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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 201—GENERAL

Exclusions

Effective upon publication in the FEDERAL REGISTER § 201.100 is amended by the addition to paragraph (a) of a new subparagraph (10) reading as follows:

§ 201.100 Exclusions.

(a) The following positions, and the incumbents thereof, are excluded from all of the provisions of the Act, except section 16 thereof, and the regulations in this chapter:

(10) The probation and parole officer and deputy parole and probation officers.

(Secs. 3, 15, 72 Stat. 405; E.O. 10794, 23 F.R. 9627, 3 CFR 1958 Supp.)

CYRUS R. VANCE,
Secretary of the Army.

[F.R. Doc. 63-411; Filed, Jan. 15, 1963;
8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Net Weight of Poultry Products; Wording on Labels

Under authority contained in the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), § 81.130(a)(3) of the regulations governing the inspection of poultry and poultry products (7 CFR 81.130(a)(3)) relating to the net weight or other appropriate measure of contents of containers of poultry products, is hereby amended as set forth below.

The amendment clarifies the original intent of § 81.130(a)(3) by making it more easily understood that the net weight required to appear on the immediate container of any poultry product is the net weight of the poultry product and includes, in addition to the weight of the poultry, the weight of any ingredient that is combined with the poultry in the product, and excludes the weights of the wet or dry packaging materials and giblet wrapping materials. Section 81.130(a)(3) has been so interpreted by this Department since it was originally promulgated.

In order to effectuate the purposes of the Act, the amendment should be made effective as soon as possible. Affected persons do not need time in which to conform their operations to the requirements of the amendment inasmuch as the amendment is only of a clarifying nature. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice of proposed rule-making and other public procedure on the amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Section 81.130(a)(3) is amended to read as follows:

§ 81.130 Wording on labels.

(a) * * *

(3) The net weight or other appropriate measure of the contents, except that the Administrator may approve the use of labels for certain types of immediate containers which do not bear the net weight: *Provided*, That the retailer or distributor supplying the retailer agrees in writing to the Administrator to mark the true net weight on the label prior to display and sale thereof: *And provided further*, That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale": *And provided further*, That the total net weight of the contents of the shipping container shall be marked on such container. The net weight marked on containers of poultry products shall be the net weight of the poultry products and shall not include the weights of the wet or dry packaging materials and giblet wrapping materials.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 19 F.R. 74, as amended)

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

Done at Washington, D.C., this 10th day of January 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63-452; Filed, Jan. 15, 1963;
8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 73—SCABIES IN CATTLE

PART 74—SCABIES IN SHEEP

Permitted Dips; Substances Allowed

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as

amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 120, 121, 123, 125), Parts 73 and 74 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, containing the regulations restricting the interstate movement of cattle and sheep because of scabies, are amended as follows:

§ 73.2 [Amendment]

1. The portion of paragraph (a) of § 73.2 preceding the colon is amended to read:

(a) *Conditions under which permitted after one dipping.* Cattle which, just prior to shipment, were affected with scabies but have been dipped once in a permitted dip (other than a toxaphene dip), under the supervision of a Division inspector, within 10 days prior to the date of shipment may be shipped or transported interstate for immediate slaughter to a recognized slaughtering center, upon compliance with the following conditions:

§ 73.10 [Amendment]

2. Subparagraph (3) of § 73.10(a) is deleted.

3. Paragraph (c) of § 73.10 is amended to read:

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than 2 percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division.² The dipping bath for toxaphene emulsions must be kept within a temperature range of 40°-80° F., and at a concentration of 0.5 percent during dipping operations.³

4. The introductory paragraph of § 74.9 is amended to read:

§ 74.9 *Conditions under which permitted after one dipping.*

Sheep which, just prior to shipment or movement interstate, were infected with scabies but have been dipped once in a

² The field test for lime-sulphur dipping baths is described in United States Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at 5 cents a copy. A field test outfit at present approved by the Division for nicotine-dipping baths is that designated for the purpose of identification as "Field test outfit N-2." (Description available on application to the Department.)

³ Care must be exercised in dipping animals and in maintaining the bath at the standard concentration. Detailed instructions will be issued for the guidance of employees who may be called upon to use them in the scabies eradication program.

permitted dip (other than a toxaphene dip) under the supervision of a Division or State inspector within 10 days prior to the date of shipment and so certified by him, may be shipped, trailed, driven, or otherwise moved interstate, for immediate slaughter, directly to a public stockyard or to a recognized slaughtering center provided the following conditions are strictly observed and complied with:

* * * * *

§ 74.24 [Amendment]

5. Subparagraph (3) of § 74.24(a) is deleted.

6. Paragraph (c) of § 74.24 is amended to read:

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than 1½ percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division.³ The dipping bath for toxaphene emulsions must be kept within a temperature range of 40°-80° F., and at a concentration of 0.5 percent during dipping operations.⁴

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

Effective date. The amendments shall become effective upon issuance.

The purpose of the amendments is to remove the designation of lindane as a permitted dip which may be used under the regulations relating to scabies in cattle and sheep in cases where dipping of such animals in a permitted dip is required prior to interstate movement. Supervised field trials demonstrated that it is not possible to maintain an effective concentration of lindane in dipping baths. The use of lindane as a permitted dip results in the interstate movement of sheep and cattle dipped in a bath that contains little or no acaricide.

The amendments must be made effective promptly in order to be of maximum benefit in preventing the spread of scabies in sheep and cattle. Accordingly, under section 4 of the Adminis-

³ The field test for lime-sulphur dipping baths is described in United States Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at 5 cents a copy. A field test outfit at present approved by the Division for nicotine-dipping baths is that designated for the purpose of identification as "Field test outfit N-3." (Description available on application to the Department.)

⁴ Care must be exercised in dipping animals and in maintaining the bath at the standard concentration. Detailed instructions will be issued for the guidance of employees who may be called upon to use them in the scabies eradication program.

trative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of January 1963.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 63-453; Filed, Jan. 15, 1963;
8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-EA-54]

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

Alteration of Federal Airway

On September 22, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 9458) stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 203 between Albany, N.Y., and Massena, N.Y., by expanding the airway to 14 miles in width from 45 nautical miles from Albany to 45 nautical miles from Massena.

Subsequent to the publication of the notice, Part 600 and 601 of the regulations of the Administrator have been consolidated and recodified into a new Part 71 of the Federal Aviation Regulations which became effective December 12, 1962 (27 F.R. 10352, 220-2). The airspace action taken herein reflects the new format and numbering system adopted for these parts.

The Air Transport Association of America concurred with the proposed amendment and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In § 71.123 (27 F.R. 220-6, November 10, 1962) V-203 "Massena, N.Y." is deleted and "Massena, N.Y. (14-mile wide airway from 45 nmi from Albany to 45 nmi from Massena, N.Y.)" is substituted therefor.

These amendments shall become effective 0001 e.s.t. March 7, 1963.

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

Issued in Washington, D.C., January 9, 1963.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 63-442; Filed, Jan. 15, 1963;
8:48 a.m.]

[Airspace Docket No. 62-WA-88]

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

Alteration of Federal Airway and Associated Control Areas

On September 19, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 9262) stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 94 by designating a south alternate between Deming, N. Mex., and Newman, Tex.

Subsequent to the publication of the notice, Parts 600 and 601 of the regulations have been consolidated and recodified into a new Part 71 of the Federal Aviation Regulations which became effective December 12, 1962 (27 F.R. 10352, 220-2). The airspace action taken herein reflects the new format and numbering system adopted for these parts.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator, (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 71.123 (27 F.R. 220-6, November 10, 1962) V-94 "Newman, Tex.;" is deleted and "Newman, Tex., including an S alternate via INT of Deming 121° and Newman 271° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. March 7, 1963.

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

Issued in Washington, D.C., on January 9, 1963.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 63-443; Filed, Jan. 15, 1963;
8:48 a.m.]

[Airspace Docket No. 62-EA-20]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Designation of Jet Route and Jet Advisory Area

On September 21, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 9409) stating that the Federal Aviation Agency proposed to designate a jet route, and as-

sociated radar jet advisory area, from Pulaski, Va., via Herndon, Va., to the intersection of Jet Routes Nos. 75 and 42.

Subsequent to the issuance of the notice, Part 602 of the regulations of the Administrator has been recodified into a new Part 75 of the Federal Aviation Regulations which became effective December 12, 1962 (27 F.R. 10352). The airspace actions taken herein reflect the new format and numbering system adopted for this part.

The Air Transport Association of America endorsed the proposal. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed rules having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 75 is amended as follows:

1. In § 75.100 *Jet Routes* (27 F.R. 10357) the following is added:

Jet Route No. 48 (Pulaski, Va., to New Park, Md.). From Pulaski, Va., via Herndon, Va.; to the INT of the Herndon 074° and the Front Royal, Va., 065° radials.

2. In § 75.200 *En Route Jet Advisory Areas* (27 F.R. 10357) the following is added:

Jet Route No. 48 jet advisory area. Radar—Pulaski, Va., to the INT of the Herndon, Va., 074° and the Front Royal, Va., 065° radials.

These amendments shall become effective 0001 e.s.t. March 7, 1963.

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

Issued in Washington, D.C., on January 9, 1963.

W. THOMAS DEASON,
Assistant Chief,

Airspace Utilization Division.

[F.R. Doc. 63-444; Filed, Jan. 15, 1963; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-72]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart J—Rules Applicable to Proceedings Involving Supplemental Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of January 1963.

Public Law 87-528 of July 10, 1962, 76 Stat. 143, enacted, among other provisions, a new subsection (n) to section 401 of the Federal Aviation Act of 1958.

Sections 401(n) (1), (3) and (4) impose certain requirements on the holders of supplemental air carrier certificates issued under new section 401(d) (3) of the Act. Section 401(n) (5) provides for the immediate suspension by the Board of a supplemental air carrier certificate upon a determination that failure of the carrier to comply with any of these pro-

visions or Board regulations or orders thereunder, requires such suspension in the interest of the rights, welfare or safety of the public. Such suspension may be for an aggregate period of not more than 90 days, pending an evidentiary hearing to determine whether the certificate should be modified, suspended or revoked. Section 401(n) (6) authorizes the Board to implement the provisions of subsection (n) by regulations and orders.

The attached procedural regulation, §§ 302.1011-302.1017, applies to supplemental air carriers' certificates issued under section 401(d) (3) of the Act and to other operating authority of such carriers to which the provisions of section 401(n) of the Act have been made applicable as terms or conditions. They implement the suspension provisions of section 401(n) (5). Provision is made for concurrent institution of an evidentiary proceeding to determine whether the carrier's certificate should be modified, suspended or revoked. The carrier may, at any time, file a motion asking that the initial suspension be lifted, or that the proceeding be terminated. An accelerated procedure is provided for trial of issues on which the continuation or termination of an initial suspension depends.

Since this regulation is procedural in nature, notice and public procedure thereon are not required and the regulation may be made effective on less than 30 days' notice. However, comments (10 copies) of interested persons on this regulation, submitted to the Docket Section, Civil Aeronautics Board, Washington 25, D.C., on or before February 11, 1963, will be considered by the Board and the regulation may be amended in light of such comments. Accordingly, the Board hereby adopts, effective January 16, 1963, new Subpart J of Part 302 of its regulations, 14 CFR Part 302, to read as follows:

- Sec.
- 302.1001 Applicability.
- 302.1002 Definition.

IMMEDIATE SUSPENSION OF OPERATING AUTHORITY

- 302.1011 Rules governing proceedings.
- 302.1012 Order of suspension.
- 302.1013 Answer of carrier.
- 302.1014 Motions.
- 302.1015 Additional suspension.
- 302.1016 Accelerated hearing.
- 302.1017 Final decision.

AUTHORITY: §§ 302.1001 to 302.1017 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401, 417, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 754, 788, 76 Stat. 143, 145; 49 U.S.C. 1371, 1387, 1491, sec. 7 of Public Law 87-528, 76 Stat. 146.

§ 302.1001 Applicability.

This subpart sets forth procedural rules specifically applicable to certain proceedings involving supplemental air carriers, including procedural rules required for implementation of Public Law 87-528 of July 10, 1962, 76 Stat. 143. For information as to other applicable rules, reference should be made to Subparts A and B of this part, to the Federal Aviation Act of 1958, as amended, and to the

substantive rules and orders of the Board. See especially Part 208 of this chapter (Economic Regulations).

§ 302.1002 Definition.

As used in this part, "supplemental air carrier" means a person holding operating authority issued pursuant to section 401(d) (3) or 417 of the Federal Aviation Act of 1958, as amended, or pursuant to section 7 or 9 of Public Law 87-528 of July 10, 1962.

IMMEDIATE SUSPENSION OF OPERATING AUTHORITY

§ 302.1011 Rules governing proceedings.

Proceedings for suspension, modification or revocation of a supplemental air carrier certificate pursuant to section 401(n) (5) of the Act, or of special operating authorizations issued pursuant to section 417 of the Act, or of authority granted under sections 7 or 9 of Public Law 87-528 to which the provisions of section 401(n) (5) have been made applicable as terms or conditions, shall be governed by §§ 302.1012 to 302.1017 and, as to matters not provided for in said sections, by Subparts A and B of this part.

NOTE: Sections 302.1012 to 302.1017 do not apply to proceedings for modification, suspension or revocation not initiated under, or by reference to, the provisions of section 401(n) (5) of the Act.

§ 302.1012 Order of suspension.

In any case in which the Board determines that the failure of a supplemental air carrier to comply with the provisions of paragraphs (1), (3) or (4) of section 401(n) of the Act or regulations or orders of the Board thereunder requires, in the interest of the rights, welfare or safety of the public immediate suspension of such carrier's certificate or other operating authority as the case may be, the Board will issue, without notice or hearing, an order of suspension which will set forth:

(a) The duration of the suspension, which initially will be for not more than 30 days;

(b) The specific provision or provisions of section 401(n) (1), (3) or (4), or of the regulations or orders of the Board thereunder with which the carrier has failed to comply together with the manner of such failure;

(c) A determination that such failure requires the immediate suspension, in whole or in part as the case may be, of the carrier's operating authority in the interest of the rights, welfare, or safety of the public;

(d) A statement that the order shall constitute a complaint instituting a formal economic proceeding on which a hearing shall be held to determine whether the supplemental air carrier's operating authority should be modified, suspended or revoked;

(e) A statement as to which staff component of the Board is to be made a party to the proceeding.

§ 302.1013 Answer of carrier.

(a) *Time for filing, and contents.* Within 7 days of service of the order of suspension, the carrier may file and serve

on all parties an answer to the order of suspension. No objections or affirmative defenses not plainly raised in the answer may be raised subsequently in the proceeding, except if based on grounds of newly discovered evidence or supervening events. Late filing of an answer shall be permitted only for good cause shown.

(b) *Failure to file an answer.* In case of the carrier's failure to file and serve an answer to the order within the time and in the manner prescribed, the right to all further procedural steps before final decision, including hearing, briefs, and recommended and tentative decisions, shall be deemed waived, and the Board will proceed immediately to disposition of the case.

§ 302.1014 Motions.

(a) *Motions for termination of suspension and/or proceeding.* (1) The supplemental air carrier may at any time file and serve on all parties to the proceeding, a motion addressed to the Board asking that the suspension be lifted, on the ground (i) that suspension, pending completion of the proceeding, is not required in the interest of the rights, welfare or safety of the public; or (ii) that the carrier has come into compliance with the provision or provisions with which it had failed to comply. Such motions may be combined with a motion to terminate the proceeding. Such motions shall be made in lieu of petitions for reconsideration of the Board's initial order, or of motions to dismiss.

(2) Motions made pursuant to subparagraph (1) of this paragraph will be submitted to the Board for determination. The Board may grant motions for termination of suspension in proper cases without waiting for expiration of the time for answers but parties may submit informal written or telegraphic statements of position on such motions which will be considered if received prior to Board action. Such communications need not be served separately but shall be copied in full in a timely answer filed and served pursuant to the provisions of this part.

(b) *Motions directed to pleadings.* No motion for more definite statement shall be made but the substance thereof may be stated in the answer. The examiner may permit or require a more definite statement or other amendment to any pleading at the hearing upon just and reasonable terms.

(c) *Motions for extension of time.* Substantial extensions of procedural dates shall be granted only when required in the interest of justice, unless the respondent air carrier stipulates that it will refrain from operating the suspended service until the Board's adjudication on the merits of the proceeding becomes final even though the Board has exhausted its emergency suspension power. The filing of motions for extension shall not operate to excuse failure of timely compliance with any procedural requirement.

(d) *Other motions.* The provisions of § 302.18 shall govern the above mentioned motions in respects not provided for in this section, and shall govern any other motions, except that answers to

written motions shall be filed and served within 5 days of service of such motions.

§ 302.1015 Additional suspension.

Pending the completion of proceedings hereunder, the Board, upon motion or its own initiative, may further extend the period of suspension of the supplemental carrier's operating authority for an additional period or periods aggregating not more than 60 days.

§ 302.1016 Accelerated hearing.

The examiner shall set the date of hearing not later than 15 days after the issuance of the Board's suspension order. He may postpone the date of the hearing, or grant continuations of the hearing, only to the extent necessary in the interest of justice. The examiner shall urgently expedite the proceeding and shall fix all procedural dates on the basis of maximum acceleration consistent with justice. Proposed findings and conclusions and supporting reasons shall be stated orally on the record. The delegation of § 302.27(a) shall not be applicable and the examiner shall, upon termination of the hearing, make his initial decision orally on the record. Requests for a written initial decision may be granted on the same condition as substantial extensions of procedural dates (§ 302.1014(c)).

§ 302.1017 Final decision.

The parties may appeal from the initial decision by filing with the Board and serving upon all other parties a notice of appeal within two days after the rendering of the initial decision if it is made orally, or the service of a written initial decision, as the case may be. No exceptions shall be filed but within 10 days of the notice of appeal each party may file one brief (§ 302.31(c)) with the Board. The Board will give three days' notice of oral argument, where granted. If no notice of appeal is filed, or if no brief is filed by the party or parties having filed a notice of appeal, within the times herein provided, the initial decision shall without further proceedings become the final decision of the Board five days after expiration of the time for filing notice of appeal or brief, as the case may be, unless the Board has issued an order to review upon its own initiative.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-449; Filed, Jan. 15, 1963;
8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-280]

PART 13—PROHIBITED TRADE PRACTICES

Marvin Polk et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or*

identification. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*; § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; § 13.1845-30 *Fur Products Labeling Act*; § 13.1865 *Manufacture or preparation*; § 13.1865-40 *Fur Products Labeling Act*; § 13.1880 *Old, used, or reclaimed as unused or new*; § 13.1880-40 *Fur Products Labeling Act*; § 13.1900 *Source or origin*; § 13.1900-40 *Fur Products Labeling Act*; § 13.1900-40(a) *Maker or seller*; § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Marvin Polk trading as Parker Fur Company, etc., et al., Chicago, Ill., Docket C-280, Dec. 18, 1962]

In the Matter of Marvin Polk, an Individual Trading as Parker Fur Company and as Re-Sale Fur Salon, and Richard Polk, Individually and as a Salesman of Parker Fur Company and Re-Sale Fur Salon

Consent order requiring Chicago furriers to cease violating the Fur Products Labeling Act by failing to show on labels and invoices the true animal name of furs and to disclose when furs were artificially colored; to show the name of the manufacturer, etc., on labels, and the country of origin of imported furs on invoices; to disclose on invoices and in newspaper advertising when fur products were "secondhand"; by substituting nonconforming labels for those affixed by manufacturers or distributors; and by failing in other respects to conform to labeling and invoicing requirements.

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

It is ordered, That respondents Marvin Polk, an individual trading as Parker Fur Company, Re-Sale Fur Salon or under any other trade name, and Richard Polk, individually and as a salesman of Parker Fur Company or Re-Sale Fur Salon, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution, of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

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

B. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

C. Affixing labels to fur products that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

D. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in handwriting.

E. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

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

C. Failing to disclose that fur products are "secondhand" when in fact such fur products have been worn or used by ultimate consumers.

D. Failing to set forth on invoices the item number or mark assigned to a fur product.

E. Using coined, fictitious or non-existent animal names to describe fur products.

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

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

B. Fails to describe fur products as "secondhand" when such fur products have been previously worn by ultimate consumers.

It is further ordered, That respondents Marvin Polk, an individual trading as Parker Fur Company, Re-Sale Fur Salon, or under any other trade name, and Richard Polk, individually and as a salesman of Parker Fur Company or Re-Sale Fur Salon, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the selling, offering for sale, or processing fur products which have been shipped or received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and Rules and Regulations promulgated thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the man-

ner and form in which they have complied with this order.

Issued: December 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-418; Filed, Jan. 15, 1963; 8:45 a.m.]

[Docket C-279]

PART 13—PROHIBITED TRADE PRACTICES

Roy Weir et al.

Subpart—Discriminating in price under Sec. 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 12.820 *Direct buyers*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpretations or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Roy Weir et al. doing business as Valley Fruit & Vegetable Co., Pharr, Tex., Docket C-279, Dec. 18, 1962]

In the Matter of Roy Weir, Rudolph Ogden, Dan Seitz, and Richard Eubank, Individually and as Co-partners Doing Business as Valley Fruit & Vegetable Co.

Consent order requiring packers of citrus fruit and produce in Pharr, Tex., to cease violating section 2(c) of the Clayton Act by paying commissions or brokerage to a large number of direct buyers purchasing for their own account for resale.

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

It is ordered, That the respondents Roy Weir, Rudolph Ogden, Dan Seitz, and Richard Eubank, individually and as co-partners doing business as Valley Fruit & Vegetable Co., and their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or produce, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or produce to such buyer for his own account.

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

Issued: December 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-419; Filed, Jan. 15, 1963; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 40-3605]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Exemption of Certain Transactions of Insurance Companies

On November 8, 1962, the Securities and Exchange Commission published notice in the FEDERAL REGISTER (27 F.R. 10910) that it had under consideration the adoption of a Rule 3c-3 (§ 270.3c-3) exempting from the provisions of the Investment Company Act of 1940 transactions of insurance companies with respect to certain group annuity contracts which provide for the administration of funds held by an insurance company in a separate account established and maintained pursuant to legislation which permits the income, gains and losses whether or not realized, from assets allocated to such account to be credited to or charged against such account without regard to other income, gains, or losses, of the insurance company.

All interested persons were invited to comment upon the proposal. Comments were received from various persons who generally favored immediate adoption of the rule, with several suggestions that the scope of the rule be expanded. The Commission has decided to defer consideration of such expansion and to adopt the rule as originally proposed with only minor changes in the wording thereof.

The reference to "agreement" in the rule as submitted for comment has been deleted since only a "plan" can meet the requirements of the qualification sections of the Internal Revenue Code. For purposes of clarification, the reference to section 403(a) (1) of the Internal Revenue Code has been changed to refer to plans which meet the requirements for deduction of the employer's contributions under section 404(a) (2) of said Code whether or not the employer deducts the amounts paid for the contract under such section. In addition, the paragraphing of the rule has been slightly altered.

Accordingly, the proposed rule as so published is adopted, effective forthwith, subject to the changes set forth below:

I. In the caption of the section, the words "which provide" are substituted for the word "providing".

II. Subparagraph (2) of paragraph (a) is revised.

III. The sentence after subparagraph (4) beginning with the words "Separate account" is changed to a paragraph and is numbered as paragraph (b).

IV. A new paragraph (c) is inserted after paragraph (b).

V. Proposed paragraph (b) is renumbered as paragraph (d).

Section 270.3c-3 reads as set forth below.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

JANUARY 7, 1963.

§ 270.3c-3 Exemption for certain group annuity contracts which provide for administration of funds held by an insurance company in a segregated account.

(a) Any transaction by an insurance company, as defined in section 2(a) (17) of the Act, involving a group annuity contract or contracts with an employer, employers or persons acting on their behalf (herein called the "employer") providing for the allocation of part or all of the employer's contributions thereunder to one or more separate accounts shall be exempt from the provisions of the Act, and no company, as defined in section 2(a)(8) of the Act, shall be deemed to have become subject to the Act by virtue of having engaged or participated in any of such transactions: *Provided*, That the contract

(1) Contains an undertaking by the insurance company to provide, to the extent of the employer's interest in such separate account, for the future issue of guaranteed annuities payable to covered employees on their retirement in fixed dollar amounts,

(2) Is made in connection with a plan which meets the requirements for qualification under section 401 of the Internal Revenue Code, or the requirements for deduction of the employer's contributions under Section 404(a)(2) of said Code whether or not the employer deducts the amounts paid for the contract under said section, and which plan does not provide for retirement benefits payable to covered employees which are measured by the investment results of assets allocated to a separate account, as defined herein, maintained by such insurance company.

(3) Prohibits the allocation to the separate account of any payment or contribution made by any employee, and

(4) Covers at least 25 employees at the time of its execution.

(b) "Separate account" as used in this section shall mean an account established and maintained pursuant to the law of any state or territory of the United States or the District of Columbia, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains or losses of the insurance company and which does not include the reserves maintained for guaranteed annuities in the course of payment.

(c) All references herein to sections of the Internal Revenue Code mean said sections as now or hereafter amended, or any corresponding provisions of prior or subsequent United States Revenue laws.

