to any restriction imposed on that color.

The Commissioner of Food and Drugs, having concluded that such action is necessary for the protection of the public health, hereby terminates the provisional listing for the colors named in this section for unrestricted use in drugs and cosmetics. These colors are now listed in Part 9 of this chapter as follows:

D&C Red No. 8 (§ 9.153 of this chapter).
D&C Red No. 9 (§ 9.154 of this chapter).
D&C Red. No. 10 (§ 9.155 of this chapter).
D&C Red No. 11 (§ 9.156 of this chapter).
D&C Red. No. 12 (§ 9.157 of this chapter).
D&C Red. No. 13 (§ 9.158 of this chapter).
D&C Red. No. 19 (§ 9.164 of this chapter).
D&C Red No. 33 (§ 9.178 of this chapter).
D&C Red No. 37 (§ 9.182 of this chapter).
D&C Yellow No. 7 (§ 9.130 of this chapter).
D&C Yellow No. 8 (§ 9.131 of this chapter).
D&C Orange No. 5 (§ 9.202 of this chapter).
D&C Orange No. 17 (§ 9.214 of this chapter).

§ 8.503 Temporary tolerances.

Two-year chronic feeding studies of D&C Red No. 9 and D&C Red No. 10 were completed in early October 1960. A final report awaits the results of thorough histopathological studies of the animals.

However, pharmacologists of the Food and Drug Administration have completed gross examination of the vital organs of the sacrificed animals. When these gross data are evaluated, together with growth response, mortality, and condition of the animals prior to sacrifice, a safe level of feeding of 100 parts per million will be accepted pending the completion of the pathology. Since these two colors in the subacute studies were of the same order of toxicity as the other seven colors tested, it can be assumed for the purpose of temporary tolerances that the same safe level of feeding for the seven colors is also 100 parts per million. Data have been submitted which indicate that the maximum amount of the color additives listed in this paragraph likely to be ingested daily from lipstick will correspond to about 0.01 part per million in the daily diet. On this basis, it is not inconsistent with the protection of the public health to allow, during this transitional period, continued use of these products in lipstick and in other products that may be ingested in the amounts specified in this section.

(a) Pursuant, therefore, to the authority in § 203(d)(1)(C) of the Color Additives Amendments of 1960, temporary tolerances are established for the following color additives:

D&C Orange No. 5 (§ 9.202 of this chapter).
D&C Orange No. 17 (§ 9.214 of this chapter).
D&C Red No. 8 (§ 9.153 of this chapter).
D&C Red No. 9 (§ 9.154 of this chapter).
D&C Red No. 10 (§ 9.155 of this chapter).
D&C Red No. 11 (§ 9.156 of this chapter).
D&C Red No. 12 (§ 9.157 of this chapter).
D&C Red No. 13 (§ 9.158 of this chapter).
D&C Red No. 19 (§ 9.164 of this chapter).
D&C Red No. 33 (§ 9.178 of this chapter).

These color additives are therefore retained on the provisional list for use in lipstick with a temporary tolerance for each such color additive or combination of color additives of not more than 6 percent pure dye by weight of each lipstick and for use without tolerance restrictions in externally applied drugs and cosmetics.

Statement of policy re pharmacological testing. The basic responsibility for providing adequate safety data to support the listing of, as well as permanent tolerances for, color additives rests with persons who proposed the use of such color additives. The Food and Drug Administration cannot possibly perform all the pharmacological testing during the transitional period that will be necessary to meet the requirements of section 706 of the Color Additives Amendments of 1960 for the listing of color additives. Before the conclusion of the 2½ year period which began July 12, 1960, substantial pharmacological testing is required to support listing of suitable food, drug, and cosmetic color additives. It will therefore be necessary that organizations other than the Food and Drug Administration assume responsibility for making the necessary tests. The Commissioner of Food and Drugs specifically calls attention to the fact that chronic studies on at least two species of animals will be necessary to support the permanent tolerances. The Commissioner invites interested persons to meet with him on October 21 at 10:00 a.m., in Room G-751, North Health, Education, and Welfare Building, 330 Independence Avenue, SW., Washington, D.C., to discuss the existing and planned programs of Food and Drug Administration, to obtain a clear understanding of what part of the scientific work can be conducted by the Food and Drug Administration and what must be conducted by outside scientists.

(b) The colors named in paragraph (a) of this section may also be used in drug products and in such other preparations subject to ingestion as mouth washes and dentifrices, where total usage reasonably to be expected to be ingested does not contribute more than 1 part per million of any such color additive or combination of color additives to the human diet. The following colors are retained on the provisional list of color additives for use in drug products for internal use, mouth washes, dentifrices, and proprietary products, under a temporary tolerance, provided that in no instance shall such color additives contribute more than 0.75 milligram of the color additive, expressed as pure dye, to the amount of the product reasonably expected to be ingested in 1 day:

D&C Orange No. 5 (§ 9.202 of this chapter).
D&C Red No. 8 (§ 9.153 of this chapter).
D&C Red No. 19 (§ 9.164 of this chapter).
D&C Red No. 33 (§ 9.178 of this chapter).
D&C Red No. 37 (§ 9.182 of this chapter).

(Sec. 203(d)(1)(C); 74 Stat. 405; 21 U.S.C., note under 376)

§ 8.510 Cancellation of certificates.

Certificates issued heretofore for colors being removed from the provisional list (§ 8.502) are canceled and of no effect after December 1, 1960, and use of such color additives in drugs or cosmetics after that date will result in adulteration.

(Sec. 203(d)(1)(E); 74 Stat. 405; 21 U.S.C., note under 376)

§ 8.515 Limitation of certificates.

Certificates issued heretofore for color additives being retained on the provisional list in § 8.503, but under tolerance and usage restrictions, are hereby limited to those uses and under those conditions imposed by that section. Use of such color additives in any other manner after December 1, 1960, in drugs or cosmetics will result in adulteration. Any color additive certified under such tolerance and usage restrictions after October 12, 1960, shall bear a label statement of the name of the color additive and of the tolerance and use limitations applicable to it.

(Sec. 203(d)(1)(E); 74 Stat. 405; 21 U.S.C., note under 376)

2a. The following sections in Part 9 shall continue in effect, insofar as they are not inconsistent with this order, until new regulations for the enforcement of section 706 of the basic Color Additives Amendments of 1960 can be proposed and made effective:

§ 9.1 Definitions.
§ 9.2 General specifications for straight colors.
§ 9.3 Mixtures that may be certified.
§ 9.4 Sampling, storage, and packaging.
§ 9.5 Requests for certification.
§ 9.6 Certification.
§ 9.7 Limitation of certificates.
§ 9.8 Labeling
§ 9.9 Records of distribution.
§ 9.16 Citrus Red No. 2; certification and tolerance for use on mature oranges.

b. The fee schedule provided in § 9.12 shall be continued for batches of colors submitted for certification from the provisionally listed colors in §§ 8.501 and 8.503.

c. Sections 9.309 and 9.310 are repealed (see amendment 1).

(Sec. 701, 52 Stat. 1055; 21 U.S.C. 371)

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER. Notice and public procedure are not necessary prerequisites to the promulgation of this order, because section 203(d)(2) of Public Law 86-618 so provides.

(Title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated: October 7, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-9561; Filed, Oct. 11, 1960; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—APPOINTMENT OF OFFICER PERSONNEL

PART 887—APPOINTMENT OF DISTINGUISHED AIR FORCE ROTC GRADUATES AS OFFICERS IN THE REGULAR AIR FORCE

Sections 887.20 to 887.28 supersede §§ 887.20 to 887.28 (32 CFR 887.20).

SEC.
887.20 Purpose.
887.21 Recognition of outstanding cadets and graduates.
887.22 Eligibility requirements.
887.23 Selection of distinguished cadets.
887.24 Selection of distinguished graduates.
887.25 When cadets must apply.
887.26 Selection.
887.27 Tender of appointment.
887.28 Probationary period.

AUTHORITY: §§ 887.20 to 887.28 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply sec. 1, 70A Stat. 507; 10 U.S.C. 8284.

SOURCE: AFR 36-54, August 5, 1960.

§ 887.20 Purpose.

Sections 887.20 to 887.28 set forth the general policy, eligibility requirements, special criteria, and administrative procedure for submission of applications for appointment in the Regular Air Force. They apply only to distinguished Air Force ROTC cadets and graduates.

§ 887.21 Recognition of outstanding cadets and graduates.

It is Air Force policy to recognize those persons who, during Air Force ROTC training, have distinguished themselves academically and have demonstrated outstanding qualities of leadership for service in the Air Force.

(a) Selection of distinguished Air Force ROTC cadets is first made by the

Professor of Air Science on a best qualified basis; designated qualified graduates who apply and are selected will be offered Regular Air Force commissions.

(b) Final selections are made by a board of officers at Headquarters, United States Air Force; its recommendations are final, except that the President of the United States may remove the name of any officer on the list selected by the board who, in his opinion, is not qualified for appointment.

(c) Distinguished graduates who do not apply for Regular appointment under §§ 887.20 to 887.28 will be given appropriate consideration when they become eligible and apply for Regular appointment under other directives.

§ 887.22 Eligibility requirements.

The following requirements must be met by each selected applicant at time of appointment.

(a) *Distinguished graduates.* Appointments will be tendered only to those selected applicants who have been designated as distinguished Air Force ROTC graduates.

(b) *Age.* At the time of application, an applicant may not be over 30 years of age by more than the number of years, months, and days he has served on active duty as a commissioned officer in the Armed Forces of the United States. An applicant may request, in writing, a waiver of the age limitation. Such waiver is subject to final approval by the Secretary of the Air Force. However, no person may be appointed if he will attain his 55th birthday prior to the time he completes 20 years of active Federal commissioned service. The Regular appointment of any person selected, who is under 21 years of age, will be withheld until after he has reached his 21st birthday.

(c) *Citizenship.* An applicant must be a citizen of the United States. If he is not a citizen by birth, he must furnish a certificate by an officer, notary public, or any other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship No. _____ (or certified copy of court order establishing citizenship) stating that _____
(Full name)
was admitted to United States citizenship by the _____ Court of _____,
(District or county)
_____ on _____.
(State) (Date)

NOTE: Facsimiles or copies, photographic or otherwise, will not be made of naturalization certificates under any circumstances. The Act of June 25, 1948 (62 Stat. 767; 18 U.S.C. 1426(h)) provides that "whoever, without lawful authority, prints, photographs, makes, or executes any print of impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more that five years, or both."

(d) *Medical.* After selection, physical qualification is a prerequisite to appointment. An applicant must be qualified in accordance with physical standards for commission.

(e) *Background.* (1) The appointee must be of such background, character, and reputation to insure that appointment into the Regular Air Force is clearly consistent with the best interests of the Air Force.

(2) Persons who resign, or are dismissed from an officer training program of the Army, Navy, or Air Force for reasons of Honor Code violation, military inaptitude, indifference, undesirable traits of character, or disciplinary reasons, are not eligible under §§ 887.20 to 887.28. However, superintendents of service academies and commanders of officer training programs may recommend waivers of this policy to the Secretary of the Air Force in exceptional cases which are worthy of consideration.

(f) *Dependents.* A male applicant is not restricted with regard to dependents.

§ 887.23 Selection of distinguished cadets.

(a) *Criteria.* In order to be selected as a distinguished Air Force ROTC cadet by the Professor of Air Science, an individual will meet the following requirements:

(1) Possess outstanding qualities of leadership and high moral character. He must possess definite aptitude for the military service.

(2) Clearly demonstrate leadership ability through his achievements while participating in recognized campus activities.

(3) Attain an academic standing in the upper one-third of his graduating class.

(4) Attain an academic standing in the upper one-third of his class in military subjects.

(5) Attain a standing in the upper one-third of all cadets at his Air Force ROTC summer training unit if he has attended the summer training unit prior to entry into Air Science IV.

(b) *Designation procedure.* A cadet will be tentatively designated a distinguished Air Force ROTC cadet not later than 15 days prior to his completion of Air Science III.

(1) He will not be officially designated as a distinguished cadet, however, until such designation is approved by the institution head or his representative.

(2) Official designation will be made by letter not later than 30 days after cadets begin Air Science IV. This designation may be withdrawn at any time prior to the date that the cadet becomes eligible for graduation.

(3) A qualified cadet who is scheduled to complete Air Science IV prior to academic graduation will be designated a distinguished Air Force ROTC cadet concurrently with those cadets who are scheduled to complete Air Science IV on the same date.

(4) A qualified cadet who is unable to attend Air Force ROTC summer training beween the first and second year of the advanced course will be tentatively designated a distinguished Air Force ROTC cadet at completion of Air Science III and will be officially designated at the same time as other members of the Air Science IV class. He will be eligible to apply for a Regular Air Force commission concurrently with those persons who attended their normal Air Force ROTC summer training phase.

§ 887.24 Selection of distinguished graduates.

(a) *Criteria.* In order to be designated a distinguished graduate by the Professor of Air Science, a distinguished Air Force ROTC cadet will meet the following requirements:

(1) Designated by Professor of Air Science as a distinguished cadet.

(2) Maintain required standards between time of designation as a distinguished cadet and date of commissioning.

(3) Complete Air Science IV and Air Force ROTC summer training.

(4) Attain a standing in the upper one-third of all cadets at his Air Force ROTC training unit.

(5) Receive a baccalaureate degree.

(b) *Designation procedure.* When the criteria in paragraph (a) of this section have been met, a distinguished Air Force ROTC graduate will be designated by official letter as follows:

(1) When the distinguished Air Force cadet has successfully completed Air Science IV prior to graduation, and graduation is from an institution having no Air Force ROTC unit, the designation will be made by the Professor of Air Science of the Air Force ROTC unit at which his work was completed. The Professor of Air Science will assure that a cadet so designated has maintained the prescribed standards during the interim between completion of Air Science IV and graduation.

(2) A distinguished Air Force ROTC cadet will not be designated as a distinguished Air Force ROTC graduate until such designation is approved by the institution head or his representative.

(3) A distinguished Air Force ROTC cadet who does not apply for Regular appointment but completes the requirements under paragraph (b)(1) of this section may be designated a distinguished Air Force ROTC graduate. Announcement of all cadets selected for designation as distinguished Air Force ROTC graduates will be made with appropriate ceremony at graduation exercises.

(4) When the cadet is to be commissioned at the summer training unit, the Professor of Air Science will furnish an undated letter of designation to the summer training unit commander for delivery upon commissioning, provided the cadet remains eligible.

§ 887.25 When cadets must apply.

Applicants will normally be notified of selection or non-selection approximately six months following close of the application period. This application period is as follows:

(a) Between October 1st and 31st annually, for those cadets who are qualified and graduate between May and August of the next calendar year.

(b) Between March 1st and 31st annually, for those cadets who are qualified and graduate between September of that calendar year and April of the next calendar year.

§ 837.26 Selection.

Upon their receipt in Headquarters USAF, applications will be forwarded to a board of officers, for Regular Air Force selection on a best qualified basis. Applicants will be notified through the Commander, Air University, of selection or non-selection.

§ 837.27 Tender of appointment.

Tender of appointment will be made by letter of appointment issued by the Department of the Air Force. The tender may be withdrawn, for cogent reasons, or declined at any time prior to actual acceptance.

§ 837.28 Probationary period.

The appointment of any person under §§ 837.20 to 837.28 is probationary for 3 years and may be revoked by the Secretary of the Air Force at any time before the third anniversary of the acceptance of such appointment.

R. J. PUGH,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 60-9526; Filed, Oct. 11, 1960; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

PART 41—SERVICE IN POST OFFICES

Miscellaneous Amendments

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

I. In § 31.6 *Validity of stamps*, paragraphs (c) and (d) are amended to show that boat stamps, special handling, and certified mail stamps are not good for postage. As so amended, paragraphs (c) and (d) read as follows:

§ 31.6 Validity of stamps.

* * * * *

(c) Nonpostage stamps (documentary internal revenue stamps, migratory-bird hunting stamps, U.S. saving and thrift stamps, boat stamps, and the like).

(d) Postage-due, special-delivery, special-handling, and certified mail stamps.

NOTE: The corresponding Postal Manual section is 141.6 c and d.

(R.S. 161, as amended, secs. 501, 2501, 2504, 2505, Pub. Law 86-682 (74 Stat. 580, 605, 606); 5 U.S.C. 22, 39 U.S. Code 501, 2501, 2504, 2505)

II. Section 41.3 *Post office boxes*, is amended by (I) providing that the furnishing of false information on Form 1093, Application for a Post Office Box, is sufficient reason for denial of a box (See paragraph (b) of this section; (II) requiring that postmasters of all first-class offices, regardless of gross annual receipts, adjust box rental rates when conditions warrant at the beginning of each fiscal year in accordance with the rate schedule provided in subdivision (ii) of paragraph (c) (1) of this section, thus eliminating the distribution of individual rate schedules to post offices by the Bureau of Finance (See paragraph (c) (2) of this section.); (III) adding instructions for making adjustments in box rental rates (See paragraph (c) (3) of this section.); (IV) clarifying the advance rental payment requirements (See paragraph (d) of this section); (V) providing that renters of lockboxes may not obtain or use any keys except those issued through the post office (See paragraph (g) of this section); and (VI) by making editorial changes for the purpose of clarification. As so amended, § 41.3 reads as follows:

§ 41.3 Post office boxes.

(a) *Purpose of boxes.* Post office boxes and drawers are for the convenience of the public in the delivery of mail. The service affords patrons privacy, and permits them to obtain mail at their convenience during the hours the lobby is kept open.

(b) *How to rent a box.* The patron must submit Form 1093, Application for Post Office Box, to the postmaster at the post office where the box is located. The application will be approved or denied by the postmaster. Furnishing false information on the application is sufficient reason for denial. When the application is approved, a box will be assigned.

(c) *Rental rates*—(1) *Main post offices.*—(i) *Office groups.* The following nine groups are for use in determining the correct rate category for call and lock boxes at main post offices.

Group A. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 16, 17, 18, or 19.

Group B. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 14 or 15.

Group C. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 12 or 13.

Group D. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 10 or 11.

Group E. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 7, 8, or 9.

Group F. Post offices not offering city delivery service and with the position of the postmaster ranked in salary levels 8, 9, or above.

Group G. Post offices not offering city delivery service and with the position of the postmaster ranked in salary level 7.

Group H. Post offices not offering city delivery service and with the position of the postmaster ranked in salary levels 5 or 6.

Group I. All fourth-class post offices.

(ii) *Schedule.* The quarterly box rent schedule for main post offices is as follows:

Post Office groups	Rate per quarter						
	Call boxes		Lock boxes and drawers				
	Size No.		Size No.				
	1	2	1	2	3	4	5
	Cubic-inch capacity		Cubic-inch capacity				
	To 225	225 to 500	To 225	225 to	500 to	900 to	3,000 and over
Offices with city carrier service:							
Group A	$2.25	$3.00	$4.50	$6.00	$8.00	$10.00	$12.00
Group B	1.50	2.25	3.00	4.50	6.00	7.50	9.00
Group C	1.10	1.50	2.25	3.00	4.50	6.00	7.50
Group D	.80	1.10	1.70	2.25	3.00	4.50	6.00
Group E	.65	.80	1.20	1.50	2.25	3.00	4.50
Offices without city carrier service:							
Group F	.50	.65	.90	1.10	1.50	2.25	3.00
Group G	.35	.50	.70	.90	1.10	1.50	2.25
Group H	.20	.30	.50	.65	.90	1.10	1.50
Group I	.15	.20	.35	.50	.65	.90	1.10

(2) *Rates at stations, branches, annexes, and airport mail facilities*—(i) *Stations, branches, annexes, and airport mail facilities of first-class offices.* (*a*) With the exception of rural stations or stations and branches primarily servicing academic institutions (see subdivision (iii) of this subparagraph), box rent rates at stations, branches, annexes, and airport mail facilities affiliated with first-class post offices, regardless of gross annual postal receipts, shall be based on the following:

(*1*) At classified stations, branches, and airport mail facilities, with or without city carrier service and with the position of the superintendent ranked in salary levels 9 or above, the rates are those prescribed in the box rent schedule for the first group below that of the main office.

(*2*) At classified stations, branches, and airport mail facilities with or without city carrier service and with the position of the superintendent ranked in salary levels 8 or below, the rates are those prescribed in the box rent schedule for the second group below that of the main office.

(*3*) At designated classified stations and branches located very near the main office and at annexes, the rates shall be the same as those charged at the main office.

(*4*) All contract stations will charge those rates prescribed in the box rent schedule for the second group below that of the main office.

(*b*) All rural stations shall charge the fees prescribed in the box rent schedule for group I post offices.

(*c*) Stations and branches with box equipment owned or supplied by an academic institution shall establish box rental charges in accordance with subdivision (iii) of this subparagraph. Sta-

tions and branches primarily serving academic institutions with lockbox equipment not owned or supplied by an academic institution shall charge regular applicable box rental rates.

(ii) *Stations and branches of second- and third-class offices.* (*a*) With the exception of rural stations or certain stations and branches primarily servicing academic institutions, stations and branches of second- and third-class post offices will charge the same rental fees as those charged at the main office.

(*b*) All rural stations will charge the fees prescribed in the box rent schedule for group I post offices.

(*c*) Stations and branches with box equipment owned or supplied by an academic institution will establish box rental charges in accordance with subdivision (iii) of this subparagraph. Stations and branches primarily servicing academic institutions with lockbox equipment not owned or supplied by the academic institution will charge regular applicable box rental rates.

(iii) *Stations and branches servicing academic institutions.* The following applies only to stations and branches primarily servicing academic institutions when the box equipment is owned or supplied by the academic institution:

(*a*) When box equipment is separated from designated post office quarters and the mail is placed in the boxes by personnel employed by the school, box rental fees, if any, are subject to the control of the academic institution, and the revenues therefrom, if any, are not considered postal funds.

(*b*) When box equipment is not separated from designated post office quarters or the mail is not placed in the boxes by personnel employed by the academic institution, call and lockbox charges are based on the following schedule and all revenues therefrom are considered as postal funds. Fees may be paid on an annual basis or on either a semester or quarterly basis to coincide with the system used by the school. Box rental fees applicable during the summer session of schools operating on a semester basis will be one-half the regular semester rates.

	Call boxes		Lockboxes				
	No. 1	No 2	No. 1	No. 2	No. 3	No. 4	No. 5
Per semester	$0.30	$0.40	$0.50	$0.60	$0.90	$1.50	$2.40
Per quarter	.20	.30	.35	.40	.60	1.00	1.60

(3) *When new rates are effective—* (i) *Adjustments.* Box rental rate adjustments shall be made on July 1, the beginning of each fiscal year when either or both of the following actions occur:

Type of action	Date of action	Change box rental rates effective—
1. Establishment or discontinuance of city delivery service.	If change occurred on or after July 1, and on or before June 30, of the present fiscal year.	July 1, the beginning of the new fiscal year.
2. Change in salary level of postmaster or of station, branch, annex, or airport mail facility superintendent.	If change occurred after the first day of the first pay period in the present fiscal year and on or before the first day of the first pay period in the new fiscal year. NOTE: this is based on adjusted gross receipts.	Do.

(ii) *New units.* Box rental rates at all new units placed in operation after July 1, will be based on those factors in effect on the opening date of the installation, except that when a post office is discontinued and is reestablished as a classified station or branch of another post office, the rental rates that were in effect at the discontinued post office at the beginning of the fiscal year will continue in effect during the remainder of the fiscal year at the newly established unit.

(4) *Fees applicable under special circumstances.* When larger size boxes are not available or cannot be provided to handle the average daily mail volume of a patron, arrangements may be made by postmasters to utilize bags or other containers instead of lockboxes. The fee for this service will be equivalent to the rental that would be collected if the patron had been provided with the largest size box in the installation.

(d) *Payment of box rent.* Box rent must be paid in advance. Form 1538, Box Rent Receipt, is given for each payment. The rent may be paid quarterly or annually at the option of the box holder as follows:

(1) *Annually.* Annual rent must be paid in advance on or before June 30 for the full fiscal year. Rent for the quarters remaining in the fiscal year must be paid in advance (see subparagraph (3) of this paragraph). The fiscal year begins July 1 and ends June 30.

(2) *Quarterly.* Quarters begin July 1, October 1, January 1, and April 1. Rent must be paid on or before June 30, September 30, December 31, and March 31.

(3) *After beginning of quarter.* (i) First month of quarter: Entire quarterly rate.

(ii) Second month of quarter: Two-thirds of quarterly rate. To determine the amount to be paid, multiply quarterly rate by two and divide by three. Drop fractions of a cent.

(iii) Third month of quarter: If rented before the twenty-first day, one-third quarterly rate. On or after the twenty-first day, no rent will be charged for the remaining days in the quarter, but full payment must be made for the following quarter.

(e) *Refund of box rent.* When a box is surrendered, no portion of the rent will be refunded to a patron who has paid on a quarterly basis. A patron renting a box on an annual basis who surrenders the box before the end of the fiscal year for which rent has been paid may apply for a refund of that portion of the box rent that is applicable to all full quarters remaining in the fiscal year. No refund will be made for the remaining portion of the quarter in which the box is surrendered. Application for refund should be made on Form 3533, Application and Voucher for Refund of Postage and Fees, in duplicate in the same manner as postage refunds, as outlined in § 37.2 of this chapter.

(f) *Use of box.*—(1) *Individuals.* An individual renting a box may have placed in it:

(i) Mail addressed to himself.

(ii) Mail directed to a temporary visitor.

(iii) Mail addressed to his care or to the number of his box by persons who wish him to take care of it for them not more than 30 days.

(iv) Mail addressed to members of his family.

(v) Mail addressed to his servants or other employees who live in his house.

(vi) Mail addressed to a relative or other person who lives permanently in his house as do the other members of his family. Boarders or roomers are not considered members of the family.

(2) *Firms or corporations.* A firm renting a box may have placed in it:

(i) Mail addressed to its name.

(ii) Mail addressed to any of its officials and office employees.

(iii) Mail addressed to any member of a firm, or members of his family, by the consent of all members of the firm.

(3) *Students and teachers.* Mail addressed to students and teachers at an educational institution may be deposited in the box rented by the school, if consistent with the rules of the school.

(4) *Public institutions.* Mail addressed to inmates of a public institution may be deposited in the box rented by it, if consistent with its rules.

(5) *Associations.* An association or society may rent a box, but it may not be used for individual members, other than officers addressed by their official titles.

(6) *Hotel or boarding house.* Mail addressed to guests or transient boarders at a hotel or boarding house will be placed in the box assigned to it or its proprietor.

