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Rules and Regulations

Title 7—AGRICULTURE

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

CHANGES IN CODIFICATION

EDITORIAL NOTE: The heading of Chapter IX of Title 7 is hereby changed to read as set forth above.

PART 900—GENERAL REGULATIONS

Definitions

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and by Executive Order No. 10199, December 22, 1950 (15 F.R. 9217), the General Regulations issued thereunder (7 CFR 900.1 et seq.), as amended, are hereby further amended as follows:

1. Sections 900.2(e), 900.51(e), 900.101(e), and 900.200(e) are each amended to read as follows:

(e) The term "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

2. Section 900.101(f) is amended to read as follows:

(f) The term "Service" means the Agricultural Marketing Service.

Done at Washington, D.C., this 18th day of January 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63-725; Filed, Jan. 22, 1963; 8:50 a.m.]

[Navel Orange Reg. 22, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b)(1)(i) of § 907.322 (Navel Orange Regulation 22, 28 F.R. 345) are hereby amended to read as follows:

(i) District 1: 800,000 cartons.

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

Dated: January 18, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-693; Filed, Jan. 22, 1963; 8:46 a.m.]

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

CHANGES IN CODIFICATION

In order to conform with the present organizational structure of the Department of Agriculture, the heading of Chapter X is changed as set forth above.

Done at Washington, D.C., this 18th day of January 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63-724; Filed, Jan. 22, 1963; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

CHANGE IN CODIFICATION

Effective upon the filing of this document with the Office of the Federal Register, the following change is made in the codification of Title 7 of the Code of Federal Regulations:

1. Chapter IV of Title 6 is transferred to Title 7 and is designated as follows:

Old heading under Title 6: Chapter IV—Commodity Credit Corporation, Department of Agriculture. (See 26 F.R. 5788, June 29, 1961.)

New heading under Title 7: Chapter XIV—Commodity Credit Corporation, Department of Agriculture.

2. The existing parts in the chapter are renumbered as indicated in the following table:

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Done at Washington, D.C., this 18th day of January 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-683; Filed, Jan. 22, 1963; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

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

MODIFIED CERTIFIED BRUCELLOSIS AREAS

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

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

§ 78.13 Modified certified brucellosis areas.

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

Alabama. Baldwin, Barbour, Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Coosa, Covington, Cullman, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lauderdale, Lee, Limestone, Macon, Madison, Marion, Marshall, Morgan, Randolph, Russell, St. Clair, Talladega, and Tallapoosa Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut. The entire State;

Delaware. The entire State;

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

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalk, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Macoupin, Madison, Marion, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Dickinson, Emmet, Fayette, Greene, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. Allen, Anderson, Atchison, Barber, Barton, Brown, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Decatur, Dickinson, Doniphan, Douglas, Edwards, Ellis, Finney, Ford, Franklin, Geary, Gove, Graham, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Haskill, Hodgeman, Jefferson, Jewell, Johnson, Kearney, Kingman, Kiowa, Lane, Leavenworth, Lincoln, Linn, Logan, Marion, Marshall, Meade, Miami, Mitchell, Morris, Morton, Nemaha, Ness, Norton, Osage, Osborne, Pawnee, Phillips, Pratt, Rawlins, Reno, Rice, Riley, Rooks, Rush, Russell, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Thomas, Trego, Wallace, Washington, Wichita, and Wyandotte Counties;

Kentucky. Allen, Anderson, Ballard, Barren, Bell, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Casey, Christian, Clay, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Elliott, Estill, Fleming, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Green, Greenup, Hardin, Harlan, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Livingston, Logan, Lyon, McCracken, McCreary, McLean, Magoffin, Marion, Marshall, Martin, Mason, Meade, Menifee, Mercer, Metcalfe, Monroe, Morgan, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Owsley, Pendleton, Perry, Pike, Pulaski, Robertson, Rockcastle, Rowan, Scott, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley, and Wolfe Counties;

Louisiana. Ascension, Assumption, Claiborne, St. Helena, St. James, St. John the Baptist, Tangipahoa, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

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

Missouri. Adair, Andrew, Barry, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, De Kalb, Dent, Douglas, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Iron, Jackson, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, Ste. Genevieve, St. Louis, Saline, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, and Wright Counties;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Banner, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Huron, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Mayes, Nowata, and Ottawa Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Brookings, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Ziebach Counties, and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Comal, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Ector, Edwards, El Paso, Fisher, Gaines, Garza, Gillespie, Glasscock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Howard, Hudspeth, Irion, Jeff Davis, Jones, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Niobrara, Park, Platte, Sweetwater, Teton, Uinta, Washakie and Weston Counties; and all of Lincoln County except that portion lying east of a line beginning at the southwest corner of Sublette County and running in a westerly direction to the Bear River Divide; thence running in a southerly direction along the Bear River Divide to U.S. Highway 30; thence running easterly along U.S. Highway 30 to its intersection with U.S. Highway 189; thence running in a southerly direction along U.S. Highway 189 to the Uinta County line;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693;