(d) The exemption provided in this section shall apply notwithstanding that there is no guarantee by the insurance company of or with respect to the invest-

ment results of assets allocated to a separate account.

(Secs. 6(c), 38(a), 39, 54 Stat. 800, 841; 15, U.S.C. 80a-6, 80a-37, 80a-38)

[F.R. Doc. 63-425; Filed, Jan. 15, 1963; 8:46 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 261; Docket No. R-231]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

Interim Accounting Treatment of Investment Tax Credit by Public Utilities, Licensees, and Natural Gas Pipeline Companies

JANUARY 9, 1963.

The Commission has under consideration in this matter the accounting disposition by public utilities, licensees, and natural gas companies of the tax credit for investment in certain depreciable property (investment tax credit) provided under section 2 of the Internal Revenue Act of 1962 (26 U.S.C. 38).

By letter of the Secretary of December 11, 1962, natural gas pipeline companies were advised that in the absence of any amendment to the Uniform System of Accounts they should account for the investment tax credit by use of Account 409, Income taxes, to reflect the actual taxes paid. That letter also made clear that the Commission had reached no final determination as to how the investment credit should be accounted for and that the Commission reserved the right to make subsequent accounting adjustments should it later determine a different accounting treatment more appropriate.

After further consideration the Commission has concluded that there is no adequate basis at this time for requiring the sole use of Account 409 as provided in the Secretary's letter of December 11, 1962. There is considerable disagreement among accountants, industry representatives, and other experts as to the proper accounting disposition of the investment tax credit. The Commission believes that it must give careful consideration to all of the possible accounting dispositions of the investment tax credit before prescribing a permanent accounting requirement under its Uniform System of Accounts. A rulemaking proceeding to accomplish this is contemplated in the near future. However, in view of the fact that public utilities, licensees and natural gas companies must soon close their books for 1962 and the further fact that this Commission has not finalized its accounting requirements for the investment tax credit, it is necessary and proper for the

Commission to order, effective immediately, interim accounting requirements which will allow the companies to close their books for 1962, but which will hold in suspense for future Commission consideration the final accounting disposition of the tax credit amounts.

The accounting disposition which the public utilities, licensees and natural gas companies will be required to follow with respect to the investment tax credit during this interim period is as follows:

(1) Credit Account No. 253, Other Deferred Credits, in the full amount of the investment tax credit allowed;

(2) Debit Account No. 426, Other Income Deductions, in a corresponding amount.

The effect of this accounting treatment will be to reflect actual taxes paid in Account 409, Income Taxes, and yet not to reflect any change in net income as a result of the investment tax credit.

Upon final determination by the Commission of permanent accounting requirements for the investment tax credit, the companies will be required by the Commission to adjust their accounts and any findings made under this interim accounting procedure to conform with the procedure established after opportunity for hearing.

In view of the fact that public utilities, licensees and natural gas pipeline companies must soon close their books for 1962, companies would be prejudiced by any delay in the issuance of this order prescribing temporary accounting for the purpose of permitting them to close their books. Therefore, to postpone issuance of this order until after issuance of notice and the elapse of the prescribed time would be impracticable and contrary to the public interest, and the notice requirements of section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003; 60 Stat. 238) do not apply.

The Commission finds:

(1) Notice and opportunity to comment in this rulemaking proceeding with respect to the matters presently before the Commission is not required by section 4 of the Administrative Procedure Act by reason of the fact that notice would be impracticable and contrary to the public interest for the reasons set forth above.

(2) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for purposes of the Federal Power Act and the Natural Gas Act that the investment tax credit be treated for accounting purposes by public utilities, licensees, and natural gas pipeline companies as follows, pending final determination by the Commission of permanent accounting disposition therefor:

(a) Credit Account No. 253, Other Deferred Credits, in the full amount of the investment tax credit allowed;

(b) Debit Account No. 426, Other Income Deductions, in a corresponding amount.

(3) In view of the facts set out above, good cause exists that this revision be effective as of the date of the issuance of this order.

The Commission, acting pursuant to the authority granted by the Federal Power Act, particularly sections 301, 304,

and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825(a), 825c(a), and 825h) and by the Natural Gas Act, particularly sections 8, 10 and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i and 717o) orders:

(A) In closing their books of account for calendar year 1962 and in accounting for income taxes until further notice, all public utilities, licensees, and natural gas pipeline companies subject to the jurisdiction of this Commission under the Federal Power Act and the Natural Gas Act shall account for the investment tax credit provided under section 2 of the Internal Revenue Act of 1962 (26 U.S.C. 38) as follows:

(1) Credit Account No. 253, Other Deferred Credits, in the full amount of the investment tax credit allowed;

(2) Debit Account No. 426, Other Income Deductions in the full amount of the investment tax credit allowed.

(B) All public utilities, licensees, and natural gas pipeline companies will be required subsequently to adjust their accounts and to revise any filings submitted to this Commission on the basis of the interim accounting prescribed herein, to meet permanent accounting requirements for the investment tax credit subsequently to be prescribed by this Commission.

(C) This order shall be effective upon the date of issuance thereof.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-412; Filed, Jan. 15, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ULTRAMARINE BLUE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Standard Ultramarine and Color Company, Huntington, West Virginia, and other relevant material, has concluded that the following regulation should issue with respect to the use of ultramarine blue as a colorant in the manufacture of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (1), 72 Stat. 1786; 21 U.S.C. 348 (c) (1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended

by adding to Subpart F the following new section:

§ 121.2563 Ultramarine blue.

Ultramarine blue may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) It is used as a colorant in the manufacture of the following articles:

(1) Flexible packaging films.
(2) Textiles and textile fibers as provided in § 121.2535.

(b) The quantity used shall not exceed the amount reasonably required to accomplish the intended effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds, legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 9, 1963.

GEO P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-430; Filed, Jan. 15, 1963; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

In § 203.389 paragraph (a) is amended to read as follows:

§ 203.389 Waived title objections.

(a) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE
PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.253 paragraphs (a) (2) and (3) and (e) are amended and paragraph (f) is revoked as follows:

§ 207.253 Adjusted premium and termination charges.

(a) * * *

(2) Payment in full of the mortgage prior to maturity. Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of the prepayment. The insurance termination shall become effective as of the date of the prepayment.

(3) Receipt by the Commissioner of a written request, on a form prescribed by the Commissioner, by the mortgagor and the mortgagee for such termination, accompanied by a submission of the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met.

* * *

(e) Upon termination of the mortgage insurance contract by a payment in full or by a voluntary termination, the Commissioner shall refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to (1) the date of the prepayment or (2) the effective date of the voluntary termination of the contract of insurance.

(f) [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations—Projects

In § 213.263 the introductory paragraph is deleted, a new paragraph (a) is added, the present paragraphs (a) and (b) are redesignated as (b) and (c), and the present paragraph (c) is deleted as follows:

§ 213.263 Termination of mortgage insurance—voluntary termination—management, purchasing cooperative, sales and existing construction project mortgages.

(a) *Voluntary termination.* The contract of insurance shall be voluntary terminated upon receipt by the Commissioner of a request, on a form prescribed by the Commissioner, by the mortgagor and the mortgagee of any management purchasing cooperative, sales or existing construction project mortgage, accompanied by a submission of the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met.

Section 213.264 is amended to read as follows:

§ 213.264 Termination of insurance—prepayment in full and voluntary termination—supplementary loans.

(a) *Prepayment in full.* The contract of insurance shall be terminated if a supplementary loan is paid in full prior to its maturity. Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of the prepayment. The insurance termination shall become effective as of the date of the prepayment. No adjusted premium charge shall be due the Commissioner in connection with such prepayment.

(b) *Voluntary termination.* The contract of insurance shall be voluntarily terminated upon receipt by the Commissioner of a written request, on a form prescribed by the Commissioner, by the lender and the borrower for such termination, accompanied by a submission of the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met. No termination charge shall be due the Commissioner in connection with such termination.

In § 213.265 paragraph (a) is amended to read as follows:

§ 213.265 Refunds upon prepayment in full or voluntary termination.

(a) Upon termination of the mortgage or supplementary loan insurance contract by a payment in full or by a voluntary termination, the Commissioner shall refund to the mortgagee or lender for the account of the mortgagor or borrower an amount equal to the pro rata portion of the current annual mortgage or supplementary loan insurance premium theretofore paid, which is applicable to the portion of the year subsequent to (1) the date of the prepayment or (2) the effective date of the voluntary termination of the contract of insurance.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.805 is amended to read as follows:

§ 220.805 Termination of insurance.

(a) *Prepayment in full.* The contract of insurance shall be terminated if the loan is paid in full prior to its maturity. Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of the prepayment. The insurance termination shall become effective as of the date of the prepayment.

(b) *Voluntary termination.* The contract of insurance shall be voluntarily terminated upon receipt by the Commissioner of a written request, on a form prescribed by the Commissioner, by the borrower and the lender for such termination, accompanied by a submission of the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met.

Section 220.806 is amended to read as follows:

§ 220.806 Pro rata refund of insurance premium.

Upon termination of loan insurance contract by a payment in full or by a voluntary termination, the Commissioner shall refund to the lender for the account of the borrower an amount equal to the pro rata portion of the current annual loan insurance premium theretofore paid which is applicable to the portion of the year subsequent to the date of the prepayment or the effective date of the voluntary termination of the contract of insurance.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.560 paragraph (c) is amended to read as follows:

§ 221.560 Eligibility of refinanced mortgages.

(c) The provisions of §§ 221.503 through 221.508 relating to fees and charges shall not be applicable to commitments issued on or before December 31, 1962, for refinancing an existing insured mortgage if:

(1) The mortgage meets the requirements of paragraph (a) of this section and bears interest not in excess of the rates provided in § 221.518(b); or

(2) The mortgage meets the requirements of paragraph (b) of this section and bears interest not in excess of the rates prescribed in § 221.518(b).

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER R—WAR HOUSING INSURANCE

PART 608—MULTIFAMILY PROJECTS; WAR HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 608.253 paragraphs (a) (2) and (3), and (e) are amended as follows:

§ 608.253 Adjusted premium and termination charges.

(a) * * *

(2) Payment in full of the mortgage prior to maturity. Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of the prepayment. The insurance termination shall become effective as of the date of the prepayment.

(3) Receipt by the Commissioner of a written request, on a form prescribed by the Commissioner, by the mortgagor and the mortgagee for such termination, accompanied by a submission of the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met.

(e) Upon termination of the mortgage insurance contract by a payment in full or by a voluntary termination, the Commissioner shall refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to (1) the date of the prepayment or (2) the effective date of the voluntary termination of the contract of insurance.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742. Interpret or applies sec. 608, 56 Stat. 303, as amended; 12 U.S.C. 1743)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 810—ARMED SERVICES HOUSING—IMPACTED AREAS

Subpart A—Eligibility Requirements—Projects

Section 810.40 is amended to read as follows:

§ 810.40 Maximum mortgage amounts—multifamily sales project.

A mortgage on a multifamily sales project may involve a principal obliga-

tion not in excess of the lesser of the following:

- (a) \$5,000,000.
- (b) A sum computed on the basis of a separate mortgage for each single-family dwelling comprising the project, equal to the total of each of the maximum principal obligations of such mortgages which would meet the requirements of section 203(b)(2) of the Act if the mortgagor were the owner and occupant who had made any required payment on account of the property described in such section of the Act; provided that special escrow arrangements, satisfactory to the Commissioner, are made by the mortgagor with respect to mortgage proceeds in excess of 90 percent of the estimated value.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 810, 73 Stat. 683; 12 U.S.C. 1748h-2)

Issued at Washington, D.C., January 10, 1963.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 63-448; Filed, Jan. 15, 1963; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

[1963 Dept. Circular; Public Debt Series, No. 1-63]

PART 341—REGULATIONS GOVERNING UNITED STATES RETIREMENT PLAN BONDS

JANUARY 10, 1963.

- Sec. 341.0 Offering of bonds.
- 341.1 Description of bonds.
- 341.2 Registration.
- 341.3 Purchase of bonds.
- 341.4 Proof of purchase.
- 341.5 Limitation on holdings.
- 341.6 Nontransferability.
- 341.7 Judicial proceedings.
- 341.8 Payment or redemption during lifetime of owner.
- 341.9 Payment or redemption after death of owner.
- 341.10 Reissue.
- 341.11 Use of power of attorney.
- 341.12 Lost, stolen, or destroyed bonds.
- 341.13 Taxation.
- 341.14 Certifying officers.
- 341.15 General provisions.

AUTHORITY: §§ 341.1 to 341.15 issued under R.S. 3706; 40 Stat. 288, 290, 1309; 48 Stat. 343; 50 Stat. 481; 31 U.S.C. 738a, 739, 752, 752a, 753, 754a, 754b.

§ 341.0 Offering of bonds.

The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, and pursuant to the Self-Employed Individuals Tax Retirement Act of 1962, offers for sale, effective as of January 1, 1963, bonds of the United States, designated as United States Retirement Plan Bonds. The bonds will be available for investment only to (a) bond purchase plans and (b) pension and profit-sharing plans, as described in sections 405 and 401, respectively, of the Internal Revenue Code of

1954. This offering of bonds will continue until terminated by the Secretary of the Treasury.

§ 341.1 Description of bonds.

(a) *Investment yield (interest).* United States Retirement Plan Bonds, hereinafter sometimes referred to as Retirement Plan Bonds, will be issued at par. The investment yield (interest) on the bonds will be 3¾ percent per annum, compounded semiannually, as set forth in the table of redemption values appended to this part. Such interest will be paid only upon redemption of the bonds. The accrual of interest will continue until the bonds have been redeemed or have reached maturity, whichever is earlier, in accordance with the regulations in this part.

(b) *Term.* The maturity date of any bond issued under this circular shall be indeterminate, but unless sooner redeemed in accordance with the regulations in this part, its investment yield will cease on the interest accrual date coinciding with, or, where no such coincidence occurs, the interest accrual date next preceding, the first day of the sixtieth (60th) month following the date of death of the person in whose name it is registered.

(c) *Denominations—issue date.* Retirement Plan Bonds will be available only in registered form and in denominations of \$50, \$100, \$500, and \$1,000. At the time of issue, the issuing agent will enter in the upper right-hand portion of the bond the issue date (which shall be the first day of the month and year in which payment of the purchase price is received by an authorized issuing agent), and will imprint the agent's validating stamp in the lower right-hand portion. The issue date, as distinguished from the date in the agent's validating stamp, will determine the date from which interest will begin to accrue on the bond. A Retirement Plan Bond shall be valid only if an authorized issuing agent receives payment therefor, duly inscribes, dates, stamps, and delivers it.

§ 341.2 Registration.

(a) *General.* The registration of Retirement Plan Bonds is limited to the names of natural persons in their own right, whether adults or minors, in either single ownership or beneficiary form. A bond registered in beneficiary form will be inscribed substantially as follows (for example): "John A. Doe payable on death to (or P.O.D.) Richard B. Roe." No more than one beneficiary may be designated on a bond.

(b) *Inscription.* The inscription on the face of each bond will show the name, address, date of birth, and the social security account number of the registered owner, as well as information as to whether he is a self-employed individual or an employee, and the amount he contributed (if any) out of his own funds toward the purchase price of the bond. In the case of any self-employed individual (who is treated as an employee for the purpose of sections 405 and 401 of the Internal Revenue Code of 1954), this amount would be that portion of the purchase price he contributed (if any) as an

employee and which he will not take into account in determining the amount deductible for Federal income tax purposes. The name of the beneficiary, if one is to be designated, will also be shown in the inscription.

§ 341.3 Purchase of bonds.

(a) *Agencies.* Retirement Plan Bonds may be purchased over-the-counter or by mail from Federal Reserve Banks and Branches and the Office of the Treasurer of the United States, Washington 25, D.C. Customers of commercial banks and trust companies may be able to arrange for the purchase of the bonds through such institutions, but only the Federal Reserve Banks and Branches and the Treasurer's Office are authorized to act as official agencies, and the date of receipt of the application and payment by an official agency will govern the dating of the bonds issued.

(b) *Applications.* Applications for the purchase of Retirement Plan Bonds should be made on Form PD 3550, accompanied by a remittance to cover the purchase price. Personal checks will be accepted, subject to collection. Checks, or other forms of exchange, should be drawn to the Federal Reserve Bank or Treasurer of the United States, as the case may be. Checks payable by endorsement are not acceptable.

(c) *Delivery.* Delivery of bonds will be made in person, or by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone. No mail deliveries elsewhere will be made. If the registered owner temporarily resides abroad, the bonds will be delivered to such address in the United States as the purchaser directs.

§ 341.4 Proof of purchase.

At the time a Retirement Plan Bond is issued, the issuing agent will furnish therewith to the purchaser, and in cases where the purchaser is different from the person in whose name the bond is inscribed, to the registered owner as well, proof of the purchase on Form PD 3550. The form will show the names and addresses of the purchaser and of the registered owner, the latter's date of birth, social security account number and his classification (i.e., self-employed individual or employee), the number of bonds issued, a description thereof by issue date, serial numbers, denominations, and registration, together with information as to the amount of his contributions (if any) toward the purchase price of the bonds.

§ 341.5 Limitation on holdings.

The limit on the amount of any Retirement Plan Bonds issued during any one calendar year that may be purchased in the name of any one person as registered owner is \$5,000 (face value).

§ 341.6 Nontransferability.

United States Retirement Plan Bonds are not transferable, and may not be sold, discounted or pledged as collateral

for a loan or as security for the performance of an obligation, or for any other purpose.

§ 341.7 Judicial proceedings.

No judicial determination will be recognized which would give effect to an attempted voluntary transfer inter vivos of a Retirement Plan Bond. Otherwise, a claim against a registered owner will be recognized when established by valid judicial proceedings, but in no case will payment be made to the purchaser at a sale under a levy or to the officer authorized to levy upon the property of the owner under appropriate process to satisfy a money judgment unless or until the bond has become eligible for redemption pursuant to the regulations in this part. Neither the Treasury Department nor any of its agencies will accept notices of adverse claims or of pending judicial proceedings or undertake to protect the interests of litigants who do not have possession of the bond.

§ 341.8 Payment or redemption during lifetime of owner.

(a) *At age 59½ or thereafter.* A Retirement Plan Bond will be redeemable at its current redemption value upon the request of the registered owner (or a person recognized as entitled to act on his behalf), provided he is 59½ years of age or older. The owner's age will be determined from the date of birth shown on the face of the bond, provided, however, that the Secretary of the Treasury reserves the right in any case or class of cases to require proof, in the form of a duly certified copy of his birth certificate, that the owner has attained the age of 59½ years. If such evidence is unavailable, one of the following documents may be furnished in lieu thereof:

- (1) Church records of birth or baptism.
- (2) Hospital birth record or certificate.
- (3) Physician's or midwife's birth record.
- (4) Certification of Bible or other family record.
- (5) Military, naturalization or immigration records.
- (6) Other evidence of probative value.

Similar documentary evidence will also be required to support any claim made by an owner that the date of birth shown on his bond is incorrect.

(b) *Prior to age 59½ years.* A Retirement Plan Bond will be paid at its then current redemption value upon a registered owner's request (or by a person recognized as entitled to act on his behalf) prior to his attainment of age 59½ years upon submission of a physician's statement or any similar evidence showing that the owner has become disabled to such an extent that he is unable to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. The following are examples of impairments which would ordinarily be considered as preventing substantial, gainful activity:

- (1) Loss of use of two limbs.

(2) Certain progressive diseases which have resulted in the physical loss or atrophy of a limb, such as diabetes, multiple sclerosis, or Buerger's disease.

(3) Diseases of the heart, lungs, or blood vessels which have resulted in major loss of heart or lung reserve as evidenced by X-ray, electrocardiogram, or other objective findings, so that despite medical treatment breathlessness, pain, or fatigue is produced on slight exertion, such as walking several blocks, using public transportation, or doing small chores.

(4) Cancer which is inoperable and progressive.

(5) Damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation, or memory.

(6) Mental diseases (e.g., psychosis or severe psychoneurosis) requiring continued institutionalization or constant supervision of the individual.

(7) Loss or diminution of vision to the extent that the affected individual has a central visual acuity of no better than 20/200 in the better eye after best correction, or has a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees.

(8) Permanent and total loss of speech.

(9) Total deafness uncorrectible by a hearing aid.

In any case coming under the provisions of this paragraph, the evidence referred to above must be submitted to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D.C., for approval before any bonds may be paid. If, after review of the evidence, the Secretary of the Treasury is satisfied that the owner's disability has been established, a letter will be furnished authorizing payment of his Retirement Plan Bonds. This letter must be presented each time any of the owner's bonds are submitted for payment to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States.

(c) *Requests for payment—(1) By owner.* When redemption of any Retirement Plan Bond is desired by the registered owner under paragraph (a) of this section, it should be presented, with the request for payment on the back of the bond signed and duly certified, to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. If payment is requested under paragraph (b) of this section, the letter described therein should accompany the bond.

(2) *By person other than owner.* When redemption of any Retirement Plan Bond is desired by the legal guardian, committee conservator, or similar representative of the owner's estate under paragraph (a) of this section, it should be presented, with the request signed as described below, to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States. If payment is requested under paragraph (b) of this section, the letter described therein should accompany the

bond.¹ The request for payment, in either case, should be signed by the representative in his fiduciary capacity before an authorized certifying officer, and must be supported by a certificate or a certified copy of the letters of the appointment from the court making the appointment, under seal, or other proof of qualification if the appointment was not made by a court. Except in the case of corporate fiduciaries, such evidence should state that the appointment is in full force and should be dated not more than one year prior to the presentation of the bond for payment.

(d) *Partial redemption.* A Retirement Plan Bond in a denomination greater than \$50 (face value) which is otherwise eligible for redemption may be redeemed in part, at current redemption value, upon the request of the registered owner (or a person recognized as entitled to act on his behalf), but only in amounts corresponding to authorized denominations. In any case in which partial redemption is desired, before the request for payment is signed, the phrase "to the extent of \$____ (face value) and reissue of the remainder" should be appended to the request. Upon partial redemption of the bond, the remainder will be reissued as of the original issue date. No partial redemption of a bond will be made after the death of the owner in whose name it is registered.

§ 341.9 Payment or redemption after death of owner.

(a) *Order of precedence where owner not survived by beneficiary.* If the registered owner of a Retirement Plan Bond dies before it has been presented and surrendered for payment, and there is no beneficiary shown thereon, or if the designated beneficiary predeceased the owner, the bond shall be paid in the following order of precedence:

(1) To the duly appointed executor or administrator of the estate of the owner, who should sign the request for payment on the back of the bond in his representative capacity before an authorized certifying officer, such request to be supported by a court certificate or a certified copy of his letters of appointment, under seal of the court, which should show that the appointment is in full force and effect, and be dated within six months of its presentation;

(2) If no legal representative of the deceased registered owner's estate has been or will be appointed, to the widow or widower of the owner;

(3) If none of the above, to the child or children of the owner and the descendants of deceased children by representation;

(4) If none of the above, to the parents of the owner, or the survivor of them;

(5) If none of the above, to other next-of-kin of the owner, as determined by

¹ In any case in which a legal representative has not been appointed for the estate of a registered owner who has attained the age of 59½ years, or who has become disabled, a person seeking payment of a bond on the owner's behalf should furnish a complete statement of the circumstances to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D.C. Appropriate instructions will then be furnished.

the laws of the domicile of such owner at the time of his death.

In any case coming under the provisions of this paragraph, a duly certified copy of the registered owner's death certificate will ordinarily be required. Proof of death of the beneficiary, if any, will be required where he predeceased the owner. Payment of bonds under subparagraph (1) of this paragraph will be made by a Federal Reserve Bank or Branch or by the Office of the Treasurer of the United States, Washington 25, D.C. Payment of bonds under subparagraphs (2) to (5) of this paragraph will be made upon receipt of applications on Form PD 3565, together with the bonds and supporting evidence, by the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D.C.

(b) *Order of precedence where beneficiary survived owner.* If the registered owner of a Retirement Plan Bond dies before it has been presented and surrendered for payment, and the beneficiary shown thereon survived the owner, the bond shall be paid in the following order of precedence:

(1) To the designated beneficiary upon his presentation and surrender of the bond with the request for payment signed and duly certified, such payment to be made to the exclusion of any other person who may have been named beneficiary by the registered owner in a bond purchase plan, or under a pension or profit-sharing plan;

(2) If the designated beneficiary survived the registered owner but failed to present the bond for payment during his own lifetime, payment will be made in the order of precedence specified in subparagraphs (1) to (5) of paragraph (a) of this section to the legal representative, surviving spouse, children, parents, or next-of-kin of such beneficiary, and in the manner provided therein.

In any case coming under the provisions of this paragraph, a duly certified copy of the registered owner's death certificate will ordinarily be required. Proof of death of the beneficiary will also be required where he survived the owner but failed to present the bond for payment during his own lifetime. Payment of a bond to a designated beneficiary will be made by Federal Reserve Bank or Branch or by the Treasurer of the United States, Washington 25, D.C.

(c) *Ownership of redemption proceeds.* The orders of precedence set forth in paragraphs (a) and (b) of this section, except in cases where redemption is made for the account of a registered owner, are for the Department's convenience in discharging its obligation on a Retirement Plan Bond. The discharge of the obligation in accordance therewith shall be final so far as the Department is concerned, but those provisions do not otherwise purport to determine ownership of the redemption proceeds of a bond.