(7) *Mail addressed to box number.* Mail addressed only to a box number may be delivered to the box holder as long as no improper or unlawful business is conducted in this manner.

(g) *Keys*—(1) *Regular.* A patron renting a key-type lockbox must be supplied with one or two keys, according to his needs. Renters of lockboxes are not permitted to obtain or use any keys except those issued through the post office.

(2) *Additional.* Keys in excess of two may be obtained from the post office on completion of Form 1094, Application for Additional Keys to Post Office Box,

and payment of a 50-cent fee for each key. Under no circumstances may the boxholder or his agent obtain additional keys for the box assigned to his use from any other source or supplier.

(3) *Duplicate.* Duplicates of lost keys may be secured by payment of a 50-cent fee for each key.

(4) *Fees not refundable.* Fees for duplicate and additional keys are not refundable.

(5) *Worn and broken.* Worn or broken keys shall be replaced without charge if the damaged key is surrendered.

(6) *Return.* All keys must be returned when the box is surrendered. If the patron has lost a regular key, he must pay a fee of 50 cents for each missing key.

(h) *Restrictions*—(1) *Improper purposes.* A box will not be rented to anyone who the postmaster has good reason to believe will use it for the purpose of deception, for immoral or improper purposes, or for the conduct of a fraudulent or lottery business.

(2) *Misuse.* A box will not be rerented to anyone who does not take proper care of it or who disregards the rules concerning its use.

(3) *Improper matter in box.* Only matter which has passed through the mail, or official postal notices, may be placed in a post office box. (See paragraph (a) of this section.) (Interprets or applies 62 Stat. 784; 18 U.S.C. 1725)

(4) *Closing of box.* When a postmaster has reason to believe that a box is being used for a fraudulent, deceptive, or unlawful scheme, or for an immoral or improper purpose, or for the purposes of a lottery, or that the safety of the mail is endangered by its continued use, or that its use is for other than the receipt of mail or official postal notices, he will report the facts to the General Counsel who, if he finds that the box is being used for any of said purposes, shall have the right to order the box closed.

NOTE: The corresponding Postal Manual section is 151.3.

(R.S. 161, as amended, secs. 1, 501, 708, 2209, Pub. Law 86–682 (74 Stat. 578, 580, 584, 596); 5 U.S.C. 22, 39 U.S. Code 1, 501, 708, 2209)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60–9537; Filed, Oct. 11, 1960; 8:47 a.m.]

PART 168—DIRECTORY OF INTERNATIONAL MAIL

International Mail Regulations

The regulations of the Post Office Department in Part 168—Directory of International Mail—are amended by making the following changes in § 168.5 *Individual country regulations:*

I. In country "Bermuda", under Parcel Post, amend the tabular information immediately following the item *Air parcel rates* by striking out "22 pounds.", where it appears opposite "Weight limit:", and inserting in lieu thereof "33 pounds". The weight limit of parcel post packages addressed to Bermuda is increased to 33 pounds.

II. In country "British Guiana", under Parcel Post, amend the item *Import restrictions* by deleting the second paragraph therein. Addressees are no longer required to obtain import licenses before the arrival of parcels.

III. In country "Sweden", under Parcel Post, the item *Prohibitions* is amended by striking out "saccharine and similar substances" where it appears in the second paragraph therein, and inserting in lieu thereof "sugar". As so amended, the second paragraph reads as follows:

Prohibitions. * * *

Firearms and parts thereof; pharmaceutical drugs including bacteriological preparations; sugar; perfumes and other preparations containing alcohol; tobacco in any form and machines, tools and paper for tobacco manufacture. As an exception, tobacco manufactures not exceeding 35 ounces in any one parcel may be sent as a gift to an individual for personal use.

IV. In country "Trinidad and Tobago", under Parcel Post, amend the second paragraph of the item *Prohibitions* to read as follows:

Prohibitions. * * *

Carbon paper unless coated with wax and containing no oxidizable, oily or fatty substances, and so described on the customs declaration.

V. In country "Union of Soviet Socialist Republics", as amended by Federal Register Document 60–5926, 25 F.R. 5937–5938, Federal Register Document 60–6615, 25 F.R. 6758–6759, make the following changes to show that medicines sent must be accompanied by a Soviet prescription issued by a physician in a Soviet health establishment:

A. Under Postal Union Mail, amend the second paragraph of the item *Observations* to read as follows:

Observations. * * *

Duty-prepaid packages not exceeding 18 ounces in weight containing medicines may be imported in letter packages (surface or air) and will be delivered on condition that the prescription for the medicine, issued by a physician in a Soviet health establishment and bearing the stamp and seal of such establishment, is enclosed in the package.

B. Under Parcel Post amend the item *Observations* to read as follows:

Observations. Parcels containing used clothing and used shoes are admitted only on the condition that the articles are fit for use and are accompanied by certificates from a commercial firm attesting that the said articles have been subjected to disinfection. The certificates must be dated and the relative articles should be mailed as soon after such date as possible. The wrapper of each such parcel must be endorsed to indicate that the certificate of disinfection is enclosed. Parcels not accompanied with disinfection certificates will be returned to origin.

Each parcel containing medicine must have the prescription therefor, issued by a physician in a Soviet health establishment and bearing the stamps and seal of such establishment, enclosed in the parcel.

Parcels must not be closed by means of metal bands or metal straps.

(R.S. 161, as amended, secs. 501, 505, Pub. Law 86–682 (74 Stat. 580, 581); 5 U.S.C. 22, 39 U.S. Code 501, 505)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60–9536; Filed, Oct. 11, 1960; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Fourth Section Order No. 18900]

PART 143—LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATES RATES

Filing of Fourth Section Applications

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of September A.D. 1960.

Upon consideration of the record in the above-entitled proceedings, petition of rail carriers in Southern region filed August 9, 1960, for reopening the proceedings for reconsideration by the entire Commission, of the report and order of Division 2, decided June 29, 1960 (25 F.R. 6629), and for oral argument, and the water carriers' reply thereto, filed August 29, 1960 (25 F.R. 8486):

It is ordered, That the said petition be, and it is hereby, denied, for the reason that the matters submitted in support of the petition do not present substantial and material grounds to warrant granting the action sought.

It is further ordered, That the order entered in this proceeding on June 29, 1960, which order, pursuant to section 17(8) of the Interstate Commerce Act, was stayed pending disposition of the petitions, be, and it is hereby, reinstated, and modified to become effective on November 17, 1960.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–9542; Filed, Oct. 11, 1960; 8:47 a.m.]

Title 50—WILDLIFE

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

PART 32—HUNTING

Cape Romain National Wildlife Refuge, South Carolina

The following special regulation is issued.

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

* * * * *

SOUTH CAROLINA

Cape Romain National Wildlife Refuge. Hunting of big game on the Cape Romain National Wildlife Refuge, South

Carolina is permissible only under the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: From sunrise to 8:30 a.m. and from 3:30 p.m. to sunset (standard time), November 28, 1960, through December 3, 1960.

(c) Daily and total bag limits: Deer of either sex—2.

(d) Methods of hunting:

(1) Weapons: Bows with minimum recognized pull of 45 pounds and arrows with minimum blade width of seven-eights (⅞) inch.

(2) Dogs: One dog per hunting party may be used to track wounded game only. Dogs must be on leash at all times.

(3) Prohibited methods: Firearms, crossbows, or any other type of mechanical bow.

(4) Stand hunting: Stand hunting only is permitted. Drive and stalk hunting is prohibited.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 2,495 acres and 7 percent of the total refuge and which is described as follows:

Entire Bulls Island Unit, except the Headquarters area and waterfowl concentration areas suitably posted as closed.

(f) 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) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Cape Romain National Wildlife Refuge, McClellanville, South Carolina until 4:00 p.m., November 18, 1960. A maximum of 75 hunters will be accommodated each day.

(3) The provisions of this special regulation are effective October 10, 1960 through December 3, 1960.

(4) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(5) All deer must be tagged before leaving Bulls Island headquarters.

(6) Camping is permitted at designated camping area only, and fires must be confined to this area.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 4, 1960.

[F.R. Doc. 60–9532; Filed, Oct. 11, 1960; 8:46 a.m.]

PART 32—HUNTING

Wheeler National Wildlife Refuge, Alabama

The following special regulation is issued.

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

* * * * *

ALABAMA

Wheeler National Wildlife Refuge. Hunting of upland game on the Wheeler National Wildlife Refuge, Alabama is permissible only under the following conditions:

(a) Species permitted to be taken: rabbit; crow; fox.

(b) Open season: 8:00 a.m. to 5:00 p.m. (standard time), February 13, 1961, through February 18, 1961.

(c) Daily bag limits: Rabbit—6; crow—no limit; fox—no limit.

(d) Methods of hunting:

(1) Weapons: Shotguns only, with maximum capacity of three (3) shells.

(2) Dogs: The use of dogs is permitted.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 8,582 acres and 25 percent of the total refuge and which is described as follows:

Those parts of Wheeler National Wildlife Refuge on the north side of the Tennessee River from Piney Creek east to the Redstone Arsenal boundary, and on the south side of the Tennessee River, all parts of the refuge east of Cave Springs.

(f) 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) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Wheeler National Wildlife Refuge, Decatur, Alabama starting February 1, 1961.

(3) The provisions of this special regulation are effective October 15, 1960, through February 18, 1961.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 4, 1960.

[F.R. Doc. 60–9533; Filed, Oct. 11, 1960; 8:46 a.m.]

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, New Mexico

The following special regulation is issued.

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

* * * * *

NEW MEXICO

Bitter Lake National Wildlife Refuge. Hunting of upland game on the Bitter Lake National Wildlife Refuge, New Mexico, is permissible only under the following conditions:

(a) Species permitted to be taken: Quail.

(b) Open season: From one-half hour before sunrise to sunset, during the period November 24, 1960, through January 1, 1961.

(c) Daily bag limit: 10 per day and 10 in possession.

(d) Methods of hunting:

(1) Weapons: Shotguns only may be used. (Shotguns larger than 10 gauge or capable of holding more than three shells in magazine and chamber combined and all pistols and rifles are prohibited in taking of quail.)

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 1,600 acres and 7 percent of the total refuge and which is described as follows:

That portion of the Bitter Lake National Wildlife Refuge in the North Tract east of the west bank of the Pecos River and extending to the refuge boundary, including portions of Secs. 13, 14, 23, 24, 25, 26, and 35, T 8 S, R 25 E.

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

(3) The provisions of this special regulation are effective November 24, 1960, through January 1, 1961.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 4, 1960.

[F.R. Doc. 60–9547; Filed, Oct. 11, 1960; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 196]

PHOSPHATE LEASES, PROSPECTING PERMITS AND USE PERMITS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under sections 9 to 12, inclusive, of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 211–214), it is proposed to completely amend Part 196, Title 43 of the Code of Federal Regulations, as set forth below. The principal purpose of this amendment is to implement the Act of March 18, 1960 (Public Law 86–391, 74 Stat. 7), which amended sections 9, 12 and 27 of the Mineral Leasing Act of 1920 (30 U.S.C. 211, 214 and 184, respectively), as follows:

Section 9, by providing for (a) issuance to any applicant qualified under the act, a prospecting permit which shall give the exclusive right to prospect for phosphate deposits, including associated minerals, in any unclaimed, undeveloped area, for a period of two years, for not more than 2,560 acres, (b) an extension of such a permit for an additional period, not in excess of four years, as deemed advisable, if it is found that the permittee has been unable, with reasonable diligence, to determine the existence or workability of phosphate deposits in the area covered by the permit and desires to prosecute further prospecting exploration, or for other reasons warranting such an extension, and (c) issuance of a phosphate lease based upon discovery of valuable phosphate deposits in the permit land prior to the expiration of the permit.

Section 12, by providing for the holder of a phosphate permit to be granted the same right to use unappropriated and unentered public land, not exceeding 80 acres, as the holder of such a lease, for proper extraction, treatment or removal of the deposits covered by the permit.

Section 27, by providing that the acreage limitation of 10,240 acres that may be held at any one time under phosphate leases in the United States shall apply to permits or leases.

The proposed amendment eliminates the noncompetitive lease system which is not based on an express statutory requirement but upon regulation. Under the present regulations a noncompetitive lease issues when further exploration is deemed necessary before development could reasonably be undertaken. Since it is necessary for an applicant for a noncompetitive lease to publish notice thereof in a newspaper of general circulation in the county in which the land is situated, opportunity exists for third parties to protest the issuance of the proposed lease. Should the protest be considered valid, a competitive rather than a noncompetitive lease issues. When this occurs, an applicant who may have performed certain investigations with respect to the land prior to seeking a noncompetitive lease loses the benefits of such work unless he outbids his rivals. The proposed amendment, if approved, would correct that situation since a permittee would have a preference right to a lease as in the case of permittees seeking coal, sodium, sulphur and potassium. The proposed amendment also provides for an annual rental of 25 cents an acre or fraction thereof for lands under prospecting permits and it establishes a rule that after the expiration of the permit term, the lands embraced therein will not be segregated from further leasing because a previously filed relinquishment of the permit has not been noted on the record. This will insure that all members of the public have equal opportunity to file an application for the permit lands even though notation of the relinquishment or cancellation of the permit has not been made on the official records. It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Land Management, Washington 25, D.C., within thirty days from the date of publication of this notice in the FEDERAL REGISTER.

GEORGE W. ABBOTT,
Assistant Secretary of the Interior.

OCTOBER 5, 1960.

Part 196, Title 43 of the Code of Federal Regulations is completely amended to read as follows:

Sec.

196.1 Statutory authority.
196.2 Area; limitation on holdings; term.
196.3 Qualifications of applicant.
196.4 Protection of pre-existing mining claims.
196.5 Application for prospecting permit.
196.6 Rights conferred.
196.7 Permit rental.
196.8 Permit bond.
196.9 Extension of permit.
196.10 Availability of lands for further permit applications where a permit is canceled, relinquished or terminated.
196.11 Reward of discovery under permit.
196.12 Application for lease by competitive bidding.
196.13 Lease bond.
196.14 Minimum production.
196.15 Lessee's petition for change in minimum production.
196.16 Offer of lands or deposits for lease by competitive bidding.
196.17 Notice of lease offer.
196.18 Bidding requirements; deposits.
196.19 Action after lease offer.
196.20 Use of silica, limestone or other rock.
196.21 Payments and reports.
196.22 Assignments of leases and permits or interests therein.
196.23 Limitation on overriding royalties.
196.24 Readjustment of lease terms and conditions at end of twenty-year periods.
196.25 Relinquishment of lease.
196.26 Cancellation of lease.
196.27 Use permits for additional lands.

AUTHORITY: §§ 196.1 to 196.27, issued under sec. 32, 41 Stat. 450; 30 U.S.C. 189.

§ 196.1 Statutory authority.

Sections 9 to 12, inclusive of the Act of February 25, 1920 (41 Stat. 440; 441, 30 U.S.C. 211–214), as amended, hereinafter referred to as the act, authorizes the Secretary of the Interior to:

(a) Issue permits to prospect for phosphate deposits, including associated minerals, in public lands or in public lands disposed of with a reservation of such deposits to the United States;

(b) Lease such lands known to contain such deposits, and

(c) Grant to a permittee or lessee of such lands the right to use unappropriated and unentered public land not exceeding 80 acres for proper extraction, treatment or removal of the deposits covered by the permit or lease.

§ 196.2 Area; limitation on holdings; term.

(a) Except where the rule of approximation[1] applies, a permit or lease may not exceed 2,560 acres. The lands will be in reasonably compact form and entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width.

(1) No person, association, or corporation, may hold at any one time more than 10,240 acres in the United States, whether directly through the ownership of phosphate leases, permits and applications therefor or interests in them, or indirectly through association membership or stock ownership.

(2) All leases will be issued on Form 4–1110[2] for a primary term of twenty years and so long thereafter as the lessee complies with the terms and conditions of the lease. All prospecting permits will be issued on Form 4–1515[2a] for a primary term of two years and may be extended for such an additional period, not in excess of four years, as the Bureau of Land Management deems advisable, if it is found that the permittee has been

[1] The rule of approximation applies to applications for prospecting permits or leases only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 2,560 acres greater than the excess over 2,560 acres resulting from the inclusion of such subdivision.

[2] A copy of the lease form, as well as the other forms mentioned in this part, may be obtained from any land office or the Director, Bureau of Land Management, Washington 25, D.C.

[2a] Filed as part of the original document.

unable, with reasonable diligence, to determine the existence or workability of phosphate deposits in the permit lands and desires to prosecute further prospecting, or for other reasons warranting such an extension in the opinion of the Bureau of Land Management.

(b) A lessee, upon a showing that the leased deposits extend into adjoining Federal lands may, upon application to be filed in the Land Office, be granted, subject to the acreage limitation under paragraph (a)(1) of this section, a lease for additional acreage, if the authorized officer of the Bureau of Land Management, after consultation with the Mining Supervisor of the Geological Survey shall determine that the increased acreage will result in conservation of natural resources and will provide for the most economical and efficient recovery of a minable deposit without waste. In applying this paragraph, fringe acreage in an area not of interest to more than one operator, and lacking sufficient reserves of phosphate deposits to warrant independent development, may be leased noncompetitively without publication either by separate lease or by adding to an existing leasehold (within the aggregate limitation of 2,560 acres), subject to a bonus of not less than $1 an acre, a minimum royalty, and such other terms and conditions as may be determined at the time the lease offer is made. If, however, the fringe acreage has sufficient reserves to warrant independent development, or, if, following appropriate inquiry of operators in the area and consultation with the Mining Supervisor, the authorized officer of the Bureau of Land Management determines that there is competitive interest therein, the lands will be offered competitively under § 196.17.

§ 196.3 Qualifications of applicant.

(a) As used in this section, "applicant" means an applicant for a permit under § 196.5, for a lease under §§ 196.2(b) and 196.11, the high bidder to whom a lease is awarded under § 196.18, or an assignee or transferee under § 196.22.

(b) Permits and leases may be issued to citizens of the United States, associations of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(c) All applicants must file in the proper land office specified in § 196.12(a), the following:

(1) If an individual, a statement as to citizenship indicating whether native born or naturalized.

(2) If an association (including a partnership), a certified copy of the articles of association and the same showing as to citizenship and acreage holdings of its members as required of an individual.

(3) If a corporation, a statement showing:

(i) The State in which it is incorporated;

(ii) That it is authorized to hold permits and leases of the mineral for which the permit or lease is sought and the person executing an instrument on behalf of the corporation is authorized to act in such matters;

(iii) The percentage of voting stock, of all the stock owned by aliens, and of all the stock owned by those outside of the United States. If more than 10 percent of the stock is owned or controlled by or on behalf of such persons, the corporation must give their names and addresses, the amount and class of stock held by each and, to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each;

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class of the corporation;

(4) A statement that holdings do not exceed the acreage limitation specified in § 196.2(a)(1).

(d) Where the information required under paragraph (c) of this section has previously been filed, a reference by serial number to the record in which it has been filed, together with a statement as to any amendments will be accepted.

§ 196.4 Protection of pre-existing mining claims.

Mining claims for deposits described in § 196.1(a) which were valid on February 25, 1920, if duly maintained, may be patented under the law under which they were initiated. Otherwise, such deposits may be secured only under the act.

§ 196.5 Application for prospecting permit.[3]

(a) The act of March 18, 1960 (Pub. Law 86–391, 74 Stat. 7), authorizes, among other things, the issuance of phosphate prospecting permits. All applications for such a permit shall be filed in duplicate in the office specified in § 196.12(a). A filing fee of $10, which is not returnable, and full payment of the first year's rental in the amount specified in § 196.7, must accompany the application. No specific form is required but the application should:

(1) Contain the applicant's name and address and his qualifications as to citizenship and acreage holdings as set forth in § 196.3(c) (1), (2), (3) and (4).

(2) Contain a description of the lands for which permit is desired as specified in § 196.12(a)(2).

(b) All applications must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

(c) All applications filed on or after March 18, 1960, the date of enactment of P.L. 86–391 (74 Stat. 7), including applications filed on and after the effective date of these amendatory regulations, will be considered with respect to priority in accordance with the time of filing such applications in the appropriate land office.

(d) All applications filed in the manner specified in § 295.8 of this chapter, will be deemed simultaneously filed.

§ 196.6 Rights conferred.

Two-year permits grant the permittee the exclusive right to prospect and explore the lands described therein to determine the existence of or workability of the phosphate deposits. Only such material may be removed from the land as is necessary to experimental work or the demonstration of the existence of valuable phosphate deposits.

§ 196.7 Permit rental.

A permittee shall pay an annual rental of 25 cents an acre or fraction thereof covered by his permit, but not less than $20 per year, such annual payment of rental shall be made on or before the anniversary date of the permit. The payment of such rental will be required as to permits issued upon applications filed prior to the effective date of these amendatory regulations.

§ 196.8 Permit bond.

Prior to the issuance of a permit the applicant must furnish a bond of not less than $1,000, with approved corporate surety (Form 4–1130), or his personal bond in similar amount (Form 4–1131) secured by negotiable Federal securities in the amount of the bond.

§ 196.9 Extension of permit.

Phosphate permits may be extended by an authorized officer of the Bureau of Land Management for an additional period, not in excess of four years, as he deems advisable, if he finds, after consultation with the Mining Supervisor of the Geological Survey, that the permittee has been unable, with reasonable diligence, to determine the existence or workability of phosphate deposits covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons warranting such an extension. An application for extension shall be filed in duplicate in the proper land office within the period beginning 90 days prior to the date of expiration of the permit. The application must be accompanied by a $10 filing fee which is not returnable, and must show what efforts, if any, the permittee has made to comply with the terms of his permit and the reasons for failure to comply therewith. The application must also show how much additional time is considered necessary to complete prospecting work. Upon failure of permittee to file such an application within the specified period, the permit will expire without notice to the permittee.

§ 196.10 Availability of lands for further permit applications where a permit is canceled, relinquished or terminated.

Where the lands embraced in a canceled or relinquished permit are not

[3] 18 U.S.C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

withdrawn from leasing, such lands become available for, and subject to, filing of new permit applications immediately upon notation of the cancellation or relinquishment on the official status records. If prior to such notation the term of a permit would have expired in the absence of the cancellation or relinquishment, the lands shall, upon such expiration of the permit term, become subject to the filing of permit applications even though the notation of the cancellation or relinquishment has not been made on the records.

§ 196.11 Reward of discovery under permit.

(a) A permittee who, prior to the expiration of his permit, shows to the Secretary that valuable phosphate deposits have been discovered upon the land covered by the permit is entitled to a preference right lease for all or part of the land, in a reasonably compact form. An application for preference right lease shall be filed in duplicate in the proper land office not later than 30 days after the permit expires. The application must describe the lands desired, show any change in the information contained in the application for permit, specify fully the extent and mode of occurrence of the deposits as disclosed by the prospecting work, and show that valuable phosphate deposits were discovered before the permit expired. The application must be accompanied by the first year's rental at the rate of 25 cents per acre or fraction thereof. The lease will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, unless otherwise specified therein. If the permit expires and the application for lease is finally rejected, royalty for the deposits mined will be charged at the permit rate and such mining will not constitute a trespass.

(b) The survey of unsurveyed lands embraced in the permit will be made at the expense of the Government prior to the issuance of a lease of the lands.

(c) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 196.3(c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 196.3(c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 196.3(c) (1) and (4).

§ 196.12 Application for lease by competitive bidding.

(a) Applications shall be filed, in duplicate, in the proper land office in the State, or for lands in a State in which there is no land office, shall be filed with the Bureau of Land Management, Washington 25, D.C., except applications for lands in North or South Dakota shall be filed in the land office at Billings, Montana; applications for lands in Nebraska or Kansas, shall be filed in the land office at Cheyenne, Wyoming; and for lands in Oklahoma, in the land office at Santa Fe, New Mexico. A filing fee of $10, which is not returnable, must accompany the application. No specific form is required, but the application should include the following.

(1) The applicant's name and address.

(2) A complete and accurate description of the lands for which the lease is desired. If the lands have been surveyed under the public land rectangular system, each application must describe the lands by legal subdivision, section, township, and range. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all applications to lease lands shown on such protracted surveys, filed on or after such effective date, must describe the lands only according to the section, township, and range shown on the approved protracted surveys. If the lands have neither been surveyed on the ground nor shown on the records as protracted surveys, each application must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the land are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska the description of unsurveyed lands must be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by any agency of the United States (such as the United States Geological Survey, the Coast and Geodetic Survey, or the International Boundary Commission), if the record position thereof is available to the general public.

(3) To the extent such information is known to the applicant, a description of the phosphate and associated or related mineral deposits in the land based upon such actual examination as can be effected without an injury to the land or deposits (such examination shall not be deemed a trespass), giving nature and extent of the deposits; an outline in general terms of the proposed method of mining and processing the same; the proposed investment in mining operations thereon, and processing facilities therefor.

(4) Evidence showing in sufficient detail that:

(i) The amount of phosphate lands, Federal and non-Federal, held by him, together with the lands described in the application are necessary for his proposed development plan.

(ii) He intends to explore, mine and develop the property in good faith.

(iii) His proposed operations of the property will be in accordance with good conservation practice and this additional development is needed in order to supply an existing demand which cannot otherwise be reasonably met.

(b) The application must be signed by applicant, or by his attorney-in-fact supported by the power of attorney.

§ 196.13 Lease bond.

A compliance bond, in no event less than $5,000, with approved corporate surety (Form 4–1113), or the lessee's personal bond in similar amount (Form 4–1114), will be required prior to the issuance of a lease. Personal bonds must be accompanied by negotiable Federal securities in the amount of the bond. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate or personal bond, in any case where the Bureau of Land Management deems it proper to do so.

§ 196.14 Minimum production.

Each lease will contain appropriate conditions fixing a minimum annual production of the leased deposits beginning with the fourth year from date thereof or payment of a minimum royalty in lieu thereof, except when production is interrupted by strikes, the elements, casualties not attributable to the lessee, or upon a satisfactory showing that market conditions are such that the lessee cannot operate except at a loss. When authorized in the lease the minimum production requirements may be satisfied by production from other properties controlled by the lessee and constituting a necessary reserve so located as to be a part of a successful unit operation.

§ 196.15 Lessee's petition for change in minimum production.