§ 341.10 Reissue.

(a) *Addition or change of beneficiary.* A Retirement Plan Bond will be reissued to add a beneficiary in the case of a single ownership bond, or to eliminate or substitute a beneficiary in the case of a bond registered in beneficiary form upon the

owner's request on Form PD 3564. No consent will be required to support any reissue transaction from a beneficiary whose name is to be removed from the registration of a Retirement Plan Bond. If the registered owner dies after the bond has been presented and surrendered for reissue, upon receipt of notice thereof by the agency to which the request for reissue was submitted, such request shall be treated as ineffective, provided the notice of death is received by the Federal Reserve Bank or Branch or the Office of the Treasurer of the United States, Washington 25, D.C., to which the request was sent, in sufficient time to withhold delivery, by mail or otherwise, of the reissued bond.

(b) *Error in issue—change of name.* Reissue of a Retirement Plan Bond will be made where an error in issue has occurred, as well as in cases where the owner's name has been changed by marriage, divorce, annulment, order of court, or in any other legal manner, upon appropriate request, supported by satisfactory evidence. Information as to the procedure to be followed in securing such reissue may be obtained from a Federal Reserve Bank or the Office of the Treasurer of the United States, Washington 25, D.C.

§ 341.11 Use of power of attorney.

No designation of an attorney, agent, or other representative to request payment or reissue or behalf of the owner, beneficiary, or other person entitled under § 341.9, other than as provided in the regulations in this part, will be recognized.

§ 341.12 Lost, stolen, or destroyed bonds.

If a Retirement Plan Bond is lost, stolen, or destroyed, a substitute may be issued upon identification of the bond and proof of its loss, theft, or destruction. A description of the bond by denomination, serial number, issue date and registration should be furnished at the time the report of loss, theft, or destruction is made. Such reports should be sent to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D.C. Full instructions for obtaining substitute bonds will then be given.

§ 341.13 Taxation.

The tax treatment provided under section 405 of the Internal Revenue Code of 1954 shall apply to all Retirement Plan Bonds. The bonds are subject to estate, inheritance, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, municipality, or any local taxing authority. Inquiries concerning the application of any Federal tax to these bonds should be directed to the District Director of Internal Revenue of the taxpayer's district or to the Internal Revenue Service, Washington 25, D.C.

§ 341.14 Certifying officers.

Officers authorized to certify requests for payment or for any other transac-

tion involving Retirement Plan Bonds include:

(a) *Post offices.* Any postmaster, acting postmaster, or inspector-in-charge, or other post office official or clerk designated for that purpose. A post office official or clerk, other than a postmaster, acting postmaster, or inspector-in-charge, should certify in the name of the postmaster or acting postmaster, followed by his own signature and official title. Signatures of these officers should be authenticated by a legible imprint of the post office dating stamp.

(b) *Banks and trust companies.* Any officer of a Federal Reserve Bank or Branch, or of a bank or trust company chartered under the laws of the United States or those of any State, Commonwealth, or Territory of the United States, as well as any employees of such bank or trust company expressly authorized to act for that purpose, who should sign over the title "Designated Employee." Certifications by any of these officers or designated employees should be authenticated by either a legible imprint of the corporate seal, or, where the institution is an authorized issuing agent for United States Savings Bonds, Series E, by a legible imprint of its dating stamp.

(c) *Issuing agents of Series E savings bonds.* Any officer of a corporation or any other organization which is an authorized issuing agent for United States Savings Bonds, Series E. All certifications by such officers must be authenticated by a legible imprint of the issuing agent's dating stamp.

(d) *Foreign countries.* In a foreign country requests may be signed in the presence of and be certified by any United States diplomatic or consular representative, or the manager or other officer of a foreign branch of a bank or trust company incorporated in the United States whose signature is attested by an imprint of the corporate seal or is certified to the Treasury Department. If such an officer is not available, requests may be signed in the presence of and be certified by a notary or other officer authorized to administer oaths, but his official character and jurisdiction should be certified by a United States diplomatic or consular officer under seal of his office.

(e) *Special provisions.* The Commissioner of the Public Debt, the Chief of the Division of Loans and Currency, or any Federal Reserve Bank or Branch is authorized to make special provision for certification in any particular case or class of cases where none of the officers authorized above is readily accessible.

§ 341.15 General provisions.

(a) *Regulations.* All Retirement Plan Bonds shall be subject to the general regulations prescribed by the Secretary with respect to United States securities, which are set forth in Treasury Department Circular No. 300, current revision, to the extent applicable. Copies of the general regulations may be obtained upon request from any Federal Reserve Bank or Branch or the Office of the Treasurer of the United States.

(b) *Reservation as to issue of bonds.* The Secretary of the Treasury reserves

the right to reject any application for the purchase of Retirement Plan Bonds, in whole or in part, and to refuse to issue or permit to be issued any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

(c) *Additional requirements.* In any case or any class of cases arising under this part the Secretary of the Treasury may require such additional evidence as may in his judgment be necessary, and may require a bond of indemnity, with or without surety, where he may consider such bond necessary for the protection of the United States.

(d) *Waiver of requirements.* The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of this circular in any particular case or class of cases for the convenience of the United States, or in order to relieve any person or persons of unnecessary hardship, if such action is not inconsistent with law, does not impair any existing

rights, and he is satisfied that such action would not subject the United States to any substantial expense or liability.

(e) *Fiscal agents.* Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, redemption, reissue, and payment of Retirement Plan Bonds.

(f) *Reservation as to terms of circular.* The Secretary of the Treasury may at any time, or from time to time, supplement or amend the terms of this part, or any amendments or supplements thereto.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (P.L. 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to this document.

[SEAL]

DOUGLAS DILLON,
Secretary of the Treasury.

TABLE OF REDEMPTION VALUES PROVIDING AN INVESTMENT YIELD OF 3½ PERCENT PER ANNUM FOR BONDS BEARING ISSUE DATES BEGINNING JANUARY 1, 1963

Table shows how the Retirement Plan Bonds bearing issue dates beginning January 1, 1963, by denomination, increase in redemption value during successive half-year periods following issue. The redemption values have been determined to provide an investment yield of 3.75 percent¹ per annum, compounded semiannually, on the purchase price from issue date to the beginning of each half-year period. The period to maturity is indeterminate in accordance with the provisions of §341.1(b).²

Issue price	\$50.00	\$100.00	\$500.00	\$1,000.00
Period after issue date	Redemption values during each half-year period (Values increase on first day of period shown)			
First ½ year	\$50.00	\$100.00	\$500.00	\$1,000.00
½ to 1 year	50.94	101.88	509.38	1,018.75
1 to 1½ years	51.89	103.79	518.93	1,037.85
1½ to 2 years	52.87	105.73	528.66	1,057.31
2 to 2½ years	53.86	107.71	538.57	1,077.14
2½ to 3 years	54.87	109.73	548.67	1,097.33
3 to 3½ years	55.90	111.79	558.95	1,117.91
3½ to 4 years	56.94	113.89	569.43	1,138.87
4 to 4½ years	58.01	116.02	580.11	1,160.22
4½ to 5 years	59.10	118.20	590.99	1,181.98
5 to 5½ years	60.21	120.41	602.07	1,204.14
5½ to 6 years	61.34	122.67	613.36	1,226.72
6 to 6½ years	62.49	124.97	624.86	1,249.72
6½ to 7 years	63.66	127.31	636.57	1,273.15
7 to 7½ years	64.85	129.70	648.51	1,297.02
7½ to 8 years	66.07	132.13	660.67	1,321.34
8 to 8½ years	67.31	134.61	673.06	1,346.11
8½ to 9 years	68.57	137.14	685.68	1,371.35
9 to 9½ years	69.85	139.71	698.53	1,397.07
9½ to 10 years	71.16	142.33	711.63	1,423.26
10 to 10½ years	72.50	144.99	724.97	1,449.95
10½ to 11 years	73.86	147.71	738.57	1,477.13
11 to 11½ years	75.24	150.48	752.42	1,504.83
11½ to 12 years	76.65	153.30	766.52	1,533.05
12 to 12½ years	78.09	156.18	780.90	1,561.79
12½ to 13 years	79.55	159.11	795.54	1,591.07
13 to 13½ years	81.05	162.09	810.45	1,620.91
13½ to 14 years	82.56	165.13	825.65	1,651.30
14 to 14½ years	84.11	168.23	841.13	1,682.26
14½ to 15 years	85.69	171.38	856.90	1,713.80
15 to 15½ years	87.30	174.59	872.97	1,745.94
15½ to 16 years	88.93	177.87	889.34	1,778.67
16 to 16½ years	90.60	181.20	906.01	1,812.02
16½ to 17 years	92.30	184.60	923.00	1,846.00
17 to 17½ years	94.03	188.06	940.31	1,880.61
17½ to 18 years	95.79	191.59	957.94	1,915.87
18 to 18½ years	97.59	195.18	975.90	1,951.80
18½ to 19 years	99.42	198.84	994.20	1,988.39
19 to 19½ years	101.28	202.57	1,012.84	2,025.67
19½ to 20 years	103.18	206.37	1,031.83	2,063.66
20 to 20½ years ²	105.12	210.23	1,051.17	2,102.35

¹ Based on redemption values of \$1,000 bond.

² At a future date prior to January 1, 1983 (20 years after issue date of the first bonds) this table will be extended to show redemption values for periods of holding of 20½ years and beyond.

[F.R. Doc. 63-429; Filed, Jan. 15, 1963; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 63-36]

PART 3—RADIO BROADCAST SERVICES

Acceptability of Broadcast Transmitters for Licensing

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 9th day of January 1963;

The Commission having under consideration the provisions of §§ 3.48, 3.250 and 3.550 of its rules relating to the acceptability of broadcast transmitters of standard, FM, and noncommercial educational FM broadcast stations for licensing, certain provisions of its rules pertaining to general requirements as to applications (§§ 1.301(a) and 1.304), and certain provisions of its rules relating to filing of applications and description of application forms (§§ 1.321, 1.322, 1.325, 1.327, and 1.328);

It appearing, that, entries on construction permits and licenses for standard broadcast stations (FCC Forms 351 and 352 respectively), for FM broadcast stations (FCC Forms 351-A and 352-A respectively), and for noncommercial educational FM broadcast stations (FCC Forms 351-A and 352-A respectively) presently contain certain identifying information about the transmitter authorized (such authorization having been requested by the permittee or licensee in its application for construction permit or license); and

It further appearing, that, a change of transmitters by a permittee or licensee of a broadcast station of the type herein referred to presently involves not only time spent in the preparation by such permittee or licensee of an FCC Form 301 (application for authority to construct a new broadcast station or make changes in an existing broadcast station) or an FCC Form 340 (application for authority to construct or make changes in a non-commercial educational FM broadcast station), but also much staff time spent in the processing of such applications; and

It further appearing, that, the consumption of time in the aforementioned preparation and processing of the forms presently used in requesting authority to change transmitters may be eliminated by continuing to enter on construction permits and licenses of such broadcast stations the aforementioned identifying information about the transmitter authorized, and adding a statement that any transmitter listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" which has been type-accepted for the power authorized (for standard broadcast stations) or for the transmitter output

power authorized (for FM or noncommercial educational FM broadcast stations) is also authorized, thereby authorizing permittees and licensees to change transmitters without prior request for authorization, if the change is to such a type-accepted transmitter; and

It further appearing, that, inasmuch as the aforementioned type-accepted transmitters must meet technical requirements of performance established by the Commission and that, therefore, it is reasonable to authorize permittees or licensees to install and utilize any such type-accepted transmitter, giving proper notification to the Commission thereafter; and

It further appearing, that, it would be in the public interest to amend the procedures and the rules and regulations of the Commission to bring about greater efficiency as set forth above; and

It further appearing, that, these amendments to the rules are procedural in nature and effect a relaxation of present requirements and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, that, authority for the promulgation of these amendments to the rules is contained in sections 4(i), 301, 303(e) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective January 21, 1963, construction permits and licenses for standard, FM, and noncommercial educational FM broadcast stations shall contain not only the presently made entries concerning the transmitter authorized, but shall also contain an entry which states that, in addition, any transmitter listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" which has been type-accepted for the power authorized (for standard broadcast stations) or for transmitter output power authorized (for FM or noncommercial educational FM broadcast stations) is authorized; and

It is further ordered, That effective January 21, 1963, §§ 3.48, 3.250, and 3.550 of the Commission's rules are amended by adding new subparagraphs (4) and (5) to paragraph (a) as follows:

§ 3.48 Acceptability of broadcast transmitters for licensing.

(a) * * *

(4) A permittee may, without further authority, install a transmitter other than that specifically authorized in its construction permit if such transmitter is listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" as accepted for the power authorized.

(5) A licensee may, without further authority, install and utilize a transmitter other than that specifically authorized in its station license if the transmitter so installed and utilized is listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" as accepted for the power authorized if the Commission and the Engineer in Charge of the radio district in which the station is located are notified within three days after the date of installation of the transmitter. Such notice shall include the make and type number of the transmitter and a certification by the licensee that the transmitter as installed complies with the appropriate technical provisions of this subpart.

It further appearing, that, inasmuch as the aforementioned type-accepted transmitters must meet technical requirements of performance established by the Commission and that, therefore, it is reasonable to authorize permittees or licensees to install and utilize any such type-accepted transmitter, giving proper notification to the Commission thereafter; and

§ 3.250 Acceptability of broadcast transmitters for licensing.

(a) * * *

(4) A permittee may, without further authority, install a transmitter other than that specifically authorized in its construction permit if such transmitter is listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" as acceptable for the transmitter output power authorized and, if operation under § 3.295 or § 3.297 is included, such transmitter is listed in the said "Radio Equipment List" as acceptable for the appropriate type of operation.

(5) A licensee may, without further authority, install and utilize a transmitter other than that specifically authorized in its station license if the transmitter so installed and utilized is listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" as acceptable for the transmitter output power authorized and, if operation under § 3.295 or § 3.297 is included, such transmitter is listed in the said "Radio Equipment List" as acceptable for the appropriate type of operation. In the event of such a transmitter substitution, the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified within three days after the date of installation of the transmitter. Such notice shall specify the manufacturer and type number of the transmitter and shall include a certification by the licensee that the transmitter as installed complies with the appropriate technical provisions of this subpart.

§ 3.550 Acceptability of broadcast transmitters for licensing.

(a) * * *

(4) A permittee may, without further authority, install and utilize a transmitter other than that specifically authorized in its construction permit if such transmitter is listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" as acceptable for the transmitter output power authorized and, if operation under § 3.595 or § 3.596 is included, such transmitter is listed in the said "Radio Equipment List" as acceptable for the appropriate type of operation.

(5) A licensee may, without further authority, install and utilize a transmitter other than that specifically authorized in its station license if the transmitter so installed and so utilized is listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" as acceptable for the transmitter output power authorized and, if operation under § 3.595 or § 3.596 is included, such transmitter is listed in the

said "Radio Equipment List" as acceptable for the appropriate type of operation. In the event of such a transmitter substitution, the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified within three days after the date of installation of the transmitter. Such notice shall specify the manufacturer and type number of the transmitter and shall include a certification by the licensee that the transmitter as installed complies with the appropriate technical provisions of this subpart.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 301, 303, 48 Stat. 1081, as amended; 47 U.S.C. 301, 303)

Adopted: January 9, 1963.

Released: January 11, 1963.

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

[F.R. Doc. 63-455; Filed, Jan. 15, 1963 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC-40]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 195—HOURS OF SERVICE OF DRIVERS

Monthly Reports

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 2d day of January A.D. 1963.

The matter of revisions of Forms BMC 60 and 60A (§§ 7.60, 7.60A) concerning carrier's monthly reports of driver's hours of service, being under consideration, and, in connection therewith, the matter of revision of § 195.9, only insofar as it relates to the revision of these forms, being also under consideration; and

It appearing, that these revisions concern primarily the consolidation of forms to be used by motor carriers to notify the Commission whether or not any excess hours of service have been incurred by drivers of the reporting carriers, and constitute an agency procedure, and, therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) for good cause it is found that notice of proposed rule making is unnecessary;

It is ordered, That the order of December 16, 1960 (26 F.R. 1128), only insofar as § 195.9 of the Code of Federal Regulations (49 CFR 195.9) prescribed therein refers to Forms BMC 60 and 60A (49 CFR 7.60, 7.60A), be, and it is hereby, vacated.

It is ordered. That Forms BMC 60 and 60A (49 CFR 7.60, 7.60A), be, and they are hereby, canceled.

It is further ordered. That Form BMC 60, Monthly hours of service report (49 CFR 7.60), a copy of which is attached hereto and made a part hereof,¹ is approved, adopted, and prescribed for appropriate use as required by § 195.9, paragraphs (a), (b), (c), and (d) (49 CFR 195.9).

It is further ordered. That paragraphs (a), (b), (c), and (d) of § 195.9 (49 CFR 195.9) be, and they are hereby, amended to read as follows:

§ 195.9 Monthly reports.

(a) Every motor carrier, other than a private carrier of property, shall file on Form BMC 60 (§ 7.60 of this chapter) a monthly report of every instance during the calendar month covered thereby in which a driver employed or used by it has been required or permitted to be on duty, or to drive or operate a motor vehicle in excess of the hours prescribed by § 195.3.

(b) Every class I motor carrier of passengers and every class I and class II motor carrier of property, as defined by the Commission in prescribing the

¹ Form filed as part of original document.

Uniform System of Accounts (§§ 181.02-1 and 182.01-1 of this subchapter) shall file on Form BMC 60 (§ 7.60 of this chapter) a report for every calendar month in which no driver employed or used by it has been required or permitted to be on duty, or to drive or operate a motor vehicle in excess of the hours prescribed by § 195.3.

(c) Form BMC 60 (§ 7.60 of this chapter) shall be prepared in triplicate, shall be signed by the motor carrier or his or its agent, and the original and one copy thereof shall be filed by mailing or otherwise with the District Director, Bureau of Motor Carriers, Interstate Commerce Commission, for the district in which his or its principal place of business is located not later than the fifteenth day of the month next following the calendar month for which such report is made. One copy of each such report shall be retained in the files of the motor carriers for a period of three years.

(d) Motor carriers having their principal places of business outside the borders of the United States shall file the reports referred to in the preceding paragraphs, Form BMC 60 (§ 7.60 of this chapter) with the District Director of the Bureau of Motor Carriers as shown in § 190.40 of this subchapter, not later than the fifteenth day of the month next

following the calendar month for which such report is made. One copy of each such report shall be retained in the files of the motor carrier for a period of three years.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered. That this order shall be effective July 1, 1963, and shall continue in effect until the further order of the Commission.

It is further ordered. That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order.

And it is further ordered. That notice of this order shall be given to motor carriers, other persons of interest and to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-438; Filed, Jan. 15, 1963;
8:48 a.m.]

Proposed Rule Making

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

RULES OF PRACTICE

Notice of Proposed Rule Making

On January 13, 1962, the Commission published in the FEDERAL REGISTER its revised rules of practice. By the terms of the notice, the rules became effective on February 27, 1962. The notice also invited members of the Bar, Commission contractors and others to submit comments and recommendations.

The following proposed amendments of 10 CFR Part 2 are designed to reflect staff review of and experience with Part 2 and comments and suggestions submitted by interested persons. These proposed amendments are essentially clarifying and corrective and are deemed beneficial to proper interpretation of the Commission's procedures and practice.

Notice is hereby given that the Commission is considering the adoption of the following amendments. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after this period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

§ 2.3 [Amendment]

1. Section 2.3 *Resolution of conflict*, is amended by adding the words "or other part of this chapter" following the word "subpart".

2. Section 2.4 is amended by redesignating paragraphs (g), (h), (i), (j), (k), and (l), as (h), (i), (j), (k), (l), and (n) respectively, and adding paragraph (g) as follows:

§ 2.4 Definitions.

(g) "Facility" means a production facility or a utilization facility as defined in § 50.2 of this chapter.

3. Section 2.4 is amended by adding a new paragraph (m) as follows:

(m) "Respondent" means, in an appeal pursuant to Subpart D from a decision of a contracting officer determining a dispute under a subcontract, both the prime contractor and the contracting officer.

4. Paragraph (a) of § 2.101 is amended by adding the words "for a license for a facility, or to receive waste radioactive material from other persons for the purpose of packaging, storage or disposal," after the word "application" in the last sentence. As so amended, § 2.101(a) reads as follows:

§ 2.101 Filing of application.

(a) An application for a license or an amendment to a license shall be filed with the Director of Regulation as prescribed by the applicable provisions of this chapter. A prospective applicant may confer informally with the regulatory staff prior to the filing of an application. Each application for a license for a facility, or to receive waste radioactive material from other persons for the purpose of packaging, storage or disposal, will be assigned a docket number.

5. Paragraphs (a) and (b) of § 2.103 are revised to read as follows:

§ 2.103 Actions on applications for byproduct, source, special nuclear material, and operator licenses.

(a) If the Director of Regulation finds that an application for a byproduct, source, special nuclear material or operator license complies with the requirements of the Act and this chapter, he will issue a license. If the license is for a facility or for the receipt of waste radioactive material for the purpose of packaging, storage or disposal, the Director of Regulation will inform the State and local officials specified in § 2.104(b) of the issuance of the license.

(b) If the Director of Regulation finds that an application does not comply with the requirements of the Act and this chapter he may issue a notice of proposed denial or a notice of denial of the application and inform the applicant in writing of:

(1) The nature of any deficiencies or the reason for the proposed denial or the denial, and

(2) The right of the applicant to demand a hearing within twenty (20) days from the date of the notice or such longer period as may be specified in the notice.

6. Paragraph (a) of § 2.104 is revised to read as follows:

§ 2.104 Notice of hearing.

(a) In the case of an application on which a hearing is required by the Act or this chapter, or in which the Commission finds that a hearing is required in the public interest, the Secretary will issue a notice of hearing to be published in the FEDERAL REGISTER as required by law at least fifteen (15) days, and in the case of an application concerning a facility, thirty (30) days, prior to the date set for hearing in the notice. The notice will state:

7. Subparagraph (3) of § 2.105(a) is revised to read as follows:

§ 2.105 Notice of proposed action.

(a) * * *

(3) An amendment of a license specified in subparagraph (1) or (2) of this paragraph and which involves significant hazard considerations different from those previously evaluated.

8. Paragraph (b) of § 2.105 *Notice of proposed action*, is amended by changing "concisely state" to read "set forth".

9. Subparagraph (4) of § 2.105(b) is amended by adding the words "or amendment" after the word "license".

10. Paragraph (c) of § 2.105 is amended by changing "application for a construction permit" to read "application for a license".

11. Paragraph (d) of § 2.105 is amended by deleting the words "not less than".

12. Section 2.106 is revised to read as follows:

§ 2.106 Notice of issuance.

(a) The Director of Regulation will cause to be published in the FEDERAL REGISTER notice of, and will inform the State and local officials specified in § 2.104(b) of, the issuance of:

(1) A license for which a notice of proposed action has been previously published;

(2) An amendment of a license for a facility or to receive waste radioactive material from other persons for the purpose of packaging, storage or disposal, whether or not a notice of proposed action has been previously published;

(3) Any other license or amendment as to which the Commission or the Director of Regulation determines that an opportunity for a public hearing should be afforded.

(b) The notice of issuance will set forth:

(1) The nature of the license or amendment;

(2) The manner in which copies of the safeguards analysis, if any, may be obtained and examined;

(3) A finding that the application for the license or amendment complies with the requirements of the Act and this chapter;

(4) The text of the license or amendment, if such text has not previously been published with a notice of proposed issuance.

(c) If a notice of proposed action has not been previously published, the notice of issuance will provide that, within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER:

(1) The applicant may file a request for a hearing;

(2) Any person whose interest may be affected by the proceeding may file a petition for leave to intervene.

(d) If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

13. Paragraph (a) of § 2.107 is revised to read as follows:

§ 2.107 Withdrawal of application.

(a) The Commission may permit an applicant to withdraw an application prior to the issuance of a notice of hear-

ing on such terms and conditions as it may prescribe, or may, on receiving a request for withdrawal of an application, deny the application or dismiss it with prejudice. Withdrawal of an application after the issuance of a notice of hearing shall be on such terms as the presiding officer may prescribe.

14. Section 2.109 is revised to read as follows:

§ 2.109 Effect of timely renewal application.

If, at least thirty (30) days prior to the expiration of an existing license authorizing any activity of a continuing nature, a licensee files an application for a renewal or for a new license for the activity so authorized, the existing license will not be deemed to have expired until the application has been finally determined.

15. Subparagraph (1) of § 2.202(a) is revised to read as follows:

§ 2.202 Order to show cause.

(a) * * *

(1) Allege the violations with which the licensee is charged, or the potentially hazardous conditions or other facts deemed to be sufficient ground for the proposed action.

16. Paragraph (d) of § 2.202 *Order to show cause*, is amended by adding the words "or stipulation" following the word "answer".

§ 2.203 [Amendment]

17. Section 2.203 *Settlement*, is amended by changing in the last sentence "a decision and order" to read "a decision or order".

18. Subpart B is amended by adding a new § 2.204 to read as follows:

§ 2.204 Order for modification of license.

The Commission may modify a license by issuing an amendment on notice to the licensee that he may demand a hearing with respect to all or any part of the amendment within twenty (20) days from the date of the notice or such longer period as the notice may provide. The amendment will become effective on the expiration of the period during which the licensee may demand a hearing, or, in the event that he demands a hearing, on the date specified in an order made following the hearing. When the Commission finds that the public health, safety, or interest so requires, the order may be made effective immediately.

§ 2.412 [Amendment]

19. Subparagraph (4) of § 2.412(a) is amended by changing "request" to read "demand".

20. Appendix "B" to Subpart D is amended by adding at the beginning of paragraph (5) the words "The findings of fact and".

21. Subparagraph (5) of § 2.413(b) is amended by adding after the word "specify" the words "the findings of fact and".

22. Section 2.413 is amended by adding a new paragraph (d) as follows:

§ 2.413 Complaint.

* * * * *

(d) Each separate claim shall be separately stated and numbered.

§ 2.414 [Amendment]

23. Subparagraph (2) of § 2.414(a) is amended by adding after the word "contract" the words "and any pertinent plans, specifications, and change orders".

24. Paragraph (b) of § 2.414 is amended by deleting the words "In complying with the requirement of service prescribed by § 2.712".

§ 2.416 [Amendment]

25. Paragraph (a) of § 2.416 by changing "within twenty (20) days" to read "within thirty (30) days".

26. Subpart D is amended by adding a new § 2.420 as follows:

§ 2.420 Submission on agreed statement of facts.

A proceeding under this subpart may be submitted for determination without pleadings by the filing of a statement, signed and acknowledged by all the parties, specifying the matters in dispute and the relief requested, agreeing upon a statement of facts upon which the controversy depends, and submitting it for decision. The appeal may be decided on the agreed statement of facts pursuant to § 2.419.

27. Subpart D is amended by adding a new § 2.421 as follows:

§ 2.421 Settlement.

A dispute may be settled and an appeal may be dismissed at any time by written stipulation of the parties, approved by the presiding officer, settling any part or all of the dispute. If only part of the dispute is settled, the proceeding shall continue as to any issues remaining in the dispute.

28. Paragraph (b) of § 2.701 is revised to read as follows:

§ 2.701 Filing of documents.

* * * * *

(b) All documents offered for filing shall be accompanied by proof of service upon all parties to the proceeding or their attorneys of record as required by law or by rule or order of the Commission. The regulatory staff of the Commission, or in proceedings under Subpart D the contracting officer, shall be deemed to be a party.

§ 2.707 [Amendment]

29. Section 2.707 *Default*, is amended by changing "to appear" to read "or his failure to appear".

30. Paragraph (c) of § 2.708 is amended by deleting, in the first sentence "by an attorney of record for the party or, in the case of a party not represented by counsel," and adding at the end of that sentence ", or by an attorney having authority with respect to it." As amended, § 2.708(c) reads as follows:

§ 2.708 Formal requirements for documents.

* * * * *

(c) The original of each document shall be signed in ink by the party or his

authorized representative, or by an attorney having authority with respect to it. The capacity of the person signing, his address, and the date shall be stated. The signature of a person signing in a representative capacity is a representation that the document has been subscribed in the capacity specified with full authority, that he has read it and knows the contents, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay. If a document is not signed, or is signed with intent to defeat the purpose of this section, it may be stricken.

31. Paragraph (d) of § 2.708 is amended by changing "fifteen" to read "twenty (20)". As amended, § 2.708(d) reads as follows:

(d) Except as otherwise provided by this part or by order, a pleading or other document other than correspondence shall be filed in an original and twenty (20) conformed copies.

32. Section 2.708 is amended by adding a new paragraph (f) as follows:

(f) A document filed by telegraph need not comply with the formal requirements of paragraphs (b), (c) and (d) of this section if an original and copies otherwise complying with all of the requirements of this section are mailed to the Secretary within two (2) days thereafter.

33. Section 2.710 is amended by adding in the second sentence after the words "legal holiday" the words "at the place where the action or event is to occur." As so amended, § 2.710 reads as follows:

§ 2.710 Computation of time.

In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday at the place where the action or event is to occur, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. When the period of time is less than seven (7) days, intermediate Saturdays, Sundays, and holidays are excluded. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, three (3) days shall be added to the prescribed period.

§ 2.711 [Amendment]

34. Section 2.711 *Extension of time*, is amended by adding the words ", or by stipulation approved by the Commission or the presiding officer".

§ 2.712 [Amendment]

35. The heading of § 2.712(a) is amended by changing "Who may make service" to read "Service of papers by the Commission", and by deleting "service of which is governed by § 2.720".

§ 2.714 [Amendment]

36. Paragraph (a) of § 2.714 *Intervention* is amended by changing "five (5) days" to read "seven (7) days".

37. Paragraph (b) of § 2.715 is revised to read as follows:

§ 2.715 Participation by a person not a party.

(b) The Secretary will give notice of a hearing to any person who requests it prior to the issuance of the notice of hearing, and will furnish a copy of the notice of hearing to any person who requests it thereafter. When a communication bears more than one signature, the Commission will give the notice to the person first signing unless the communication clearly indicates otherwise.

38. Paragraph (b) of § 2.717 is revised to read as follows:

§ 2.717 Commencement and termination of jurisdiction of presiding officer.

(b) The Director of Regulation may issue an order and take any otherwise proper administrative action with respect to a licensee who is a party to a pending proceeding. Any order related to the subject matter of the pending proceeding may be modified by the presiding officer as appropriate for the purposes of the proceeding.

39. Paragraph (a) of § 2.730 is amended by adding to the first sentence "or, when a proceeding is pending before a presiding officer, to the presiding officer". As amended § 2.730(a) reads as follows:

§ 2.730 Motions.

(a) *Presentation and disposition.* All motions shall be addressed to the Commission or, when a proceeding is pending before a presiding officer, to the presiding officer. All written motions shall be filed with the Secretary, and served on all parties to the proceeding. During the time when a proceeding is before the Commission, a motion for an extension of time which would ordinarily be granted as of course, and to which all parties consent, may be acted upon by the Chief Hearing Examiner.

40. The heading and text of paragraph (g) of § 2.730 are amended by changing "allowance of an interlocutory appeal" to read "certification of question to the Commission", and by changing "allowance of an interlocutory appeal" to "certification of a question to the Commission", respectively. As so amended, § 2.730(g) reads as follows:

§ 2.730 Motions.

(g) *Effect of filing a motion or certification of question to the Commission.* Unless otherwise ordered, neither the filing of a motion nor the certification of a question to the Commission shall stay the proceeding or extend the time for the performance of any act.

41. Paragraph (b) of § 2.743 is revised to read as follows:

§ 2.743 Evidence.

(b) *Written testimony.* Where the interest of any party will not be prejudiced, the parties are encouraged to submit all or part of the direct testimony of witnesses in written form, unless objections are presented and unless otherwise ordered by the presiding officer. Unless otherwise ordered by the presiding officer, a party may: Serve copies of proposed written testimony on all parties at least five (5) days in advance of the session of the hearing at which such testimony is to be presented, unless all parties agree that all or any part of such five (5) days' prior service be waived; the presiding officer may permit the introduction of written testimony after having given all parties present a reasonable opportunity to examine it. Whenever it is deemed necessary or desirable, the Commission or the presiding officer may direct that proposed testimony be reduced to written form and be served and offered in the manner described in this paragraph, allowing a reasonable time for the preparation of the written testimony. Written testimony may be incorporated in the transcript of the record as if read or, in the discretion of the presiding officer, may be offered and admitted in evidence as an exhibit. This paragraph does not apply to proceedings pursuant to Subpart B for modification, suspension or revocation of a license.

§ 2.754 [Amendment]

42. Paragraph (a) of § 2.754 *Proposed findings and conclusions*, is amended by adding the words "lesser or" after the word "reasonable".

§ 2.760 [Amendment]

43. Paragraph (a) of § 2.760 *Initial decision and its effect*, is amended by adding after the words "an initial decision which" the words "except as otherwise provided in this chapter,".

§ 2.761 [Amendment]

44. Paragraph (c) of § 2.761 *Expedited decisional procedure*, is amended by adding after the words "within thirty (30) days after its date", the words "except as otherwise provided in this chapter".

§ 2.790 [Amendment]

45. Subparts G and H are amended by changing the number of § 2.810 *Public inspection, exceptions, requests for withholding*, to § 2.790, and by transferring that section and the preceding center heading "Availability of Official Records" to Subpart G—Rules of General Applicability, following § 2.780.

Dated at Germantown, Md., this 4th day of January 1963.

For the United States Atomic Energy Commission,

WOODFORD B. McCool,
Secretary.

[F.R. Doc. 63-399; Filed, Jan. 15, 1963; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 75 [New]]

[Airspace Docket No. 62-WA-79]

JET ROUTES AND JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.65), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA has under consideration the designation of a jet route from the Albuquerque, N. Mex., VORTAC via the Texico, N. Mex., VOR to the Dallas, Texas, VORTAC. Additionally, it is proposed to designate an en route radar jet advisory area within 16 statute miles either side of the proposed jet route from flight level 240 to flight level 390 inclusive; and a terminal radar jet advisory area of the same dimensions from the Wichita Falls, Texas, VORTAC via the Wichita Falls VORTAC 262° True radial to its intersection with the proposed jet route.

Such action would provide a more direct route between Albuquerque and Dallas, reducing the route mileage by approximately 20 nautical miles, and would provide for radar advisory service on the westbound departure route from the Dallas/Fort Worth Metropolitan Area which would provide access to the proposed route.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 9, 1963.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 63-445; Filed, Jan. 15, 1963; 8:49 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 62-WE-126]

JET ADVISORY AREAS**Proposed Alteration**

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.65), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Secondary radar from the air route surveillance radar at a site near Grand Junction, Colo., is expected to be commissioned in April 1963 which will make additional radar jet advisory service possible from the Denver, Colo., Air Route Traffic Control Center. The FAA has under consideration the alteration of jet advisory areas in the vicinity of Grand Junction to include the airspace 16 miles either side of the jet route segments and the direct routes listed below from flight level 240 to flight level 390 inclusive:

1. Jet Routes Nos. 60 and 80 from 65 nautical miles southwest of Grand Junction to 94 nautical miles west southwest of Denver.

2. From Grand Junction via the direct route between Grand Junction and Kiowa, Colo., to a point 80 nautical miles west of Kiowa.

3. From Grand Junction via the direct route between Grand Junction and Kremmling, Colo., to a point 25 nautical miles southwest of Kremmling.

The actions proposed herein would provide additional areas wherein radar jet advisory service would be available to scheduled air carrier aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An

informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 9, 1963.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 63-446; Filed, Jan. 15, 1963;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. 1]

[Ex Parte No. 230]

SUBSTITUTED SERVICE; CHARGES AND PRACTICES OF FOR-HIRE CARRIERS AND FREIGHT FORWARDERS; PIGGYBACK SERVICE

Proposed Rules and Special Procedure; Extension of Time for Filing Comments

Upon consideration of the record in the above-entitled proceeding and of the petitions filed January 9, 1963, by the Association of American Railroads and the Freight Forwarders Institute requesting that the date prescribed in the Commissioner's order of October 11, 1962, for filing replies to the verified statements heretofore filed by the parties on December 10, 1962, be extended from January 28, 1963, to March 29, 1963, and further that the date prescribed in said order for filing request for separation of specific issues and oral hearing with respect thereto be extended from February 6, 1963 to April 15, 1963; and for good cause appearing:

It is ordered, That the Commission's order of October 11, 1962, be modified in the following respects:

1. That the date prescribed for filing replies to the verified statements filed by the parties in this proceeding on December 10, 1962, be extended from January 28, 1963, to March 18, 1963; and

2. That the date prescribed for filing requests for separation of specific issues and oral hearing with respect thereto be extended from February 6, 1963 to April 2, 1963.

And it is further ordered, That the said petitions in all other respects be, and they are hereby, denied.

Dated at Washington, D.C., this 10th day of January A.D. 1963.

By the Commission, Commissioners Herring and Tucker.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-437; Filed, Jan. 15, 1963;
8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

COUNTY NATIONAL BANK OF MONTROSE AND FIRST NATIONAL BANK OF LeRAYSVILLE

Notice of Decision Granting Application to Merge

On November 8, 1962, the \$1.1 million First National Bank of LeRaysville, LeRaysville, Pennsylvania and the \$17.2 million County National Bank of Montrose, Montrose, Pennsylvania, applied to the Comptroller of the Currency for permission to merge under the charter of the latter and with the title "County National Bank of Montrose".

On December 20, 1962, the Comptroller of the Currency granted this application, effective on or after December 27, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: January 10, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the
Comptroller of the Currency.

[F.R. Doc. 63-427; Filed, Jan. 15, 1963;
8:46 a.m.]

SUSSEX COUNTY TRUST CO. AND FARMERS NATIONAL BANK OF SUSSEX

Notice of Report on Competitive Factors Involved in Merger Application

On November 21, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the \$11.6 million Farmers National Bank of Sussex, Sussex, New Jersey, with the \$13.2 million Sussex County Trust Company, Franklin, New Jersey, under the charter of the latter and title of "The Bank of Sussex County."

On December 19, 1962, the Comptroller of the Currency reported that approval of the merger would give the resulting bank, with three strategic locations, a substantial advantage over its competitors and so would have an adverse effect on banking competition in the Sussex County banking area.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: January 10, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the
Comptroller of the Currency.

[F.R. Doc. 63-428; Filed, Jan. 15, 1963;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 9, 1963.

Notice of an application, Serial No. A-042304, for withdrawal and reservation of lands was published as F.R. Doc. 58-7821 on page 7468 of the issue for September 25, 1958. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10 a.m. on February 9, 1963, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SEWARD MERIDIAN

T. 12 N., R. 2 W. (unsurveyed),
Sec. 3: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 4: All;
Sec. 5: All;
Sec. 10: All;
Sec. 11: NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14: All.

T. 12 N., R. 1 W. (unsurveyed),
Sec. 19: W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Aggregating approximately 3,760 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands
and Minerals Management.

[F.R. Doc. 63-447; Filed, Jan. 15, 1963;
8:49 a.m.]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 7, 1963.

Pursuant to the authority of Executive Order 10355 of May 26, 1952 (17 F.R. 4831), the United States Department of Agriculture has filed an application, Utah 0103154 for the withdrawal of Whiterocks Cave in the Ashley National Forest in Uintah County, Utah, from location and entry under the General Mining Laws, subject to valid existing claims.

The purpose of the withdrawal is to protect the geological features of Whiterocks Cave from future mining activity which could damage, impair or render the site unsuitable for the purpose which it is used or will be used. Use of water in connection with the proposed development of these lands will be made in conformity with state laws and procedures relating to the control, appropriation, use and distribution thereof.

For a period of 30 days from the date of publication of this notice, all per-

sons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director for Utah, Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

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

The lands involved in the application are:

UINTA SPECIAL MERIDIAN, UTAH

ASHLEY NATIONAL FOREST

Whiterocks Cave

T. 2 N., R. 1 W.,

Sec. 1: W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

Total area, 100 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 63-423; Filed, Jan. 15, 1963;
8:46 a.m.]

[Oregon 012974]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 8, 1963.

The Department of Agriculture has filed an application, serial number Oregon 012974, for the withdrawal of the lands described below from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land withdrawn for public outdoor recreation and fish habitat improvement. The lands are located in the Umatilla National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior.

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

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

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

UMATILLA NATIONAL FOREST

Arbuckle Mountain Development Site

T. 4 S., R. 29 E.,

Sec. 29: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Swale Creek Development Site

T. 5 S., R. 28 E.,
 Sec. 30: NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$
 NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
 SE $\frac{1}{4}$;

Sec. 31: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

North Fork John Day Bridge Campground

T. 7 S., R. 35 $\frac{1}{2}$ E.,
 Sec. 34: SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Tamarack Spring Development Site

T. 8 S., R. 26 E.,
 Sec. 8: SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Bruin Creek Recreation Area

T. 8 S., R. 33 E.,
 Sec. 6: S $\frac{1}{2}$ Lot 7;
 Sec. 7: N $\frac{1}{2}$ Lot 1.

Welch Creek Recreation Area

T. 8 S., R. 33 E.,
 Sec. 17: W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$
 SW $\frac{1}{4}$;
 Sec. 18: E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sponge Creek Recreation Area

T. 8 S., R. 33 E.,
 Sec. 27: N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 28: N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Howard Creek Recreation Area

T. 8 S., R. 33 E.,
 Sec. 27: SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34: NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Clear Creek and Granite Creek Anadromous Fish Spawning (Habitat Improvement) Areas

T. 8 S., R. 35 E.,
 Sec. 35: NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$
 SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 T. 9 S., R. 35 E.,
 Sec. 2: SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Sec. 10: E $\frac{1}{2}$ E $\frac{1}{2}$ Lot 6;
 Sec. 11: S $\frac{1}{2}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ Lot 7, NW $\frac{1}{4}$
 Lot 8, W $\frac{1}{2}$ Lot 9, W $\frac{1}{2}$ W $\frac{1}{2}$ Lot 10, E $\frac{1}{2}$
 NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$
 NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 14: W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$
 SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 15: E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The total combined area aggregates
 828.25 acres.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63-422; Filed, Jan. 15, 1963;
 8:45 a.m.]

Office of the Secretary**ANDREW PAT JONES****Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of December 31, 1962.

Dated: January 2, 1963.

ANDREW PAT JONES.

[F.R. Doc. 63-420; Filed, Jan. 15, 1963;
 8:45 a.m.]

VIVAN B. JONES**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of January 2, 1963.

Dated: January 2, 1963.

VIVAN B. JONES.

[F.R. Doc. 63-421; Filed, Jan. 15, 1963;
 8:45 a.m.]

DEPARTMENT OF COMMERCE**Maritime Administration****AMERICAN EXPORT LINES, INC.****Notice of Application**

Notice is hereby given that American Export Lines, Inc., has filed an application for a waiver under the provisions of section 804 of the Merchant Marine Act, 1936, as amended, to permit said company to act as agent to perform certain husbanding services for the foreign-flag ship "M.V. Aurelia" while said ship is using Export's Pier 84, North River, New York, during the ship's two calls at New York now scheduled for June 7 and 8, and 27 and 28, 1963. The arrangement does not involve the booking of cargo or passengers for the vessel.

Any person, firm or corporation having an interest in such Application who desires to offer views and comments thereon for consideration by the Deputy Maritime Administrator should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business January 23, 1963. The Deputy Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

Dated: January 14, 1963.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.
Secretary.

[F.R. Doc. 63-486; Filed, Jan. 15, 1963;
 8:50 a.m.]

COMMITTEE FOR RECIPROCITY INFORMATION**ACCESSION OF SPAIN; PROVISIONAL ACCESSION OF THE UNITED ARAB REPUBLIC****General Agreement on Tariffs and Trade**

Closing date for applications to appear at hearing February 4, 1963.

Closing date for submission of briefs February 8, 1963.

Public hearings open February 11, 1963.

Notice is hereby given by the Special Representative for Trade Negotiations of intention to consider arrangements, not involving the conduct of new tariff negotiations, for the accession of Spain to the General Agreement on Tariffs and Trade, and for the provisional accession of the United Arab Republic to that Agreement.

Spain. The Interdepartmental Committee on Trade Agreements in its notice of May 27, 1960, announced intention to conduct trade agreement negotiations under the General Agreement on Tariffs and Trade with certain foreign governments including the Government of Spain. Tariff negotiations conducted with the Government of Spain pursuant to that notice resulted in the conclusion on December 31, 1962, of an interim bilateral trade agreement with Spain, pursuant to section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351) and section 257(c) of the Trade Expansion Act of 1962 (Public Law 87-794, 76 Stat. 882). This agreement provides that the United States schedule of tariff concessions annexed thereto shall be applied as though it were a schedule to the General Agreement, pending the subsequent opening for acceptance of a protocol for the accession of Spain to the General Agreement, the United States schedule annexed to which protocol would be the same as that annexed to the interim bilateral agreement with Spain. Whereas the interim agreement is essentially an agreement relating to tariff concessions, under the protocol of accession the provisions of the General Agreement as a whole would become applicable between the United States and Spain.

United Arab Republic. Under the arrangements for the provisional accession of the United Arab Republic that country would apply the provisions of the General Agreement to contracting parties to that Agreement which formally accept these arrangements. The United Arab Republic would not undertake obligations with respect to tariff concessions. In return such contracting parties would apply to the United Arab Republic the provisions of the General Agreement other than those which accord direct rights to their schedules containing tariff concessions. The United States has no bilateral trade agreement with the United Arab Republic.

The proposals in this notice with respect to Spain and the United Arab Republic would not involve any new modification or specific continuance of United States tariff rates.

The Special Representative for Trade Negotiations hereby gives notice that all applications for oral presentation of views in respect to any aspects of the foregoing proposals shall be submitted not later than February 4, 1963. Such communications should be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C."

Fifteen copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to. Written statements sub-

mitted to the Committee, except information and business data proffered in confidence shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use only of the Committee for Reciprocity Information".

Public hearings will be held before the Committee for Reciprocity Information, at which hearings oral statements will be heard, beginning at 10 a.m. on February 11, 1963, in the Hearing Room in the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at such hearings may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at public hearings shall be under oath.

Copies of this notice and of the accompanying press release issued today by the Special Representative for Trade Negotiations may be obtained from the Committee for Reciprocity Information or may be inspected at the Field Offices of the Department of Commerce.

Issued this 14th day of January 1963.

WILLIAM T. GOSSETT,
Deputy Special Representative
for Trade Negotiations.

[F.R. Doc. 63-493; Filed, Jan. 15, 1963;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14154 etc.]

SLICK CORP.

Economy Service Airfreight Rate Investigation; Notice of Hearing

In the matter of an investigation into "economy" freight rates proposed by The Slick Corporation:

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 404, and 1002 thereof, that a public hearing in the above-entitled proceeding is assigned to be held on March 26, 1963, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Board Order E-19015, dated November 15, 1962; the Report of Prehearing Conference served in this matter on January 2, 1963; and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 10, 1963.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 63-450; Filed, Jan. 15, 1963;
8:49 a.m.]

[Docket No. 13761]

UNION SPEDITIONS-GESELLSCHAFT m.b.H.

Notice of Hearing

In the matter of an application of Union Speditions-Gesellschaft m.b.H. for a foreign air carrier permit to operate as an international airfreight forwarder:

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, and 402 thereof, that a public hearing in the above-entitled proceeding is assigned to be held on February 26, 1963, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Without limiting the scope of the issues raised by the pleadings in this proceeding, particular attention will be directed to whether the public interest requires that a foreign air carrier permit be issued to the applicant as requested and whether the applicant is fit, willing, and able to provide such services as may be found required in the public interest.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Report of Prehearing Conference served in this matter on January 9, 1963, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 10, 1963.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 63-451; Filed, Jan. 15, 1963;
8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 63-38]

DANGER OF BROADCASTING OF OBSCENE OR PROFANE REMARKS ON TELEVISION INTERVIEW PROGRAMS

Warning to Licensees

JANUARY 10, 1963.

The Commission's attention recently has been called to several instances in which persons being interviewed by telephone have uttered obscene or profane remarks which have been broadcast. The use of delayed tape did not prevent the broadcast of these remarks because the attention of the employee charged with stopping the tape was momentarily diverted to other duties. As a result of this experience, the subject licensees have installed devices by which the announcer, as well as the engineer or director in the control room, can stop the playback of the tape if improper remarks are made.

Extreme care should be taken by all licensees to check their own procedures for preventing the transmission of obscene or profane language, especially on

telephone-interview programs, in order to protect the public against the offensive language as well as to preserve the licensee's reputation for responsibility.

Section 1464, Title 18, U.S.C. imposes a fine and/or imprisonment on anyone who utters "any obscene, indecent or profane language by means of radio communication."

The Commission urges licensees to take all possible steps to prevent such incidents on programs on which experience has proven that such incidents are likely to occur.

Adopted: January 9, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-454; Filed, Jan. 15, 1963;
8:49 a.m.]

[Docket Nos. 14909, 14910; FCC 63-33]

SOUTHERN RADIO AND TELEVISION CO. AND ROBERT HECKSHER (WMYR)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Southern Radio and Television Co., Lehigh Acres, Florida, Docket No. 14909, File No. BP-14297, requests 1440 kc, 1 kw, 5 kw-LS, DA-2, U; Robert Hecksher (WMYR), Fort Myers, Florida, Docket No. 14910, File No. BP-14378, has 1410 kc, 500 w, 5 kw-LS, DA-N, U, requests 1410 kc, 5 kw, DA-N, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of January 1963;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The 1960 Census makes no mention of Lehigh Acres. Thus, it must be determined whether or not Southern Radio and Television Co. proposes to serve a particular city, town, political subdivision, or community as required by § 3.30 (a). Seven Locks Broadcasting Co., 22 Pike and Fischer R.R. 967, 970 (1962).