The lessee may request at any time prior to the end of the thirtieth lease month, that the Secretary reduce the

amount of the minimum production specified in the lease upon the basis of the showing submitted by the lessee. The petition must be filed in duplicate with the office from which his lease was delivered. It should give, among other relevant information, (a) his estimate of tonnage of mineral phosphate rock and associated or related minerals in the leased land, (b) all available information as to the grade thereof, (c) his plan of operation for the property and adjacent property to be worked therewith, (d) a general statement of the method or methods which he intends to use in mining and processing of the phosphate rock and associated or related minerals, (e) the estimated rate of its extraction and (f) possible absorption in the markets. Within six months after receipt of this information the authorized officer, after considering what would be a reasonable period within which to mine the leased deposits taking into account, where material, the lessee's mining operations on adjacent phosphate land owned or controlled by him, will determine whether the minimum production requirement in the lease shall be changed to a lesser figure than the amount then provided.

§ 196.16 Offer of lands or deposits for lease by competitive bidding.

If the authorized officer shall determine, after consultation with the Mining Supervisor of the Geological Survey that specific lands or deposits, not under an outstanding permit or application for preference right lease, which constitute an acceptable leasing unit are subject to phosphate lease, they will be offered for such lease on the terms and conditions to be specified in the notice of lease offer to the qualified person who offers the highest bonus by competitive bidding either at public auction or by sealed bids as provided in the notice of lease offer.

§ 196.17 Notice of lease offer.

Notice of the offer of lands for lease will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will show the time and place of sale; whether the sale will be at public auction or by sealed bids; the description of the lands; and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the high bidder to pay for publication of that notice may be obtained. It will also contain a statement that sealed bids may not be modified or withdrawn unless the modification or withdrawals are received prior to the time fixed for opening of the bids. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements (a) that the high bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer which shall be that portion of the total advertising cost that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; (b) that the terms of minimum production will not be reduced or waived at the leesee's request except as provided in § 196.14, § 196.15, § 191.25, or § 191.26, or upon a satisfactory showing that market conditions are such that the lessee cannot operate except at a loss; (c) that the lease will be canceled if production, or the construction of production facilities, including processing plants, is not commenced by the beginning of the fourth year of the lease; and (d) that the Government reserves the right to reject any and all bids. The detailed statement will also contain a warning to all bidders against violation of 18 U.S.C. 1860, which prohibits unlawful combination or intimidation of bidders.

§ 196.18 Bidding requirements; deposits.

(a) At a sale by oral auction the high bidder must deposit with the officer conducting the sale, on the day of the sale, and each bidder at a sale by sealed bids must include with his bid, one-fifth of the amount of his bid.

(b) At the close of an oral auction, or the opening of sealed bids, the officer conducting the sale, subject to the right to reject any and all bids, will award the lease to the high bidder, who will be notified accordingly.

(c) All deposits must be made in cash or by certified check, cashier's check, bank draft, or money order, and the bid shall be accompanied by a statement over the bidder's own signature with respect to citizenship and holdings as prescribed in § 196.3(c) (1), (2), (3) and (4). Deposits made on rejected or unsuccessful bids will be returned to the bidders.

§ 196.19 Action after lease offer.

If the land is surveyed, four copies of the lease will be sent to the high bidder and he will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental and the cost of publication of the notice of lease offer as specified in § 196.17, and file a bond as required by § 196.13. The lease will be dated the first day of the month following its issuance unless the high bidder requests that it be dated the first day of the month of issuance. If the land is unsurveyed, the high bidder will not be required to comply with the requirements of this paragraph until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the high bidder fails to comply with the requirements necessary to complete the lease or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the act. If the lease is executed by an attorney acting in behalf of the bidder, it must be accompanied by the power of attorney. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence such as specified in § 196.11(c), in order that the authorized officer of the land office may determine to whom the lease may be issued.

§ 196.20 Use of silica, limestone or other rock.

Any lease to develop and extract phosphates, phosphate rock, and associated or related minerals under the provisions of the act shall provide that the lessee may use so much of any deposit of silica or limestone or other rock situated on any public lands embraced in the lease as may be utilized in the processing or refining of the leased deposits or deposits from other lands upon payments of such royalty as may be determined by the authorized officer, which royalty may be stated in the lease when issued, or, may be provided for by an attachment to the lease to be duly executed by the lessor and the lessee.

§ 196.21 Payments and reports.

(a) Rentals under all leases or permits shall be paid to the authorized officer of the proper land office, except that rentals and royalties on productive leases shall be paid to the appropriate Mining Supervisor of the Geological Survey. All remittances to the authorized officer of the land office shall be made payable to the Bureau of Land Management, those to the Mining Supervisor shall be made payable to the United States Geological Survey.

(b) All reports concerning operations shall be filed with the Mining Supervisor.

§ 196.22 Assignments of leases and permits or interests therein.

(a) Leases and permits may be assigned or subleased as to all or part of the lands involved to any person or corporation qualified to hold phosphate leases and permits. The approval of an assignment or transfer of only part of the lands described in a permit or lease will create a separate permit or lease of the lands assigned or transferred which will be given a current serial number, but a discovery on lands under one permit will not inure to the benefit of the other. The approval of such an assignment will not extend the life of the permit or the readjustment periods of the lease. Assignments of permits and leases, whether by direct assignment, operating agreements, working or royalty interests, subleases, or otherwise must be filed for approval at the proper land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the permit or lease, as required by §§ 196.3 and 196.12 (a) (4) and (b), must be submitted simultaneously. Assignments of record title interests must be filed in duplicate. A single executed copy of all other instruments of transfer is sufficient. An assignment will take effect the first day of the month following its final approval by the Bureau of Land Management, or if the assignee requests, the first day of the month of approval.

(b) An application for approval of any instrument transferring a lease, permit, or interest therein, must be accompanied by a $10 filing fee. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) Where an assignment does not create separate leases or permits, the assignee must submit a new bond, or the consent of the surety on the bond of record to the substitution of the assignee as principal. If the assignment is for part of the land covered by a lease or permit, the assigned portion must be definitely described and the exact area given, and there must be submitted: (1) The consent of the surety to the assignment and its agreement to remain bound as to the interest retained by the lessee or permittee, and (2) a new bond with the assignee as principal covering the portion of the land assigned.

(d) The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease or permit until the effective date of the assignment or sublease. If the assignment or sublease is not approved, their obligations to the United States shall continue as though no such assignment or sublease had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease or permit obligations notwithstanding any term in the assignment or sublease to the contrary.

(e) In order for the heirs or devisees of a deceased holder of a lease or permit, an operating agreement, or a royalty interest in a lease or permit, to be recognized by the Bureau of Land Management as the holder of the lease or permit, agreement or interest, there must be furnished the appropriate showing required under § 196.11(c).

(f) No assignment will be approved if the assignee fails to file the evidence required by this section and the account under the lease or permit is not in good standing. A minor, except a minor heir or devisee of a lessee or permittee, is not qualified to hold a lease or permit and an assignment to a minor will not be approved.

§ 196.23 Limitation on overriding royalties.

An overriding royalty interest shall not be created by assignment or otherwise exceeding one percent of the gross value of the output at point of shipment to market or an overriding royalty interest which when added to any other overriding royalty interest exceeds that percentage, excepting that where an interest in the leasehold, permit, or operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the authorized officer that he has made substantial investments for improvements on the land covered by the assignment.

§ 196.24 Readjustment of terms and conditions at end of twenty-year periods.

The terms and conditions of a lease may be readjusted at the end of each twenty-year period succeeding the date of the lease. Prior to the expiration of that period, the lessee will be advised of the reasonable readjustment of terms proposed or notified that no readjustment is to be made for the next period. The lessee may file his consent to such proposed readjustment or inform the authorized officer as to the terms which are unsatisfactory. After considering the suggestions of the lessee, the authorized officer shall make his determination as to the reasonable readjustment of terms to be effective for the twenty-year period under consideration.

§ 196.25 Relinquishment of lease.

Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvement on the leased lands in accordance with the regulations and terms of the lease.

§ 196.26 Cancellation of lease.

If the lessee shall fail to comply with the provisions of the act, or of the general regulations promulgated and in force at the date of the lease, or at the effective date of any readjustment of the terms and conditions thereof under § 196.24 or make default in the performance or observance of any of the terms, covenants, and stipulations of the lease and such default shall continue for 30 days after service of written notice thereof by the lessor, then the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of the lease as provided in section 31 of the act. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause of forfeiture, or for the same cause occurring at any other time.

§ 196.27 Use permits for additional lands.

(a) A lessee or permittee may be granted a right to use the surface of not exceeding 80 acres of unappropriated and unentered public land not included within the boundaries of a national forest as may be necessary for the proper extraction, treatment, or removal of the leased deposits. The annual charge for the use of such land will be not less than $1 per acre or fraction thereof.

(b) Applications for permits for such additional land shall be filed in the office specified in § 196.12(a). A filing fee of $10, which is not returnable, must accompany each application. Such applications must set forth the specific reasons why the additional land is necessary to the permittee or lessee for the use named, describe the land desired in accordance with § 196.12(a)(2), and also set forth the reasons why the land is desirable and adapted to the use named, either in point of location, topography, or otherwise, and that it is unoccupied and unappropriated. The application must also contain an agreement to pay the annual charge prescribed in the permit. Use permits will be issued on Form 4–1111 and dated as of the first day of the month after its issuance unless the permittee or lessee requests that it be dated the first day of the month of issuance.

[F.R. Doc. 60–9534; Filed, Oct. 11, 1960; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Denial of Temporary Tolerances for FD&C Yellow No. 3 and FD&C Yellow No. 4

The Commissioner of Food and Drugs is in receipt of a petition from Dyestuffs and Chemicals, Inc., requesting the provisional listing of FD&C Yellow No. 3 and FD&C Yellow No. 4 (now Ext. D&C Yellow No. 9 and Ext. D&C Yellow No. 10) for use in the coloring of foods, with a temporary tolerance of 25 parts per million. Aside from the deficiencies in the petition itself, studies in the laboratories of the Food and Drug Administration have shown that under any reasonably expected food usage these colors decompose into substances of unknown toxicity. The studies indicate that beta-naphthylamine may be produced by thermal destruction of the dyes. There is no scientific evidence that will support a safe tolerance for these color additives in foods. It would not be consistent with the protection of the public health provisionally to so list them. The petition of Dyestuffs and Chemicals, Inc., to restore the color additives to the food list with a 25 parts per million tolerance is hereby denied, pursuant to section 203(c) of Public Law 86–618 (74 Stat. 405; 21 U.S.C., note under 376).

Dated: October 7, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60–9559; Filed, Oct. 11, 1960; 8:50 a.m.]

[21 CFR Part 8]

COLOR ADDITIVES

Request for Data on Prevailing Use Levels and Data To Support Temporary Tolerances

The Commissioner of Food and Drugs, pursuant to authority in section 208(d)(3) of the Color Additives Amendments of 1960 to carry out his functions with respect to color additives deemed provisionally listed, hereby gives notice and an opportunity for interested persons to present all relevant data as to the prevailing levels of use of the color additives listed in §§ 8.501 and 8.503 of Part 8—Color Additives, and of the other color additives that are believed to be deemed provisionally listed and to support any

temporary tolerances that may be required for the protection of the public health. Such data should be submitted to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to January 1, 1961.

Dated: October 7, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-9560; Filed, Oct. 11, 1960; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 11769]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Supplemental Notice of Proposed Rule Making

OCTOBER 7, 1960.

The Board, in 25 F.R. 8784, and by circulation of a notice of proposed rule making dated September 8, 1960, gave notice that it had under consideration amendments to Part 241 of the Economic Regulations concerned with the establishment of standards for self-insurance reserves; separation of traffic and capacity statistics as between "domestic", territorial" and "international" operations; and other accounting and reporting matters.

In its notice the Board requested interested parties to submit such comments as they might desire not later than October 12, 1960. Requests have been received by the Board asking for an extension of time within which to file comments.

The undersigned, acting under authority duly delegated to him by the Board, finds that good cause has been shown and that it will be in the public interest to grant an extension of time for the filing of comments.

Therefore, pursuant to the authority delegated under § 7.3 of Public Notice PN-14 and redelegated under § 7.6 thereof, the undersigned hereby extends the date for comments on EDR-17 until November 10, 1960. All relevant matter in communications received on or before that date will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on and after November 10, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

(Secs. 204(a) and 1001 of the Federal Aviation Act, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

[SEAL] ROSS I. NEWMANN,
Associate General Counsel, Rules and Legislation.

[F.R. Doc. 60-9567; Filed, Oct. 11, 1960; 8:51 a.m.]

Notices

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–117]

PACIFIC FAR EAST LINE, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Pacific Far East Line, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for "SS India Bear", which is under bareboat charter to the Applicant from Long Island Tankers Corporation and being operated as an unsubsidized vessel by said Applicant in its Guam service, to lift at San Diego, California on or about October 14, 1960, approximately 650 measurement tons of Military Cargo for discharge at Honolulu, Hawaii. This application may be inspected by interested parties in the Office of Hearing Examiners, Maritime Administration, Washington, D.C.

A hearing on the application has been set before the Maritime Administrator for October 13, 1960, at 9:30 a.m., e.s.t., in Room 4458, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on October 12, 1960, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on October 12, 1960, will not be granted in this proceeding.

Dated: October 10, 1960.

THOMAS LISI,
Secretary.

[F.R. Doc. 60–9606; Filed, Oct. 11, 1960; 10:25 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11742; Order No. E–15887]

CITY OF KINGSFORD, MICHIGAN

Tentative Findings and Conclusions and Order To Show Cause

In the matter of the application of City of Kingsford, Michigan, Docket 11742; for reissuance of the certificate of North Central Airlines for Route 86.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of October 1960.

On August 25, 1960, the City of Kingsford, Michigan (Kingsford), filed an application requesting the Board, in the alternative, (1) to amend the certificate of public convenience and necessity issued to North Central Airlines, Inc. (NOR) for route 86 so as to redesignate the present point, Iron Mountain, as Iron Mountain-Kingsford; or (2) to grant North Central an exemption so that the carrier may designate the present point Iron Mountain, as Iron Mountain-Kingsford.

In support thereof, Kingsford alleges as follows: (1) NOR operates daily airline passenger service in and out of the Ford Airport which is located wholly within the corporate limits of the city of Kingsford; (2) despite the physical location of this airport the airline stop is presently certificated by the Civil Aeronautics Board as an intermediate stop on route 86 as "Iron Mountain," which is a city adjacent to the city of Kingsford; [1] (3) the cities of Iron Mountain and Kingsford are "twin cities" and actually constitute one community as evidenced by the local chamber of commerce being known as "Iron Mountain-Kingsford Chamber of Commerce"; the failure to designate the stop as "Iron Mountain-Kingsford" is unrealistic and unfair; and (4) other twin cities in this area, such as Hancock-Houghton and Marinette-Menominee are so designated; and the proper designation for the stop at the Ford Airport in the city of Kingsford should be "Iron Mountain-Kingsford."

No answer to Kingsford's application has been filed with the Board.

The Board has decided to institute a proceeding under section 401(g) of the Act with a view toward amending North Central's certificate of public convenience and necessity for route 86 so as to redesignate the present point, Iron Mountain, as Iron Mountain-Kingsford. The Board will deny the application for an exemption inasmuch as no showing has been made that there would be an undue burden upon NOR to participate in the aforementioned section 401(g) proceeding.

The salient factual allegations made by Kingsford have not been controverted. In addition the Board notes that the population of Kingsford is over 5,000 while that of Iron Mountain is about 9,200. Upon consideration of the foregoing and in view of the relative size of these communities, their relative location to each other and the fact that the Ford Airport serving Iron Mountain is wholly within the corporate limits of Kingsford, the Board tentatively concludes that the public convenience and necessity require that the certificate of public convenience and necessity held by North Central Airlines, Inc. for route 86 should be amended so as to redesignate the present point Iron Mountain, as Iron Mountain-Kingsford on segments 2 and 6 thereof.

Accordingly, it is ordered:

1. That a proceeding be and it hereby is instituted in Docket 11742, pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificate of public convenience and necessity held by North Central Airlines, Inc., for route 86 so as to redesignate the present point Iron Mountain, as Iron Mountain-Kingsford;

2. That copies of this order shall be served on the following persons who are hereby made parties to this proceeding: North Central Airlines, Inc., the City of Iron Mountain, Michigan, the City of Kingsford, Michigan, and the Postmaster General;

3. That the parties and any other interested person be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to North Central Airlines, Inc. an amended certificate of public convenience for route 86 redesignating the present point, Iron Mountain, as Iron Mountain-Kingsford on segments 2 and 6 thereof;

4. That if there is any objection to the issuance of such an order, notice thereof must be filed within 15 days after the date of service of this order;

5. That upon the expiration of the 15-day period provided for by ordering paragraph 4, this proceeding shall be set down forthwith for hearing before an Examiner of the Board limited to consideration of the issues raised by the objections filed; and

6. That Kingsford's request for an exemption be and it hereby is denied.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60–9562; Filed, Oct. 11, 1960; 8:50 a.m.]

[1] NOR is certificated to serve Iron Mountain on segments 2 and 6, of its route 86. The city is served through the Ford Airport which is located just outside of Iron Mountain.

[Docket 2811 etc.]

FLORIDA-MEXICO CITY SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given, pursuant to Order No. E–15801, that a prehearing conference is assigned to be held on the above-entitled matter on October 26, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., October 7, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-9563; Filed, Oct. 11, 1960; 8:50 a.m.]

INTERNATIONAL LATEX CORPORATION AND AAXICO AIRLINES

[Docket 11449]

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 8, 1960, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., October 7, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-9564; Filed, Oct. 11, 1960; 8:50 a.m.]

[Docket 11714]

PHILIPPINE AIR LINES, INC.

Notice of Postponement of Hearing

In the matter of the application of Philippine Air Lines for a foreign air carrier permit to operate between the Philippines and San Francisco via Tokyo and Honolulu.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above-entitled matter now assigned for the 25th of October 1960, is postponed to November 9, 1960, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., October 7, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-9565; Filed, Oct. 11, 1960; 8:50 a.m.]

[Docket 11692 etc.; Order No. E-15891]

SEABOARD AND WESTERN AIRLINES, INC., ET AL.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of October 1960.

In the matter of the application of Seaboard & Western Airlines, Inc., RICHARD M. JACKSON and PETER J. AIRD, for a disclaimer of jurisdiction or for approval if required under section 409 of the Federal Aviation Act of 1958, as amended, Docket 11692; in the matter of the application of Seaboard & Western Airlines, Inc., for a disclaimer of jurisdiction or approval if required under section 408 of the Federal Aviation Act of 1958, as amended, Docket 11693; in the matter of the application of Seaboard & Western Airlines, Inc., for approval if necessary under section 408 of the Federal Aviation Act of an agreement, or for an exemption therefrom under section 416 of the Federal Aviation Act of 1958, as amended, Docket 11718.

By application filed on August 9, 1960 (Docket 11692), as amended August 26, 1960, Seaboard & Western Airlines, Inc. (S&W), Richard M. Jackson, and Peter J. Aird request a disclaimer of jurisdiction or, if necessary, approval under section 409 of certain positions in S&W assumed by the foregoing individuals.

By application filed on August 9, 1960 (Docket 11693), as amended August 26, 1960, S&W requests a disclaimer of jurisdiction under section 408 of the Act, or approval under that section of an agreement dated July 29, 1960 (interim agreement). On August 18, 1960, S&W filed an application in Docket 11718 requesting an exemption under section 416, or approval under section 408, of an agreement dated July 7, 1960, as amended and supplemented (long term agreement). Taken together, these agreements constitute a major refinancing program undertaken by S&W to extricate itself from existing financial difficulties. And since the two agreements are concerned with the same objective—providing the carrier with funds—and by their terms are interrelated, the Board will consider both agreements in this order.

We shall not here attempt to detail fully the interstices of the financial arrangements which have been made, or are contemplated for Seaboard's survival, but shall summarize them only so far as necessary to explain our conclusions.[1] In essence, the short term agreement is designed to supply S&W with working capital until the long term financing agreement is implemented. Various temporary securities are created by the short term agreement which are to be converted into long term securities pursuant to the long term refinancing agreement. The long term agreement provides, inter alia, for a recapitalization and the public placement of certain debentures.

The initial or interim arrangement is one where S&W's major creditors, Canadair Limited (Canadair), Esso Export (Esso), and Curtiss-Wright (Curtiss) have agreed to accept 6 percent Temporary Series A debentures and some nonconvertible notes for current and unpaid obligations, and for additional such debentures, Canadair and certain shareholders have agreed to furnish such operating funds as are necessary to keep the carrier going until its ultimate refinancing plan can be consummated. When consummated, Canadair is to have approximately $2 million in S&W obligations, Esso is to have $2.3 million, Curtiss just short of $0.9 million, and current shareholders (for new capital contributions) no more than $630,000. In addition, for other obligations, Canadair has agreed to advance S&W $141,250 for each of the months of July, August, September and October, 1960.[2]

Upon the execution of the short term agreement, that is, August 1, 1960, S&W agreed to: (1) Hold a Board of Directors meeting at which its board would ratify both the short and the long term agreements; (2) deliver the irrevocable proxies of its officers and directors authorizing Richard M. Jackson to vote all shares of common stock owned by them at any S&W stockholders meeting up to and including December 31, 1960; and (3) elect Richard M. Jackson as acting chairman of the S&W Board of Directors and make the chairman S&W's general manager and chief executive officer. While not a formal part of the agreement, S&W also elected as a member of its Board of Directors, Peter J. Aird, who is assistant to the Comptroller of Canadair.

The short term agreement provides for certain standard events of default, but it also contains a provision that the agreement shall be in default if Carl M. Loeb-Rhoades & Co. (Rhoades) fails to execute an underwriting agreement as provided for in the long term agreement, or if Rhoades notifies S&W, Esso and Canadair that it is terminating its obligations under the underwriting agreement. In the event of default, holders of 70 percent of the temporary Series A debentures may declare the debentures immediately payable, and any holder of notes issued pursuant to the short term agreement may declare such securities due and payable.

The long term financing of the company is predicated upon an undertaking to purchase either by Rhoades alone or with others of $1,595,000 principal amount of Series A convertible debentures[3] with detachable warrants authorizing the purchase for five years of 291⅔ shares of New Common Stock for each $1,000 principal amount. S&W will offer to its stockholders the right to purchase New Common Stock on the basis of two shares at $3 per share for each share held.[4] The purchasing group is obligated to buy the following securities (at Rhoades' discretion) in an amount equal to the difference between $2,000,000 and the gross proceeds of the rights offering to S&W stockholders: either (i) Series B convertible debentures,[5] or (ii) unsubscribed New Common Stock, or (iii) a combination of Series B debentures and New Common Stock. In the event the Series A debentures are placed, Canadair, Esso and Curtiss have agreed to purchase $1,100,000, $500,000 and $175,000, respectively, of such Series A debentures.

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[1] These are appended to the various pleadings filed by S&W.

[2] In the long term agreement, Esso has agreed for the six month period July-December 1960 to lend $40,000 per month to be evidenced by "Fuel Notes."

[3] Convertible into common stock at $3 per share for a period of five years.

[4] Part of the refinancing is a reverse stock split with current shareholders getting one New Common Share for each three old common held.

[5] Identical terms as Series A, except that there is no detachable stock warrant.

Additionally, the underwriter has agreed to purchase at $0.10 per warrant, 10-year common stock warrants in the amount of 350,000, exercisable at $3 per share for the first 5 years and $1 higher for each succeeding year.

As a means of assuring the maintenance by S&W of an adequate cash position, Esso and Canadair have agreed either to act as guarantors on bank loans for the carrier or to lend S&W during the period June 30, 1961 through December 31, 1963, in either event a maximum of $500,000 by Esso and $1,100,000 by Canadair. Should these commitments be met and S&W require additional funds, the two companies have agreed to extend to S&W additional limited funds pursuant to a formula set forth in the supplement to the long term agreement, dated September 12, 1960. The carrier is obligated to repay these loans by December 31, 1963.

S&W will secure its current aircraft equipment through monthly loans by Canadair to cover lease payments to Airborne Carriers which will total almost $1.5 million for which Canadair will receive $337,500 of 6 percent promissory notes, and $1,020,000 of negotiable 6 percent five-year cumulative income debentures; purchasing certain aircraft by assuming certain chattel mortgages of the Air-World Corp. and International Aviation Corp. upon which approximately $500,000 is still owed, by issuing to Air-World a total of almost $1.3 million in secured and unsecured notes; by paying Air-World $156,000 and issuing to Air-World and International Aviation Corp., respectively, 150,000 and 134,000 of New Common Shares.

Finally, Canadair has arranged a stretchout of payments due on the new Canadair CL-44's which S&W has on order, and has given S&W more favorable reacquisition terms on the sale-leaseback equipment deal for 5 constellations entered into in April 1959. For this consideration, Canadair will be issued 200,000 shares of New Common Stock.

The long term agreement also provides that, upon the issuance of the new securities, the S&W directors shall submit their resignations and a new board shall be appointed subject to the approval of the Series A debenture holders. Canadair has agreed to place the New Common Stock, income debentures and Series A debentures[6] acquired pursuant to the long term agreement in a five-year voting trust. The agreement provides that one of the trustees shall be designated by Canadair, while the remaining trustees shall be appointed by the S&W Board of Directors. Any other party acquiring S&W securities under this agreement who is ineligible in view of the Federal Aviation Act to hold or vote such securities agrees to place its securities in the aforementioned trust.

The long term agreement is subject to certain conditions including prior Board approval, and is to be put into effect no later than November 15, 1960.

[6] The income debentures and the Series A and B debentures have free voting rights at the rate of 333 votes per $1,000.

We shall turn now to the applications for relief. They are presented in the alternative for a disclaimer of jurisdiction under sections 408 and 409, or for approval thereunder.[7] We have given careful consideration to the matters submitted in support of these prayers, however, we do not believe that the present record would warrant either a disclaimer of jurisdiction or approval under sections 408 and 409. For the reasons hereinafter stated, we have decided to defer decision on the applications pending completion of the long range refinancing plan. Thereafter, we shall require the submission of additional detail as to the holders of Seaboard's obligations and with respect to its management, and shall determine whether further proceedings are necessary to determine our jurisdiction or to illuminate the matters for which our approval is necessary. Of course, we recognize that to some extent these final arrangements may be affected by the possible actions which we might later take with respect to the intercorporate relations which could evolve. For this reason, we shall attempt to outline the problems as we now see them.

In the first instance, there is a substantial question of whom Mr. Jackson represents. It is evident, at least pending the long term financing, that S&W's creditors are in control of the carrier. It is highly unlikely that Mr. Jackson, even though entrusted with unusually broad powers, would attempt to make major management decisions without their concurrence, or that the creditors would grant such powers to a stranger who would deal with them at arm's length. The clear question, therefore, is which creditor or creditors does Mr. Jackson represent? Should Mr. Jackson remain an officer of S&W after completion of its long range financing, it would be necessary, therefore, for us to inquire further as to the relationships, if any, between Mr. Jackson, and those creditors who continue to hold a substantial stake in the carrier.

A serious question is also suggested by the election of Mr. Aird to the S&W Board of Directors. Mr. Aird is at present assistant to the Comptroller of Canadair, and it is quite probable that his function is, at least in part, to watch over Canadair's interest in S&W. If Aird were an officer or director of Canadair our jurisdiction under section 409 would clearly attach. It is, however, asserted that his position is not that of an officer, and therefore, there is no such jurisdiction. The Board is not required at this time to determine whether his assumption of a S&W directorship creates an interlocking relationship within the meaning of section 409 of the Act. Suffice it to say the question is not free of doubt and that although the relationship may not be covered by a literal reading of section 409, it may be within the intent of that provision.[8] But aside from section 409 jurisdiction, it would appear that Mr. Aird's position with the air carrier, together with Canadair's substantial interest in S&W, raises a section 408 problem.

It is patent that, in light of the factual context surrounding his appointment, Mr. Aird was placed on the S&W Board of Directors as Canadair's representative and to express its views on the carrier's operations. And Canadair may be in a position to have its views reflected in S&W policies. Illustrative of the dominant position Canadair may assume in the carrier is the distribution of voting rights in S&W immediately after the completion of the initial phase of the long term agreement. Pursuant to the long term agreement, immediately after its execution and assuming that no debentures are converted or option warrants exercised, voting power in the carrier will be as follows:

	Voting rights (approximately)	Percentage (approximately)
Public		
A. Stockholders and Series B debenture holders combined	1,056,240	35.1
B. Series A debenture holders	531,666	17.7
Individuals		
A. Canadair	906,666	30.1
B. Esso	166,666⅔	5.5
C. Curtiss	58,333⅓	1.9
D. Air World Leases, Inc	150,000	4.9
E. International Aviation Corp	134,000	4.8

From the foregoing, it is obvious that Canadair may possess the largest single unified block of voting rights in S&W. Even if Canadair's voting rights are placed in trust it will still hold a substantial debt position in the carrier. And the five CL-44 aircraft S&W is to acquire from Canadair with Canadair's financial assistance assume a major role in the carrier's future plans. Clearly, Canadair could have a substantial proprietary interest in S&W's operations and through Mr. Aird will be in a position to have its views made known to S&W's management. In light of Canadair's position in the total S&W picture, it would be most unlikely that those views will not guide S&W in formulating its policy. Thus, a section 408 relationship may be established, even though Canadair's voting rights are to be placed in trust.[9]

Applicant concedes the possibility of Canadair's assuming a control position in S&W and proposes a voting trust as a means of obviating such a result. Neither the application (Docket 11718) nor the long term agreement contains detailed information concerning the na-

[7] As will hereinafter become evident, we do not deem it necessary to distinguish between applications related to the interim and long range financing plans. Nor need we discuss the request for an exemption under section 416 of the Act for the control of S&W by an aeronautical enterprise, inasmuch as section 416 runs only to air carriers.

[8] Cf. Air Freight Forwarder Case, 9 CAB 473, 504 (1948); Lehman Brothers Interlocking Relationships Case, 15 CAB 656 (1952); 209 F. 2d 289 (1953); cert. denied 347 U.S. 916 (1954).

[9] Even asuming that the trust adequately insulated S&W from exercise of Canadair's voting rights. As noted infra, we have substantial doubt of the efficacy in this respect of the trust proposed in the application in Docket 11718.

ture of the proposed voting trust. However, based upon the available information, several difficulties are presented by the proposed trust. Apparently, the S&W Board of Directors, which is to be constituted of persons satisfactory to the Series A debenture holders, appoints a majority of the voting trustees. To the extent that the majority of the trustees are appointed by persons whose control of S&W would be in violation of section 408 of the Act—and thus owe allegiance to them—the trust is inadequate. Furthermore, no provision is made for the manner in which the trustees are to exercise the voting rights held in trust. Nor do we find any provision for Canadair's divestiture of its interest in S&W at the termination of the trust. Absent such a provision, an element of control may still exist, for S&W's management would feel that the trust merely postpones the day when Canadair will be in actual control.

We believe that for a voting trust adequately to insulate S&W from Canadair's control it must contain provisions similar to those found in the trust created in the Hughes-Northeast Atlas-TWA Common Control Case, Docket 8235. That is to say, the trust should embody at least the following features: (1) the trust shall be an irrevocable voting trust; (2) with respect to the common stock, the trust shall terminate on the sale by the settlors of their beneficial interest in all or part of their S&W stock, but only with respect to the part sold; (3) in all events, settlors shall dispose of their beneficial interest in S&W stock within three years from the date of the trust's establishment; (4) to the extent that settlors possess voting rights which are created by certain debt instruments, these voting rights shall remain in trust until the debt evidenced by such instruments is satisfied; (5) all voting rights held in trust shall be exercised by the trustees either upon their own initiative and represent their independent judgment or in accordance with the recommendation of the S&W management as set forth in its proxy statement relating to the stockholders' meeting, assuming that the S&W management is not controlled by any person or persons whose voting rights are included in the trust's res; and (6) if during the life of the trust the settlors acquire additional voting rights in S&W, such voting rights shall be placed in the trust. The proposed trustees shall be either a neutral bank, trust company or individuals. In the event a bank or trust company is appointed as trustee, the settlors shall have had no past or present business dealings with the bank or trust company. If an individual or groups of individuals are appointed as trustees, said individual or individuals shall have had no past or present affiliations with the settlors.

Assuming that Canadair and other signatories to the long term agreement establish a satisfactory trust, a control problem may still exist. This will depend upon whether the holders of the Series A debentures will be persons whose control of an air carrier is prohibited by section 408 and the extent to which S&W's stockholders subscribe to the rights offering. Additionally, the long term agreement provides that the S&W Board of Directors shall consist of persons acceptable to the Series A debenture holders. To the extent that such debenture holders are persons whose control of S&W would present section 408 problems, the provisions raises problems identical to those created by such persons directly controlling the carrier. Therefore, depending upon the results of the long term financing, this provision may be inconsistent with the objective of preventing control of the carrier from passing into the hands of section 408 enterprises. However, the answers to these questions can best be determined after the conclusion of the refinancing program.

Since the control question can best be answered after the long term agreement is completely effectuated, the Board will defer action upon S&W's applications in Dockets 11693 and 11718. But, if the parties to the long term agreement should decide to take the measures set forth therein, the Board will require, on or before January 15, 1961, a full and complete report of the results of the agreement. This report should include, but should not be limited to, a description of the Series A and B debenture holders and their respective interests; the amount of funds advanced to S&W by stockholders; the total amount of New Common Stock acquired by S&W's stockholders and the amount acquired by individual stockholders; a biographical description of S&W's officers and directors; a duplicate original of a proposed voting trust acceptable to the Board; and a biographical description of the proposed trustees and how they were appointed. In the event the parties cancel the long term agreement, a full report should immediately be filed with the Board describing the S&W debt structure and the holders of the carrier's securities. Upon the submission of the report, we shall take whatever action is deemed appropriate with respect to the applications pending in Dockets 11692, 11693 and 11718.

From the foregoing discussion, it is apparent that the refinancing arrangements which S&W has submitted for our consideration raise both substantial questions as to our jurisdiction, and, if our jurisdiction attaches, and a control situation exists under past precedents, there would also be a serious question as to whether certain of the proposals would be approved, at least in the form submitted. Under such circumstances, it is patent that our normal course of action would be immediately to institute an appropriate investigatory proceeding and to attempt to ascertain, through customary hearing procedures, the basic facts as to the intercorporate relationships involved in the refinancing plan. However, here the carrier has plainly stated that it is "faced with imminent financial ruin due primarily to losses ssutained because of destructive airlift procurement practices of the Military Air Transport Service," that it had "reached the point where it can no longer pay its debts as they become due. Its resources are depleted. Subsidy is unavailable. Seaboard's only alternative to liquidation is the Agreement now laid before the Board." Further, the carrier carefully points out that "* * * if lengthy public hearings were held * * *, it is unlikely that Seaboard would survive their duration."

We cannot fairly quarrel with the carrier's analysis of its current financial condition. Indeed, the precarious state of S&W's economic health has been a substantial source of concern to the Board for some time, and we have been engaged in efforts to resolve the problem of destructive competitive bidding for MATS traffic to which S&W, as well as others, have ascribed their current economic difficulties. Consistency with our objectives in this regard would require that the Board also exercise its statutory powers in such a way as to preserve the vitality of the carrier so that the basic objectives of the Act, and of sections 408 and 409 in particular—the preservation and promotion of healthy competition among air carriers—be not subverted.

For the foregoing reasons, we shall instead defer action on the applications pending further development of the refinancing program. It may well be that at the conclusion thereof it will be plain that S&W's destiny will not be in the hands of persons with aeronautical interests and thus will not raise problems of the magnitude hereinbefore described. Or if it proves impossible to refinance S&W without having a substantial measure of financial interest in such persons, that adequate measures will have been taken to insulate S&W's management from their influence, and to program the orderly diminution of their financial involvement. In the peculiar situation before us, it is entirely consistent with a fair administration of the Act to allow these parties a reasonable period to straighten out their difficulties. However, it should be made plain that it is entirely a different matter to approve, under the guise of necessity, a relationship between an air carrier and a type of aeronautical enterprise which we have not heretofore found in the public interest.[10]

Therefore, it is ordered:

1. That all parties to the July 7 and/or July 29, 1960 agreements heretofore described as the long and short term agreements and all other persons having an interest herein show cause why the Board should not take the following action:

a. defer action upon the applications filed in Dockets 11692, 11693 and 11718;

b. require the submission of (1) a full and complete report, as described above, by January 15, 1961, of the results of the July 7, 1960 agreement, and (2) a voting trust instrument acceptable to the Board. The trustee shall be either a neutral bank, trust company, individual or individuals. In the event a bank or trust company is appointed trustee, said bank or trust company shall have had no past or present business dealings with the settlors. If an individual or individuals are appointed trustees, said individual or

[10] In the matter of the Acquisition of Control of Consolidated Vultee Aircraft Corporation by Atlas Corporation, 9 CAB 921 (1948).

individuals shall have had no past or present affiliations with the settlors; and

c. require the submission of a full and complete report as described above immediately upon the cancellation of the long term agreement;

2. That any party or interested person desiring to file a protest, memorandum of opposition or exceptions to the action taken herein shall file such objection within 15 days of the date hereof; such objections shall specify by separately numbered paragraphs the part of this order excepted to and state the grounds thereof, and should conform to the general requirements of the Board's rules of practice in Economic Proceedings;

3. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-9566; Filed, Oct. 11, 1960; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13491-13498; FCC 60M-1710]

BOOTH BROADCASTING CO. (WIOU) ET AL.

Memorandum and Order For Special Prehearing Conference

In re applications of Booth Broadcasting Company (WIOU), Kokomo, Indiana, Docket No. 13491, File No. BP-12036; Clinton Broadcasting Corporation (KROS), Clinton Iowa, Docket No. 12392, File No. BP-12665; Truth Radio Corporation (WTRC), Elkhart, Indiana, Docket No. 13493, File No. BP-12842; Illinois Broadcasting Company (WSOY), Decatur, Illinois, Docket No. 13494, File No. BP-12916; WJOL, Inc. (WJOL), Joliet, Illinois, Docket No. 13495, File No. BP-13054; Tri-City Radio Corporation (WLBC), Muncie, Indiana, Docket No. 13496, File No. BP-13102; Radio Milwaukee, Inc. (WRIT), Milwaukee, Wisconsin, Docket No. 13497, File No. BP-13158; Stevens-Wismer Broadcasting, Inc. (WLAV), Grand Rapids, Michigan, Docket No. 13498, File No. BMP-8430; for construction permits.

1. Under consideration is a petition filed October 4, 1960 by the Commission's Broadcast Bureau requesting that the Hearing Examiner schedule an immediate further prehearing conference in the above-entitled proceeding.

2. The Bureau's pleading recites that such a prehearing conference "might possibly result in expediting the proceeding"; that the parties could explore the possibility of stipulating and the advisability of petitioning for reconsideration and grant, thereby "avoiding the preparation of extensive engineering and other exhibits." The Hearing Examiner, of course, feels that the objectives sought by the Bureau are worthy and that a special prehearing conference to explore the feasibility of agreement, particularly to avoid an extensive hearing by the use of petitions for reconsideration, is a must, considering the large number of parties to this proceeding. However, since the objectives sought may be attained only upon the basis of mutual agreement by those concerned and it is impossible to forecast in advance of the prehearing conference the likelihood of agreement, the Examiner perceives no justification at this late date for the parties to let up on the preparation of their exhibits, as the Bureau's pleading suggests, merely because of the scheduling of the conference. If the conference accomplishes nothing more in the end than the elimination of a need for cross-examination of engineering consultants it will have served a useful purpose. Indeed, in view of the extensive time lapse in this case since the prehearing conference of June 8, 1960 the Examiner desires to make it clear that accession to the Bureau's request for a further conference will not alone be considered as a basis for the grant of further continuances and extensions of time in this case. Preparation of the exhibit material should continue to go forward as previously prescribed.

3. For the conference to be scheduled herein to achieve its purposes it is highly desirable that all of the consulting engineers be present at the conference.

On the basis of the foregoing: *It is ordered,* This 5th day of October 1960, that the petition of the Broadcast Bureau is granted and that a special and further prehearing conference will take place in this proceeding on Friday, October 14, 1960, at 10:00 a.m. at the Commission's Offices, Washington, D.C.

Released: October 6, 1960.

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

[F.R. Doc. 60-9551; Filed, Oct. 11, 1960; 8:49 a.m.]

[Docket No. 13771-13774; FCC 60M-1707]

COLUMBIA RIVER BROADCASTERS, INC., ET AL.

Order Continuing Hearing

In re applications of Columbia River Broadcasters, Inc., Mount Vernon, Washington, Docket No. 13771, File No. BP-11933; Henry Perozzo (Kays), Puyallup, Washington, Docket No. 13772, File No. BP-12844; KBKW, Inc. (KBKW), Aberdeen, Washington, Docket No. 13773, File No. BP-13406; Carl-Dek, Inc., Kirkland, Washington, Docket No. 13774, File No. BP-13491; for construction permits.

As a result of agreements reached this date on the record of a prehearing conference held in the above-entitled matter,

It is ordered, This 5th day of October 1960, that:

1. Hearing on the applications in Docket Nos. 13772, 13773, and 13774 is continued without date pending certain developments which are anticipated will obviate the necessity for hearing therein,

2. The case for Columbia River Broadcasters, Inc., Docket No. 13771, will be submitted in writing on or before November 8, 1960,

3. Notification to Columbia River Broadcasters, Inc. by the other parties as to which, if any, witnesses will be required for cross-examination will be made on or before November 15, 1960, and

4. The hearing on the Columbia River Broadcasters, Inc. application will proceed as scheduled on November 22, 1960.

Released: October 6, 1960.

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

[F.R. Doc. 60-9552; Filed, Oct. 11, 1960; 8:49 a.m.]

[Docket Nos. 12928-12930; FCC 60M-1714]

MESA MICROWAVE, INC.

Order Setting Prehearing Conference

In re application of Mesa Microwave, Inc., Oklahoma City, Oklahoma, for construction permit for new fixed video radio station. Frequencies: 6012.5, 6112.5 and 6212.5 Mc. Location: Miquel, 15 miles east of Pearsall, Texas, Docket No. 12928, File No. 2177-C1-P-58; for construction permit for new fixed video radio station. Frequencies: 6067.5, 6167.5 and 6267.5 Mc. Location: 7 miles east of Cotulla, Texas, Docket No. 12929, File No. 2178-C1-P-58; for construction permit for new fixed video radio station. Frequencies: 6012.5, 6112.5 and 6212.5 Mc. Location: Hilltop, 12 miles west of Encinal, Texas, Docket No. 12930, File No. 2179-C1-P-58.

It is ordered, This 6th day of October 1960, on the Hearing Examiner's own motion, that all parties or their counsel who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference, pursuant to the provisions of 47 CFR 1.111, at the offices of the Commission in Washington, D.C., at 2:00 p.m., October 13, 1960.

Released: October 6, 1960.

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

[F.R. Doc. 60-9553; Filed, Oct. 11, 1960; 8:49 a.m.]

[Docket Nos. 12922-12924; FCC 60M-1712]

MESA MICROWAVE, INC.

Order Setting Prehearing Conference

In re applications of Mesa Microwave, Inc., Oklahoma City, Oklahoma, for construction permit for new fixed video radio station. Frequencies: 6012.5, 6112.5 and 6212.5 Mc. Location: 10 miles NW of Lake City, Florida, Docket No. 12922, File No. 2681-C1-P-58; for construction permit for new fixed video radio station. Frequencies: 6067.5, 6167.5 and 6267.5 Mc. Location: 6 miles east of Madison, Florida, Docket No. 12923, File No. 2682-C1-P-58; for construction permit for new fixed video radio station. Frequencies: 6012.5, 6112.5 and 6212.5 Mc. Location: 2.5 miles south of Monticello,

Florida, Docket No. 12924, File No. 2683–C1–P–58.

It is ordered, This 5th day of October 1960, on the Hearing Examiner's own motion, that all parties or their counsel who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference, pursuant to the provisions of 47 CFR 1.111, at the offices of the Commission in Washington, D.C., at 2:00 p.m., October 20, 1960.

Released: October 6, 1960.

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

[F.R. Doc. 60–9554; Filed, Oct. 11, 1960; 8:49 a.m.]

[Docket No. 13817]

VERSAL V. SCHULER

Order To Show Cause

In the matter of Versal V. Schuler, c/o Santa Monica Sportfishing, Inc., Santa Monica Pier, Santa Monica, California, Docket No. 13817; order to show cause why there should not be revoked the license for radio station WB 4821 aboard the vessel "BRIGHT I".

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation was mailed to the licensee on March 17, 1960, which alleged that on March 16, 1960, the above-captioned radio station was found to be in violation of § 8.368(a)(5) of the Commission's rules in that the Ship's Radio Log failed to contain entries showing each time that the safety watch on 2182 kc was begun, suspended or concluded.

It further appearing that, the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated April 18, 1960, and sent by Certified Mail—Return Receipt Requested (No. 071893), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Ruth K. Casey on April 19, 1960, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 5th day of October 1960, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: October 6, 1960

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

[F.R. Doc. 60–9555; Filed, Oct. 11, 1960; 8:49 a.m.]

[Docket No. 13764; FCC 60M–1706]

STEPHENS COUNTY BROADCASTING CO. (WNEG)

Order for Prehearing Conference

In re application of Stephens County Broadcasting Company (WNEG), Toccoa, Georgia, Docket No. 13764, File No. BP–12827; for construction permit.

A prehearing conference in the above-entitled proceeding will be held on Wednesday, October 12, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 5th day of October 1960.

Released: October 6, 1960.

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

[F.R. Doc. 60–9556; Filed, Oct. 11, 1960; 8:49 a.m.]

[Docket No. 13800]

WINFIELD BROADCASTING CO.

Correction

The Commission's Order released September 26, 1960 (FCC 60–1128), 25 F.R. 9307 in the above-captioned matter, incorrectly showing facilities requested by Winfield Broadcasting Company as "1550kc, 250w, U", is corrected by changing this portion to read: "Lloyd Clinton McKenney, tr/as Winfield Broadcasting Company, Winfield, Kansas, requests: 1550kc, 250w, Day, Docket No. 13800, File No. BP–12756."

Released: October 7, 1960.

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

[F.R. Doc. 60–9557; Filed, Oct. 11, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY–4965]

AIRCRAFT DYNAMICS INTERNATIONAL CORP.

Notice and Order for Hearing

OCTOBER 6, 1960.

I. Aircraft Dynamics International Corp. (issuer), a Delaware corporation, filed with the Commission on September 25, 1959 a notification on Form 1–A and an offering circular relating to the proposed stock offering of 99,000 shares of 10 cent par value common stock at $3 per share or $297,000 in the aggregate for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission on August 18, 1960 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order to enter an order permanently suspending the exemption.

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at the New York Regional Office of the Commission, 23d Floor, 225 Broadway, New York 7, New York, at 10:00 a.m., d.s.t., October 24, 1960 with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the fact that the underwriter occupies a portion of the issuer's office space and pays no rental therefor.

B. Whether the terms and conditions of this Regulation have not been complied with in that:

1. Securities which were part of the offering were sold to persons in states which were not listed in Item 8 of Form 1–A as jurisdictions in which securities were proposed to be offered through underwriters, dealers or salesmen;

2. A written communication sent to more than ten persons was not filed with the Commission pursuant to Rule 258.

C. Whether the offering is being made in violation of section 17 of the Act.

III. *It is further ordered,* That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Aircraft Dynamics International Corp.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before October 22, 1960 a request relative thereto as provided in Rule IX of the Commission's rules of practice.

It is further ordered, That the hearing in this matter be consolidated with the hearing in the matter of Aviation Investors of America, Inc. pursuant to sections 15(b) and 15A of the Securities Exchange Act of 1934.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–9538; Filed, Oct. 11, 1960; 8:47 a.m.]

[File No. 812-1342]

ATLAS CORP. AND MERTRONICS CORP.

Notice and Order for Hearing on Application

OCTOBER 5, 1960.

Notice is hereby given that Atlas Corporation ("Atlas") a Delaware Corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end non-diversified management investment company and its controlled company, Mertronics Corporation ("Mertronics") a Delaware Corporation, have filed a joint application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act certain transactions incident to an offering by Atlas and Mertronics to their respective shareholders of shares in Summers Gyroscope Company ("Summers") a California Corporation.

Atlas owns approximately 41 percent of the outstanding voting stock of Mertronics and is therefore presumed to control Mertronics as provided in section 2(a)(9) of the Act. Atlas and Mertronics propose to offer to the respective holders of their outstanding common stock an aggregate of 6,403,215 shares of common stock of Summers, of which 5,702,878 shares are to be offered by Atlas to the holders of its common stock and 700,337 shares are to be offered by Mertronics to the holders of its common stock other than Atlas.

Atlas presently owns 1,698,000 shares of common stock of Summers and $1,775,000 principal amount of 6 percent promissory notes of Summers which are convertible into additional shares of such common stock on the basis of one share for each $0.492406 of the indebtedness evidenced thereby, including accrued interest. Atlas has agreed with Summers to convert such notes as of October 15, 1960. Upon such conversion, Atlas will receive an additional 4,004,878 shares of Summers common stock, thereby increasing its aggregate holdings to 5,702,878 shares. As of October 15, 1960, before the proposed offering and after conversion of said notes, Atlas will hold approximately 63.3 percent of the outstanding voting stock of Summers. Atlas also holds options to purchase 668,652 shares of common stock of Summers at the price of $1 per share.

Mertronics presently owns no common stock of Summers. However, it holds $299,907 principal amount of 6 percent promissory notes of Summers which are convertible into common stock of Summers on the basis of one share of common stock of Summers for each $0.492406 of the indebtedness evidenced thereby, including accrued interest. Mertronics has agreed with Summers to convert such notes as of October 15, 1960. Upon such conversion, Mertronics will receive 700,337 shares of common stock of Summers. As of October 15, 1960, before the proposed offering and after conversion of said notes, Mertronics will hold approximately 7.8 percent of the outstanding voting stock of Summers.

Summers was incorporated in 1946 under the laws of California and is engaged in the business of designing, developing, manufacturing and selling various gyroscopic and indicating instruments, related equipment and systems for the navigation and control of aircraft and short-range missiles. It also provides engineering and other services to purchasers of its products and to others. Substantially all the Company's business relates to items destined for military use.

Atlas and Mertronics represent in the application that the purpose of the offering is to effect a divestiture by Atlas and Mertronics of all their interest in Summers in order to dispose of proceedings pending before the Civil Aeronautics Board arising out of the interlocking relationships existing between Atlas, which controls an air carrier, and Summers, which is deemed by the Board to be engaged in a phase of aeronautics. Since Atlas is the holder of approximately 41 percent of the outstanding voting stock of Mertronics, divestiture on the part of Mertronics is also required to effect complete termination of such interlocking relationship.

The offering will be made at the price of 75 cents per share of Summers stock and will be made through primary and secondary subscription rights. Atlas will offer the primary right to purchase 5,223,126 shares of Summers common stock on the basis of one share for every two shares of Atlas held on the record date. Subject to full exercise of the primary right and subject to allotment, the secondary right is the right to subscribe, in units of 100 shares each for the 479,752 shares of common stock of Summers not subject to purchase through primary rights plus such additional shares of common stock of Summers as shall not be purchased through the exercise of primary rights. Mertronics will offer its 700,337 shares of Summers in the same manner except that the Mertronics shareholder will be allowed to purchase one share of Summers stock for each share of Mertronics owned on the record date. Mertronics will offer 640,871 shares of Summers stock owned by it in the primary offering and in the secondary offering will offer in units of 100 shares each the remaining 59,466 shares and all shares unexercised in the primary offering.

Atlas and Mertronics represent in the application that in order to assure complete divestiture of their entire interest in Summers, Atlas and Mertronics have entered into agreements with Floyd B. Odlum whereby Odlum has undertaken to purchase, at the price of 75 cents per share, all shares of common stock of Summers owned by them, subject to their prior right to offer such shares to their respective stockholders as above set forth.

The agreements which were entered into on August 3, 1960 provide that if the number of shares to be purchased by Odlum is 175,000 or less in the case of Mertronics or 1,425,000 or less in the case of Atlas, the purchase price of 75 cents per share is to be paid in cash. If the shares to be purchased by him exceed the

numbers stated above, the purchase price is payable 25 percent in cash (but not less than $1,068,750 in the case of Atlas or $131,250 in the case of Mertronics) and the balance by 5 percent promissory notes secured by a pledge of the purchased shares. As security for the performance of his obligations under said agreements, Odlum is required to deposit the sum of $625,000 in cash or the equivalent with Atlas and the sum of $75,000 in cash or the equivalent with Mertronics, except that he is entitled to satisfy his obligation to make such deposits by depositing marketable securities having a value at least equal to 125 percent of the cash equivalent of the obligation so satisfied. Such deposits have been made in accordance with the provisions of such agreements.