2. The proposal of Southern Radio and Television Co. would suffer a population loss of approximately 13 percent within the normally protected nighttime contour (4.0 mv/m), but an exception to § 3.28(d)(3) is claimed in that the proposal would provide the first local standard nighttime facility to Lehigh Acres (estimated population 500). Some doubt, however, exists as to whether the proposal is designed to provide service to Lehigh Acres or whether it has been designed primarily to serve Fort Myers. In this regard, it is noted that the pro-

posed daytime 2 mv/m contour encompasses Fort Myers, Florida (population 22,500) as does the nighttime limitation contour (5.78 mv/m). It has not been conclusively determined that Lehigh Acres is a separate community for the purposes of § 3.28(d) (3) of the rules, and accordingly, an issue to that effect will be included.

3. On the basis of measurements made on the existing operation of Station WMYR to establish the extent of the proposed WMYR nighttime 25 mv/m contour and utilizing Figure M-3 conductivities to establish the extent of the proposed Lehigh Acres nighttime 25 mv/m contour, both applicants find the prospective contours to be tangent. We note, however, that the measurements made on WMYR indicate a higher effective conductivity than indicated by Figure M-3, and therefore, additional field intensity measurements must be made from the proposed Lehigh Acres site. In respect thereto, an issue will be included to determine whether a violation of § 3.37 would occur, and if so, whether circumstances exist which would warrant a waiver of the aforementioned Section.

4. Regarding the proposal of Robert Hecksher, we note that in all parts of the major lobe an MEOV was assigned except in the direction of Lehigh Acres where the aforementioned 25 mv/m problem exists. In this direction the MEOV has been eliminated. Thus, a substantial question exists as to whether the MEOV's of radiation have been reasonably assigned.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Southern Radio and Television Co. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMYR and the availability of other primary service to such areas and populations.

3. To determine whether the proposal of Southern Radio and Television Co. would serve primarily a particular city, town, or other political subdivision as contemplated by § 3.30(a) of the Commission rules and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, for the purposes of § 3.28(d) (3) of the Commission's rules, whether Lehigh Acres, Florida, is a separate community from Fort Myers, Florida.

5. To determine, if it is concluded that Lehigh Acres, Florida, is not a separate community pursuant to Issue No. 4 above, whether the nighttime interference received from existing stations would affect more than ten percent of the population within the normally protected nighttime contour of the instant proposal of Southern Radio and Television Co., in contravention of § 3.28(d) (3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the 25 mv/m nighttime contours of the instant proposals would overlap, in contravention of § 3.37 of the commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine whether the maximum expected operating values of radiation proposed by Robert Hecksher are reasonably related to the theoretical radiation pattern.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the applications.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, sufficient field intensity measurement data, made and analyzed according to the Commission's rules, must be submitted, taken from the site proposed by Southern Radio and Television Co., to determine whether the proposed 25 mv/m contours would overlap in violation of § 3.37 of the rules.

It is further ordered, That, in the event of a grant of either or both of the applications herein, the construction permits shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the

mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 11, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-457; Filed, Jan. 15, 1963;
8:50 a.m.]

[Docket No. 14908; FCC 63-32]

WARSAW-MOUNT OLIVE BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Onslow Broadcasting Corporation tr/as Warsaw-Mount Olive Broadcasting Company, Warsaw, North Carolina, Docket No. 14908, File No. BP-14364; requests 550kc, 1kw, DA, Day, Class III; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 9th day of January 1963;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the Onslow Broadcasting Corporation is the licensee of Station WJNC, Jacksonville, North Carolina. WJNC is located 40 miles from the applicant's site and its 0.5 mv/m contour is completely enveloped by the proposed normally protected service area (0.5 mv/m contour) of the applicant. There would also be overlap of the 2 mv/m contours. This overlap of service areas appears to be substantial within the meaning of § 3.35(a) of the Commission's rules. Accordingly, in considering this proposal and § 3.35(a) of the rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons

residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities that are to be served; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 3.35(a) of the Commission's rules; and

It further appearing, that the Commission has before it for consideration a petition to deny (and responsive pleadings thereto) filed October 23, 1962, by Wendell-Zebulon Radio Company, licensee of Station WETC, Wendell-Zebulon, North Carolina, wherein it is requested that the above-captioned application be designated for hearing with petitioner as a party and a § 3.35 issue included; and

It further appearing, that WETC alleges that it is a "party in interest" and a "party aggrieved" by the instant application on the ground that a grant of the latter application would prejudice a future grant of the pending WETC application for a power increase by causing it to violate the ten percent rule (§ 3.28(d)(3)); and

It further appearing, that, on October 10, 1962, after the filing of a major amendment, the WETC application was given a new file number (BP-15344); that as a result WETC is not entitled to comparative consideration with the instant application which was "cut off" as of October 23, 1961; and thus the petitioner has no standing to object to a grant of the instant application, *Radio Cabrillo v. F.C.C.*, 21 Pike and Fischer RR 2030 (1961); and *The Plains Enterprises, Inc.*, 20 Pike and Fischer 432 (1960); and therefore the petition will be dismissed and the Commission will include a § 3.35 issue on its own motion; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of the Warsaw-Mount Olive Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the proposal of the Warsaw-Mount Olive Broadcasting Company would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the petition to deny filed October 23, 1962, by Wendell-Zebulon Radio Company, licensee of Station WETC, is hereby dismissed.

It is further ordered, That, in the event of a grant of the instant application, the construction permit shall contain the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

Released: January 11, 1963.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-458; Filed, Jan. 15, 1963; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

READING CO. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9025, between the Reading Company, the Pennsylvania Railroad Company, Canton Railroad Company, et al., provides for the establishment of the "Middle Atlantic Ports Dockage Agreement" between the members at Philadelphia, Baltimore and Hampton Roads. The parties agree to maintain just and reasonable rates, rules and practices with respect to dockage of vessels engaged in interstate and foreign commerce at their general cargo terminal facilities. No change in the rates, rules or practices shall be made without prior notice of proposed changes to all parties, who shall have an oppor-

¹ Statement of Commissioner Ford dissenting and concurring in part filed as part of original document.

tunity for consultation relative to such changes before publication. No changes shall be made until after thirty (30) days' notice to the public, unless good cause exists for a change upon shorter notice.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 11, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-441; Filed, Jan. 15, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. 11626 etc.]

CABOT CORP. ET AL.

Order Substituting Respondent and Redesignating Proceedings

JANUARY 9, 1963.

Cabot Corporation (GLC) (formerly Godfrey L. Cabot, Inc.), Docket No. G-11626; Cabot Corporation (SW) (formerly Cabot Carbon Company), Docket Nos. G-12539, G-14932, G-17153, G-18415, G-18842,¹ RI60-318, and RI60-357; Pan American Petroleum Corporation (Operator), et al.,² Docket No. G-17059.¹

On September 19, 1960, Cabot Corporation (Cabot) filed a motion requesting that it be substituted as the Respondent in the above-designated proceedings. In support thereof, Cabot states that it is the successor in interest, rights, and obligations to Godfrey L. Cabot, Inc., and Cabot Carbon Company as a result of a merger of these companies into Cabot Corporation. Concurrently with the filing of its said motion to substitute, Cabot filed Notices of Succession to the rights and obligations of Godfrey L. Cabot, Inc., and Cabot Carbon Company under all the FPC gas rate schedules involved in these proceedings. Said notices of succession also requested redesignation of such rate schedules as the rate schedules of Cabot Corporation. Additionally, Cabot requested that it be substituted

¹ Consolidated with the Area Rate Proceedings in Docket Nos. AR61-1, et al.

² Cabot Carbon Company's proposed increased rate was only one of many proposed increases suspended in Docket No. G-17059 under the designation "Honolulu Oil Corporation (Operator), et al.," by order issued November 26, 1958, as amended by order issued June 30, 1959. Pan American Petroleum Corporation has succeeded to the interests of Honolulu Oil Corporation, and Docket No. G-17059 has been redesignated "Pan American Petroleum Corporation (Operator), et al."

as the party responsible under corporate undertakings listed therein.³

The dockets identified in the above caption relate to proposed increases in rates and charges which were tendered by Godfrey L. Cabot, Inc. (G-11626), Cabot Carbon Company (G-12539, G-14932, G-17153, G-18415, G-18842, RI60-318, and RI60-357⁴) and by 53 Respondents, including Cabot Carbon Company in Docket No. G-17059, under section 4 of the Natural Gas Act. All of the increased rates in the above-rate suspension proceedings have been made effective subject to refund under undertakings filed in the appropriate dockets by Godfrey L. Cabot, Inc. and Cabot Carbon Company.

The Commission by letter dated October 28, 1961, advised Cabot that its notices of succession to Godfrey L. Cabot, Inc., Cabot Carbon Company and Cabot Gasoline Corporation rate schedules had been accepted for filing to be effective as of October 1, 1960 (the date of transfer of the properties involved) and of the granting of temporary authority to continue services previously authorized to be rendered by Cabot's predecessors in interest. The Commission's letter of September 12, 1961, advised Cabot, among other things, of the redesignation of the rate schedules involved in the above-captioned rate suspension proceedings.⁵

The Commission finds: Good cause has been shown for permitting the substitution of Cabot Corporation as Respondent for Godfrey L. Cabot, Inc. and Cabot Carbon Company in these proceedings and for redesignating said proceedings as hereinafter ordered.

The Commission orders:

(A) Cabot Corporation (GLC) is hereby substituted for Godfrey L. Cabot, Inc., as Respondent in Docket No. G-11626 and said proceeding is hereby redesignated as Cabot Corporation (GLC).

(B) Cabot Corporation (SW) is hereby substituted for Cabot Carbon Company as Respondent in Docket Nos. G-12539, G-14932, G-17153, G-18415, G-18842, RI60-318, and RI60-357, and said proceedings are hereby redesignated as Cabot Corporation (SW).

(C) Cabot Corporation (SW) is hereby substituted for Cabot Carbon Company as party Respondent in Docket No. G-17059.

³ The motion erroneously refers to a bond having been filed in Docket No. G-11626. By letter dated August 29, 1957, Godfrey L. Cabot, Inc.'s, agreement and undertaking was accepted in that proceeding.

⁴ Cabot's motion also included the proceedings in Docket Nos. G-14266, G-18844, and RI60-27. The proceeding in Docket No. G-14266 was terminated by the Commission's order issued therein on November 15, 1960. The proceedings in Docket Nos. G-18844 and RI60-27 were redesignated by the Commission's order issued in said dockets on October 4, 1961.

⁵ Godfrey L. Cabot, Inc., FPC Gas Rate Schedule No. 9 has been redesignated as Cabot Corporation (GLC) FPC Gas Rate Schedule No. 2. Cabot Carbon Company FPC Gas Rate Schedules Nos. 9, 15, 16, 22, 26, and 36 have been redesignated as Cabot Corporation (SW) FPC Gas Rate Schedules Nos. 23, 27, 28, 34, 37, and 46, respectively.

(D) Cabot Corporation (SW) and Cabot Corporation (GLC) hereafter shall make all reports and do all acts heretofore required of Godfrey L. Cabot, Inc., and Cabot Carbon Company in these rate suspension proceedings and shall be responsible for fulfilling all obligations set out in the agreements and undertakings heretofore filed by Godfrey L. Cabot, Inc. and Cabot Carbon Company in these proceedings.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-413; Filed, Jan. 15, 1963;
8:45 a.m.]

[Docket No. CP63-66]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

JANUARY 9, 1963.

Take notice that on September 17, 1962, Cities Service Gas Company (Applicant) filed in Docket No. CP63-66 an application pursuant to section 7(c) of the Natural Gas Act for a Certificate of Public Convenience and Necessity for budget authority to construct during 1963 and to operate certain miscellaneous natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it may become necessary or desirable to move, relocate, alter or reconstruct existing facilities, or to construct and operate substitute facilities for existing facilities, in order to accommodate the desires or activities of others, including federal, state and local authorities, landowners and direct industrial and resale customers. For the most part, such changes will be made in response to requests from others. The cost of relocating or altering Applicant's facilities in such instances will usually be borne entirely or partly by the party desiring the change and will not ordinarily involve any increase or decrease in the designed capacity of the particular facilities being altered or replaced, nor any essential change in the character of Applicant's service to any of its customers.

Applicant states that it will not undertake more than ten (10) projects of the type referred to in said Application during 1963. No single project undertaken is to exceed \$50,000 in cost, nor will the total cost of all such projects exceed \$500,000. The foregoing amounts represent Applicant's gross costs which may be offset entirely or reduced by reimbursement from others.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on

February 20, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-414; Filed, Jan. 15, 1963;
8:45 a.m.]

[Docket No. CP63-83]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

JANUARY 9, 1963.

Take notice that on October 4, 1962, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP63-83 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1963 and the operation of branch lines and meter and regulator equipment to make miscellaneous temporary and permanent direct sales of natural gas from Applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to enable Applicant to act with reasonable dispatch in establishing new delivery points for certain direct sales of natural gas without the delay incident to the filing and processing of individual certificate applications.

Applicant estimates that it will have approximately 10 requests for temporary sales in 1963, mostly from road construction contractors, each request involving an estimated average of 40,000 Mcf of natural gas annually, and averaging a cost of approximately \$3,500 per installation. Also, Applicant anticipates approximately 30 requests for direct sales to consumers on a permanent basis during 1963, each request involving an average of approximately 85,000 Mcf of natural gas annually, and averaging a cost of approximately \$3,000 per installation.

The total cost of the proposed facilities will not exceed a maximum of

\$125,000, and no single project will exceed a cost of \$20,000. The application states that the proposed facilities will be financed from treasury cash.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 13, 1963, at 9:30 a.m., e.s.t.; in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-415; Filed, Jan. 15, 1963;
8:45 a.m.]

[Project No. 2328]

CITY OF KETCHIKAN, ALASKA

Notice of Application for License

JANUARY 9, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by City of Ketchikan, Alaska (correspondence to: F. A. Diagle, City Manager, City of Ketchikan, P.O. Box 1110, Ketchikan, Alaska), for license for proposed Project No. 2328 to be located on Case Creek on Revillagigedo Island near the City of Ketchikan, Alaska, and affecting lands within the Tongass National Forest and other lands of the United States.

The proposed project, to be known as the Lake Whitman Hydroelectric Project, would consist of: A rehabilitated existing concrete arch dam about 35 feet high located at the outlet of Lake Whitman into Case Creek; a new intake to tap the lake under water about 1,500 feet west of the dam; a reservoir with usable storage of 6,500 acre-feet at 60-foot drawdown; a 1,690-foot power tunnel; 950 feet of steel penstock; a surge tank; a powerhouse containing a 6,500 horsepower turbine connected to a generator rated at 4,500 kva, operating under a

head of 275 feet; a switchyard; a 34.5-kv transmission line about 6.3 miles long extending from the switchyard to Ketchikan; and appurtenant mechanical and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 C.F.R. 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 28, 1963. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-416; Filed, Jan. 15, 1963;
8:45 a.m.]

[Docket No. CP63-145]

TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

JANUARY 9, 1963.

Take notice that on November 27, 1962, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky, filed in Docket No. CP63-145 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon its Terre Haute, Indiana, Compressor Station, consisting of three (3) compressor units, aggregating three hundred (300) compressor horsepower, and appurtenances thereto. This station is located approximately five (5) miles east of the city of Terre Haute, Indiana, on Applicant's Haute-Martinsville 6-inch pipeline. The location of said compressor station is shown on Exhibit X-1, attached to the application. The book cost of the facilities to be retired was \$57,109.82 as of June 30, 1962.

Applicant states that the compressor station is not required, now or in the foreseeable future, to render service to Indiana Gas & Water Company and Terre Haute Gas Corporation, the customers being serviced by Applicant's Terre Haute-Martinsville 6-inch line. Applicant further states that this compressor station has not operated since June, 1960.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission,

441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 5, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-417; Filed, Jan. 15, 1963;
8:45 a.m.]

**HOUSING AND HOME
FINANCE AGENCY**

Office of the Administrator

DIRECTOR FOR NORTHWEST OPERATIONS, REGION VI, SEATTLE, WASH.

Redelegation of Authority With Respect to Community Facilities Programs

1. The Director for Northwest Operations, Region VI, at Seattle, Washington, is hereby authorized within his jurisdiction (the Counties of Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Shoshone, Valley, and Washington, in the State of Idaho; and the States of Alaska, Montana, Oregon and Washington) to exercise the authority delegated by the Housing and Home Finance Administrator to each Regional Administrator under the programs administered under the Community Facilities Administration, including the following:

(a) Advances for public works planning authorized under subsections 702 (a), (c), and (g) of the Housing Act of 1954, as amended, 40 U.S.C. 462 (a), (c), and (g) (27 F.R. 10598, Oct. 31, 1962);

(b) Loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended, 12 U.S.C. 1749-1749c (25 F.R. 5801, June 23, 1960);

(c) Public facility loans authorized under section 202(a)-(d) of the Housing Amendments of 1955, as amended, 42 U.S.C. 1492(a)-(d) (27 F.R. 10598, Oct. 31, 1962);

(d) Grants-in-aid authorized under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act, 42 U.S.C. 1492(e) (27 F.R. 10598, Oct. 31, 1962);

(e) Loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended, 12 U.S.C. 1701q (27 F.R. 1850, Feb. 27, 1962);

(f) Loans and grants authorized under sections 7 and 8 of the Area Redevelopment Act, 42 U.S.C. 2506 and 2507 (26 F.R. 7992, Aug. 25, 1961).

2. This redelegation supersedes the redelegation effective March 28, 1962 (27 F.R. 3576, Apr. 13, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 31st day of October 1962.

[SEAL] J. G. MELVILLE,
Regional Administrator,
Region VI.

[F.R. Doc. 63-435; Filed, Jan. 15, 1963;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-13392 (22-2144)]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application and Opportunity for Hearing

JANUARY 10, 1963.

Notice is hereby given that Texas Eastern Transmission Corporation (the Company) has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter referred to as the Act) for a finding by the Commission that the trusteeship of The Chase Manhattan Bank ("Chase") under an indenture of the Company dated as of June 1, 1957 ("1957 Indenture") which was heretofore qualified under the Act, and trusteeship by Chase under a New Indenture dated as of December 15, 1962, which was not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as Trustee under the 1957 Indenture and under the New Indenture.

Section 310(b) of the Act, which is included in section 10.05 of the 1957 Indenture, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The present application, filed pursuant to clause (ii) of section 310(b)(1) of the Act (as set forth in section 10.05 of the 1957 Indenture) seeks to exclude the New

Indenture from the operation of section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of section 310(b)(1) of the Act on the matter of the present application is such that the New Indenture may be excluded from the operation of section 310(b)(1) of the Act (as set forth in section 10.05 of the 1957 Indenture) if the Company shall have sustained the burden of proving by this application to the Commission and after opportunity for hearing thereon that the trusteeship of Chase under the 1957 Indenture and under the New Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as trustee under one of these Indentures.

The Company alleges that:

(1) It has outstanding \$13,033,000 principal amount 6 percent Sinking Fund Debentures due June 1, 1977 issued under the 1957 Indenture. The Debentures issued pursuant to the 1957 Indenture were registered under the Securities Act of 1933 (File No. 2-13392) and the 1957 Indenture was qualified under the Trust Indenture Act of 1939;

Chase is trustee under the 1957 Indenture:

(2) It proposes to issue and sell \$35,000,000 principal amount 5½ percent Sinking Fund Debentures due January 1, 1983 to be issued under the New Indenture. Chase is trustee under the New Indenture. All the Debentures to be issued pursuant to the New Indenture will be purchased by a single institutional investor for investment and not with a view to distribution. The issuance of these Debentures is therefore exempt from the registration requirements of the Securities Act of 1933 and the New Indenture is exempt from the qualification provisions of the Trust Indenture Act of 1939;

(3) The 1957 Indenture and the New Indenture are wholly unsecured and no Debentures issued under any of these indentures are subordinate to any Debenture issued under any of these indentures. The only material differences between the indentures and the rights of the holders of the Debentures issued thereunder relate to aggregate principal amounts, dates of issue, maturity and interest payment dates, interest rates, redemption prices and procedures and sinking fund provisions (which vary only as to amount of sinking fund deposits);

(4) It is not in default under the 1957 Indenture;

(5) Neither the differences indicated above, nor any other provisions of the aforementioned indentures are likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any of the Debentureholders to disqualify The Chase Manhattan Bank from acting as Trustee under any of the aforementioned indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after January 31, 1963, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than January 29, 1963, at 5:30 p.m., eastern standard time, in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-424; Filed, Jan. 15, 1963;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 405]

PENNSYLVANIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of January 1963, because of the effects of fire, damage resulted to residences and business property located in the vicinity of 10th and Diamond Streets, Philadelphia, Pennsylvania;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property is situated in the vicinity of or in areas adjacent to 10th and Diamond Streets, Philadelphia, Pennsylvania, and suffered damage or destruction resulting from fire and accompanying conditions occurring on January 1 and 2, 1963.

Office

Small Business Administration Regional Office,
Jefferson Building, Rooms 1500-1515,
1015 Chestnut Street,
Philadelphia 7, Pennsylvania.

2. Applications for disaster loans under the authority of this Declaration

will not be accepted subsequent to July 31, 1963.

Dated: January 2, 1963.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 63-426; Filed, Jan. 15, 1963;
8:46 a.m.]

TARIFF COMMISSION

[TEA-I-5]

CERTAIN WHISKEY

Notice of Investigation and Hearing

Investigation instituted. Upon petition of Publicker Industries Inc., received January 7, 1963, the United States Tariff Commission, on the 11th day of January 1963, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether whiskey (except Irish, Irish type, Scotch, and Scotch type) provided for in paragraph 802 of the Tariff Act of 1930 (item 168.46 of the Tariff Schedules of the United States, the adoption of which is provided for in Public Law 87-456, approved May 24, 1962), is, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive whiskey.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m. on February 26, 1963, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 11, 1963.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 63-459; Filed, Jan. 15, 1963;
8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 238]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 11, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only, have been filed with the Interstate Commerce Commission, under the Commission's

deviation rules revised, 1957 (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1470 (Sub-No. 1) (Deviation No. 2), COLUMBUS AND CHICAGO MOTOR FREIGHT, INC., 1053 East Fifth Avenue, Columbus, Ohio, filed July 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) between Gratiot and Kirkersville, Ohio, over Interstate Highway 70; (B) between Springfield and Dayton, Ohio, over Ohio Highway 4; and (C) between Dayton and Lima, Ohio, over Interstate Highway 75; for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: between Gratiot and Kirkersville, Ohio, over Ohio Highway 440; between Springfield and Dayton, Ohio, over former Ohio Highway 4 now known as Dayton Springfield Road; and between Dayton and Lima, Ohio, over former U.S. Highway 25 now known as North Dixie Drive in Montgomery County, Ohio.

No. MC 2136 (Deviation No. 1), CLEMANS TRUCK LINE, INC., 815 East Pennsylvania Avenue, South Bend 23, Ind., filed August 15, 1962. Attorney James L. Beatty, 130 East Washington Street, Indianapolis 4, Ind. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 65 to Columbus, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 31 to junction U.S. Highway 31E at Sellersburg, Ind., thence over U.S. Highway 31E to Louisville (also over U.S. Highway 31W from junction U.S. Highway 31 at Sellersburg, Ind., to Louisville), and return over the same route.

No. MC 10343 (Deviation No. 1), CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo., filed December 10, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., and return over the same route, for

operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, over U.S. Highway 69 to Junction U.S. Highway 36, thence over U.S. Highway 36 to St. Joseph, and return over the same route.

No. MC 10872 (Deviation No. 5), BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo., filed August 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Ottawa, Ill., and junction Interstate Highway 80 and Illinois Highway 47, near Morris, Ill., over U.S. Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Ottawa, Ill., and junction U.S. Highway 6, Interstate Highway 80 and Illinois Highway 47, near Morris, Ill., over U.S. Highway 6.

No. MC 10872 (Deviation No. 6), BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo., filed August 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cherry Valley, Ill., and Beloit, Wis., over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cherry Valley, Ill., over Illinois Highway 5 to Rockford, Ill., thence over U.S. Highway 51 to Beloit, and return over the same route.

No. MC 10872 (Deviation No. 7), BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo., filed August 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Peoria, Ill., over Interstate Highway 74 to junction U.S. Highway 150 and Interstate Highway 74, at or near Deer Creek, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Peoria, Ill., over U.S. Highway 150 to junction Interstate Highway 74, at or near Deer Creek, Ill., and return over the same route.

No. MC 15737 (Deviation No. 2), ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore 30, Md., filed August 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., thence over U.S. Highway 350 (Shirley Highway) to junction U.S. Highway 1, thence over U.S. Highway 1 to Woodbridge, Va., and return over the same route, for operating

convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore, Md., over U.S. Highway 1 to Woodbridge, Va., and return over the same route.

No. MC 15737 (Deviation No. 3), ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore 30, Md., filed August 16, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From New York, N.Y., over a vehicular tunnel and approaches to entrance New Jersey Turnpike, thence over New Jersey Turnpike to the Delaware Memorial Bridge, thence over the Delaware Memorial Bridge (U.S. Highway 40) to junction U.S. Highways 40 and 13 near Farnhurst, Del., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence by ferry or bridge to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and thence over U.S. Highway 1 to Richmond, Va. and return over the same route.

No. MC 26739 (Deviation No. 2), CROUCH BROS., INC., Transport Building, St. Joseph, Mo., filed August 6, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over U.S. Highway 169 to St. Joseph and return over the same route.

No. MC 42487 (Deviation No. 15) CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 715 South 25th Avenue, Bellwood, Ill., filed November 28, 1962. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over the Northwest Expressway, the Northwest Tollway, and Interstate Highway 90 to junction U.S. Highway 18, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Rice Lake, Wis., over U.S. Highway 53 to Eau Claire, Wis., thence over U.S. Highway 12, to Fairchild, Wis., thence over U.S. Highway 10 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction U.S. Highway 51, thence over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 14 to junction Wisconsin

Highway 140, thence over Wisconsin Highway 140 to the Wisconsin-Illinois State line, thence over Illinois Highway 76 to junction Illinois Highway 173, thence over Illinois Highway 173 to Harvard, Ill., thence over U.S. Highway 14 to junction U.S. Highway 12, and thence over U.S. Highway 12 to Chicago; from Janesville over U.S. Highway 14 to Harvard; and from Madison over U.S. Highway 14 to Janesville, Wis., and thence over U.S. Highway 51 to Beloit, and return over the same routes.

No. MC 60423 (Deviation No. 1), COMMERCIAL TRUCKERS, 1515 Sixteenth Street, Racine, Wis., filed December 10, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Racine, Wis., over Wisconsin Highway 32 to Kenosha, Wis., thence over Wisconsin Highway 158 to junction Interstate Highway 94, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Racine over Wisconsin Highway 11 to Sylva, Wis., thence over U.S. Highway 41 and Interstate Highway 94 to junction Wisconsin Highway 50, and return over the same route.

No. MC 69833 (Deviation No. 4), ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich., filed July 16, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *scrap metals*, in bulk, and *general commodities*, with certain exceptions, over a deviation route as follows: From junction Michigan Highway 55 and Interstate Highway 75 at or near Houghton Lake, Mich., over Interstate Highway 75 to a point south of Detroit, Mich., at or near junction U.S. Highways 24 and 25, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Baldwin, Mich., over U.S. Highway 10 to Detroit, Mich.; from Manistee, Mich., over Michigan Highway 55 to junction Michigan Highway 115, thence over Michigan Highway 115 to junction U.S. Highway 10; and from Cadillac, Mich., over Michigan Highway 55 to Prudenville, Mich., and return over the same routes.

No. MC 69833 (Deviation No. 5), ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich., filed August 6, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the West Point Interchange (1) of Interstate Highways 80 and 90 at the Illinois-Indiana State line over Interstate Highways 80 and 90 and the Ohio Turnpike to Interchange No. 9 of the Ohio Turnpike at junction Ohio Turnpike and Ohio Highway 10, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From

Toledo, Ohio, over Ohio Highway 120 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, and from Flint, Mich., over U.S. Highway 10 to Pontiac, Mich., thence over U.S. Highway 24 to Toledo, Ohio, thence over Ohio Highway 2 to Cleveland, Ohio, and return over the same routes.

No. MC 69833 (Deviation No. 6), ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich., filed August 6, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Indianapolis, Ind., over Interstate Highway 65 to Chicago, Ill.; and (B) from junction Ohio Highway 440 (formerly U.S. Highway 40) and Interstate Highway 70 near Springfield, Ohio, over Interstate Highway 70 to junction Ohio Highway 440, east of Lewisburg, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, Ohio, over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, thence over Alternate U.S. Highway 30 (formerly U.S. Highway 330) to junction U.S. Highway 45, thence over U.S. Highway 45 to junction St. Charles Road, and thence over St. Charles Road to Villa Park, Ill., and return over the same route.

No. MC 74718 (Deviation No. 1) ADKINS TRANSFER COMPANY, INC., 623 Fourth Avenue, South, Nashville, Tenn., filed September 6, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 65 to Nashville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Nashville, Tenn., over U.S. Highway 31W to Louisville, Ky., thence over U.S. Highway 31 to Indianapolis, Ind., thence over U.S. Highway 52 to junction U.S. Highway 41, thence U.S. Highway 41 to Chicago, and return over the same route.

No. MC-97369 (Sub-No. 4) (Deviation No. 1), BROOKS TRUCK LINES, INC., 1205 South Platte River Drive, Denver 23, Colo., filed December 7, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, as follows: From Boonville, Mo., over Interstate Highway 70 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities between the named points over U.S. Highway 40.

No. MC 102608 (Deviation No. 1), BURLINGTON CHICAGO, INC., 604 North Tremont Street, Kewanee, Ill., filed August 17, 1962. Carrier proposes to operate as a *common carrier* by mo-

for vehicle of *general commodities* with certain exceptions, over a deviation route, as follows: From Lincoln, Nebr., over Interstate Highway 80 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities from Chicago over U.S. Highway 34 to Lamoille, Ill., thence over Illinois Highway 92 via Silvis, Ill., to Moline, Ill., thence over U.S. Highway 6 to Marengo, Iowa, thence over Iowa Highway 212 via Belle Plaine, Iowa, to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over alternate U.S. Highway 30 to Council Bluffs, Iowa, and thence over U.S. Highway 6 to Hastings, Nebr.; from Chicago over U.S. Highway 66 to junction alternate U.S. Highway 66, thence over alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chenoa, Ill., thence over U.S. Highway 24 to Peoria, Ill., thence over Illinois Highway 116 to junction U.S. Highway 34, thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to Council Bluffs, Iowa, thence over U.S. Highway 6 to Hastings (also from Glenwood over U.S. Highway 34 to Lincoln, Nebr., thence over U.S. Highway 6 to Hastings); and return over the same routes.

No. MC-105275 (Deviation No. 2), W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., filed July 27, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Utica, N.Y., over Interstate Highway 90 (New York Thruway) to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Syracuse, N.Y., over New York Highway 5 to Utica; from Syracuse over New York Highway 5 via Geneva, N.Y., to Canandaigua, N.Y., thence over New York Highway 332 to junction New York Highway 96, and thence over New York Highway 96 to Rochester, N.Y.; from Syracuse to Geneva, N.Y., as specified above, thence over unnumbered highway via Oaks Corners, N.Y., to junction New York Highway 96, thence over New York Highway 96 to Rochester; and from Rochester, N.Y., over New York Highway 33 to Buffalo and return over the same route.

No. MC 105957 (Deviation No. 7), DELTA MOTOR LINE, INC., P.O. Box 8367, Jackson, Miss., filed September 24, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 55 to Jackson, Miss., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 51 to Jackson, Miss., and return over the same route.

No. MC 105957 (Deviation No. 8), DELTA MOTOR LINE, INC., P.O. Box 8367, Jackson, Miss., filed September 24, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jackson, Miss., over Interstate Highway 55 to New Orleans, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Jackson, Miss., over U.S. Highway 51 to junction U.S. Highway 61, and thence over U.S. Highway 61 to New Orleans, La., and return over the same route.

No. MC 107475 (Deviation No. 8), DANCE FREIGHT LINES, INC., 286 New Circle Road, Lexington, Ky., filed August 3, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Knoxville, Tenn., over Interstate Highway 40 to Kingston, Tenn., thence over U.S. Highway 70 to junction U.S. Highway 27, thence over U.S. Highway 27 to Chattanooga, Tenn. (also from Kingston, Tenn., to junction with U.S. Highway 27 over Interstate Highway 40), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Knoxville over U.S. Highways 11 and 64 to Chattanooga, and return over the same route.

No. MC 109633 (Deviation No. 1), ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago 27, Ill., filed October 1, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 65, to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, and return over the same route.

No. MC 111594 (Deviation No. 5), CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, P.O. Box 200, Wisconsin Rapids, Wis., filed November 23, 1962. Attorney Edw. G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 12 and Interstate Highway 90, approximately 7 miles east of Madison, Wis., over Interstate Highway 90 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Wisconsin Highway 89, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Portage, Wis., over U.S. Highway 51 to

junction U.S. Highway 12, thence over U.S. Highway 12 to Whitewater, Wis., thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to Crystal Lake, Ill., and thence over connecting highways and city streets to Chicago, Ill., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 90), THE GREYHOUND CORPORATION (Southern Greyhound Lines Division), 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed September 10, 1962. Carrier proposes to operate as a *common carrier of passengers and their baggage*, by motor vehicle, over a deviation route as follows: From junction Interstate Highway 64 and U.S. Highway 60, approximately 2 miles northeast of Winchester, Ky., over Interstate Highway 64 for a distance of approximately 18 miles to its junction with U.S. Highway 60 at or near Ewington, Ky.; also from the junction of Interstate Highway 64 and Kentucky Highway 11 over access road (Kentucky Highway 11) for a distance of approximately three miles to the off-route point of Mount Sterling, Ky., and return over the same routes, for operating convenience only. The notice indicated that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Huntington, W. Va., over U.S. Highway 60 to Louisville, Ky., thence over U.S. Highway 31W via West Point, Ky., to Tip Top, Ky., and thence over U.S. Highway 60 to Henderson, and return over the same route.

No. MC 1501 (Deviation No. 91), THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., filed September 17, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highway 66 and Interstate Highway 44 and U.S. Highway 66, at Springfield, Mo., over Interstate Highway 44 and U.S. Highway 66 to junction U.S. Highway 66, approximately 2 miles west of Halltown, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From junction Missouri Highway 125 (formerly "K" road), and relocated U.S. Highway 66 over relocated U.S. Highway 66 to junction Missouri Highway 125 (formerly "K" road and old U.S. Highway 66), thence over U.S. Highway 66 through Baxter Springs, Kans., and Commerce and Sapulpa, Okla., to junction unnumbered highway (formerly U.S. Highway 66) near Edmond, Okla., and return over the same route.

No. MC 1501 (Deviation No. 92), THE GREYHOUND CORPORATION (CENTRAL GREYHOUND LINES DIVISION), 1740 Main Street, Kansas City 8, Mo., filed September 24, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction Interstate Highway 90 and U.S. Highway 151, approximately 2 miles northeast of Madi-

son, Wis., over Interstate Highway 90 to junction U.S. Highway 14, approximately 3 miles northeast of Janesville, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Minneapolis, Minn., over various routes including U.S. Highways 12, 14, and 51, to Chicago, Ill., and return over the same routes.

No. MC-2835 (Deviation No. 1), ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y., filed August 13, 1962. Attorney Martin J. Kelly, Jr., same address. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over deviation routes as follows: (A) From Interchange No. 24, at or near Albany, N.Y., over Interstate Highway 87 to junction U.S. Highway 9, at or near Malta, N.Y.; (B) from junction New York Highway 146 and U.S. Highway 9, at or near Clifton Park, N.Y., over New York Highway 146 to junction Interstate Highway 87; (C) from junction New York Highway 7 and U.S. Highway 9 over New York Highway 7 to junction Interstate Highway 87; and (D) from junction Interstate Highway 87 and U.S. Highway 9, at or near South Glens Falls, N.Y., over Interstate Highway 87 to junction U.S. Highway 9, near Lake George, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers between Albany and Lake George over U.S. Highway 9.

No. MC 2890 (Deviation No. 21), AMERICAN BUSLINES, INC., 1805 Leavenworth, Omaha, Nebr., filed October 15, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Springfield, Mo., over U.S. Highway 66 (Interstate Highway 44) to junction Missouri Highway 266, approximately two miles west of Halltown, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Springfield, Mo., over Missouri Highway 266 (Old U.S. Highway 66), to junction U.S. Highway 66, approximately two miles west of Halltown, Mo., and return over the same route.

No. MC 2890 (Deviation No. 22), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed November 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highway 30 and the Pennsylvania Turnpike (Gate 7 of the Pennsylvania Turnpike), over the Pennsylvania Turnpike to Gate 6, thence over U.S. Highway 22 to Pittsburgh, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Harrisburg over the Susquehanna River to

junction U.S. Highway 11, thence over U.S. Highway 11 to Middlesex, Pa., thence over the Pennsylvania Turnpike to Irwin, Pa., thence over U.S. Highway 30 to Pittsburgh, and return over the same route.

No. MC 2890 (Deviation No. 24), AMERICAN BUSLINES, INC., 1805 Leavenworth, Omaha, Nebr., filed November 28, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highway 80 and Texas Farm Road 793 near Fabens, Tex., over Texas Farm Road 793 to junction Interstate Highway 10, 2 miles north of Fabens, thence over Interstate Highway 10 to El Paso, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Abilene, Tex., over U.S. Highway 80 to El Paso Tex., and return over the same route.

No. MC 2890 (Deviation No. 23), AMERICAN BUSLINES, INC., 1805 Leavenworth, Omaha, Nebr., filed November 15, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highway 101 and California Highway 55 (Newport Freeway), southeast of Santa Ana, Calif., northward over California Highway 55 to junction U.S. Highway 91 (Riverside Freeway), thence northeastward over U.S. Highway 91 to Riverside, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From San Diego, Calif., over U.S. Highway 101 to Los Angeles, Calif.; and from Los Angeles, Calif. (over U.S. Highway 60), to Riverside, Calif., and return over the same routes.

No. MC 110595 (Sub-No. 4) (Deviation No. 3), COASTAL STAGES CORPORATION, 217 North Converse Street, Spartanburg, S.C., filed October 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From junction Interstate Highway 26 and U.S. Highway 17A, over Interstate Highway 26 to junction Airport Road, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From junction Interstate Highway 26 and U.S. Highway 17A thence over South Carolina Highway 6 to junction South Carolina Highway 33, thence over South Carolina Highway 33 to Orangeburg, S.C., and return over the same route.

No. MC 110595 (Sub-No. 4) (Deviation No. 4), COASTAL STAGES CORPORATION, 217 North Converse Street, Spartanburg, S.C., filed October 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a devia-

tion route as follows: From junction Interstate Highway 26 and Airport Road over Interstate Highway 26 to Charleston, S.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and their baggage from junction Interstate Highway 26 and U.S. Highway 17A over U.S. Highway 17A to Moncks Corner, S.C., thence over South Carolina Highway 33, and thence south over South Carolina Highway 33 to Orangeburg, S.C., and return over the same route.

No. MC 114271 (Deviation No. 1), CONTINENTAL CRESCENT LINES, INC., Box 4407, Alexandria, La., filed December 3, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: Between Leeds, Ala., and Riverside, Ala., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Huntsville, Ala., over Alabama Highway 38 to junction Alabama Highway 25, thence over Alabama Highway 25 (formerly Alabama Highway 38) to Oneonta, Ala., thence over Alabama Highway 32 (formerly Alabama Highway 38) to Birmingham, Ala., thence over U.S. Highway 78 to Anniston, Ala., thence over Alabama Highway 11 to Piedmont, Ala., and return over the same route.

No. MC 124565 (Sub-No. 1) (Deviation No. 1), DAHLONEGA-ATLANTA COACH LINES, INC., Box 491, Alpharetta, Ga., filed December 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: Beginning at the junction of U.S. Highway 19 and Georgia Highway 141 (4 miles south of Cumming), thence over Georgia Highway 141 to the junction of Georgia Highway 141 (Spur) and thence over Georgia Highway 141 (Spur) and an unnumbered highway to junction Interstate Highway 85, thence over Interstate Highway 85 to Atlanta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From junction U.S. Highway 19 and Georgia Highway 141 over U.S. Highway 19 and Georgia Highway 9 to Atlanta, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-439; Filed, Jan. 15, 1963;
8:48 a.m.]

[Notice 502]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 11, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice in-

cluding 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 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1827 (Sub-No. 42), filed October 17, 1962. Applicant: K. W. MCKEE INCORPORATED, 2811 Highway 55, St. Paul 18, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Traction engines or tractors, internal combustion*, with or without attachments, in secondary movements, in truckaway service, from St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota, and Wisconsin and points in Clinton, Jones, Linn, Benton, Tama, Marshall, Story, Boone, Greene, Carroll, Crawford, and Monona Counties, Iowa, and all counties north thereof, and points in Valley, Garfield, Rosebud, Treasure, and Powder River Counties, Mont., and all counties east thereof, and *damaged, defective and returned shipments of tractors*, on return. Applicant states that General Beverages of Minnesota, Inc. (MC 119357) is a wholly owned subsidiary.

Note: Applicant states the proposed operation will be limited to a transportation service under a contract with Ford Motor Company.

HEARING: March 4, 1963, at Room 393 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Lacy W. Hinely.

No. MC 2202 (Sub-No. 241), filed October 23, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., 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, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment) between the Junction of U.S. Highway 41 and U.S. Highway 72 West of Chattanooga, Tenn., and Memphis, Tenn.; from the junction of U.S. Highway 41 and U.S. Highway 72 West of Chattanooga, over U.S. Highway 72 to junction of U.S. Highway 72 and U.S. Highway 72-A, thence over U.S. Highway 72-A to junction of U.S. Highway 72-A and U.S. Highway 72, thence over U.S. Highway 72 to Memphis, and return over the same route, as an alternate route for operating convenience only, with service at the junction of U.S. High-

way 72 and 41 for purposes of joinder only.

HEARING: March 7, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner Lyle C. Farmer.

No. MC 30378 (Sub-No. 53), filed September 12, 1962. Applicant: ASSOCIATED TRANSPORTS, INC., P.O. Box 85, Hazelwood, Mo. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors (traction engines)*, with or without attachments, in truckaway service, in secondary movements, restricted to traffic which originates at Ford Motor Company plants and has had a prior movement by rail, (a) from the plant site of the Ford Motor Company at Hazelwood (St. Louis County), Mo., to points in Missouri, Illinois, and Arkansas, and (b) from the plant site of the Ford Motor Company at Liberty, Mo., to points in Missouri, Kansas, and Oklahoma.

HEARING: February 20, 1963, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner David Waters.

No. MC 31600 (Sub-No. 536), filed December 26, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Haverhill, Ohio, and points within five (5) miles thereof, to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: January 21, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 31600 (Sub-No. 537), filed December 26, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from Haverhill, Ohio, to points in the United States (excluding Alaska and Hawaii).

HEARING: January 23, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks, M. Low.

No. MC 31600 (Sub-No. 538), filed December 28, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, from the plant site of The Avium Corporation, at or near New Castle, Del., to points in Connecti-

cut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: February 12, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 36832 (Sub-No. 14), filed August 20, 1962. Applicant: AMERICAN TRANSIT LINES, INCORPORATED, 221 North La Salle Street, Chicago 1, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, liquid commodities in bulk, and those requiring special equipment), between Champ, Mo., Industrial Village, on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, Kentucky, Pennsylvania, Iowa, Indiana, Ohio, the lower peninsula of Michigan, and New York.

HEARING: March 11, 1963, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner David Waters.

No. MC 41404 (Sub-No. 29), filed August 7, 1962. Applicant: ARGOCOLLIER TRUCK LINES CORPORATION, Martin, Tenn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from Mobile, Ala., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky (except Louisville), Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Wisconsin, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 28, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 46280 (Sub-No. 48), filed October 19, 1962. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue, South, Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Traverse City, Mich., and points in that part of Michigan, on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10, to junction Michigan Highway 20, and thence along Michigan Highway 20 to Bay City, Mich., and on and west of a line beginning at Bay

City, and extending along U.S. Highway 23 to Flint, Mich., thence along Michigan Highway 78 to Lansing, Mich., and thence along U.S. Highway 127 to the Michigan-Ohio State line, near Detroit, Mich., and points in that part of Michigan north of a line extending from Frankfort, Mich., over Michigan Highway 115 to U.S. Highway 31, and thence over U.S. Highway 31 to Traverse City (not including Traverse City), and points north of U.S. Highway 31 on the Peninsula extending into Grand Traverse Bay on which Old Mission, Mich., is located, on the one hand, and, on the other, the Village of Champ, Mo., also known as Champ Industrial Village.

HEARING: March 11, 1963, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner David Waters.

No. MC 52054 (Sub-No. 24), filed December 20, 1962. Applicant: S & C TRANSPORT COMPANY, INC., 65 State Street, South Hutchinson, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures*, in bags, in containers and in blocks, in mixed shipments with salt and salt compounds, from Wichita, Kans., to points in Oklahoma, and points in Cochran, Bailey, Randall, Roberts, Crosby, Swisher, Potter, Sherman, Wichita, Lubbock, Castro, Oldham, Dallam, Cottle, Hall, Gray, Ochiltree, Yoakum, Dickens, Briscoe, Carson, Hansford, Floyd, Collingsworth, Hartley, Foard, Kent, Terry, Motley, Childress, Wheeler, Lipscomb, Lamb, Armstrong, Hutchinson, Wilbarger, Lynn, Hale, Donley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, and Garza Counties, Tex.

HEARING: March 5, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 170, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 52110 (Sub-No. 76), filed August 2, 1962. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. 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, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Champ, Mo., Industrial Village on the one hand, and on the other, points in Iowa, Albert Lea, points in the Minneapolis-St. Paul commercial zone, Rochester and Scotchlight Siding, Minn., Canton, Mitchell, Sioux Falls, and Yankton, S. Dak., Lincoln, Omaha, and South Sioux City, Nebr., and points in the Chicago commercial zone, Aurora, Elgin, Joliet, and Waukegan, Ill.

HEARING: March 11, 1963, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner David Waters.

No. MC 52709 (Sub-No. 181), filed August 1, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic*, in bulk, in tank vehicles, from Saukville, Wis., to Anaheim, Calif.

NOTE: Common control may be involved.

HEARING: March 1, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 66562 (Sub-No. 1850), (RE-PUBLICATION), filed October 18, 1961, published FEDERAL REGISTER issue of November 1, 1961, and republished this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). By application filed October 18, 1961, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of general commodities, moving in express service, between Westminster, Md., and Sykesville, Md., from Westminster, over Maryland Highway 27 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Maryland Highway 32, thence over Maryland Highway 32 to Sykesville, thence over Maryland Highway 32 to junction Maryland Highway 26, thence over Maryland Highway 26 to junction Maryland Highway 97, thence over Maryland Highway 97 to Westminster, and return over the same route, serving the intermediate point of Mount Airy, Md., the proposed service to be operated in connection with applicant's presently authorized operations between Baltimore, Md., and Hagerstown, Md., as authorized in MC-66562 (Sub-No. 1360), issued November 5, 1957. 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. The application was referred to Joint Board No. 112 for hearing and recommendation of an appropriate order thereon. The joint board waived its right to participate in the proceeding by the failure of any member to appear, and the hearing was held before Examiner Charles B. Heinemann. Hearing was held on October 30, 1962, at Baltimore, Md. A Report and Order was served December 5, 1962. The Examiner found that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, of general commodities, moving in express service, between Westminster, Md., and Westminster, Md., in a circuitous manner, as follows: From Westminster over Maryland Highway 27 to junction U.S. Highway 40, thence over U.S. Highway 40 to

junction Maryland Highway 32, thence over Maryland Highway 32 to Sykesville, Md., thence continue over Maryland Highway 32 to junction Maryland Highway 26, thence over Maryland Highway 26 to junction Maryland Highway 97, thence over Maryland Highway 97 to Westminster, and return over the same route, serving the intermediate points of Mount Airy and Sykesville, Md. The examiner further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued, subject to prior republication in the FEDERAL REGISTER as hereinbefore described; and subject to the following conditions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service; (2) shipments transported shall be limited to those moving on an express bill of lading or express receipt; (3) the authority granted herein, to the extent it authorizes the transportation of Classes A and B explosives, shall be limited in point of time to a period expiring 5 years from the date of the certificate; and (4) such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to that which is auxiliary to or supplemental of express service. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 85465 (Sub-No. 6), filed January 9, 1963. Applicant: WEST NEBRASKA EXPRESS, INC., 709 Mill Drive, Scottsbluff, Nebr. Applicant's attorney: Russell E. Lovell, 2112 Broadway, P.O. Box 419, Scottsbluff, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular and irregular routes*, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), (1) over regular routes, serving points in Logan and Weld Counties, Colo.; Laramie, Goshen, and Platte Counties, Wyo.; and Banner, Cheyenne, Morrill, Kimball, and Scotts Bluff Counties, Nebr., including ballistic missile launching and testing sites and supply points therefor, located in the above counties, as off-route points in connection with applicant's authorized regular-route operations to and from Sidney, Nebr., and (2) over irregular routes, between points in the counties specified in (1) above.

NOTE: Common control may be involved.

HEARING: January 29, 1963, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 198.

No. MC 92983 (Sub-No. 410), filed August 22, 1962. Applicant: ELDON MILLER, INC., P.O. Box 232, Iowa City, Iowa.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, in bulk, in tank vehicles, from points in Iowa, South Dakota, and Wyoming, to points in Illinois, on and north of Illinois Highway 17.

HEARING: February 26, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner David Waters.

No. MC 92983 (Sub-No. 412), filed September 7, 1962. Applicant: ELDON MILLER, INC., P.O. Box 232, 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and spirits*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Kansas, Maryland, Michigan, Missouri, Minnesota, Nebraska, New Jersey, Ohio, West Virginia, and Wisconsin.

HEARING: February 26, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner David Waters.

No. MC 95540 (Sub-No. 488), filed December 17, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: February 25, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 95540 (Sub-No. 489), filed December 17, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, 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: *Frozen foods*, from West Chester, Pa., and Wilmington, Del., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: February 18, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 95540 (Sub-No. 490), filed December 17, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, 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: *Frozen foods*, (1) from Atlanta, Ga., to points in Alabama, Florida, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Kansas City, Mo., and Kansas City, Kans., and (2) from Webster City, Iowa, to Atlanta, Ga.