The agreement between Atlas and Odlum also provides that Atlas will sell to Odlum, on the earlier of December 15, 1960 or the date on which he shall purchase shares of common stock of Summers pursuant to said agreement, options presently held by Atlas to purchase 668,652 shares of common stock of Summers at the price of $1.00 per share. The aggregate consideration to be paid by Odlum for such options is $66,865, being the equivalent of 10 cents per share covered thereby.

The agreements made by Atlas and Mertronics with Odlum provide that, upon the sale of the options and any sale of shares of common stock of Summers to Odlum, he will deliver an undertaking to the effect that he is acquiring such options and shares with no intention of reoffering the same to any other persons under circumstances which, in the opinion of counsel for Atlas and Mertronics, respectively, will constitute a distribution thereof requiring registration under the Securities Act of 1933 unless a Registration Statement under said Act shall be in effect with respect thereto.

Odlum has informed Atlas and Mertronics that he intends to make available to certain private investors, at his purchase price plus a pro rata part of his expenses in connection therewith, a portion of any shares of common stock of Summers which he may purchase under such agreements and of the options referred to above. Odlum has also informed Atlas and Mertronics that the shares and options acquired by such private investors will be acquired by them for investment and not with a view to any distribution thereof. Neither Atlas nor Mertronics is party to any contract, agreement or understanding with any of such private investors.

It is anticipated that the closing of the sale of any unsubscribed shares to Odlum will occur within fifteen days following the date of expiration of the offering.

Odlum in May, 1960 retired as an officer and director of Atlas and all of its subsidiaries and affiliates of which he was an officer and director. Odlum owns 128,362 shares of the 10,446,252 outstanding shares of common stock of Atlas and 27,365 shares of its 679,251 outstanding shares of 5 percent cumulative preferred stock, constituting in the aggregate approximately 1.40 percent of its outstanding voting stock. Odlum owns option warrants to purchase 566,307 shares of Atlas common stock at the price of $6.25 per share. In addition, Odlum is a co-trustee of certain trusts in which he has no beneficial interest which own 38,860 shares of 5 percent cumulative preferred stock and two shares of common stock. A company of which Mr. Odlum is a controlling stockholder is the beneficial owner of 10,000 shares of 5 percent cumulative preferred stock.

Prior to May 17, 1960 Odlum had been chief executive officer of Atlas and in that capacity had carried on extensive negotiations looking toward complete disposition by Atlas of its interests in Summers.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from such registered investment company, or any company controlled by such registered company, any securities or other property, subject to certain exceptions not here pertinent. This Section of the Act would prohibit exercise of subscription rights by stockholders of Atlas or Mertronics who may also be affiliated persons of Atlas as defined in the Act or affiliated persons of any such affiliated persons. Insofar as here relevant section 2(a)(3) defines an affiliated person of another person as any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; or any person directly or indirectly controlling, controlled by, or under common control with, such other person; and any officer, director, partner, copartner, or employee of such other person.

The Commission, upon application pursuant to section 17(b), shall grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transactions are consistent with the policy of any registered investment company concerned, as recited in its registration statement and reports filed under the Act, and are consistent with the general purposes of the Act.

Atlas and Mertronics contend in the application that the transaction described above is reasonable and fair in that all common stockholders of Atlas will have identical rights and all common stockholders of Mertronics (other than Atlas) will have identical rights, and further the exclusion of Atlas from the Mertronics offering is essential to attainment of the complete divestiture which is the objective of the transactions. Those common stockholders of Atlas or Mertronics who may also be affiliated persons of Atlas within the meaning of the Act, or affiliated persons of any such affiliated persons, will be treated exactly as any other common stockholder in connection with the proposed offerings.

The application further states that if the exemption requested should not be granted, those persons who are common stockholders of Atlas or Mertronics and who are also affiliated persons of Atlas as aforesaid would be prejudiced by their inability lawfully to exercise, should they so choose, the right to purchase from Atlas or Mertronics shares of common stock of Summers on the same basis as other common stockholders of Atlas or Mertronics.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to section 17(b):

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 21st day of October 1960, at 10:00 a.m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That William W. Swift, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

Whether the sales by Atlas and Mertronics of Summers stock to their affiliated persons and affiliated persons thereof pursuant to the rights offering being made to their stockholders meet the prescribed standards of section 17(b) of the Act as recited above for an exemption from the provisions of section 17(a) of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to Atlas and Mertronics and that notice to all other persons be given by publication of this Notice and Order in the FEDERAL REGISTER and that a gen-

eral release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–9539; Filed, Oct. 11, 1960; 8:47 a.m.]

[File No. 812–1340]

CONGRESS STREET FUND, INC.

Notice of Filing of Application

OCTOBER 5, 1960.

Notice is hereby given that Congress Street Fund, Inc., a Massachusetts corporation and a management open-end investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sections 6(c) and 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed transactions hereinafter described.

Applicant, a newly formed company not yet in active operations, has filed a registration statement under the Securities Act of 1933 which has not yet become effective. Since the proposed transactions are the basic organizational transactions, the Applicant will not commence active business operations until the disposition of this application. The proposed transactions involve an escrow agreement among Applicant, a bank, and certain persons referred to as the "Depositors." The escrow agreement provides a procedure for accumulating $10,000,000 or more in securities in escrow to be exchanged for the shares of the open-end investment company in a simultaneous tax-free exchange.

Deposits under the escrow agreement must have a market value of at least $15,000, and will be held for the individual accounts of the Depositors during the period of the escrow. The escrow agreement provides that, if $10,000,000 or more in securities has been deposited by a date to be specified, Applicant will send a special report to the Depositors, describing the securities deposited, stating their current market values and estimated tax bases, and announcing the date (between 30 and 50 days from the issuance of the report) on which the planned exchange will occur. The Depositors may withdraw any or all of their deposited securities from the escrow at any time until 20 days after the issuance of the report. Applicant may require any Depositor to withdraw any or all of his deposited securities at any time until 40 days after the issuance of the report or 10 days prior to the exchange, whichever date shall be earlier. After the expiration of the time for withdrawal of assets, and provided that the market value of the remaining deposited securities is still at least $10,000,000, Applicant and the Depositors shall become committed to the exchange of the remaining deposited securities. Deposited securities will be returned to the Depositors if $10,000,000 in securities is not deposited.

Immediately after the exchange of all of the shares of Applicant will be owned by the Depositors, who are to represent in writing that they have acquired them for investment and not for further distribution. The deposited securities will be valued at current market value, and shares of Applicant will be issued to each Depositor on the basis of the per share net asset value of Applicant's shares. Since the exchange will be tax-free to the Depositor, Applicant will have the same tax basis as the Depositors had for the securities acquired from them. No discount for unrealized gains will be applied against the assets offered for Applicant's shares in the exchange. A maximum sales charge of 4 percent varying with the value of the deposited securities exchanged, will be borne by the Depositors. It may be presumed that the offering will be attractive to holders of highly appreciated securities and that the aggregate percentage of unrealized appreciation will be high. Applicant has therefore undertaken, as a condition to the requested exemptive order, not to make subsequent public offerings of its shares without the approval of the Commission.

Section 17(a) of the Act, with certain exceptions, prohibits the sale of property to a registered investment company by promoters or affiliated persons of such company, or by affiliated persons of such promoters or affiliated persons. Since the Depositors by virtue of their function in causing the organization of Applicant may be considered "promoters", and because certain of the Depositors will be such affiliated persons, the transactions described above would be prohibited by section 17(a) of the Act unless the Commission issues an order of exemption.

In support of the application, it is stated that the offer will be open on a uniform basis to all eligible investors, and that no offeree will receive special treatment. All Depositors will purchase shares of Applicant with full knowledge of the proposed portfolio and the unrealized appreciation thereof, with an opportunity to withdraw their securities from the escrow prior to the exchange. The Fund is intended as an investment vehicle for investors who wish to exchange securities they presently hold with a low Federal tax basis for shares of Applicant in a simultaneous exchange on a tax-free basis.

Under section 17(b) of the Act, the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transactions are consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and with the general purposes of the Act. Section 6(c) of the Act authorizes the Commission by order upon application, to exempt, conditionally or unconditionally, any transaction or any class of transactions from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 19, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–9540; Filed, Oct. 11, 1960; 8:47 a.m.]

[File No. 24S–1761]

UTAHCAN, INC.

Order Amending Order Temporarily Suspending Exemption

OCTOBER 5, 1960.

The Commission on September 12, 1960, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the Regulation A exemption with respect to an offer of securities by Utahcan, Inc., and

The Counsel for the Division of Corporation Finance deeming it necessary that the issues be more correctly stated,

It is ordered, That No. 13 of Subparagraph B of Section II of the order temporarily suspending the exemption of Utahcan, Inc., dated September 12, 1960, be deleted and that said order be amended in substitution for No. 13 of said Paragraph B of Section II, as follows:

13. The failure to disclose adequately and clearly that 704,000 shares of outstanding stock had been issued for properties which had since been abandoned and the failure to disclose the funds expended on these properties.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 60–9491; Filed, Oct. 10, 1960; 8:47 a.m.]

TARIFF COMMISSION

[AA1921—14]

BICYCLES FROM CZECHOSLOVAKIA

Determination of Injury or Likelihood Thereof

On July 11, 1960, the United States Tariff Commission was advised by the Acting Secretary of the Treasury that bicycles from Czechoslovakia are being, and are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No public hearing in connection with the investigation was ordered by the Commission, but interested parties were advised of the provisions of the Commission's rules of practice and procedure specifying that they could request a hearing within 15 days after date of the publication of the Commission's notice of investigation in the FEDERAL REGISTER. The notice of the investigation was published in 25 F.R. 6821. Interested parties were granted opportunity to submit written statements pertinent to the subject matter of the investigation.

No request for a hearing was made by any interested party, but written statements were received from the United States importer and the Bicycle Manufacturers Association. These statements were given due consideration by the Commission in arriving at a determination in this case.

On the basis of the investigation, the Commission has determined that an industry in the United States is being injured, and is likely to continue to be injured, by reason of the importation of bicycles from Czechoslovakia at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. As the result of the sale of bicycles by the Czechoslovakian exporting organization at less than fair value, the importer has sold, and continues to sell, bicycles in the United States at prices below the prices at which domestic producers are able to sell comparable models.

The sale of the Czechoslovakian bicycles have been, and are likely to continue to be, in sufficient volume to displace a significant part of the United States market for low-price bicycles.

The importation of Czechoslovakian bicycles purchased at prices below fair value is continuing and there is indication of an intent on the part of the exporting organization to continue its practice of selling the bicycles at less than fair value.

The Commission's determination and the above statement of reasons in support thereof are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

Issued: October 7, 1960.

By the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 60-9550; Filed, Oct. 11, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte MC-37 (Sub No. 1)]

SYRACUSE, N.Y.

Notice of Filing of Petition for Enlargement of the Commercial Zone

OCTOBER 7, 1960.

Petitioner's representative: James V. McMahon, 351 S. Warren Street, Syracuse 2, N.Y. Petition dated September 7, 1960, by the Syracuse, N.Y., Chamber of Commerce, for and on behalf of its membership, seeks enlargement of the Syracuse, N.Y., Commercial Zone to include therein the entire Town of Geddes, and that portion of the Town of Van Buren, beginning at a point of intersection of the Town Line of Geddes and Styles Road, thence westward along Styles Road approximately 900 feet to the intersection of Winchell Road, thence due north along Winchell Road, approximately 1,900 feet to intersect the town line of Geddes.

Hearing information. The subject petition will be assigned for hearing at a time and place to be later fixed. Any person desiring to be advised of such assignment should request to be notified by letter to the Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-9545; Filed, Oct. 11, 1960; 8:48 a.m.]

[Notice 345]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 7, 1960.

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 pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 873 (Sub No. 37), filed April 8, 1960. Applicant: SOONER FREIGHT LINES, a corporation, 3000 West Reno, P.O. Box 2488, Exchange Branch, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Altus, Okla., and points within 41 miles of Altus, Okla.; (2) between Hobart, Okla., and points within 26 miles of Hobart, Okla.; (3) between Manitou, Okla., and points within 24 miles of Manitou, Okla., and (5) between Granite, Okla., and points within 20 miles of Granite, Okla. Applicant states the proposed service is restricted to service to and from various Atlas Intercontinental Ballistic Missile Launching sites.

NOTE: Common control may be involved.

HEARING: November 30, 1960, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 2309 (Sub No. 44), filed June 23, 1960. Applicant: GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving twelve Intercontinental Ballistic Missile sites near Dyess Air Force, Base, Abilene, Tex., located in the following counties: Jones, Callahan, Taylor, Nolan, Shackelford, and Runnels, as off-route points in connection with applicants' authorized regular route operations.

HEARING: November 30, 1960, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 8536 (Sub No. 1), filed August 1, 1960. Applicant: SMITH AND MILLER MOVING CO., INC., 1145 Mass. Avenue, Arlington, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and household goods*, between Boston, Mass. and points in Maine.

HEARING: December 2, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69.

No. MC 8660 (Sub No. 1), filed June 22, 1960. Applicant: DANTE F. MORI, doing business as WELLS TRANSPORTATION COMPANY, Barre, Vt. Applicant's attorney: Gelsie J. Monti, 107 North Main Street, Barre, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products*,

such as wallboard, sheathing, lath, backing boards, gypsum filler, ground gypsum, land plaster, plaster retarder, plaster or stucco accelerator, lime, plaster, gypsum blocks, gypsum planks, gypsum slabs or tile, plastering compound, gypsum concrete, gypsum formboard and plaster-board joint system, from Wheatland, N.Y., to points in Vermont and New Hampshire and points in Berkshire, Franklin, Hampden, and Hampshire Counties, Mass., and the City of Worcester, Mass., and *pallets* or *rejected merchandise,* on return.

HEARING: December 14, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner James A. McKiel.

No. MC 10872 (Sub. No. 30), filed June 20, 1960. Applicant: BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo. Applicant's attorney: Charles M. M. Shepherd, 20 South Central Avenue, Clayton (St. Louis) 5, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) Serving that certain United States Intercontinental Ballistic Missile Site located 17 miles north northeast of Altus Air Force Base, Altus, Okla., and the City of Lone Wolf, Okla., as off-route points in connection with applicant's authorized regular route operations to and from Hobart, Okla., and to and from Altus, Okla. (2) Serving that certain United States Intercontinental Ballistic Missile Site located 22 miles east of Altus Air Force Base, Altus, Okla., and the City of Snyder, Okla., as off-route points in connection with applicant's authorized regular route operations through Snyder, Okla., and to and from Lawton, Okla., (3) Serving that certain United States Intercontinental Ballistic Missile Site located 41 miles east-southeast of Altus Air Force Base, Altus, Okla., and the City of Cache, Okla., as off-route points in connection with applicant's authorized regular route operations between Walters and Frederick, Okla., and to and from Lawton, Okla. (4) Serving that certain United States Intercontinental Ballistic Missile Site located 25 miles southeast of Altus Air Force Base, Altus, Okla., and the City of Frederick, Okla., as off-route points in connection with applicant's authorized regular route operations between Walters and Frederick, Okla. (5) Serving that certain United States Intercontinental Ballistic Missile Site located 23 miles south-southwest of Altus Air Force Base, Altus, Okla., and the City of Fargo, Tex., as off-route points in connection with applicant's authorized regular route operations to and from Altus, Okla. (6) Serving that certain United States Intercontinental Ballistic Missile Site located 17 miles southwest of Altus Air Force Base, Altus, Okla., and the City of Creta, Okla., as off-route points in connection with applicant's authorized regular route operations to and from Altus, Okla. (7) Serving that certain United States Intercontinental Ballistic Missile Site located 31 miles west of Altus Air Force Base, Altus, Okla., and the City of Hollis, Okla., as off-route points in connection with applicant's authorized regular route operations to and from Altus, Okla. (8) Serving that certain United States Intercontinental Ballistic Missile Site located 20 miles northwest of Altus Air Force Base, Altus, Okla., and the City of Russell, Okla., as off-route points in connection with applicant's authorized regular route operations to and from Altus, Okla. (9) Serving that certain United States Intercontinental Ballistic Missile Site located 30 miles north-northwest of Altus Air Force Base, Altus, Okla., and the City of Willow, Okla., as off-route points in connection with applicant's authorized regular route operations to and from Hobart, Okla., and to and from Altus, Okla. (10) Serving that certain United States Ballistic Missile Site located 26 miles north-northeast of Altus Air Force Base, Altus, Okla., and the City of Hobart, Okla., as off-route points in connection with applicant's authorized regular route operations to and from Hobart, Okla. (11) Serving that certain United States Intercontinental Ballistic Missile Site located 24 miles southeast of Altus Air Force Base, Altus, Okla., and the City of Manitou, Okla., as off-route points in connection with applicant's authorized regular route operations between Walters and Altus, Okla. (12) Serving that certain United States Intercontinental Ballistic Missile Site located 20 miles north-northwest of Altus Air Force Base, Altus, Okla., and the City of Granite, Okla. as off-route points in connection with applicant's authorized regular route operations to and from Hobart, Okla., and to and from Altus, Okla.

HEARING: November 30, 1960, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 11220 (Sub No. 68), filed October 3, 1960. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods,* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving the plant site of Midwest Steel Corporation, located on U.S. Highway 12, approximately 2 miles east of the Lake Porter County line, at or near Portage, Ind., as an off-route point in connection with applicant's presently authorized regular route operations, in the States of Georgia, Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 19622 (Sub No. 3), filed August 29, 1960. Applicant: ADOLPH J. FOURNIER, doing business as A. FOURNIER'S EXPRESS, 4 James Street, Windsor Locks, Conn. Applicant's representative: William L. Mobley, Rooms 317–319, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* except those of unusual value, and except high explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; between Bradley Field, Windsor Locks, Conn., and points in Connecticut, and points in Massachusetts within 50 miles of Windsor Locks, Conn. RESTRICTION: Confined to shipments received from, or delivered to, an air carrier under a through air bill of lading as part of a continuous movement from the point of pick up to the actual point of delivery under such air bill of lading.

NOTE: Applicant states he has been performing this service since 1947 under the partial exemption of section 203(b)(7a), Interstate Commerce Act.

HEARING: December 13, 1960, at the U.S. Court Rooms, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 28489 (Sub No. 3), filed July 6, 1960. Applicant: BORDER EXPRESS, INC., 283A Main Street, Bangor, Maine. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the off-route point of East Millinocket, Maine, in connection with applicant's present regular route operations within the State of Maine.

HEARING: December 7, 1960, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 70.

No. MC 28961 (Sub No. 17), filed December 17, 1959. Applicant: McDUFFEE MOTOR FREIGHT, INC., High School Avenue and Woodlawn Street, Lebanon, Ky. Applicant's attorney: Robert M. Pearce, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Lebanon, Ky., and Nashville, Tenn., from Lebanon over U.S. Highway 68 to Glasgow, Ky., thence over U.S. Highway 31E to Nashville, and return over the same route, serving no intermediate points. RESTRICTION: No service shall be rendered between Nashville, Tenn., and points in the Commercial Zone thereof,

as defined by the Commission, on the one hand, and, on the other, Louisville and Lexington, Ky., and Cincinnati, Ohio, and points in their respective Commercial Zones, as defined by the Commission; and (2) Between Lebanon, Ky., and Knoxville, Tenn., from Lebanon over U.S. Highway 68 to Perryville, Ky., thence over U.S. Highway 150 via Danville, Ky., to Mt. Vernon, Ky., thence over U.S. Highway 25 to Corbin, Ky., thence over U.S. Highway 25W to Knoxville, and return over the same route, serving the intermediate point of Danville, Ky. RESTRICTION: No service shall be rendered between Knoxville, Tenn., and points in the Commercial Zone thereof, as defined by the Commission, on the one hand, and, on the other, Louisville and Lexington, Ky., and Cincinnati, Ohio, and points in their respective Commercial Zones, as defined by the Commission. Applicant is authorized to conduct operations in Kentucky and Ohio.

NOTE: Applicant states that any duplication herein of any route over which it already holds authority is not intended to convey more than one grant of operating authority.

HEARING: November 14, 1960, at the Federal Court House, Danville, Ky., before Joint Board No. 25.

No. MC 30844 (Sub No. 43), filed April 7, 1960. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal* and *poultry feed, fly spray* in cans or barrels, *mange oil* in cans or barrels, *cloth, burlap*, or *paper bags*, and *advertising matter*, from Burlington, Wis., to points in Iowa. (2) *Cloth, burlap*, or *paper bags*, and *advertising matter*, from Burlington, Wis., to points in North Dakota and South Dakota, and *empty containers or other such incidental facilities*, used in transporting the above described commodities in 1 and 2, on return.

HEARING: November 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

No. MC 31600 (Sub No. 483), filed September 26, 1960. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: H. A. Ames, 216 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Boyd County, Ky. (excluding Ashland, Ky.), to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, and *refused or rejected*, on return.

HEARING: November 14, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 32460 (Sub No. 2), filed September 21, 1960. Applicant: MIDDY COTE, Box 319, RFD No. 2, Hudson, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump vehicles; from Manchester, N.H., to Andover, Dracut, Lowell, North Reading, and Wilmington, Mass.

HEARING: December 5, 1960, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 20.

No. MC 35679 (Sub No. 1), filed July 15, 1960. Applicant: FLORENCE COTE, doing business as ROMEO COTE, 116 England Street, Cumberland, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household gas and electric appliances, new furniture, garden and lawn furniture and appliances*, in retail service, from Pawtucket, R.I., to points in New London and Windham Counties, Conn., and those in Massachusetts on and east of a line beginning at Perrys, Mass., and extending along Massachusetts Highway 12 to junction Massachusetts Highway 9 in Worcester, Mass., thence on and south of a line extending along Massachusetts Highway 9 to junction Massachusetts Highway 128 in Needham, Mass., and those on and west of a line extending from Needham along Massachusetts Highway 128 to junction Massachusetts Highway 138, thence along Massachusetts Highway 138 to junction Massachusetts Highway 140, thence along Massachusetts Highway 140 to New Bedford, Mass., including points on the indicated portions of the highways specified, and *refused and undelivered merchandise* on return movements.

HEARING: November 29, 1960, at the Main Post Office Building, Room 308, Providence, R.I., before Joint Board No. 134.

No. MC 42405 (Sub No. 15), filed June 20, 1960. Applicant: MISTLETOE EXPRESS SERVICE, a corporation, 111 Harrison, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, moving in express service, (1) between Westville, Okla., and Miami, Okla., from Westville over U.S. Highway 62 to Rogers, Ark., thence over U.S. Highway 71 to Joplin, Mo., thence over U.S. Highways 66 and 166 to Miami, and return over the same route, serving all intermediate points; (2) between Westville, Okla., and Gravette, Ark., from Westville over U.S. Highway 59 to Siloam Springs, Ark., thence over Arkansas Highway 59 to junction U.S. Highway 71 near Gravette, and return over the same route, serving all intermediate points; (3) between Siloam Springs, Ark., and Springdale, Ark., from Siloam Springs over Arkansas Highway 68 and U.S. Highway 71 to Springdale, and return over the same route, serving all intermediate points; (4) between Afton, Okla., and Neosho, Mo., over U.S. Highway 60, serving all intermediate points; (5) between Seneca, Mo., and Joplin, Mo., over Missouri Highway 43, serving all intermediate points; and (6) between Joplin, Mo., and Tulsa, Okla., from Joplin over Will Rogers Turnpike (Interstate 44) and/or Alternate U.S. Highway 166, and return over the same route, serving all intermediate points. OVER AN ALTERNATE ROUTE: Between Miami, Okla., and junction Oklahoma Highway 10C with Missouri Highway 43 near Seneca, Mo., from Miami over Oklahoma Highway 10C to junction Missouri Highway 43, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: Applicant states that under MC 42405 it holds authority to serve between Tulsa and Miami, Okla., over U.S. Highway 66 that could be served from the Will Rogers Turnpike. Applicant specifically requests the right to tack at any common point with its existing authorities.

HEARING: December 5, 1960, at the Federal Building, Oklahoma City, Okla., before Examiner Jerry F. Laughlin.

No. MC 48958 (Sub No. 45), filed April 19, 1960. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's attorney: Morris G. Cobb, General Counsel, Illinois-California Express, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Classes A and B explosives, ammunition not included in Classes A and B explosives, component parts of explosives and ammunition, shipper-owned gas trailers loaded with compressed or liquefied gas* (other than liquefied petroleum gas) *or empty*, and excepting commodities of unusual value, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving United States missile launching sites located in Chaves, Eddy, Otero, and Lincoln Counties, N. Mex., as off-route points, in connection with applicant's authorized regular route operations in Certificate No. MC 48958 and Sub Numbers thereunder.

HEARING: November 28, 1960, at the New Mexico State Corp., Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 48958 (Sub No. 46), filed April 22, 1960. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's attorney: Morris G. Cobb, General Counsel, Illinois-California Express, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities, including Classes A and B explosives, ammunition not included in Classes A and B explosives, component parts of explosives and ammunition, shipper-owned gas trailers loaded with compressed gas or empty*, and excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving United States missile launching sites located in Wilbarger County, Tex., and

Jackson, Kiowa, Harmon, Greer, Tillman, Comanche, Beckman, and Washita Counties, Okla., as off-route points in connection with applicant's authorized regular route operations in Certificates Nos. MC 48958, and Sub Numbers thereunder.

HEARING: November 30, 1960, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 48958 (Sub No. 47), filed April 22, 1960. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's attorney: Morris G. Cobb, 1300 Grant Street, P.O. Box 1750, Amarillo, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: *General commodities, including Class A and B explosives, ammunition* not included in Class A and B explosives, *component parts* of explosives and ammunition, *shipper-owned gas trailers* loaded with compressed gas or empty, and excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving United States missile launching sites located in Taylor, Nolan, Fisher, Jones, Shackelford, Callahan, Runnels, and Coleman Counties, Tex., as off-route points in connection with applicant's authorized operations.

HEARING: November 30, 1960, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 50544 (Sub No. 44), filed April 18, 1960. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, a corporation, 1507 Pacific Avenue, Dallas 1, Tex. Applicant's attorney: M. D. Sampels, The Texas and Pacific Railway Company, Law Department, Dallas, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities (without exceptions),* serving all Intercontinental Ballistic Missile launching sites to be constructed in a radius of 35 miles around Abilene, Tex., in the following counties: Jones, Taylor, Shackelford, Callahan, Runnels, Coleman, and Nolan, as off-route points in connection with applicant's presently authorized regular route operations.

NOTE: Applicant states it is a wholly owned subsidiary of the Texas and Pacific Railway Company.

HEARING: November 30, 1960, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 55873 (Sub No. 32), filed October 3, 1960. Applicant: GREAT AMERICAN TRANSPORT, INC., 347 West 23d Street, Detroit 14, Mich. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives (other than small arms ammunition), household goods as defined by the Commission, and liquids in bulk, in tank vehicles, serving the site of the Archer-Daniels-Midland Company Plant located at or near Mapleton, Ill., as an off-route point in connection with carrier's presently authorized regular-route operations to and from Peoria, Ill.

HEARING: December 8, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 60751 (Sub-No. 5), filed October 4, 1960. Applicant: CLEVELAND-PITTSBURGH FREIGHT LINE, INC., 3515 Lakeside Avenue, Cleveland 14, Ohio. Applicant's attorney: J. J. Kuhner, Society National Bank Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over Regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Ohio, and Junction U.S. Highway 21 and Ohio Highway 18; from Cleveland, over U.S. Highway 21 to junction with Ohio Highway 18, and return over the same route, serving no intermediate points.

NOTE: Applicant states said route, including service at West Richfield, Ohio, as an off-route point of said route, shall be used solely for the purpose of effecting the interchange of traffic (otherwise authorized to be effected at Cleveland, Ohio) at the terminals of connecting line carriers which are located on the aforesaid segment of U.S. Highway 21 and at West Richfield, Ohio.

HEARING: October 27, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 66753 (Sub No. 2), filed September 29, 1960. Applicant: CHAIN HAULAGE, INC., 15 Hasting Road, Lexington, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith *equipment, materials,* and *supplies* used in the conduct of such business (except commodities in bulk, in tank vehicles), between Springfield, Mass., and North Haven, Conn., on the one hand, and on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and Westchester County, N.Y.

NOTE: (Duplications with existing authority to be eliminated). Applicant states this service to be conducted under a continuing contract with Stop and Shop, Inc.

HEARING: December 15, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner James A. McKiel.

No. MC 67583 (Sub-No. 5), filed September 20, 1960. Applicant: KANE TRANSFER COMPANY, a corporation, 2100 5th Street NE., Washington, D.C. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities,* as are dealt in by retail, chain grocery and food business houses, from Warehouse of the Grand Union Co., 7000 Sheriff Road, Landover, Md., to Grand Union Stores in Fairfax County, Va., and *rejected, damaged and returned shipments,* and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: November 17, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 69116 (Sub-No. 58), filed October 3, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, other than refrigeration, serving the site of the Archer-Daniels-Midland Company Plant located at or near Mapleton, Ill., as an off-route point in connection with carrier's presently authorized regular route operations to and from Peoria, Ill.

HEARING: December 8, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 70203 (Sub No. 34), filed September 21, 1960. Applicant: INTERSTATE DISPATCH, INC., 3636 South Western Avenue, Chicago, Ill. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, and except livestock, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over alternate routes for operating convenience only, in connection with carrier's authorized regular-route operations: (1) (a) Between Springfield, Ohio and South Charleston, Ohio, from Springfield over Ohio Highway 70 to South Charleston, and return over the same route. (b) From Springfield over U.S. Highway 40 to junction U.S. Highway 42, thence over U.S. Highway 42 to South Charleston, and return over the same route. (c) From Springfield over U.S. Highway 68 to Xenia, Ohio, thence over U.S. Highway 42 to South Charleston, Ohio, and return over the same route. (d) Between Dayton, Ohio, and South Charleston, Ohio, from Dayton over U.S. Highway 35 to Xenia, thence over U.S. Highway 42 to South Charleston, Ohio, and return over the same route. (e) Between Columbus, Ohio, and South Charleston, Ohio, from Columbus over U.S. Highway 40 to junction Ohio Highway 142, thence over Ohio Highway 142 to junction U.S. Highway 42, thence over U.S. Highway

42 to South Charleston, and return over the same route. (f) From Columbus over U.S. Highway 40 to junction U.S. Highway 42, thence over U.S. Highway 42 to South Charleston, and return over the same route. (g) Between junction U.S. Highway 25 and U.S. Highway 42 and South Charleston, Ohio, from junction U.S. Highway 25 and U.S. Highway 42 via U.S. Highway 42 to South Charleston, and return over the same route. RESTRICTION: Service at South Charleston, Ohio, over the foregoing seven routes is restricted to the interchange, consolidation, or distribution of shipments having a prior or subsequent movement under authority granted in Certificate No. MC–70203, and Subs. No service is authorized on the foregoing seven routes except for the purpose of joinder and except as otherwise authorized. (2) *General commodities,* except those of unusual value, and except livestock, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; serving South Charleston, Ohio, as an off-route point in connection with applicant's authorized regular routes and service points contained in Certificate No. MC–70203, and Subs. RESTRICTION: Service at South Charleston, Ohio, is restricted to the interchange, consolidation, or distribution of shipments having a prior or subsequent movement under authority granted in Certificate No. MC–70203, and Subs.

NOTE: Applicant states that the purpose of application is to consolidate its terminals now being operated in Dayton and Springfield, Ohio, at a new terminal in South Charleston, Ohio. The authority sought is solely for the purpose of enabling applicant to operate a terminal at South Charleston, Ohio, to perform the services already performed by applicant at its Dayton and Springfield, Ohio, terminals which will be closed.

HEARING: November 29, 1960, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 70451 (Sub No. 220), filed September 16, 1960. Applicant: WATSON BROS. TRANSPORTATION CO. INC., 1910 Harney Street, Omaha, Nebr. 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 regular routes, transporting: *General commodities,* except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plant site of the Archer-Daniels-Midland Company located at or near Mapleton, Ill., as an off-route point in connection with applicant's presently authorized regular route operations to and from Peoria, Ill.

HEARING: December 8, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Illinois, before Joint Board No. 149.

No. MC 76032 (Sub No. 153), filed March 8, 1960. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Sante Fe, N. Mex. Authority sought to operate as a *common carrier,* by motor vehicle, transporting: *General commodities, including Classes A and B explosives, ammunition* not included in Classes A and B explosives, *component parts of explosives and ammunition,* and *shipper-owned gas trailers loaded with compressed or liquefied gas* (other than liquefied petroleum gas) *or empty,* and excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving United States missile launching sites located in Chaves, Eddy, Otero, and Lincoln Counties, N. Mex., as off-route points in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: November 28, 1960, at the New Mexico State Corporation Commission, Sante Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 77214 (Sub No. 3), filed August 17, 1960. Applicant: WALTER A. WANDKE, 445 Oak Street, Pemberville, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meat scraps and tankage,* in bulk, in tank vehicles, from Detroit, Mich., to points in Ohio, on and north of U.S. Highway 40, (2) *Dry blood and bone meal,* in bulk, in tank vehicles, from Cleveland, Ohio to Detroit, Mich., and (3) *empty containers or other such incidental facilities* used in transporting the commodities (not specified), on return, in connection with (1) and (2) above.

HEARING: November 30, 1960, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 79476 (Sub No. 18), filed July 18, 1960. Applicant: YOUNG'S MOTOR TRUCK SERVICE, INC., 10 Grosvenor Street, Taunton, Mass. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement* (Portland, hydraulic and masonry) in bulk, in tank-type vehicles, from Fall River and New Bedford, Mass. to points in Massachusetts, Rhode Island, and Connecticut.

HEARING: November 29, 1960, at the Main Post Office Building, Room 308, Providence, R.I., before Joint Board No. 134.

No. MC 85451 (Sub No. 8), filed April 25, 1960. Applicant: BLUEBONNETT EXPRESS, INC., 1402 Palmer Street, Houston, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* having an immediately prior and subsequent movement by air, except household goods as defined by the Commission, commodities in bulk, Class A and B explosives, and commodities requiring special equipment, between the following points in Texas: between Houston and Austin, via Katy, Brookshire, Sealy, Columbus, LaGrange, Smithville and Bastrop, over U.S. Highways 90 and 290 and Texas Highways 71 and 159; from Houston to Wharton, thence to Bay City over Texas Highway 60, thence from Bay City to Palacios; also, from Wharton to Boling and New Gulf over a country road; also from Wharton to El Campo over U.S. Highway 96 and Texas Highway 12 and thence from El Campo to Eagle Lake over Texas Highway 71 and a country road; between Wharton and Bay City and Palacios over Texas Highway 60, serving Bay City and Wharton; between Houston and Kenedy via Sugarland, Richmond, Rosenberg, Eagle Lake, Colombus, Weimar, Schulenburg, Moulton, Shiner, Yoakum, Hallettsville, Cuero, Yorktown, Runge, Goliad and Charco over U.S. Highways 90A and 90 between Houston and Columbus, U.S. Highway 90 between Columbus and Flatonia, Texas Highway 95 and U.S. Highway 77 between Flatonia and Yoakum via Moulton and Shiner, U.S. Highway 77 between Schulenburg and Yoakum via Hallettsville, U.S. Highways 77 and 87 and Texas Highways 29, 239 and 72 between Yoakum and Kenedy via Goliad, U.S. Highway 87 and Texas Highway 72 between Cuero and Kenedy via Yorktown and Runge, between Flatonia and San Antonio over U.S. Highway 90, serving Houston, Kenedy, San Antonio and all intermediate points; Houston to Yoakum via Rosenberg, Victoria and Cuero; between Victoria and Ganado via Bloomington, Placedos, Port Lavaca and LaWard over Texas Highway 185, Victoria to Bloomington over F–M 1302 to Placedos over U.S. Highway 87, Placedos to Port Lavaca, and over Texas Highways 35 and 172 to Ganado, serving Victoria, Ganado and all intermediate points on said route, and serving Seadrift and Port O'Connor as off-route points over Texas Highways 316, 238 and 185; from Houston to Angleton via Alvin over Texas Highway 35 from Angleton to Freeport over Texas Highway 288; from Freeport to West Columbia over Texas Highway 36 and from West Columbia to Camp Hulen via Bay City and Palacios over Texas Highway 35, with return from Camp Hulen to Houston over Texas Highway 35; from Houston to Angleton, via Alvin, over Texas Highway 35; from Angleton to Freeport over Texas Highway 288; from Freeport to West Columbia over Texas Highway 36; from West Columbia to Camp Hulen via Bay City and Palacios over Texas Highway 35, with return from Camp Hulen to Houston over Texas Highway 35, using Texas Highways between Houston and Angleton as an alternate route; Houston to Henderson over Texas Highway 26 and U.S. Highway 59; Houston to Galveston over U.S. Highway 75 and Texas Highway 3; Houston to Refugio over Texas Highways 3, 12 and 44 (now U.S. 90A, 59 and 77); Refugio to Corpus Christi over Texas Highways 44 (now U.S. 77); and 9, and from Corpus Christi to Robstown over Texas Highway 16 (now Texas Highway 44); between Victoria and Refugio via Goliad over U.S. Highways 59, 183 and 77A, serving Victoria, Goliad and Refugio; from Caldwell to Bryan via Texas Highway 21; from Houston to Bryan via

Hempstead, Brenham, Navasota, and return; from Bryan to Houston via Navasota and Hampstead, serving intermediate points on regular schedules over a route from Houston to Brenham over U.S. Highway 290; Hempstead to Navasota over Texas Highway 6; Brenham to Navasota over Texas Highway 90; and from Navasota to Bryan over Texas Highway 6; between Bryan and Hempstead over Texas Highways 21, 36 and 159; from Houston to Brenham over U.S. Highway 290 from Hempstead to Bryan via Navasota over Texas Highway 6; from Brenham to Navasota over Texas Highway 90; from Bryan to Caldwell over Texas Highway 21; from Caldwell to Bellville via Brenham over Texas Highway 36; from Bellville to Hempstead over Texas Highway 159; between Eagle Lake and Hallettsville over U.S. Highway 90A; between Rosenberg and Eagle Lake via Wallis over an alternate route over Texas Highway 36 and F–M Road 1093; between Brenham and LaGrange via Carmine over U.S. Highway 290, and Texas Highways 237 and 159; between Lufkin and Nacogdoches over Texas Highways 103, 147 and 41.

NOTE: Applicant is authorized to conduct operations under the Second Proviso of section 206(a)(1) transporting specified and general commodities in territory partially duplicating that proposed in the instant application. Applicant states the service over all of the foregoing routes is to be coordinated with existing service over all routes, serving all intermediate points and serving off-route points to the extent permitted under the Commission's rules.

HEARING: December 9, 1960, in the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 86779 (Sub No. 26), (CORRECTION), filed May 16, 1960, published in the FEDERAL REGISTER, issue of September 21, 1960. Applicant: ILLINOIS CENTRAL RAILROAD COMPANY, a corporation, 135 East 11th Place, Chicago 5, Ill. Applicant's attorney: Urchie B. Ellis (same address as applicant). The purpose of this correction is to adequately describe Item (8) of the application published in the FEDERAL REGISTER, issue of September 21, 1960, to read: Between Port Gibson, Miss., and Jackson, Miss., over Mississippi Highway 18, using the side roads only when necessary to reach those small stations off the main highway; and to add Item (10) as follows: Between St. Francisville, La., and Clinton, La., over Louisiana Highway 10, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

HEARING: Remains as assigned, October 24, 1960, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 92136 (Sub No. 1), filed August 30, 1960. Applicant: V. L. RENEGAR, doing business as WINSTON-ELKIN MOTOR EXPRESS, River Street, Elkin, N.C. Applicant's attorneys: McElwee, Ferree & Hall, Bank of North Wilkesboro Building, North Wilkesboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, between Winston-Salem, N.C., and Elkin, N.C., (1) from Winston-Salem over U.S. Highway 421 via Yadkinville and Brooks Cross Road, to junction U.S. Highway 21, thence over U.S. Highway 21 to Elkin, and return over the same route, serving all intermediate points, and the off-route point of Boonville, N.C.; and (2) from Winston-Salem over U.S. Highway 421 to junction North Carolina Highway 67, thence over North Carolina Highway 67 via East Bend and Boonville to Elkin, and return over the same route, serving all intermediate points.

NOTE: Applicant is authorized to conduct operations in North Carolina in interstate or foreign commerce under the second proviso of section 206(a)(1) of the Interstate Commerce Act pursuant to BMC 75 Statement registered with this Commission and assigned Docket No. MC 92136.

HEARING: December 1, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

No. MC 93682 (Sub No. 7), filed July 6, 1960. Applicant: COLE'S EXPRESS, a corporation, 76 Dutton Street, Bangor, Maine. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving East Millinocket, Maine as an off-route point in connection with carrier's presently authorized regular route operations between points in Maine.

HEARING: December 6, 1960, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 70.

No. MC 95540 (Sub-No. 331), filed May 9, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala. and New Orleans, La., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: November 29, 1960, in the Federal Offices Building, 600 South Street, New Orleans, La., before Examiner William R. Tyers.

No. MC 95627 (Sub No. 30), filed August 30, 1960. Applicant: NELMS MOTOR LINE, INC., P.O. Box 912, 1129 Windsor Road, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Suite 226, 919 18th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, used for packing agricultural and packing house products, between points in Alabama, Delaware, Florida, Georgia, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: November 18, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 97699 (Sub-No. 16), filed September 1960. Applicant: BARBER TRANSPORTATION CO., a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City, Mo. 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, serving all points in that part of Indiana bounded on the west by the Lake Porter county line, on the south by U.S. Highway 20, on the east by Indiana Highway 49 and on the north by Lake Michigan as off-route points in connection with applicant's authorized regular route operation to and from Chicago, Ill.

HEARING: October 13, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 99943 (Sub No. 4), filed August 26, 1960. Applicant: ROCKANA CARRIERS, INC., P.O. Box 426, Tampa 1, Fla. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphates*, including *deflourinated phosphates, super-phosphates, triple-superphosphates* and all other phosphates, in bulk, from points in Hillsborough and Polk Counties, Fla., to points in Georgia and Alabama.

HEARING: December 9, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

No. MC 100858 (Sub No. 17), filed September 14, 1960. Applicant: MASHKIN FREIGHT LINES, INC., 115 Park Avenue, East Hartford, Conn. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food businesses houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such businesses, be-

tween Port Chester, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 100858 (Sub No. 14) to determine whether applicant's status is that of a common or contract carrier. Applicant also has common carrier authority under MC 52938. Dual authority under section 210 may be involved.

HEARING: December 13, 1960, at the U.S. Court Rooms, Hartford, Conn., before Examiner James A. McKiel.

No. MC 108449 (Sub No. 107), filed August 19, 1960. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* in bulk, from Duluth, Minn., to points in Minnesota, the Upper Peninsula of Michigan, and Wisconsin.

NOTE: Common control may be involved.

HEARING: December 12, 1960, in the Wisconsin Public Service Commission, Madison, Wisc., before Joint Board No. 282.

No. MC 108937 (Sub No. 17), filed September 22, 1960. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul 14, Minn. Applicant's representative: Raymond L. Stevens, 2937 Arona Street, St. Paul 13, Minn. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving Clements, Comfrey, Evan, Freeborn, Gilfillan, Hollandale, Seaforth, and Wanda, Minn., as off-route points in connection with applicant's regular route operations between points in Minnesota.

HEARING: December 16, 1960, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 108937 (Sub No. 18), filed September 22, 1960. Applicant MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul 14, Minn. Applicant's representative: Raymond L. Stevens, 2937 Arona Street, St. Paul 13, Minn. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, (1) between Mankato, Minn., and Faribault, Minn.: from Mankato over Minnesota Highway 60 to Faribault, and return over the same route. (2) Between Glencoe, Minn., and Litchfield, Minn.: from Glencoe over Minnesota Highway 22 to Litchfield, and return over the same route. (3) Between Grove City, Minn., and Sherburn, Minn.: from Grove City over Minnesota Highway 4 to Sherburn, and return over the same route. (4) Between Gaylord, Minn., and Northfield, Minn.: from Gaylord over Minnesota Highway 19 to Northfield, and return over the same route. (5) Between Jordan, Minn., and New Prague, Minn.: from Jordan over Minnesota Highway 21 to New Prague, and return over the same route. (6) Between Montgomery, Minn., and Faribault, Minn.: from Montgomery over Minnesota Highway 21 to Faribault, and return over the same route. (7) Between Nicollet, Minn., and junction Minnesota Highway 99 and Minnesota Highway 21: from Nicollet over Minnesota Highway 99 to junction Minnesota Highway 21, and return over the same route. (8) Between Gaylord, Minn., and St. Peter, Minn.: from Gaylord over Minnesota Highway 22 to St. Peter, and return over the same route. (9) Between Nicollet, Minn., and junction Minnesota Highway 111 and Minnesota Highway 22: from Nicollet over Minnesota Highway 111 to junction Minnesota Highway 22, and return over the same route. (10) Between Blooming Prairie, Minn., and junction Minnesota Highway 30 and Minnesota Highway 15: from Blooming Prairie over Minnesota Highway 30 to junction Minnesota Highway 15, near Lewisville, and return over the same route. (11) Between Montevideo, Minn., and Marshall, Minn.: from Montevideo over U.S. Highway 59 to Marshall, and return over the same route. (12) Between Russell, Minn., and Adrian, Minn.: from Russell over Minnesota Highway 91 to Adrian, and return over the same route. (13) Between St. Paul, Minn., and Norwood, Minn.: from St. Paul over city streets to Minneapolis, thence over Minnesota Highway 5 to Norwood, and return over the same route. (14) Between Winnebago, Minn., and Wells, Minn.: from Winnebago over Minnesota Highway 109 to Wells, and return over the same route. (15) Between Faribault, Minn., and Lake City, Minn.: from Faribault over Minnesota Highway 60 to junction U.S. Highway 63, thence over U.S. Highway 63 to Lake City, and return over the same route. (16) Between St. Paul, Minn., and junction Minnesota Highway 13 and U.S. Highway 65: from St. Paul over Minnesota Highway 13 to junction U.S. Highway 65, and return over the same route. (17) Between Shakopee, Minn., and junction Minnesota Highway 101 and Minnesota Highway 13: from Shakopee over Minnesota Highway 101 to junction Minnesota Highway 13, and return over the same route. (18) Between Northfield, Minn., and junction Minnesota Highway 20 and U.S. Highway 61: from Northfield over Minnesota Highway 19 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Minnesota Highway 20, thence over Minnesota Highway 20 to junction U.S. Highway 61, and return over the same route. (19) Between Windom, Minn., and Fulda, Minn.: from Windom over Minnesota Highway 62 to Fulda, and return over the same route. (20) Between Jasper, Minn., and junction Minnesota Highway 23 and U.S. Highway 16: from Jasper over Minnesota Highway 23 to junction U.S. Highway 16, and return over the same route. (21) Between Dassel, Minn., and Winthrop, Minn.: from Dassel over Minnesota Highway 15 to Winthrop, and return over the same route. (22) Between La Crescent, Minn., and Austin, Minn.: from La Crescent over U.S. Highway 16 to Austin, and return over the same route; all above-described routes (1) through (22), inclusive, are alternate routes for operating convenience only, serving no intermediate points.

HEARING: December 15, 1960, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 109637 (Sub No. 163), filed September 29, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (including liquid latex and liquid rubber), in bulk, in tank vehicles, from Louisville, Ky., to the site of the Thiokol Chemical Corporation plant, near Corrine, Utah.

NOTE: Common control may be involved.

HEARING: November 7, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner John B. Mealy.

No. MC 110264 (Sub No. 19), filed March 10, 1960. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., P.O. Box 404, 504 Veranda Road NW., Albuquerque, N. Mex. Authority sought to operate as a *common carrier,* by motor vehicle, transporting: *General commodities* and *Classes A and B explosives,* but except articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving U.S. Government Missile Sites located in Chaves, Eddy, Otero, and Lincoln Counties, N. Mex., as off-route points in connection with applicant's authorized regular route operations.

HEARING: November 28, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 111045 (Sub No. 7), filed August 26, 1960. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Palm River, Tampa 1, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Synthetic resins,* from points in Hillsborough County, Fla., to points in Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, and South Carolina, and (2) *Fertilizer* and *fertilizer solutions,* from points in Duval County, Fla. to points in Georgia and Alabama.

HEARING: December 8, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Edith H. Cockrill.

No. MC 111231 (Sub No. 43), filed September 29, 1960. Applicant: JONES TRUCK LINES, INC., East Emma Avenue, Springdale, Ark. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular

routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading; serving points in that part of Indiana bounded on the west by the Lake-Porter County line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the south by Lake Michigan, as off-route points in connection with applicant's authorized regular-route operation to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 111623 (Sub No. 30) (CORRECTION), filed July 21, 1960, published in the FEDERAL REGISTER, issue of September 21, 1960. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Schwerman Trucking Co. Legal Department (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Fly ash,* in bulk, in tank vehicles, from the site of Cane Run Power Plant located in or near Louisville, Ky., to Captain Anthony Meldahl Locks Project, two miles west of Chilo, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return. RESTRICTION: Applicant states the proposed operation is limited to a transportation service to be performed under a continuing contract, or contracts, with Groves Ventures Co.

NOTE: Applicant indicates it is a wholly-owned subsidiary of Schwerman Trucking Co., a Wisconsin Corporation. The purpose of this republication is to correct the spelling of origin point of *Cane Run Power Plant,* erroneously shown in previous publication as Can Run Power Plant.

HEARING: Remains as assigned, October 24, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 112223 (Sub-No. 54), filed October 3, 1960. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 1121 South Seventh Street, Minneapolis, Minn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, and in tank vehicles, from Grand Forks, N. Dak., and points within 10 miles thereof, to points in Carlton, Cook, Lake and St. Louis Counties, Minn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: November 3, 1960, in Room 926 Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 24.

No. MC 113779 (Sub No. 124), filed April 28, 1960. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mercaptans* (gas odorents), in bulk, in tank vehicles, from Borger, Texas to points in Virginia, Kansas, Montana, Wyoming, and Wisconsin.

HEARING: December 13, 1960, in the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner William R. Tyers.

No. MC 113779 (Sub No. 125), filed May 16, 1960. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier,* by vehicle, over irregular routes, transporting: *Spent sulphuric acid,* in bulk, in tank vehicles, from Borger, El Paso, and Littlefield, Tex., to points in New Mexico.

HEARING: December 13, 1960, in the Federal Office Building, Franklin and Fannin Street, Houston, Texas, before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 114552 (Sub No. 12), filed August 26, 1960. Applicant: A. D. SENN, doing business as SENN TRUCKING COMPANY, P.O. Box No. 25, Silverstreet, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Lumber,* except Plywood and veneer, between points in Georgia and South Carolina, on the one hand, and, on the other, points in Mississippi; (2) from points in Illinois, Indiana, and Michigan to points in Georgia, North Carolina, and South Carolina; and (3) from points in Massachusetts and Rhode Island, to points in North Carolina and South Carolina.

HEARING: December 6, 1960, at the U.S. Court Rooms, Columbia, S.C., before Examiner Edith H. Cockrill.

No. MC 114699 (Sub No. 13), filed September 26, 1960. Applicant: TANK LINES, INCORPORATED, P.O. Box 6415, North Dabney Road, Richmond, Va. Applicant's attorney: Alexander W. Neal, Jr., 905 Mutual Building, Richmond, Va. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Edible vegetable oils,* in bulk, in tank vehicles, from Philadelphia, Pa., to points in Virginia, and *rejected shipments* of above-specified commodities, on return. (2) *Liquid adhesives,* in bulk, in tank vehicles, from Richmond, Va., to points in Delaware, Maryland, Georgia, Florida, West Virginia, North Carolina, and South Carolina, and *rejected shipments* of above-specified commodities, on return.

HEARING: November 30, 1960, at the U.S. Court Rooms, Richmond, Va., before Examiner Edith H. Cockrill.

No. MC 115311 (Sub No. 25), filed June 23, 1960. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* and *salt products,* from Anse La Butte, La., and Hutchinson, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

HEARING: December 8, 1960, in the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William R. Tyers.

No MC 116077 (Sub No. 85), filed May 9, 1960. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue., Houston, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, P.O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, wood flour, shavings, timber products and by-products, planer mill, sawmill or lumber waste and pulp,* in bulk, between points in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE: Applicant states it seeks no duplicating authority.

HEARING: December 12, 1960, in the Federal Office Building, Franklin and Fannin Streets, Houston, Texas, before Examiner William R. Tyers.