HEARING: February 27, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 98088 (Sub-No. 9), filed September 4, 1962. Applicant: LINDLEY TRUCKING SERVICE, INC., 1700 Grand, Granite City, Ill. Applicant's representative: Fred H. Figge, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, blocks, slabs, and related articles*, (a) from Alton, Ill., to points in Missouri, Minnesota, Iowa, Nebraska, and Wisconsin, and (b) from points in Audrain, Boone, Callaway, and Montgomery Counties, Mo., St. Louis, Mo., and points in the East St. Louis, Ill., Commercial Zone, to points in Illinois, Iowa, Minnesota, Nebraska, and Wisconsin.

HEARING: February 21, 1963, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner David Waters.

No. MC 103654 (Sub-No. 71), filed November 16, 1962. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils, blends containing vegetable oils, and products of vegetable oils or blends thereof*, in bulk, from Mankato, Minn., to points in Iowa, Wisconsin, Illinois (including points in the Chicago, Ill., Commercial Zone), and Kansas City, Mo., and (2) *hexane*, in bulk, from points in the Chicago, Ill., Commercial Zone, and Lemont, Ill., to the plant site of Honey-mead Products Company, located at Mankato, Minn., and the plant site of the Minnesota Linseed Company, located at Minneapolis, Minn.

HEARING: March 6, 1963, at Room 393 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Lacy W. Hinely.

No. MC 106965 (Sub-No. 200), filed December 26, 1962. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, (1) from Baltimore, Md., to points in Delaware, Virginia, and those points in New Jersey on and south of U.S. Highway 33 (except Gibbstown, Carney's Point, and Deepwater, N.J.), and (2) from Norfolk, Va., to points in Delaware, Maryland, those points in New Jersey on and south of U.S. Highway 33 (except

Gibbstown, Carney's Point, and Deepwater, N.J.).

NOTE: Common control may be involved.

HEARING: February 20, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 107107 (Sub-No. 199), (RE-PUBLICATION), filed February 21, 1962, published FEDERAL REGISTER, issue of March 21, 1962, and republished this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Miami, Fla. By application filed February 21, 1962, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foods, food ingredients, food materials advertising promotional and display materials, and premiums from points in Massachusetts to points in Florida, restricted against the transportation to points in Florida (1) of the above described commodities in bulk, in tank vehicles, from points in Massachusetts; (2) of poultry, processed lobsters, candy, pie and pastry fillings, and soda fountain preparations and extracts from Boston, Mass.; (3) of meats, meat products, and meat by-products, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Boston and Southboro, Mass.; (4) of frozen foods from Haverhill, Mass.; and (5) of fish, when moving in the same vehicle with any of the above-specified commodities, from Boston. (The purpose of the restrictions in (2) to (5) inclusive is to eliminate the commodities which applicant presently holds authority to transport.) The application was referred to Examiner Samuel Horwich for hearing. Hearing was held at Boston, Mass., on May 9, 1962. A Report and Order was served August 9, 1962. The Examiner found that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, in vehicles equipped with mechanical refrigeration, over irregular routes, (1) of chewing gum and foods (other than meats, meat products, meat byproducts, poultry, processed lobsters, candy, pie and pastry fillings, soda fountain preparations and extracts, and fish) from Boston, Mass., to points in Florida, (2) of foods, from Brockton, Mass., to points in Florida, (3) of frozen foods from Worcester, Mass., to points in Florida, (4) of candy and confectionery from Mansfield, Mass., to points in Florida, (5) of candy from Wrentham, Mass., to points in Florida, (6) of jams and jellies from Spencer, Mass., to points in Florida, and (7) of advertising, promotional and display materials used in connection with the same of foods, when moving at the same time and in the same vehicle therewith, from Boston and Brockton, Mass., to points in Florida, all restricted against the transportation of the above-described commodities, in bulk, in tank vehicles. A Decision and Order dated December 7, 1962, served

December 13, 1962, states that although applicant established a public need for the transportation of chewing gum which commodity is not embraced within the commodity description contained in its application, the grant of authority recommended by the examiner to the extent that it includes chewing gum is broader in scope, commoditywise, than was indicated in the notice of the application previously published in the FEDERAL REGISTER, and further orders that prior to the issuance of a certificate, a proper notice of the complete scope of the authority granted herein will be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened commodity scope of such grant with respect to the notice of the application as previously published, may file an appropriate pleading.

No. MC 107403 (Sub-No. 447) (RE-PUBLICATION), filed December 14, 1962, published in FEDERAL REGISTER issue January 9, republished to show correct Sub number. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* from points in Columbiana County, Ohio, to points in Maryland, Pennsylvania, and West Virginia.

NOTE: The purpose of this republication is to indicate the correct Sub number (447) which was incorrectly shown in the previous publication.

HEARING: Remains as assigned February 14, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C. before Examiner Joseph A. Reilly.

No. MC 107515 (Sub-No. 417), filed November 6, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicles equipped with mechanical refrigeration, from points in Kentucky and Tennessee (except Memphis), to points in Texas.

NOTE: Common control may be involved.

HEARING: March 1, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Lyle C. Farmer.

No. MC 107544 (Sub-No. 54), filed December 28, 1962. Applicant: LEMON TRANSPORT COMPANY INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: E. Stephen Heasley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aplite*, dry, in bulk, from points in Nelson County, Va., to points in Maryland, New Jersey, Ohio, Pennsylvania, West Virginia, and North Carolina.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit 113959; therefore, dual operations may be involved.

HEARING: January 23, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 107871 (Sub-No. 19), filed December 26, 1962. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick St., West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, 407 South Warren Street, Weiler Building, 5th Floor, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement and mortar*, in bulk, from the plant site of Atlantic Cement Company, Inc., located near Portland (Middlesex County), Conn., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire.

HEARING: February 21, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 108207 (Sub-No. 109), filed December 6, 1962. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles* distributed by packing houses, as defined by the Commission, from Hernando, Miss., to points in Indiana, Minnesota, Ohio, and Wisconsin.

HEARING: March 8, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner Lyle C. Farmer.

No. MC 109637 (Sub-No. 215), filed October 1, 1962. 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: *Dry commodities*, in bulk, from Louisville, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, Virginia, and West Virginia.

HEARING: February 20, 1963, at the Kentucky Hotel, Louisville, Ky., before Examiner Lyle C. Farmer.

No. MC 110012 (Sub-No. 10), filed December 26, 1962. Applicant: G. B. C., INC., P.O. Box 68, Morristown, 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 irregular routes, transporting: *New furniture*, crated and uncrated, (1) from points in Hamblen County, Tenn., to points in Oklahoma, New Mexico, Arizona, and California, and (2) from points in Washington County, Tenn., to points in Oklahoma, New Mexico, Arizona, California, Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *returned shipments* of the above described commodities, on return in (1) and (2) above.

HEARING: February 18, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 110393 (Sub-No. 10), filed September 4, 1962. Applicant: FRIGID FOOD EXPRESS, INC., 2808 Seventh Street Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, from Salem, N.J., to points in Kentucky and Tennessee, through Delaware, Pennsylvania, and Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 19, 1963, at the Kentucky Hotel, Louisville, Ky., before Examiner Lyle C. Farmer.

No. MC 111302 (Sub-No. 26), filed October 25, 1962. Applicant: HIGHWAY TRANSPORT INCORPORATED, P.O. Box 79, Powell, Tenn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk in tank vehicles, from Somerset, Ky., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: February 28, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Lyle C. Farmer.

No. MC 112567 (Sub-No. 5), filed November 23, 1962. Applicant: ARTHUR B. McRAY, doing business as McRAY TRUCK LINE, 210 Doctor Street, Springfield, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, wire fencing, gates, nails, and supplies*, used in the installation of roofing, fencing, and gates, from Crawfordsville, Ind., to points in Colorado, Maryland, Minnesota, Nebraska, New Jersey, North Dakota, Pennsylvania, South Dakota, Texas, Utah, and the District of Columbia.

HEARING: February 18, 1963, at 1 o'clock p.m. at the Kentucky Hotel, Louisville, Ky., before Examiner Lyle C. Farmer.

No. MC 112617 (Sub-No. 130), filed October 1, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from Louisville, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, West Virginia, and Virginia, and *rejected shipments*, on return.

HEARING: February 20, 1963, at the Kentucky Hotel, Louisville, Ky., before Examiner Lyle C. Farmer.

No. MC 113255 (Sub-No. 39), filed December 5, 1962. Applicant: MILK

TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Val M. Higgins, First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Minnesota and Wisconsin to points in New Mexico and Arizona, and *empty containers or other such incidental facilities*, (not specified) used in transporting the above specified commodities, on return.

NOTE: Common control may be involved.

HEARING: March 8, 1963, at Room 393 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn., before Examiner Lacy W. Hinely.

No. MC 113267 (Sub-No. 84), filed October 31, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, when transported in mechanically refrigerated vehicles, from Alton (Oregon County), Mo., to points in Mississippi and Tennessee.

HEARING: March 4, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner Lyle C. Farmer.

No. MC 113267 (Sub-No. 85), filed November 6, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, oleomargarine, lard substitutes, shortening, vegetable oil, vegetable oil shortenings, salad dressings and sandwich spreads*, in containers and packages, when moving in temperature controlled vehicles, from Osceola (Mississippi County), Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: March 5, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner Lyle C. Farmer.

No. MC 113678 (Sub-No. 36), filed January 3, 1963. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses*, as described by the Commission in 61 M.C.C. 209 and 766, from Sioux City, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, and Virginia.

HEARING: January 21, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 114045 (Sub-No. 91), filed June 25, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, and *those commodities used by meatpackers* in the conduct of their business when destined to and used by meatpackers, from Wichita, Kans., to Shreveport, La.

HEARING: March 8, 1963, at the Hotel Lassen, Wichita, Kansas, before Examiner David Waters.

No. MC 114045 (Sub-No. 102), filed December 17, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from New York City, N.Y., to points in Pennsylvania.

HEARING: February 20, 1963, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Theodore M. Tahan.

No. MC 114091 (Sub-No. 47), filed October 1, 1962. Applicant: FLEET TRANSPORT CO. OF KY., INC., P.O. Box 13116, Louisville 13, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except asphalt and asphalt compounds), in bulk, from points in Davidson County, Tenn., to points in Kentucky (except points in Graves, Marshall, Calloway, Lyon, Trigg, Caldwell, Hopkins, Christian, Webster, McLean, Muhlenberg, Todd, Ohio, Hancock, Breckinridge, Meade, Grayson, Butler, Logan, Hart, Edmonson, Warren, Simpson, Allen, Barren, Metcalfe, Green, Taylor, Adair, Cumberland, Monroe, and Clinton Counties), and *rejected shipments* of the above-specified commodities, on return.

HEARING: February 26, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 114091 (Sub-No. 49), filed December 9, 1962. Applicant: FLEET TRANSPORT CO. OF KY., INC., P.O. Box 13116, Louisville 13, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. 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 Somerset, Ky., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: February 21, 1963, at the Kentucky Hotel, Louisville, Ky., before Examiner Lyle C. Farmer.

No. MC 114211 (Sub-No. 36), filed December 11, 1962. Applicant: WARREN

TRANSPORT, INC., P.O. Box 420, Waterloo, Black Hawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements, tractors, stationary engines and attachments and parts thereof*, when moving in the same vehicle with the commodities as described above, between points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, New Mexico, Oklahoma, South Dakota, Texas, Wisconsin, Wyoming, Michigan, Louisiana, Arkansas, and Montana.

NOTE: Applicant states the proposed service will be restricted to shipments having a prior or subsequent movement by rail or water.

HEARING: February 19, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 115840 (Sub-No. 5), filed December 31, 1962. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Baldwin, La., to points in Alabama, Georgia, Mississippi, and Tennessee.

HEARING: January 29, 1963, at Room 503-E-F-G, Federal Office Building, 600 South Street, New Orleans, La., before Examiner Gerald F. Colfer.

No. MC 115841 (Sub-No. 119), filed December 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Norfolk, Va., to points in North Carolina, South Carolina, Tennessee, Alabama, Georgia, Louisiana, Mississippi, Florida, West Virginia, Ohio, Pennsylvania, Connecticut, New York, Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont.

NOTE: Applicant states the proposed operation is to have a prior movement by water.

HEARING: February 25, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 115841 (Sub-No. 120), filed December 23, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, frozen foods, and exempt commodities*, between the Port of Greenville, Miss., and Birmingham and Montgomery, Ala., Jackson, Humboldt, Nashville, and Knoxville, Tenn.

HEARING: February 26, 1963, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 115841 (Sub-No. 121), filed December 23, 1962. Applicant: COLO-

NIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Shreveport, and Springhill, La., to Birmingham and Montgomery, Ala., Jackson, Humboldt, Nashville, and Knoxville, Tenn.

HEARING: February 26, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 116254 (Sub-No. 13), filed September 10, 1962. Applicant: CHEMHAULERS, INC., P.O. Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizers, and fertilizer materials* and (2) *anhydrous ammonia and nitrogen solutions*, in bulk, in tank vehicles, from Crystal City, Mo., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Mississippi, Tennessee, and Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 25, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Lyle C. Farmer.

No. MC 118142 (Sub-No. 7), filed August 17, 1962. Applicant: M. BRUENGER & CO., INC., 400 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat bran, wheat mixed feed, wheat standard middlings and wheat grey shorts*, in bags and in bulk, from points in Butler, Chase, Chautauqua, Cowley, Greenwood, Harper, Harvey, Kingman, McPherson, Marion, Reno, Rice, Sedgwick, and Sumner Counties, Kans., to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant has a pending contract application No. MC 124172; therefore dual operations may be involved.

HEARING: March 7, 1963, at the Hotel Lassen, Wichita, Kans., before Examiner David Waters.

No. MC 118196 (Sub-No. 6), filed August 17, 1962. Applicant: RAYE AND COMPANY TRANSPORTS, INC., P.O. Box 613, Carthage, Mo. Applicant's attorney: Harry Ross, 920 Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products (including cheese food and cheese spread)*, as defined by the Commission, from points in Missouri, Arkansas, Kansas, and Oklahoma, to points in Arizona, Colorado, New Mexico, California, and El Paso, Tex., and *empty containers or other such*

incidental facilities used in transporting the commodities specified, and *returned and rejected shipments and dairy products returned for salvage*, on return.

HEARING: February 28, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner David Waters.

No. MC 119632 (Sub-No. 11), filed December 13, 1962. Applicant: REED LINES, INC., Woodburn, Ind. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements, condimental and medicinal feeding compounds and preparations, and cleaning, washing, and scouring compounds*, from Chicago Heights, Joliet, and Peoria, Ill., to points in Indiana, the Lower Peninsula of Michigan, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, Rhode Island, New Jersey, New York, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine, and *returned shipments, of the commodities specified above, including materials and supplies, used in the manufacture, packaging and sale thereof*, on return.

HEARING: February 19, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 119778 (Sub-No. 23), filed December 21, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. 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: *Chemicals*, in bulk, in tank or hopper type vehicles, from points in Mobile County, Ala., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

NOTE: Applicant states it is a wholly owned subsidiary of Redwing Carriers, Inc., a Florida Corporation, therefore, common control may be involved.

HEARING: February 19, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 120543 (Sub-No. 8), filed November 6, 1962. Applicant: FLORIDA REFRIGERATED SERVICE, INC., P.O. Box 1252, Dade City, Fla. Applicant's attorney: Paul M. Daniell, Suite 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicles equipped with mechanical refrigeration, from points in Kentucky and Tennessee (except Memphis), to points in California, Oregon, and Washington.

HEARING: March 1, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Lyle C. Farmer.

No. MC 121107 (Sub-No. 2), (REPUBLICAN), filed October 16, 1962. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., South Main

Street, Farmville, N.C. Applicant's attorney: John Hill Paylor, 108 East Wilson Street, Farmville, N.C. By application filed October 16, 1962, applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, other than in bulk and in tank vehicles, from Norfolk and Portsmouth, Va., and points in Norfolk County, Va., to points in North Carolina, and exempt commodities, on return. The application was referred to Joint Board No. 7 for hearing, which was held on December 6, 1962, at Raleigh, N.C. At the hearing the application was amended to include the additional origins of Suffolk, Va., and points in Nansemond County, Va., subject to republication in the FEDERAL REGISTER. A Report and Recommended Order, served December 17, 1962, effective January 7, 1963, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *fertilizer and fertilizer materials*, other than in bulk, from Norfolk, Portsmouth, and Suffolk, Va., and points in Nansemond Counties as additional origin points, not shown in the previous publication, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 123407 (Sub-No. 8), filed October 29, 1962. Applicant: SEURING TRANSIT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing granules, crushed stone, stone dust, ground and pulverized stone and quarry waste*, in bulk, from Wausau and Kremlin, Wis., to Minneapolis and St. Paul, Minn., Waukegan, Chicago, Chicago Heights, Joliet, and Wilmington, Ill., and South Bend, Ind.

NOTE: Common control may be involved.

HEARING: March 5, 1963, at Room 393 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn., before Examiner Lacy W. Hinely.

No. MC 123460 (Sub-No. 1), filed October 3, 1962. Applicant: COMMODITIES CARRIER, INC., 92 Romaine Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salted hides*, from points in that part of the United States east of a line beginning at Pointe a la Hache, La., and extending northward along the Mississippi River to Brainerd, Minn., and on and south of a line continuing eastward along U.S. Highway 210 to Duluth, Minn., to New York, N.Y.

NOTE: Applicant states it now holds identical authority to Kearny, N.J.

HEARING: February 19, 1963, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Examiner Harry M. Shooman.

No. MC 124067 (Sub-No. 2), (REPUBLICAN), filed February 8, 1962.

Applicant: CAPITAL CITY EXPRESS, INC., Montgomery, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery 4, Ala. By application filed February 8, 1962, as amended, Capital City Express, Inc. of Montgomery, Ala. seeks a permit authorizing operation, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of general commodities (except Classes A and B explosives, commodities in bulk, commodities of unusual value, household goods as defined by the Commission, and commodities requiring special equipment) declared surplus by the United States Government and allotted to and made available to the Alabama State Agency for Surplus Commodities, from points in Florida, Georgia, Mississippi, South Carolina, North Carolina, Tennessee, Virginia, West Virginia, Kentucky, and the District of Columbia to the site of the State Department of Education at Gadsden, Ala. The application was referred to the Examiner Edith H. Cockrill for hearing and the recommendation of an appropriate order thereon. Hearing was held on September 19, 1962 at Montgomery, Ala. Although Virginia was not included as an origin State in the notice of hearing as published in the FEDERAL REGISTER on February 21, 1962, it is included in the application as filed, and evidence relative thereto was adduced at the hearing. In her report and recommended order, effective December 27, 1962, the examiner has considered the State of Virginia as a part of the application. Republication accordingly will be required. Upon consideration of all evidence of record, the examiner finds that applicant is fit, willing, and able properly to perform the service as a contract carrier by motor vehicle, over irregular routes, under a continuing contract with The Alabama State Agency for Surplus Property of general commodities (except Classes A and B explosives, commodities in bulk, commodities of unusual value, household goods as defined by the Commission, and commodities requiring special equipment) declared surplus by the United States Government and allotted to and made available to the Alabama State Agency for Surplus Commodities from points in Florida, Georgia, Mississippi, South Carolina, North Carolina, Tennessee, Virginia, West Virginia, Kentucky, and the District of Columbia to Gadsden, Ala. Any person or persons who may have been prejudiced by the allowance of the amendment to this application, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 124078 (Sub-No. 6) and No. MC 124078 (Sub-No. 33), (REPUBLICATION), filed March 7, 1962, and June 13, 1962, respectively. Applicant: SCHWERTMAN TRUCKING CO., Milwaukee, Wis. Applicant's attorney: James R. Ziperski, (same address as applicant). By application filed March 7, 1962, in No. MC-124078 (Sub-No. 6), as amended, seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle of lime and

lime products, (1) in bulk, from Davenport, Iowa, to points in Illinois, Iowa, Wisconsin, and Minnesota, and (2) in packages, from Davenport to points in Iowa, Wisconsin, and those in Illinois except in the East St. Louis, Ill., commercial zone, over irregular routes.

By application filed June 13, 1962, in No. MC-124078 (Sub-No. 33), as amended, the same applicant seeks similar authority for the transportation of mineral filler and stone dust, from and to the points and in the manner described above.

The respective applications were referred to Examiner Frank R. Saltzman for hearing and the recommendation of an appropriate order thereon, and they were heard, on a consolidated record, at Chicago, Ill., on September 12, 1962.

At the hearing, applicant offered an amendment to the applications to include in the territorial scope of each point in Indiana within the Chicago commercial zone, and applicant was permitted to submit evidence thereon. The amendments were accepted, subject, however, to the republication of the expanded issues in the FEDERAL REGISTER.

Upon consideration of all the evidence of record, the examiner finds in Nos. MC-124078 (Sub-No. 6) and MC-124078 (Sub-No. 33) that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle of lime and limestone products, (1) in bulk, in tank or hopper-type vehicles from Davenport, Iowa, to points in Illinois, Iowa, Wisconsin, Minnesota, Missouri, and that part of Indiana within the Chicago, Ill., commercial zone as defined by the Commission, and (2) in packages, from Davenport to points in Iowa, Wisconsin, Illinois (except those in the East St. Louis, Ill., commercial zone as defined by the Commission), and those in that part of Indiana within the Chicago commercial zone as defined by the Commission, over irregular routes; that an appropriate certificate authorizing such operations should be granted, subject, however, to the condition that the application, as amended, be republished in the FEDERAL REGISTER and that the issuance of the certificate authorized herein be withheld for a period of 30 days after such republication in order that interested parties may be afforded an opportunity to voice objections thereto.

No. MC 124159 (Sub-No. 4), filed November 26, 1962. Applicant: DAGGETT TRUCK LINE, INC., Frazee, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, (1) from Thompson Falls, Mont., and points within 10 miles thereof, and the sites of lumber mills of J. Neils Lumber Co. at or near Libby, Mont., Diamond National Corp. at or near Superior, Mont., Plum Creek Lumber Co. at or near Columbia Falls, Mont., to points in Becker, Clay, Clearwater, Mahanomen, Norman, Otter Tail, Polk, and Wadena Counties, Minn., (2) from points in Bonner, Boundary, Kootenai, and Shoshone

Counties, Idaho, to points in Becker, Clay, Clearwater, Mahanomen, Norman, Otter Tail, Polk, and Wadena Counties, Minn., and (3) from points in Spokane County, Wash., to points in Becker, Clay, Clearwater, Mahanomen, Norman, Otter Tail, Polk, and Wadena Counties, Minn., and exempt commodities, on return.

HEARING: March 7, 1963, at Room 393 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn., before Examiner Lacy W. Hinely.

No. MC 124255 (REPUBLICATION), filed March 5, 1962, published FEDERAL REGISTER, issue of August 29, 1962, and republished this issue. Applicant: LYNN TRANSPORT, INC., Sherbrooke, Quebec, Canada. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: General commodities, including machine parts, machinery, patterns, sand castings, and those requiring the use of special equipment, from Painted Post, N.Y., and Phillipsburg, N.J., to Derby Line, Vt., a port of entry on the international boundary between the United States and Canada. The application was referred to Examiner Armin G. Clement for hearing. Hearing was held on October 15, 1962, at Montpelier, Vt. At the hearing the application was amended so as to permit movements of lading in both directions. A Report and Recommended Order, served December 13, 1962, effective January 2, 1963, finds that application is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle over irregular routes, under a continuing contract with Ingersoll-Rand Co., Inc., of New York, N.Y., and its affiliated company, Canadian Ingersoll-Rand, Ltd., of Sherbrooke, Quebec, Canada, of mining machinery, contractors' machinery, marine and stationary condensers, mine hoist machinery, pulp and paper machinery, rock drilling machinery (including drill rods and bits), power pumps, air and gas compressors (reciprocating and rotary), gas engines, steam condensers, and parts used in the manufacture of such machinery, condensers, pumps, compressors, and engines; castings of iron, steel, or bronze, and foundry patterns, between Painted Post, N.Y., and Phillipsburg, N.J., on the one hand, and, on the other, Derby Line, Vt., a port of entry on the international boundary between the United States and Canada, and that an appropriate permit should be granted after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, provided that no petitions for further hearing are received during that period.

No. MC 124426 (Sub-No. 1), filed June 13, 1962. Applicant: VIRGIL PAUL MARTIN, Route 1, Columbus, Kans. Applicant's attorney: C. Zimmerman, 203 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Pickup coaches (also known as campers and pickup camp coaches), in truckaway service, from Oswego, Kans., to points

in the United States (except Hawaii, Alaska, Washington, Oregon, California, Arizona, Utah, Nevada, and Idaho), and *rejected and damaged pickup coaches*, on return.

HEARING: March 8, 1963, at the Hotel Lassen, Wichita, Kans., before Examiner David Waters.