No. MC 116077 (Sub No. 86), filed May 9, 1960. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Charles D. Mathews, Brown Bldg., P.O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals,* except petroleum and petroleum products, in bulk, from points in Louisiana to points in Arkansas, Mississippi, Oklahoma, Tennessee, Alabama, and Texas.

HEARING: December 15, 1960, in the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner William R. Tyers.

No. MC 117344 (Sub No. 56), filed August 31, 1960. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, in tank vehicles, and *empty containers or other such incidental facilities,* and *rejected shipments,* between Fernald, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky.

HEARING: November 30, 1960, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 117344 (Sub No. 59), filed September 29, 1960. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* in bulk and in packages; from Cincinnati, Ohio, to points in Ohio, Indiana, and Kentucky, and *empty containers or other*

such incidental facilities, used in transporting the above-described commodities, on return.

NOTE: Applicant presently holds contract authority in MC-50404 and Subs thereunder, therefore dual operations may be involved.

HEARING: October 25, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 117370 (Sub No. 4), filed August 22, 1960. Applicant: JACK STAFFORD, doing business as STAFFORD TRUCKING, 1137 North 45th Street, Milwaukee, Wis. Applicant's attorney: Claude J. Jasper, Suite 616, Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand*, in bulk, in hopper-type vehicles, from a pit located approximately three (3) miles south of Portage, Wis., in the town of Pacific, Columbia County, Wis., to Winona, Minn.

HEARING: December 12, 1960, in the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 118087 (Sub No. 1), filed May 31, 1960. Applicant: G. R. DEWITT, 1004 Cedar Street, Mobile, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and exempt commodities*, in the same vehicle, from Gulfport, Miss., to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: November 30, 1960, in the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William R. Tyers.

No. MC 118138 (Sub No. 2), filed June 10, 1960. Applicant: L. A. BENEFIELD AND G. H. BENEFIELD, a partnership, doing business as BENEFIELD BROTHERS, Route No. 5, Cullman, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, between Gulfport, Miss., New Orleans, La., and Mobile, Ala., on the one hand, and, on the other, points in Alabama, Arkansas, Arizona, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, New Mexico, Nebraska, Nevada, North Dakota, South Dakota, Oklahoma, Ohio, Tennessee, Texas, Utah, Washington, Wyoming, Wisconsin, Louisiana, and Mississippi.

NOTE: Applicant states it proposes to transport exempt commodities on return.

HEARING: November 30, 1960, in the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William R. Tyers.

No. MC 118974 (Sub No. 4), filed September 23, 1960. Applicant: RATH UNITIZED NAVIGATION, INC., 600 Biscayne Boulevard, Miami 32, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. 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, and household goods as defined by the Commission; between points in Broward County, Fla. RESTRICTION: Restricted to traffic having a prior or subsequent movement by water.

HEARING: December 13, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

No. MC 119226 (Sub No. 27), filed September 23, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanning extract*, in bulk, in tank vehicles, from Chicago, Ill., to points in Indiana.

NOTE: Applicant has a pending contract carrier application under MC 108678 (Sub No. 33). Dual authority under section 210 may be involved.

HEARING: December 7, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 119226 (Sub No. 30), filed September 23, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint* and *paint materials*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Ohio.

NOTE: Applicant has a pending contract carrier application under MC 108678 (Sub No. 33). Dual authority under section 210 may be involved.

HEARING: December 6, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 119531 (Sub No. 6), filed September 19, 1960. Applicant: DIECKBRADER EXPRESS, INC., 5291 Eastern Avenue, Cincinnati, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tin cans* and *tin can ends*, and *machinery, equipment and supplies*, used in connection therewith, from Chicago, Ill., to Leipsic, Ohio, and *returned, rejected* and *damaged tin cans* and *used pallets* and *fiberboard dividers* used in connection with the outbound transportation, on return.

HEARING: December 9, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 58.

No. MC 119647 (Sub No. 1), filed May 9, 1960. Applicant: LOUIS P. CYR, 364 Main Street, Van Buren, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, consisting of No. 1, No. 2, regular and hi-test gasoline, in bulk, in tank vehicles, from Bangor, Maine, to the Port of Entry on the Boundary between the United States and Canada at Hamlin Plantation, Maine (for delivery to Grand Falls, New Brunswick, Canada).

HEARING: December 6, 1960, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 115.

No. MC 119679 (Sub No. 1), filed June 27, 1960. Applicant: ROBERT B. BLAND, doing business as BLAND TRANSPORTATION COMPANY, 420 Franklin Avenue, New Orleans, La. Applicant's attorney: Harold R. Ainsworth, 3307 American Bank Building, New Orleans, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Idaho, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, Wyoming, Oregon, Washington, and the District of Columbia, and *exempt commodities*, on return.

HEARING: November 30, 1960, in the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William R. Tyers.

No. MC 119886 (Sub No. 2), filed July 29, 1960. Applicant: JOHN S. PLAYER, 6 Woods Lane, Ipswich, Mass. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to operate as a *common carrier*, by motor verhicle, over irregular routes, transporting: *Tungsten wire, coils used in manufacturing incandescent and fluorescent lamps, moly and steel mandrel in steel bands*, from points in Massachusetts, to points in Maine, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: December 1, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69.

No. MC 119922, filed July 15, 1960. Applicant: CARMEN ADDARIO, doing business as ADDARIO'S EXPRESS, 155 Orleans Street, East Boston 28, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lighting fixtures*, fluorescent, with equipment of electrical apparatus, with or without equipment of lamps, in boxes; and (2) *paste, adhesive;* and *paste, flour* (dry paste flour), with or without chemical ingredients, from applicant's terminal in East Boston, Mass., to points in that part of New Hampshire on and south of a line beginning at Portsmouth, N.H., and extending in a southwesterly direction along New Hampshire Highway 101 to junction U.S. Highway 3 at Manchester, N.H., thence along U.S. Highway 3 to Concord, N.H., thence along New Hampshire Highway 9 to junction New Hampshire Highway 123, thence along New

Hampshire Highway 123 to junction New Hampshire Highway 12A, thence along New Hampshire Highway 12A to the New Hampshire-Vermont State line near North Walpole, N.H., including points on the indicated portions of the highways specified.

HEARING: December 2, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20.

No. MC 119955 (Sub No. 1), filed August 10, 1960. Applicant: RUDOLPH LaBRANCHE, 61 South Main Street, Franklin, N.H. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (a) *Equipment and supplies,* used in the manufacturing of metal castings and machine parts, (b) *rough castings and machine parts,* (c) *interplant messenger service,* in the transportation of correspondence, orders, and payroll records, between Franklin, N.H., and Lawrence, Mass.

HEARING: December 5, 1960, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 20.

No. MC 119967, filed August 1, 1960. Applicant: LEO R. CARON, doing business as HIGHLAND GULF SERVICE STATION, 1929 Highland Avenue, Fall River, Mass. Applicant's attorney: Peter G. Collias, Third Floor, First Federal Building, North Main and Bedford Streets, Fall River, Mass. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles,* by truckaway service, from, to and between points in Rhode Island and the area of present authority, which is bounded and described as follows: Beginning at a point at the boundary line between Rhode Island and Massachusetts in Seekonk, Mass., where U.S. Highway 6 crosses the Runnins River, thence in an arc, the radius of which is a line ten miles in length from the City Hall in the center of Fall River, Mass., at the intersection of Main and Pocasset Sts., running generally in a northeasterly, thence southeasterly, thence southwesterly direction by the following points: through Rehoboth, Mass. to the intersection of U.S. Highway 44 and Massachusetts Highway 118 in said Rehoboth; through Dighton, Mass., by the intersection of Main St. and Massachusetts Highway 138; through the Village of Assonet in Freetown by the intersection of Elm and Main Sts., through the northeasterly corner of Fall River where it is bordered on the east and north by said Freetown; through the Village known as Hicksville in Westport; through the area known as Westport Factory where Lake Noquochoke is crossed by U.S. Highway 6 at the Westport-Dartmouth line; through Central Village in said Westport to the boundary line between Rhode Island and Massachusetts at the Village of Adamsville, thence northerly by said boundary line between Westport, Mass. and Tiverton, R.I., thence northwesterly by said boundary line between Fall River, Mass. and said Tiverton, thence northwesterly by said boundary line between Swansea, Mass. and Bristol, R.I., and thence northwesterly again by said boundary line between Seekonk, Mass. and East Providence, R.I. to the point of beginning.

HEARING: November 28, 1960, at the Main Post Office Building, Room 308, Providence, R.I., before Joint Board No. 18.

No. MC 119974 (Sub No. 1), filed August 29, 1960. Applicant: L.C.L. TRANSIT COMPANY, 520 North Roosevelt Street, Green Bay, Wis. Applicant's attorney: Edward Solie, 718 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Spools, paper or pulpboard, or paper or pulpboard combined with metal,* in containers, from Plymouth, Wis., to Fairmont, Minn.

HEARING: December 13, 1960, in the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 119993, filed August 15, 1960. Applicant: JOHN McLEOD, doing business as McLEOD CARTAGE, 332 South Brodie Street, Fort William, Ontario, Canada. Applicant's attorney: Edward L. Gruber, Suite 807, First American National Bank Building, Duluth 2, Minn. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Fresh fruits, nuts, and vegetables,* and *canned goods* of all descriptions, from Minneapolis, St. Paul, St. Cloud and Duluth, Minn. to the port of entry on the International Boundary line between the United States and Canada at Pigeon River, Minn. (1) From St. Paul over U.S. Highway 61 to Duluth, thence over U.S. Highway 61 to Pigeon River, and return over the same route, serving no intermediate or off-route points. (2) From Minneapolis over Minnesota Highway 8 to Forest Lake, thence over U.S. Highway 61 to Duluth, thence over U.S. Highway 61 to Pigeon River, and return over the same route, serving no intermediate or off-route points. (3) From St. Cloud over Minnesota Highway 23 to Mission Creek, thence over U.S. Highway 61 to Duluth, thence over U.S. Highway 61 to Pigeon River and return over the same route, serving no intermediate or off-route points. (4) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, and *lumber, wood products* and *newsprint paper,* from Pigeon River to the respective origin points.

NOTE: Applicant states Minneapolis, St. Paul, St. Cloud and Duluth are points where consignments may be left for export forwarding of merchandise where existing licensees do not hold licenses to go into Ontario, Canada, particularly over the above-specified highways.

HEARING: December 19, 1960, in the U.S. Court Rooms, Duluth, Minn., before Joint Board No. 142.

No. MC 123005, filed August 19, 1960. Applicant: WILLIAM C. FOUTTY, doing business as C & A TRANSPORTATION CO., 701 East Tallmadge Avenue, Akron, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities, without exceptions,* between all points in Ohio.

NOTE: Restricted to traffic moving on bills of lading of freight forwarders as defined in section 402(a)(5) of the Interstate Commerce Act.

HEARING: November 28, 1960, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 123034, filed August 30, 1960. Applicant: SPECIAL DELIVERY, INC., Terminal Building, Bradley Air Field, Windsor Locks, 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: *Parcels,* not to exceed one hundred (100) pounds in weight, and *baggage;* between Bradley Air Field, Windsor Locks, Conn. and International Airport (Idlewild) and La Guardia Airfield, Long Island, N.Y.; Newark Air Port, Newark, N.J.; Logan Airfield, Revere, Mass.; Providence Airport, Providence, R.I.; points in Connecticut, and those in Massachusetts on and west of Massachusetts Highway 12. RESTRICTION: The above is limited to shipments having either an immediately prior or subsequent movement by aircraft.

HEARING: December 12, 1960, at the U.S. Court Rooms, Hartford, Conn., before Examiner James A. McKiel.

No. MC 123035, filed August 30, 1960. Applicant: ALBERT H. DUMAS, 160 Rabbitt Hill Road, Cumberland, R.I. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Women's wearing apparel,* on hangers, from Central Falls, R.I., to Boston, Mass.

HEARING: November 28, 1960, at the Main Post Office Building, Room 308, Providence, R.I., before Joint Board No. 18.

No. MC 123036, filed September 2, 1960. Applicant: ISLER CARTAGE, INC., 1033 Shelby Street, Indianapolis, Ind. Applicant's attorney: Fred I. King, 401 Berkley Road, Indianapolis, Ind. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Ferrous, nonferrous and/or alloy metals, including,* but not restricted to, *bands, bars, expanded metal, extrusions, grating, pipe and tubing, plates, shapes, structural, bar and unfinished, sheets, strip, wire,* and *wire mesh,* from Indianapolis, Ind., to points in Tippecanoe, Montgomery, Carroll, Cass, Miami, Grant, Blackford, Delaware, Henry, Rush, Decatur, Bartholomew, Monroe, Putnam, Hendricks, Boone, Clinton, Howard, Tipton, Hamilton, Madison, Hancock, Shelby, Johnson, Morgan, and Marion Counties, Ind., and *rejected and damaged shipments, skids and wire rope swings,* on return.

HEARING: December 5, 1960, in the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 123055, filed September 8, 1960. Applicant: C. J. O'BRIEN, doing business as TWIN CITIES-BRAINERD EXPRESS, Highway 371, Brainerd, Minn.

Applicant's attorney: Gordon Rosenmeier, American National Bank Building, Little Falls, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Beer and malt beverages*, and *empty containers or other such incidental facilities*, between Milwaukee, Wis., and Brainerd, Minn.: From Milwaukee over U.S. Highways 16 and 12 to Minneapolis-St. Paul, Minn., thence over U.S. Highways 10 and 371 to Brainerd, and return over the same route, serving no intermediate points.

HEARING: December 15, 1960, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 142.

No. MC 123067, filed September 12, 1960. Applicant: M & M TANK LINE, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *Petroleum products*, in bulk, in tank vehicles, between points in North Carolina.

NOTE: Common control may be involved.

HEARING: December 2, 1960, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 103, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

No. MC 123094, filed September 26, 1960. Applicant: MISSILE TRANSPORT COMPANY, P. O. Box 3699, Terminal Annex, Los Angeles 54, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles and space vehicles*, and *component parts thereof*, and *materials, equipment and supplies*, used in or in connection with the U. S. Department of Defense's program, without exceptions, and *personnel* employed by the U.S. Department of Defense and its contractors under its program, when being transported in connection therewith; between points in the United States, including the District of Columbia, Alaska and Hawaii.

NOTE: Applicant states it is a subsidiary of Navajo Freight Lines, Inc., a carrier operating under Certificate No. MC-76032 and related Subs, which controls all phases of applicant's operations. The two companies are under common ownership and control with their respective boards of directors and officers being identical.

HEARING: December 6, 1960, at the Offices of The Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

MOTOR CARRIERS OF PASSENGERS

No. MC 59238 (Sub No. 44), filed September 20, 1960. Applicant: VIRGINIA STAGE LINES, INC., 114 Fourth Street, SE., Charlottesville, Va. Applicant's attorney: Julian P. Freret, Continental Building, Fourteenth at K NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express* and *mail* in the same vehicle with passengers; between the intersection of the Washington Circumferential Highway (U.S. Interstate Highway 495) and the Henry G. Shirley Highway (Virginia Highway 350), and the site of Safeway Trails Terminal, at 12th and I Streets NW., Washington, D.C.; from the intersection of the Washington Circumferential Highway (U.S. Interstate Highway 495) and the Henry G. Shirley Highway (Virginia Highway 350) over U.S. Interstate Highway 495 to the Woodrow Wilson Bridge at Jones Point, Alexandria, Va., thence on the said bridge and its approaches to the intersection of South Capitol Street extended (Indian Head Road), thence over South Capitol Street extended to the District of Columbia line, thence on city streets including Canal Street, Seventh Street, I Street and 12th Street to the site of Safeway Trails Terminal, 12th and I Streets NW., and return over the same route.

NOTE: (1) Applicant states he proposes service to the intersections of U.S. Interstate Highway 495 with Henry G. Shirley Highway and with U.S. Highway 1, for the purpose of joinder of routes only, and further proposes interconnection of the service applied for with other carriers serving the Trailways Terminal. (2) Common control may be involved.

HEARING: November 15, 1960, at the offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 119556 (Sub No. 2), filed July 22, 1960. Applicant: ROUND HILL LIMOUSINE SERVICE, INC., 93 Arch Street, P. O. Box 574, Greenwich, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *cargo*, having an immediate or subsequent movement by air, between New Haven, Conn., and the Newark Airport, Newark, N.J., from the Taft Hotel, New Haven, over New Haven city streets to the Connecticut Turnpike, thence over the Connecticut Turnpike to Bridgeport, Conn., thence over Bridgeport city streets to the Hotel Stratfield, Bridgeport, thence continue over Bridgeport city streets to the Connecticut Turnpike, thence over the Connecticut Turnpike to Stamford, Conn., thence over Stamford city streets to the Roger Smith Hotel, Stamford, thence continue over Stamford city streets to the Connecticut Turnpike, thence over the Connecticut Turnpike to the New England Thruway, thence over the New England Thruway, and the Cross Westchester Expressway (Mamaroneck Avenue) to White Plains, N.Y., thence over White Plains city streets to the Roger Smith Hotel in White Plains, thence continue over White Plains city streets to the Cross Westchester Expressway, thence over the Cross Westchester Expressway (Alternative: New York Highway 119) to the New York Thruway, Major Deegan Expressway, Cross Bronx Expressway, the George Washington Bridge and U.S. Highway 1, and the New Jersey Turnpike to the Newark Airport, and return over the same route, serving the intermediate points of Bridgeport and Stamford, Conn., and White Plains, N.Y., including the termini points (Alternative route between the George Washington Bridge and Stamford, Conn., being over the Cross Bronx Expressway, Bruckner Boulevard, New England Thruway, Mamaroneck Avenue (or Westchester Expressway) to White Plains city streets to the Roger Smith Hotel, thence over White Plains city streets to the Westchester Expressway or Mamaroneck Avenue, thence over Westchester Expressway or Mamaroneck Avenue to the New England Thruway, thence over the New England Thruway to the Connecticut Turnpike, thence over the Connecticut Turnpike to Stamford, and return over the same route).

HEARING: December 12, 1960, at the U.S. Court Rooms, Hartford, Conn., before Examiner James A. McKiel.

No. MC 123059, filed September 12, 1960. Applicant: GLOUCESTER AUTO BUS COMPANY, a corporation, 48 Bass Avenue, Gloucester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending in Gloucester, Mass., and points within fifteen (15) miles thereof, excluding pick-up area outside of Manchester, Wenham, Hamilton, Topsfield, Rowley, and Newburyport, Mass., and extending to points in Maine, New Hampshire, Vermont, Connecticut, New York, and Rhode Island.

HEARING: December 14, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner A. McKiel.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12675 (Sub No. 1), filed August 15, 1960. Applicant: PAULINE E. SNODGRASS, 811 Elm Street, Martins Ferry, Ohio. Authority sought to operate as a *broker* (*BMC 5*), at Martins Ferry, Ohio, in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Groups of passengers*, in round-trip charter operations, beginning and ending at Martins Ferry, Ohio, and extending to points in the United States, including Alaska.

HEARING: November 29, 1960, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 12737, filed July 15, 1960. Applicant: AYLSWORTH WORLD TRAVEL SERVICE, INC., 88 Weybosset Street, Providence, R.I. For a license (BMC 5) to engage in operations as a broker at Providence, R.I., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in round-trip special and charter operations, beginning and ending at Providence, R.I. and extending to points in the United States.

HEARING: November 30, 1960, at the Main Post Office Building, Room 308, Providence, R.I., before Joint Board No. 232.

No. MC 12739, filed August 22, 1960. Applicant: PEAK SKI TOURS, INC., 93 Hamilton Road, Hempstead, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *broker* (*BMC 5*), at Hempstead, N.Y., in

arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Groups of passengers and their baggage,* in round-trip, personally-escorted all-expense tours, beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to all points in the United States, including Alaska and Hawaii, and ports of entry on the International Boundary lines between the United States and Canada, and the United States and Mexico.

HEARING: December 8, 1960, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

APPLICATIONS FOR WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 8515 (Sub No. 9), filed September 26, 1960. Applicant: H. J. TOBLER TRANSFER, INC., 1012 Peoria Street, Peru, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Peoria, Ill., and Mapleton, Ill., from Peoria, via U.S. Highway 24 to Mapleton, Ill., and return over same route, serving no intermediate points.

No. MC 38383 (Sub No. 11) (AMENDMENT), filed August 26, 1960, published FEDERAL REGISTER, issue of September 8, 1960. Applicant: THE GLENN CARTAGE COMPANY, a corporation, 1151 South Street, Girard, Ohio. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel, steel products and machinery,* between the site of the Kelsey-Hayes Company plant located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., and points in Michigan, Ohio, Pennsylvania, New York, West Virginia, and points in Kentucky within 5 miles of the Ohio River.

No. MC 65660 (Sub No. 3), filed September 30, 1960. Applicant: WARNER & SMITH MOTOR FREIGHT, INCORPORATED, Walnut and Shenango Streets, Sharpsville, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, and except livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Hartstown, Pa., and Cleveland, Ohio; from Hartstown, over U.S. Highway 322 to Cleveland, and return over the same route; serving no intermediate points and (2) between Sandy Lake, Pa., and Cleveland, Ohio; from Sandy Lake, over Alternate U.S. Highway 322 to Jamestown, thence over U.S. Highway 322 to Cleveland, and return over the same route, serving no intermediate points.

NOTE: The proposed routes are alternate routes for operating convenience only in connection with authorized regular route operations.

No. MC 66562 (Sub No. 1723), filed September 26, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Principal Office: 219 East 42d Street, New York 17, N.Y. Local Office: 275 East Fourth Street, St. Paul 1, Minn. Applicant's attorneys: Slovacek and Galliani, 2800 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities,* moving in express service, between Duluth, Minn., and Two Harbors, Minn., over U.S. Highway 61, serving the intermediate point of Knife River, Minn. RESTRICTIONS: (1) The service to be performed by applicant under the authorization sought herein will be limited to such as is auxiliary to or supplemental of rail or air express service. (2) Shipments to be transported shall be limited to those moving on a through bill of lading or express receipt. (3) All traffic to be handled in the proposed substitute service will be carried in accordance with applicant's tariffs on file with the Commission.

No. MC 66562 (Sub No. 1724), filed September 29, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* moving in express service, between Albany, N.Y., and Rouses Point, N.Y., (a) from Albany over U.S. Highway 9 to junction with Reynolds Road, thence over Reynolds Road to junction with New York Highway 197, thence over New York Highway 197 to Fort Edward, N.Y., thence over U.S. Highway 4 to Whitehall, N.Y., thence over New York Highway 22 to junction with U.S. Highway 9 south of Keeseville, N.Y., thence over U.S. Highway 9 to junction with New York Highway 9–B, thence over New York Highway 9–B to Rouses Point; and (b) from Rouses Point over U.S. Highway 11 to Champlain, N.Y., thence over U.S. Highway 9 to Albany, and return over the above routes, serving the intermediate and off-route points of Saratoga Springs, Fort Edward, Whitehall, Ticonderoga, Port Henry, Mechanicville, Westport, Willsboro, Port Kent, Plattsburg, Chazy, Glens Falls, Corinth, Lake George, Riparious (Riverside Station), North Creek, Au Sable Forks, Dannemora, and Lyon Mountain. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

NOTE: Applicant states that interchange with rail service and air express service will be made at Albany, N.Y.

No. MC 66562 (Sub No. 1725), filed September 29, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Principal Office: 219 East 42d Street, New York 17, N.Y. Local Office: 612 South Clinton Street, Chicago 7, Ill. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* moving in express service, between Clinton, Iowa and Crystal Lake, Ill.: from Clinton, Iowa east over U.S. Highway 30 to junction U.S. Alternate Highway 30, thence east over U.S. Alternate Highway 30 to junction Illinois Highway 31, thence north over Illinois Highway 31 to St. Charles, Ill., thence south over Illinois Highway 31 to junction U.S. Alternate Highway 30, thence east over U.S. Alternate Highway 30 to junction U.S. Highway 45, thence south over U.S. Highway 45 to LaGrange Park, Ill., thence north over U.S. Highway 45 to junction National Interstate Highway (Illinois) 90, thence east over National Interstate Highway (Illinois) 90 to Chicago, Ill. to junction Canal Street, thence north on Canal Street to Milwaukee Avenue, thence northwest on Milwaukee Avenue to Elston Avenue, thence northwest on Elston Avenue to Western Avenue, thence north on Western Avenue to Lincoln Avenue, thence northwest on Lincoln Avenue to McCormick Boulevard, thence north on McCormick Boulevard to Green Bay Road, thence north on Green Bay Road to Central Street, Evanston, Ill., thence south on Green Bay Road to McCormick Boulevard, thence southwest on McCormick Boulevard to Simpson Street, thence northwest on Simpson Street to Golf Road and junction Illinois Highway 58, thence west over Illinois Highway 58 to junction U.S. Highway 14, thence northwest over U.S. Highway 14 to Crystal Lake, Ill., and return over the same route, serving the intermediate points of Sterling, Rochelle, DeKalk, St. Charles, LaGrange Park, Chicago, Evanston and Arlington Heights, Ill. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt.

No. MC 66562 (Sub No. 1726), filed October 3, 1960. Applicant: RAILWAY EXPRESS, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* moving in express service, between Montgomery, Ala., and Meridian, Miss., as follows: (1) from Montgomery over U.S. Highway 80 to Meridian, and return over the same route; (2) from Montgomery

over U.S. Highway 31 to Prattville, Ala., thence over Alabama Highway 14 to Selma, and return over the same route; (3) from Browns, Ala., over Alabama Highway 5 to Marion, Ala., thence over Alabama Highway 14 to Greensboro, Ala., thence over Alabama Highway 69 to Prairieville, Ala., and return over the same route; (4) from Meridian over Mississippi Highway 19 and Alabama Highway 10 to junction Alabama Highway 69, thence over Alabama Highway 69 to Linden, Ala., thence over U.S. Highway 43 to junction U.S. Highway 80, and return over the same route, serving the intermediate points of Prattville, Selma, Marion Junction, Uniontown, Faunsdale, Marion, Greensboro, Linden, and Lisman, Ala., and the off-route point of Demopolis, Ala., in connection with (1), (2), (3) and (4) above. *RESTRICTIONS:* (1) The service to be performed by applicant shall be limited to service which is auxiliary or supplemental to air or rail express service of applicant; (2) Shipments transported by applicant (except those moving locally between Meridian, Miss., and Montgomery, Prattville, Selma, Marion Junction, Uniontown, Faunsdale, Marion, Greensboro, Linden, Lisman, and Demopolis, Ala.,) shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air; (3) such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 66562 (Sub No. 1728), filed October 3, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Roanoke, Ala. and Opelika, Ala.; from Roanoke over U.S. Highway 431 to Opelika, and return over the same route, serving the intermediate point of Lafayette, Ala. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 107002 (Sub No. 161), filed October 3, 1960. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic plastic*, in bulk, in tank vehicles, from Meredosia, Ill., to Denver, Colo.

No. MC 107002 (Sub No. 162), filed October 3, 1960. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard (P.O. Box 547), Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, from Marrero, La., to Bates Field, Mobile, Ala., and Pensacola Municipal Airport, Pensacola, Fla.

No. MC 107002 (Sub No. 163), filed October 3, 1960. Applicant: W. M. CHAMBERS TRUCK LINE INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenol and liquid glue*, from Fox, Ala., to points in Illinois and Ohio.

No. MC 107839 (Sub-No. 35), filed October 3, 1960. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese* and *cheese products*, from Macon and Okolona, Miss., to Denver, Colorado Springs and Pueblo, Colo.

No. MC 119907 (Sub No. 2), filed October 3, 1960. Applicant: RAY H. PRUITT and EARL F. PRUITT, a partnership doing business as PRUITT TRUCKING CO., 800 West Hardin Street, Findlay, Ohio. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photo-film, photo-prints*, and *incidental handling materials and supplies therefor;* (1) between Findlay, Ohio, and Detroit, Mich., and (2) between Detroit, Mich., on the one hand, and, on th other, Adrian, Monroe, Jackson, and Lansing, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 204), filed September 20, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagly, Western Greyhound Lines (Division of The Greyhound Corporation), Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express* and *newspapers* in the same vehicle with passengers, 1.2(1) Revise and redescribe Route 116 between San Francisco and Los Angeles on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 25 to read as follows: "116. Between San Francisco and Los Angeles: From San Francisco over San Francisco-Oakland Bay Bridge to Oakland, thence over unnumbered highway via San Leandro and Hayward to junction U.S. Highway 50 northeast of Hayward (Hayward Junction), thence over U.S. Highway 50 to junction California Highway 120 (San Joaquin Bridge), thence over California Highway 120 to junction unnumbered highway (Manteca), thence over unnumbered highway to junction U.S. Highway 99 south of Manteca (South Manteca), thence over U.S. Highway 99 to Los Angeles." (2) Reauthorize present alternate Route No. 122 between West Freeway Junction (Livermore) and East Freeway Junction (Livermore), as a regular route to be included as a segment of proposed Route No. 116 as set forth in subparagraph 1.2(1). (3) Reauthorize a segment of present regular Route No. 116 between West Freeway Junction (Livermore) and East Freeway Junction (Livermore) via Livermore as a separate regular route to be designated and described on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 26, as follows: "122. Between West Freeway Junction (Livermore) and East Freeway Junction (Livermore): From junction U.S. Highway 50 and unnumbered highway northwest of Livermore (West Freeway Junction), over unnumbered highway via Livermore to junction U.S. Highway 50 northeast of Livermore (East Freeway Junction)." (4) Authorize a new regular route between North Madera Junction and South Madera Junction over U.S. Highway 99 (as relocated), by-passing Madera, to be included as a segment of proposed Route No. 116, as set forth in subparagraph 1.2(1). (5) Reauthorize a segment of present regular Route No. 116 between North Madera Junction and South Madera Junction via Madera, over former U.S. Highway 99, now designated Business Route U.S. Highway 99, as a separate regular route to be designated and described on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 27, as follows: "126. Between North Madera Junction and South Madera Junction: From junction U.S. Highway 99 and Business Route U.S. Highway 99 (North Madera Junction), over Business Route U.S. Highway 99 via Madera to junction U.S. Highway 99 (South Madera Junction)." (6) Authorize a new regular route between Herndon Junction and Ashlan Avenue Junction over U.S. Highway 99 (as relocated), by-passing Herndon and Highway City, to be included as a segment of proposed Route 116, as set forth in subparagraph 1.2(1). (7) Reauthorize a segment of present regular Route No. 116 between Herndon Junction and Ashlan Avenue Junction over former U.S. Highway 99, now an unnumbered highway, via Herndon and Highway City, as a separate regular route to be designated and described on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 29, as follows: "139. Between Herndon Junction and Ashlan Avenue: From junction U.S. Highway 99 and unnumbered highway (Herndon Junction), over unnumbered highway via Herndon and Highway City to junction U.S. Highway 99 (Ashlan Avenue Junction)." (8) Authorize a new regular route between Clinton Avenue Junction and Fresno over U.S. Highway 99 (as relocated), to be included as a segment of proposed Route No. 116, as set forth in subparagraph 1.2(1). (9) Reau-

thorize a segment of present regular Route No. 116 between Clinton Avenue Junction and Fresno over former U.S. Highway 99, now designated as Business Route U.S. Highway 99, as a separate regular route to be designated and described on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 29, as follows: "140. Between Clinton Avenue Junction and Fresno: From junction U.S. Highway 99 and Business Route U.S. Highway 99 (Clinton Avenue Junction), over Business Route U.S. Highway 99 to Fresno." Incidental thereto, on certificate Sheet No. 30, delete the following: "140. Intentionally left blank." 2.2 Requested Authorizations: (1) Subject to the adoption of the relief hereinafter requested in this paragraph 2.2, revised and redescribe Route No. 151 between San Francisco and San Luis Obispo on a revised Certificate No. MC 1501 (Sub No. 138) Sheet No. 31 to read as follows: "151. Between San Francisco and San Luis Obispo: From San Francisco over By-Pass U.S. Highway 101 to junction U.S. Highway 101 (Edenvale Junction), thence over U.S. Highway 101 to San Luis Obispo." (2) Reauthorize the segment of present regular Route No. 151 between San Francisco and Edenvale Junction as a separate route to be designated as a Route No. 152 on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 31, to read as follows: "152. Between San Francisco and Edenvale Junction: From San Francisco over U.S. Highway 101 to junction By-Pass U.S. Highway 101 south of San Jose (Edenvale Junction)." (3) Reauthorize alternate Route No. 153 between Freeway Junction and Airport Overpass (South San Francisco) as a regular route to be included as a segment of proposed Route No. 151 as set forth in subparagraph 2.2(1). (4) Reauthorize the segment of present regular Route No. 152 between Freeway Junction and Airport Overpass as a new regular route No. 153 to be described on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 31, to read as follows: "153. Between Freeway Junction and Airport Overpass: From junction By-Pass U.S. Highway 101 and unnumbered highway north of South San Francisco (Freeway Junction), over unnumbered highway via South San Francisco and San Francisco International Airport to junction By-Pass U.S. Highway 101 southwest of San Francisco International Airport (Airport Overpass)." (5) Reauthorize present alternate Route No. 153–A between South San Francisco (Interchange) and San Bruno (Interchange) as a regular route to be included as a segment of proposed Route 151 as set forth in subparagraph 2.2(1), and delete present Route No. 153–A on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 32. (6) Reauthorize present alternate Route No. 153–B between San Bruno (Interchange) and Airport Overpass as a regular route to be included as a segment of proposed Route No. 151 as set forth in subparagraph 212(1), and delete present Route 153–B on a revised certificate No. MC 1501 (Sub No. 138). Sheet No. 32. (7) Reauthorize present alternate Route No. 176 between junction By-Pass U.S. Highway 101 and unnumbered highway and Edenvale Junction as a regular route to be included as a segment of proposed Route No. 151, as set forth in subparagraph 2.2(1). (8) Reauthorize a segment of present regular Route No. 152 between junction By-Pass U.S. Highway 101 and unnumbered highway, designated herein as Alviso Junction, and San Jose as a separate regular Route No. 176 to be shown on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 35, to read as follows: "176. Between Alviso Junction and San Jose: From junction By-Pass U.S. Highway 101 and unnumbered highway north of San Jose (Alviso Junction), over unnumbered highway to San Jose." (9) Authorize a new regular route between North Soledad Junction and South Soledad Junction over U.S. Highway 101 (as relocated), bypassing Soledad, to be included as a segment of proposed Route No. 151, as set forth in subparagraph 2.2(1). (10) Reauthorize a segment of present regular Route 151 between North Soledad Junction and South Soledad Junction via Soledad, over former U.S. Highway 101, now unnumbered highway, as a separate regular route to be designated and described on a revised certificate No. MC 1501 (Sub No. 138), Sheet No. 35, as follows: "178. Between North Soledad Junction and South Soledad Junction: From junction U.S. Highway 101 and unnumbered highway north of Soledad (North Soledad Junction), over unnumbered highway via Soledad to junction U.S. Highway 101 south of Soledad (South Soledad Junction)." (11) Reauthorize present alternate Route No. 155 between North Templeton Junction and South Templeton Junction as a regular route to be included as a segment or proposed Route No. 151 as set forth in subparagraph 2.2(1), and on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 35, show Route No. 155 as follows: "155. Intentionally left blank." (12) Reauthorize a segment of present regular Route No. 151 between North Templeton Junction via Templeton as a separate regular route to be designated and described on a revised certificate No. MC 1501 (Sub No. 138) Sheet No. 35, as follows: "179. Between North Templeton Junction and South Templeton Junction: From junction U.S. Highway 101 and unnumbered highway north of Templeton (North Templeton Junction), over unnumbered highway via Templeton to junction U.S. Highway 101 south of Templeton (South Templeton Junction)." All as more specifically set forth in the application, all entirely within the State of California between the points in both directions over routes set forth, serving all intermediate points.

NOTE: The changes in operating authority hereinbefore shown and explained are proposed to be incorporated in the designated revised sheets to said loose-leaf Certificate No. 1501 (Sub No. 138).

No. MC 1501 (Sub No. 206), filed September 26, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, 371 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, between Phoenix, Ariz., and Flagstaff, Ariz., over Interstate Highway 17, serving no intermediate points, as an alternative route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: Applicant states that the instant application is to change an alternate route of operation within the State of Arizona, in revision of its loose-leaf form of certificate issued in Docket No. MC 1501 (Sub No. 138). Applicant further states that the above will be subject to the restriction that said route shall not be used in the transportation of passengers moving over its authorized routes in interstate commerce solely between Phoenix, Ariz., on the one hand, and, on the other, Flagstaff, Ariz., and Amarillo, Tex., and intermediate points on U.S. Highway 66 between Flagstaff and Amarillo. Common control may be involved.

No. MC 58177 (Sub No. 5), filed September 19, 1960. Applicant: SOUTHERN COACH COMPANY, a corporation, 1300 East Petigrew Street, Durham, N.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, (1) between Dunn, N.C., and Newton Grove, N.C., from Dunn over North Carolina Highway 55 to Newton Grove, and return over the same route, serving all intermediate points. (2) Between Smithfield, N.C., and Newton Grove, N.C., from Smithfield over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton Grove, and return over the same route, serving all intermediate points. (3) Between Fuquay Springs, N.C., and the junction of unnumbered county road with North Carolina Highway 55, from Fuquay Springs over unnumbered county road to its junction with North Carolina Highway 55, approximately two and one-half miles south of Cairo (Five Points) N.C., and return over the same route, serving all intermediate points. (4) (a) Between Wilmington, N.C., and Southport, N.C., from Wilmington over U.S. Highway 17 via junctions North Carolina Highways 40 and 87 to Supply, N.C., thence over North Carolina Highway 211 to Southport, and return over the same route, serving all intermediate points. (b) between the junction of U.S. Highway 17 with North Carolina Highway 40 and Southport, N.C., from the junction of U.S. Highway 17 and North Carolina Highway 40 over North Carolina Highway 40 via Orton Plantation and junction North Carolina Highway 87 to Southport, and return over the same route, serving all intermediate points. (c) between the junction of U.S. Highway 17 with North Carolina Highway 87 and the junction of North Carolina Highway 40, from the junction of U.S. Highway 17 and North Carolina Highway 87 over North Carolina Highway 87 to its junction with North Carolina Highway 40, and return over the same route, serving all intermediate points.

NOTE: Applicant presently conduots operations under the second proviso of section 206(a)(1) in Certificate No. MC 58177 (Sub No. 4).

No. MC 117173 (Sub No. 1), filed September 28, 1960. Applicant: BEAVER VALLEY MOTOR COACH COMPANY, doing business as BEAVER TOURS, a corporation, Junction Park, New Brighton, Pa. Applicant's attorney: Daniel M. Evans, Federal Title and Trust Building, Beaver Falls, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round trip sightseeing and pleasure tours, beginning and ending at points in Beaver County, Pa., and extending to points in the United States.

NOTICE OF FILING OF PETITIONS

No. MC 16340 (PETITION FOR WAIVER OF RULE 1.101(e) OF THE GENERAL RULES OF PRACTICE, FOR REOPENING OF THE GRANDFATHER APPLICATION, AND MODIFICATION OF THE AUTHORITY GRANTED THEREIN BY ORDER OF SEPTEMBER 12, 1941), dated September 3, 1960. Petitioner: STANDARD MOTOR FREIGHT, INC., Pittsburgh, Pa. Petitioner's attorneys: Samuel P. Delisi and Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. On September 12, 1941, the Commission issued a Certificate to petitioner in No. MC 16340, and from that time until the present said petitioner has provided a substantial and continuing service transporting *general commodities*, with exceptions, to and from off-route points in Pennsylvania within two miles of the Ohio River, between Rochester, Pa., and the Ohio-Pennsylvania State line including such major points as Midland, Pa. Recently, petitioner's authority to provide service to and from off-route points in the described area such as Midland, Pa. has been questioned. Petitioner requests that the Commission shall (1) waive Rule 1.101(e) of the general rules of practice and accept this petition for filing (2) reopen the "grandfather" proceeding in Docket No. MC–16340, and (3) modify petitioner's certificate so as to authorize in appropriate language service to and from off-route points in Pennsylvania within two miles of the Ohio River between Rochester, Pa., and the Ohio-Pennsylvania State line. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109556 (PETITION FOR WAIVER OF SECTION 1.101(e) OF THE GENERAL RULES OF PRACTICE AND FOR REOPENING, RECONSIDERATION AND MODIFICATION OF CERTIFICATE), dated August 11, 1960. Petitioner: WISECUP'S EXPRESS, INC., OXFORD, OHIO. Petitioner's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Petitioner is successor in interest to Raymond G. Wisecup, doing business as Wisecup's Express, No. MC 64237, pursuant to grandfather proceedings, was granted a Certificate to transport: Agricultural commodities, feed, fertilizer, building materials and supplies, furnaces, stoves, logs, batteries, drugs, horse shoes, *iron*, livestock, machinery tools, tires and sugar, between Oxford, Ohio, and points within 25 miles thereof, on the one hand, and, on the other, points in Ohio and those in that part of Indiana south of U.S. Highway 24 and east of U.S. Highway 41 including points on the indicated portions of the highways specified. Petitioner requests that this Commission declare and determine that the commodity *iron* as used in petitioner's certificate and that of petitioner's predecessor was intended to and did include iron and steel articles. Petitioner further requests that in order to remove future doubt, the Commission in addition to its declaration and determination, reissue said certificate and either insert therein the words "iron and steel articles" in place of the word "iron", or in the alternative, spell out in said certificate that the word "iron" as used in said certificate includes iron and steel articles. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier 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 7672. Authority sought for purchase by MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak., of a portion of the operating rights of REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., and for acquisition by H. Lauren Lewis, also of Sioux Falls, of control of such rights through the purchase. Applicants' attorneys: James Walsh, 316 Summer Street, Boston, Mass., and Donald Stern, 924 City National Bank Building, Omaha, Nebr. Operating rights sought to be transferred: *Oysters*, as a *common carrier* over irregular routes, from Crisfield, Salisbury, Bivalve, Tilghman's Island, Kent Island, West River, and Baltimore, Md., Norfolk and Portsmouth, Va., and Port Norris, N.J., to Youngstown, Cleveland, Toledo, Columbus, Dayton, and Cincinnati, Ohio, Louisville, Ky., Indianapolis and Fort Wayne, Ind., Charleston, W. Va., Chicago and Peoria, Ill., Madison, Wis., Kansas City, Mo., Omaha and Lincoln, Nebr., Des Moines, Cedar Rapids, Dubuque, and Fort Dodge, Iowa, and Denver, Colo.; *seafood*, from Crisfield, Md. (except frozen seafood), and Norfolk, Va., to Charleston, W. Va., Cincinnati and Columbus, Ohio, Indianapolis, Ind., and Louisville, Ky.; *fresh and frozen seafood*, from points in Delaware, Maryland (except frozen seafood from Pocomoke City, Cambridge, and Crisfield), and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to St. Louis, Mo., Minneapolis and St. Paul, Minn., points in Michigan and Wisconsin, and certain points in New York and Pennsylvania, and from Crisfield, Md. (except frozen seafood), to points in the lower peninsula of Michigan; *fresh and frozen poultry, fresh and frozen seafood, and frozen fruits and vegetables*, from points in Delaware, Maryland (except frozen poultry, frozen seafood and frozen fruits and vegetables from Pocomoke City, Cambridge, and Crisfield), and Virginia east of the Cheapeake Bay and south of the Chesapeake and Delaware Canal, to points in Illinois, Indiana, Iowa, Kentucky, Nebraska, Ohio, and West Virginia, and certain points in New York; *canned goods*, from Crisfield, Md., to Elmira and Binghamton, N.Y., from Kingston and Marion Station, Md., to Elmira and Binghamton, N.Y., and from Baltimore and Havre de Grace, Md., and points in those parts of Delaware, Maryland, and Virginia on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, to certain points in New York; *frozen foods*, from Pocomoke City, Cambridge, and Crisfield, Md., to St. Louis, Mo., Minneapolis and St. Paul, Minn., points in Illinois, Indiana, Iowa, Kentucky, Michigan, Nebraska, Ohio, West Virginia, and Wisconsin, and certain points in New York and Pennsylvania, with the restriction that the authority described immediately above and that now held by carrier from the same points over irregular routes shall not be severable and shall not be construed as constituting more than one operating right, and said authority described immediately above shall not be combined with otherwise authorized authority now held by carrier. Vendee is authorized to operates as a *common carrier* in South Dakota, Washington, Oregon, Minnesota, Iowa, California, Nebraska, Nevada, Idaho, Illinois, Missouri, Utah, North Dakota, Montana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Michigan, Ohio, Virginia, West Virginia, Indiana, Kentucky, Wisconsin, Missouri, Arizona, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7673. Authority sought for purchase by JACK COLE COMPANY, 1900 Vanderbilt Road, P.O. Box 274, Birmingham, Ala., of the operating rights of THE MIDDLESEX TRANSPORTATION COMPANY, (IRVING J. VEROSLOFF, TRUSTEE IN BANKRUPTCY), Foot of Burnett Street, Municipal Dock, New Brunswick, N.J., and for acquisition by J. B. COLE, JR., also of Birmingham, of control of such rights through the purchase. Applicants' attorneys: Guy H. Postell, 805 Peachtree Street Building, Atlanta 8, Ga., William Biederman, 280 Broadway, New York, N.Y., and Louis Kraemer, 790 Broad Street, Newark 2, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular

routes between certain points in New Jersey, New York, and Pennsylvania. Vendee is authorized to operate as a *common carrier* in Alabama, Illinois, Indiana, Ohio, Tennessee, Georgia, Pennsylvania, New York, Michigan, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7674. Authority sought for purchase by PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle 1, Wash., of a portion of the operating rights of H. A. SCHARFF, doing business as SCHARFF MOTOR FREIGHT, 2210 East Portland Road, Newberg, Oreg., and for acquisition by PUGET SOUND FREIGHT LINES, also of Seattle, of control of such rights through the purchase. Applicants' attorneys: Charles J. Keever, 812 Hoge Building, Seattle 4, Wash., and Lawrence V. Smart, 2010 Northwest Vaughn Street, Portland, Oreg. Operating rights sought to be transferred: *Sawdust, wood chips, hog-fuel,* and *planer shavings,* in bulk, as a *common carrier* over irregular routes, from points in Clackamas, Hood River, and Multnomah Counties, Oreg., to points in Clark and Cowlitz Counties, Wash. Vendee is authorized to operate as a *common carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F. R. Doc. 60–9543; Filed, Oct. 11, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 7, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36614: *Iron and steel articles—Granite City, Ill., to Greenville, Miss.* Filed by O. W. South, Jr., Agent (SFA No. A–4021), for interested rail carriers. Rates on plate or sheet, noibn, iron and steel, and strip steel, in carloads, from Granite City and East St. Louis, Ill., to Greenville, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 115 to Southern Freight Association tariff I.C.C. 1592.

FSA No. 36615: *Clay—Wyoming to Michigan and Minnesota.* Filed by Western Trunk Line Committee, Agent (No. A–2144), for interested rail carriers. Rates on clay, in carloads, as described in the application, from Cody, Frannie, Greybull, Medicine Bow, Mills, Parkman, and Rock River, Wyo., to specified points in Michigan and Minnesota.

Grounds for relief: Short-line distance formula.

Tariffs: Supplements 9 and 143 to Western Trunk Line Committee tariffs I.C.C. A–4335 and A–4123, respectively.

FSA No. 36616: *Superphosphate—Florida to New England.* Filed by O. W. South, Jr., Agent (SFA No. A–4022), for interested rail carriers. Rates on superphosphate, not defluorinated nor feed grade, in bulk, in carloads, from producing points in Florida to East Windsor, Hazardville, North Haven, Portland, Conn., South Deerfield, Mass., and Fox Point, R. I.

Grounds for relief: Rail-water-truck competition.

Tariff: Supplement 10 to Southern Freight Association tariff I.C.C. S–128.

By the Commission.

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

[F.R. Doc. 60–9541; Filed, Oct. 11, 1960; 8:47 a.m.]

[Notice 392]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 7, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63613. By order of October 5, 1960, the Transfer Board approved the transfer to Elmore Jack Klinkenborg, George, Iowa, of Certificate No. MC 14513 issued December 24, 1952, to Benjamin Koerselman, Jr., doing business as Koerselman Bros., George, Iowa, authorizing the transportation over irregular routes, of livestock, grain, seeds, and animal or poultry feed, between George, Iowa, and points within 20 miles of George, on the one hand, and, on the other, Sioux Falls and Canton, S. Dak., Austin and Worthington, Minn., and Fremont and Omaha, Nebr.; grain, between points in Iowa and Minnesota within 20 miles of George, Iowa, including George; grain, hay, and livestock, between points in Lyon County, Iowa, on the one hand, and, on the other, points in Rock and Nobles Counties, Minn., on and south of U.S. Highway 16; household goods, between points in Lyon County, Iowa, on the one hand, and, on the other, points in Rock and Nobles Counties, Minn.; emigrant movables, between points in Iowa and Minnesota within 20 miles of George, Iowa, including George, on the one hand, and, on the other, points in that part of Minnesota south and west of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 212 to Minneapolis, Minn., thence along U.S. Highway 65 to the Minnesota-Iowa State line, including points on the indicated portions of highways specified; between points in Lyon County, Iowa, other than those within 20 miles of George, Iowa, on the one hand, and, on the other, points in Rock and Nobles Counties, Minn.; and farm machinery, from Sioux Falls, S. Dak. and Worthington, Minn. to George, Iowa. Ed Koch, Mgr., Iowa Better Trucking Bureau, 1313 Dace Street (Box 833), Sioux City, Iowa, for applicants.

No. MC–FC 63618. By order of October 6, 1960, the Transfer Board approved the transfer to Contractors Cargo Company, a corporation, Los Angeles, Calif., of Permit No. MC 17745, issued August 20, 1953, to William A. Hufnagel, doing business as Contractors Cargo Company, Los Angeles, Calif., authorizing the transportation of: Construction materials and contractors' machinery, supplies, and equipment, from Los Angeles, Calif., Harbor points, to sites of construction projects in California within 250 miles thereof, between rail heads in California, Arizona, New Mexico, Oregon, Washington, and Nevada, and construction projects or other points of use in the above-specified States, within 100 miles of such rail heads; or, between such construction projects or points of use and the nearest rail head, when none is located within 100 miles thereof. Bart F. Wade, 729 Citizens Natl. Bank Building, Los Angeles 13, Calif., for applicants.

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

[F.R. Doc. 60–9544; Filed, Oct. 11, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 5, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36612: *Substituted service—LV and Wab. for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 34), for itself and interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Wilkes-Barre, Pa., on the one hand, and Chicago and East St. Louis, Ill., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 13 to Midwest Haulers, Inc., tariff MF–I.C.C. 22.

FSA No. 36613: *Substituted service—PRR for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 35), for itself and interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kearny, N.J., and Grand Rapids, Mich., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 13 to Midwest Haulers, Inc., tariff MF–I.C.C. 22.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60–9451; Filed, Oct. 7, 1960; 8:47 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

FLORIDA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated September 12, 1960, reading in part as follows:

I hereby determine the damage in the various areas of the State of Florida adversely affected by Hurricane Donna, including the Florida Keys, to be of sufficient severity and magnitude to warrant Federal disaster assistance to supplement State and local efforts.

This declaration shall, where necessary, include that damage in various areas within the State of Florida covered by my declaration of "major disaster" on March 23, 1960, as amended by a further declaration on August 9, 1960, and funds allocated to you for such purposes shall be also available under this declaration for the prosecution of disaster relief.

I do hereby determine the following areas in the State of Florida to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 12, 1960:

The counties of: Brevard, Broward, Charlotte, Citrus, Clay, Collier, Dade, De Soto, Duval, Flagler, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Marion, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, Sumter, St. Lucie, St. Johns, Volusia.

Dated: September 30, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60–9524; Filed, Oct. 11, 1960; 8:45 a.m.]

GEORGE T. PIERCY

Appointment and Statement of Business Interests

Employment without compensation under section 710(b) of the Defense Production Act.

Pursuant to section 710(b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of George T. Piercy, as an Advisor, WOC, in the Resources & Production, Fuel & Energy area, in the Office of Civil and Defense Mobilization.

Statement of his business interests appears below.

Dated: September 20, 1960.

LEO A. HOEGH,
Director.

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Standard Oil Company (N.J.).
National Gypsum Company.
Parke Davis & Co.
Radio Corporation of America.
Anaconda Company.
Kennecott Copper Corp.
Crane Co.
Schering Corp.
American Radiator & Standard Sanitary Corp.
Chrysler Corp.
Mutual Funds:
Canadian Fund.
Axe-Houghton Fund.
I am a director of Esso Tankers, Inc.

Dated: September 20, 1960.

GEORGE T. PIERCY.

[F.R. Doc. 60–9525; Filed, Oct. 11, 1960; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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