No. MC 124613 (Sub-No. 1), filed November 9, 1962. Applicant: MELVIN TABB, Crittenden Drive, Russellville, Ky. Applicant's attorney: J. Granville Clark, Clark Building, Russellville, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated egg houses and hog houses*, manufactured by Easy-Way, Inc., and Bilt Rite Products, Inc., Logan County, Ky., from points in Logan County, Ky., to points in those states of the United States east of Montana, Wyoming, Colorado, and New Mexico, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 28, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Lyle C. Farmer.

No. MC 124632 (Sub-No. 2), filed October 22, 1962. Applicant: M. L. WILKERSON, doing business as WILKERSON TRUCKING COMPANY, Route No. 5, Lenoir City, Tenn. Applicant's attorney: Walter Harwood, Nashville Bank and Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bags and in bulk, from Akron and Barberton, Ohio, to quarries located in Tennessee (except points in Knox, Cocke, Anderson, Sevier, Jefferson, Grainger, Loudon, Blount, Union, Morgan, Hamblen, Cheatham, Hamilton, Bradley, Sequatchie, Marion, and Shelby Counties, Tenn.).

HEARING: February 27, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 209 or, if Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 124632 (Sub-No. 4), filed November 12, 1962. Applicant: M. L. WILKERSON, doing business as WILKERSON TRUCKING COMPANY, Route No. 5, Lenoir City, Tenn. Applicant's attorney: Walter Harwood, Nashville Bank and Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, in bulk and in bags, from Knoxville, Tenn., to points in Kentucky and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: February 27, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 404, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 124668, filed August 1, 1962. Applicant: OLLIE ASH, doing business as OLLIE ASH TRANSPORT COM-

PANY, 306 South "K" Street, Muskogee, Okla. Applicant's attorney: Harold R. Shoemaker, 110 North Sixth Street, Muskogee, Okla. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: *Bulk petroleum products*, (1) between St. Louis, Mo., and Kansas City, Mo.-Kans.; from St. Louis over U.S. Highway 66 to Joplin, Mo., thence over U.S. Highway 71 to Kansas City, Mo.-Kans., and return over the same route, serving all intermediate points, (2) between Joplin, Mo., and McAlester, Okla.; from Joplin over U.S. Highway 66 to Vinita, Okla., thence over U.S. Highway 69 to McAlester, and return over the same route, serving all intermediate points, (3) between Tahlequah, Okla., and Shawnee, Okla., from Tahlequah over U.S. Highway 62 to Meeker, Okla., thence over Oklahoma Highway 18 to Shawnee and return over the same route, serving all intermediate points, (4) between Vinita, Okla., and Sapulpa, Okla., from Vinita over U.S. Highway 66 to Sapulpa and return over the same route, serving all intermediate points, and (5) between Vinita, Okla., and Ponca City, Okla., from Vinita over U.S. Highway 60 to Ponca City and return over the same route, serving all intermediate points.

HEARING: February 25, 1963, at the Park East Hotel, Kansas City, Mo., before Examiner David Waters.

No. MC 124866, filed October 22, 1962. Applicant: LESLIE L. JOHNSON, 1045 West Sixth, Colby, Kans. Applicant's attorney: Erle W. Francis, Veterans of Foreign Wars Building, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel silos*, knocked down and *component parts thereof*, and *blowers, augers, grinders, cutters, and motors* when moving as a part of a silo, from Kankakee, Ill., to points in Kansas, Colorado, and Wyoming, and *skids and other packaging crating and dunnage*, on return.

HEARING: March 4, 1963, at the Hotel Pick-Kansas, Topeka, Kans., before Examiner David Waters.

No. MC 124898 (Sub-No. 1), filed November 6, 1962. Applicant: FRANK P. McNALLY, INC., 242 Nevins Street, Brooklyn (17), N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between McGuire Air Force Base, Wrightstown, N.J., and Dover Air Force Base, Dover, Del., on the one hand, and, on the other, Idlewild Airport, New York, N.Y., in a substituted motor for air transportation, transporting contour-packed pallets ready for loading into airplanes and transported on special flat-bed trailers equipped with rollers for side loading and unloading.

NOTE: Applicant states the proposed operations will be under a continuing contract with Seaboard World Airlines, Inc., Idlewild Airport, New York, N.Y.

HEARING: February 20, 1963, at 346 Broadway, New York, N.Y., before Examiner Harry M. Shooman.

No. MC 124904, filed November 8, 1962. Applicant: GIBNEY DISTRIBUTORS, INC., 2337 Waterbury Avenue, Bronx 62, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage*, in seasonal operations between June 15 and September 15, inclusive, between New York, N.Y., points in Nassau, Suffolk, Westchester, Putnam and Rockland Counties, N.Y., Fairfield County, Conn., and points in New Jersey, on the one hand, and on the other, points in New York, New Hampshire, and Vermont.

HEARING: February 21, 1963, at 346 Broadway, New York, N.Y., before Examiner Harry M. Shooman.

No. MC 124959, filed December 3, 1962. Applicant: R & H TRUCKING CO., INC., 87 Melwex Street, Belleville, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated stairs, doors, windows, locksets, precut trim and plywood and material used to install the same*, from Belleville, N.J., to points in New York, Pennsylvania, Connecticut, Maryland, Massachusetts, and Delaware, and *damaged, rejected and refused shipments*, on return.

NOTE: Applicant states the proposed operations will be under continuing contract with Craftwood Products.

HEARING: February 19, 1963, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Harry M. Shooman.

No. MC 124993, filed December 23, 1962. Applicant: J. LOMAX COVINGTON, Bealeton, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, seed, and fertilizer*, from Baltimore, Md., to points in Culpeper and Fauquier Counties, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *damaged, refused, and rejected shipments*, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate 124760; therefore, dual operations may be involved.

HEARING: February 26, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 124995, filed December 20, 1962. Applicant: MICHAEL STRUZIERI AND GERALD DE VIVA, a partnership, doing business as OLYMPIA STORAGE CO. AND BELL MOVING AND TRUCKING CO., 205-29 Hollis Avenue, Hollis, N.Y. Applicant's attorney: C. Daniel Chill, 60 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp trunks and camp baggage*

(seasonal between June 15 and September 15), between New York, N.Y., and points in New Jersey, Maine, New Hampshire, Vermont, Pennsylvania, Connecticut, and Massachusetts.

NOTE: Applicant states it proposes to transport the camp baggage to the camps at the beginning of the camp season and return empty-handed. Applicant will then return to the camps at the end of the camp season, and transport the camp baggage to the homes of the campers.

HEARING: February 20, 1963, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Theodore M. Tahan.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 329), filed July 27, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between points in Franklin Township, N.J., and Woodbridge, N.J.; (1) from New Brunswick-Franklin Township Municipal Line over Hamilton Street to junction Franklin Boulevard, thence over Franklin Boulevard to junction Easton Avenue, Franklin Township, and return over the same route, serving all intermediate points, (2) from junction Easton Avenue and Landing Lane (Landing Road), New Brunswick over Landing Lane (Landing Road) to junction River Road, Piscataway Township, thence over River Road to junction Metlars Lane, thence over Metlars Lane to junction Stelton Road, thence over Stelton Road to junction New Durham Road, thence over New Durham Road to the Metuchen-Edison Township Municipal Line, and return over the same route, serving all intermediate points, (3) from junction Weston Canal Road and Interstate Highway 287, Franklin Township, thence over Interstate Highway 287 to the junction New Jersey Turnpike, Edison Township, and return over the same route, serving all intermediate points, (4) from the junction Interstate Highway 287 and Stelton Road, Piscataway Township over Stelton Road to junction Metlars Lane, Piscataway Township, and return over the same route, serving all intermediate points, (5) from Metuchen-Edison Township Municipal Line, thence over Amboy Avenue to junction New Brunswick Avenue and King Georges Post Road, Woodbridge Township, and return over the same route, serving all intermediate points, (6) from junction Amboy Avenue-New Brunswick Avenue at King Georges Post Road, Woodbridge Township, thence over King Georges Post Road and New Jersey Highway 440 (West Pond Road) to junction U.S. Highway 9, Woodbridge Township, and return from junction U.S. Highway 9 and King Georges Post Road, Woodbridge Township thence over King Georges Post Road to junction Amboy Avenue-New Brunswick Avenue, Wood-

bridge Township, for operating convenience only, serving no intermediate points. Hearings will be held in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119, pursuant to the following schedule: February 4 through 8, 1963, for applicant's presentation in No. MC 115116 (Sub-No. 9) only. February 11 through 15, 1963, for applicant's presentation in No. MC 3647 (Sub-No. 329) only. February 18, 1963, to completion for protestants' presentation in both proceedings on a consolidated record.

No. MC 115116 (Sub-No. 9), filed July 13, 1962. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Franklin Township, N.J., and New Brunswick, N.J.; from junction New Jersey Highway 27 and Franklin Boulevard, in Franklin Township, over Franklin Boulevard to New Brunswick, and return over the same route, serving all intermediate points, (2) between New Brunswick, N.J., and Metuchen, N.J.; from New Brunswick over Landing Road to its junction with River Road in Piscataway Township, N.J., thence over River Road to its junction with Metlars Lane, thence over Metlars Lane to its junction with Stelton Road, at the Plainfield-Piscataway municipal line, thence over Stelton Road to its junction with New Durham Road, at the South Plainfield-Piscataway municipal line, thence over New Durham Road to the South Plainfield-Edison Township-Piscataway municipal line, thence continuing over New Durham Road to Metuchen, and return over the same route, serving all intermediate points, (3) between Metuchen, N.J., and Edison Township, N.J.; from Metuchen over Amboy Avenue to its junction with Main Street in Edison Township, and return over the same route, serving all intermediate points.

NOTE: Applicant states that under its existing authority contained in Certificate of Public Convenience and Necessity, issued in Docket MC 115116, it is presently authorized to serve all streets and highways within the City of New Brunswick, N.J., and within the Borough of Metuchen, N.J.

Hearings will be held in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119, pursuant to the following schedule: February 4 through 8, 1963, for applicant's presentation in No. MC 115116 (Sub-No. 9) only. February 11 through 15, 1963, for applicant's presentation in No. MC 3647 (Sub-No. 329) only. February 18, 1963, to completion for protestants' presentation in both proceedings on a consolidated record.

No. MC 124745, filed September 4, 1962. Applicant: THE GRAY LINE SCENIC TOURS, INC., 1675 Mill Street, Reno, Nev. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Authority sought to

operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, between points in San Francisco, Alameda, San Mateo, Santa Clara, Marin, Contra Costa, San Joaquin, Sacramento, Solano, Yuba, Sutter, Yolo, and Stanislaus Counties, Calif., on the one hand, and, on the other, points in Washoe, Storey, Ormsby, and Douglas Counties, Nev.

NOTE: Applicant holds common carrier authority in MC 106170 and Subs thereunder; therefore, dual operations may be involved.

HEARING: February 19, 1963, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78.

No. MC 124852, filed October 15, 1962. Applicant: LINCOLN A. PEPPER, doing business as INLAND MOTOR LINES, 1239 North Terrace Drive, Wichita, Kans. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. 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, between Wichita, Kans., and Seiling, Okla., from Wichita over Kansas Highway 42 to its junction with Kansas Highway 49, thence over Kansas Highway 49 to Caldwell, Kans., thence over U.S. Highway 81 to Enid, Okla., thence over U.S. Highway 60 to Seiling, Okla., and return over the same route, serving all intermediate points and the off-route points of Ringwood and Cleo Springs, Okla.

HEARING: March 6, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 124863, filed October 19, 1962. Applicant: CHESTER WROBLEWSKI, doing business as TREMONT CAB (CO.), East State Street and West Canal Street, Trenton, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in round trip, special operations, seasonal between February 1st and December 1st, inclusive, beginning and ending at Trenton, N.J., and extending to Bowie Race Track located in Bowie, County of Prince Georges, Township of Bowie, Md., Laurel Race Track located in Laurel, County of Anne Arundel, Township of Laurel, Md., Pimlico Race Track located in Baltimore, County of Baltimore, Township of Baltimore, Md., Delaware Race Track located in Stanton, County of Newcastle, Township of Stanton, Del., and Aqueduct Race Track located in Ozone Park, Long Island, County of Queens, Township of Queens, N.Y.

HEARING: February 18, 1962, at the U.S. Court Rooms, Trenton, N.J., before Examiner Harry M. Chooman.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 18038 (Sub-No. 4), filed December 31, 1962. Applicant: JACK N. TEDFORD, JR., Fallon, Nev. Ap-

licant's attorney: Pete H. Dawson, 1261 Drake Avenue, Burlingame, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tungsten carbide, and materials and supplies* used in the manufacture of tungsten carbide, between Fallon, Nev., on the one hand, and, on the other, the plant site of Kennemetal, Inc., Nevada Scheelite Division, located approximately 40 miles southeast of Fallon, Nev.

No. MC 42487 (Sub-No. 571), filed December 31, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: W. J. Hickey, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except liquid petroleum products, in bulk, in tank vehicles), between Tomah, Wis., and St. Cloud, Minn., from Tomah over U.S. Highway 16 to junction U.S. Highway 14 at La Crosse, Wis., thence over U.S. Highway 14, to junction Minnesota Highway 15, near New Ulm, Minn., thence over Minnesota Highway 15 to St. Cloud, and return over the same route, as an alternate route for operating convenience only serving no intermediate points, but with specific authority to join with Deviation Routes Nos. 10 and 11, at Hutchinson, Minn., with alternate route at Dassel, Minn., and with regular service route at Tomah.

No. MC 79135 (Sub-No. 30), filed December 31, 1962. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aerials and antennae, directional and parabola, and sections thereof when accompanied by other integral parts of aerials and antennae of which the sections form a part*, set up and knocked down, loose and in boxes and crates, and *aerials and antennae, television receiving, house and dwelling*, loose, and in boxes and crates, from Sherburne, N.Y., to points in Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, and points in Nassau, Suffolk, Westchester, Dutchess, Rockland, and Putnam Counties, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 107403 (Sub-No. 448), filed December 26, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Wilford Building, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural sea water*, in bulk, in tank vehicles, from Wrightsville Beach, N.C., to Churchill Borough, Pa.

NOTE: Common control may be involved.

No. MC 109749 (Sub-No. 21), filed January 2, 1963. Applicant: GAIL W. DAHL & FRED E. HAGEN, d/b/a DAHL TRUCK LINE, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J.

Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packing-house products*, as described by the Commission in Appendix I, Sections A, B, and C, 61 M.C.C. 209, from Sioux City, Iowa, to points in Wyoming, on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 89 to junction U.S. Highway 26, thence along U.S. Highway 26, to its eastern junction with U.S. Highway 287 near Morton, Wyo., thence along U.S. Highway 287, to junction Wyoming Highway 28, thence along Wyoming Highway 28, to junction U.S. Highway 187, thence along U.S. Highway 187, to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 530, thence along Wyoming Highway 530 to the Wyoming-Utah State line (excluding points on the indicated portions of the highways specified), and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return. Common control may be involved.

No. MC 112307 (Sub-No. 1), filed December 28, 1962. Applicant: R. F. MORRIS, doing business as BOB'S SERVICE, 601 Brooks Street, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, stolen, or repossessed vehicles and motor vehicles to be used as substitutes* for wrecked or disabled vehicles (except trailers designed to be drawn by passenger automobiles), such transportation to be performed by means of wrecker equipment, between points in West Virginia, on the one hand, and, on the other, points in Pennsylvania, Ohio, Virginia, Kentucky, and North Carolina.

No. MC 112750 (Sub-No. 117), filed December 27, 1962. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside 61, N.Y. Applicant's attorney: J. K. Murphy, 222-17 Northern Boulevard, Bayside 61, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes and accompanying documents*, between Richmond, Va., on the one hand, and, on the other, Hyattsville, Md., and points in Baltimore County, Md.

NOTE: Applicant states the proposed service will be for the account of Gem International, Inc. Common control may be involved.

No. MC 112750 (Sub-No. 118), filed December 28, 1962. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside 61, N.Y. Applicant's attorney: James K. Knudson, 1903 N Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business machine cards, business records, documents and papers used for accounts payable, shipping, billing, and other office media*, for the account of

the Great Atlantic and Pacific Tea Company, Inc., (1) between Pittsburgh, Pa., on the one hand, and, on the other, points in Allegany County, Md., (2) between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, and (3) between Pittsburgh, Pa., on the one hand, and, on the other, points in and north of Wood, Ritchie, Doddridge, Barbour, Harrison, and Preston Counties, W. Va.

NOTE: Applicant states duplication of present authority will be eliminated.

No. MC 117678 (Sub-No. 1), filed December 23, 1962. Applicant: FRANK L. WESTON, 222 Beresford Road, Rochester, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh produce, including fresh fruits, fresh vegetables, and fresh berries*, when moving in the same vehicle with bananas, from Baltimore, Md., Weehawken, N.J., New York, N.Y., and Norfolk, Va., to Rochester, N.Y.

NOTE: Applicant states he presently holds authority in Certificate No. MC 117678, to transport bananas, from and to the same points.

No. MC 121304 (Sub-No. 1), filed December 31, 1962. Applicant: RICHARD L. HUNTER, doing business as HUNTER TRUCKING, 69 Clay Street, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, between points in the Borough and Township of North East, Pa., and the Township of Harborcreek, Erie County, Pa., on the one hand, and, on the other, Erie, Erie County, Pa., and (2) *fertilizer, and animal and poultry feed*, from the Borough of North East, Erie County, Pa., to points in the Village and Town of Ripley, the Town of Mina and the Village of Findley Lake, Chautauqua County, N.Y.

NOTE: Applicant conducts operations under the second proviso of Section 206(a)(1) by virtue of a Form BMC 75 Statement filed and assigned MC 121304. If and when this application is granted, applicant consents to cancellation of the registration.

No. MC 124328 (Sub-No. 6), filed December 31, 1962. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Boston, Mass., on the one hand, and, on the other, points in Maine.

NOTE: Common control may be involved.

MOTOR CARRIERS OF PASSENGERS

No. MC 116712 (Sub-No. 2), filed December 23, 1962. Applicant: MID-AMERICAN COACHES, INC., Eighth and Elm Streets, Washington, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regu-

lar routes, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, between junction Missouri Highway 47 and U.S. Highway 50 and junction Missouri Highway 47 and Missouri Highway 100; from junction Missouri Highway 47 and U.S. Highway 50, thence over Missouri Highway 47 to junction Missouri Highway 100, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular-route operations.

NOTICE OF FILING OF PETITIONS SEEKING MODIFICATION OF COMMODITY DESCRIPTION IN PERTINENT ACTIVE OPERATING AUTHORITY HELD BY PETITIONER

In a report on reconsideration, decided October 16 1961, and served November 9, 1961, in No. MC 109637 (Sub-No. 74), *Southern Tank Lines, Inc., Extension—St. Bernard, Ohio*, the Commission concluded generally that the commodity descriptions utilized in granting operating authority to motor carriers of liquid chemicals, including those prescribed in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *Maxwell Co., Extension—Addyston*, 63 M.C.C., 677, should be revised for use in making future grants, and as a basis for modifying outstanding certificates and permits upon application of the holders thereof in accordance with approved procedure. The Commission found with respect to the commodity descriptions at issue, that the generic heading "liquid chemicals, in bulk, in tank vehicles," is a proper and reasonable commodity description for use in motor carrier operating authorities issued by the Commission; and that where such commodity description described is utilized, the following will be reasonable and proper definition thereof for determining the commodities which are embraced in such description:

Liquid chemicals, as used in the foregoing commodity description are those substances or materials resulting from a chemical or physical change induced by processes employed in the chemical, industry, including uniting, mixing, blending, and compounding.

The subject report provided: "All motor carriers holding certificates or permits authorizing the transportation in bulk, in tank vehicles, of 'liquid chemicals as defined in the *Maxwell* case,' of 'acids and chemicals as described in the *Descriptions* case,' or of liquid chemicals under any other commodity description, are hereby notified that petitions will be entertained requesting the modification of such authorities to reflect the revised commodity descriptions promulgated herein. Such petitions should refer to the specific authority which the carrier desires to have modified, and should contain a certification that there is in fact, traffic available for the transportation from and to the points it is authorized to serve, and that its operations are not dormant. The petitions should be filed in the proceedings in which the authority held was granted, these petitions will be published in the FEDERAL REGISTER, and if no objections are filed

thereto, they will be disposed of without extended further proceedings. If protests are received, a hearing may be required for their disposition; but, in such event, every effort will be made to conclude the proceedings promptly." The following petitions seeking modification of pertinent operating authorities have been received:

No. MC 109689 (Sub-No. 26) and No. MC 109689 (Sub-No. 105), filed December 4, 1961. Petitioner: W. S. HATCH CO., Woods Cross, Utah. Petitioner's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each) within 30 days from the date of this publication in the FEDERAL REGISTER. In the event it is deemed necessary or desirable, informal conferences between our staff members and the tank truck carriers, and any other persons who may have an interest in the matter, can be arranged for the purpose of implementing the matter. Persons responding to this publication should specifically advise whether an informal conference is desired.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8306 (CORRECTION) (HERRIN TRANSPORTATION CO.—CONTROL—STASI MOTOR FREIGHT, INC.), published in the December 19, 1962, issue of the FEDERAL REGISTER on pages 12603 and 12604. The operating rights sought to be controlled should include the following: *General commodities*, excepting among others, household goods and commodities in bulk, over regular routes, between Kansas City, Kans., and Little Rock, Ark., serving the intermediate points of Kansas City, Mo., and those between Diamond, Mo., and Little Rock, Ark., including Diamond, and the off-route points of Carlisle, DeWitt, and Stuttgart, Ark., restricted to pick-up of *rice* for movement to Kansas City, Mo., and Kansas City, Kans.; and Benton, Elkins, Hot Springs, Lincoln, and Prairie Grove, Ark., without restriction.

No. MC-F-8332. Authority sought for purchase by JOYCE TRUCKING COMPANY, 1621 Shields Avenue, Chicago Heights, Ill., of the operating rights of ROBERT HUNT SELIG, doing business as SELIG MOTOR SERVICE (CHARLES DAVID MALEY, Trustee), 1195 Jeanette Street, Des Plaines, Ill., and for acquisition by PATRICK E. JOYCE, also of Chicago Heights, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*,

within a 10-mile radius in Illinois of Chicago, Ill., and specified commodities within a 50-mile radius in Illinois of Chicago, Ill., as described in a Form BMC-75 Statement, in Docket No. MC-98344. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8330 (correction) GROCERY EXPRESS, INC.—PURCHASE—ARTHUR A. FOGARTY, INC., published in the January 9, 1963, issue of the FEDERAL REGISTER on pages 253 and 254. The operating rights sought to be transferred as described in a prior notice in the FEDERAL REGISTER should include the following conditions: "Under special and individual contracts or agreements, with persons (as defined in section 203(a) of the Interstate Commerce Act), who operate retail stores, the business of which is the sale of food, of the commodities indicated and over irregular routes as specified: *Such merchandise*, * * *".

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-440; Filed, Jan. 15, 1963; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 11, 1963.

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. 38110: *Chemicals returned from, to, and between points in southern territory*. Filed by O. W. South, Jr., Agent (No. A4275), for interested rail carriers. Rates on vinyl chloride or vinylidene chloride, in tank-car loads, returned to original shipping point, from, to and between points in southern territory.

Grounds for relief: Carrier competition.

Tariffs: Supplement 264 to Southern Freight Association tariff I.C.C. 452 (Marque series), and other schedules named in the application.

FSA No. 38111: *Cottonseed between points in Texas and Texarkana, Ark.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 458), for interested rail carriers. Rates on cottonseed, in carloads, between Texarkana, Ark., on the one hand, and points in Texas, on the other.

Grounds for relief: Intrastate market competition.

Tariff: Supplement 37 to Texas-Louisiana Freight Bureau tariff I.C.C. 948.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-436; Filed, Jan. 15, 1963; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WILLY DREYFUS, ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Willy Dreyfus, 10 Belles Roches, Montreux-Territet, Switzerland, \$1,393.75 in the Treasury of the United States.

Hildegard Wallich, 210 Riverside Drive, New York, New York, \$512.23 in the Treasury of the United States.

Wolfgang Landsberg, Klaus Grothstr. 34, Hamburg-Flottbeck, Germany, \$158.83 in the Treasury of the United States.

Dr. Ludwig Landsberg, Vohwinkelallee 15, Dusseldorf, Germany, \$79.42 in the Treasury of the United States.

Helene Landsberg, Kunzendorfstr. 1, Berlin-Zehlendorf, Germany, \$79.42 in the Treasury of the United States.

Gabriele Landsberg, Kunzendorfstr. 1, Berlin-Zehlendorf, Germany, \$79.41 in the Treasury of the United States.

Brigitte Schroeder nee Landsberg, Beselerplatz 9, Hamburg-Othmarschen, Germany, \$79.41 in the Treasury of the United States.

Claim No. 59785; Vesting Order No. 15731.

Executed at Washington, D.C., on January 10, 1963.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-410; Filed, Jan. 15, 1963;
8:45 a.m.]

GERTRUD HARKE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provisions for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gertrud Harke, nee Fraenkel, Berlin, Germany, \$1,076.10 in the Treasury of the United States.

Claim No. 36838; Vesting Order No. 7764.

Executed at Washington, D.C., on January 9, 1963.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-409; Filed, Jan. 15, 1963;
8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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FEDERAL REGISTER
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