21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

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

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Scott and Warren Counties in Illinois; Doniphan and Douglas Counties in Kansas; Christian County in Kentucky; Buchanan, Clay, and Hickory Counties in Missouri; Golden Valley and Stutsman Counties in North Dakota; Sanborn and Spink Counties in South Dakota; Armstrong, Castro, Jones, Swisher, Terry, and Yoakum Counties in Texas; and Platte County in Wyoming.

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

Done at Washington, D.C., this 18th day of January 1963.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 63–729; Filed, Jan. 22, 1963; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

CHANGES IN CODIFICATION

CROSS REFERENCE: For changes in codification affecting this chapter, see F.R. Doc. 63–683, Chapter XIV of Title 7, *supra*.

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Industrial Banks

§ 222.116 Applicability of the Bank Holding Company Act to industrial banks.

(a) Questions have been presented to the Board of Governors regarding the applicability of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) to the acquisition of the stock of so-called "industrial banks".

(b) Section 2(c) of the Act (12 U.S.C. 1841(c)) provides that the term "bank" means, for purposes of the Act, "any national banking association or any State bank, savings bank, or trust company * * *."

(c) Industrial banks are State-chartered institutions which engage in the furnishing of consumer credit. Although these institutions customarily accept from borrowers installment payments on "investment certificates" (or similar instruments, by whatever name called) the proceeds of which, when fully paid, may be used to retire the loan, they may also issue either installment or paid-up investment certificates unrelated to loan transactions and, in some States, may receive "savings deposits" evidenced by passbook or otherwise.

(d) Since industrial banks are obviously not national banking associations, savings banks, or trust companies, the question is whether they are to be regarded as "State banks" under the Act.

(e) It appears that a principal purpose of the Act was the control of concentration of commercial banking resources because of their influence on the money and credit system of the country. While not conclusive, statements in the Committee Reports on the Act indicate that it was directed principally at control of "commercial" banks, and statements made during debates on the bill suggest specifically that "industrial banks", as that term is usually understood, were not regarded as being engaged in commercial banking. In any event, it is clear that the Congress did not intend to include all financial intermediaries within the purview of the Act, as is evidenced by subsequent enactment of other legislation to regulate holding companies controlling savings and loan associations. Therefore, while the legislative history of the Act is not clear regarding the status of industrial banks thereunder, it seems reasonable to conclude that the key term "State bank" in the Act was employed by the Congress in its restrictive sense as a word of art (i.e., limited in applicability to those institutions engaged in operations characteristic of commercial banking) rather than as a "basket" provision.

(f) In light of the foregoing, it is the opinion of the Board that, taking into account the spirit and purpose of the Act, industrial banks are not within the purview of the term "State bank" as used in the Act, unless in a particular case, regardless of the title of the institution or the form of the transaction, it accepts deposits subject to check or otherwise accepts funds from the public that are, in actual practice, repaid on demand, as are demand or savings deposits held by commercial banks.

(g) Accordingly, the Board concludes that industrial banks and similar institutions that do not fall within the exception above stated are not "banks" within the meaning of the Act and control of such institutions does not cause a corporation to be a "bank holding company". It follows also, of course, that, since such an institution is not a bank for purposes of the Act, its stock may not be acquired by a bank holding company, unless the acquisition falls within one of the exceptions set forth in section 4 of the Act.

(12 U.S.C. 1844)

Dated at Washington, D.C., this 16th day of January 1963.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63–684; Filed, Jan. 22, 1963; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62–WE–89]

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

Alteration of Control Zone

On October 10, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 9952) stating that the Federal Aviation Agency proposed to alter the control zone at Yakima, Wash.

No adverse comments were received regarding the proposed amendment.

Subsequent to the issuance of the notice, Parts 600 and 601 of the regulations of the Administrator were consolidated and recodified into Part 71 [New] of the Federal Aviation Regulations which became effective December 12, 1962 (27 F.R. 10352, 220–2, November 10, 1962). The airspace action taken herein reflects this new format and numbering system adopted for these parts.

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 § 71.171 (27 F.R. 220–91, November 10, 1962), the Yakima, Wash., control zone is amended to read:

Yakima, Wash.
Within a 5-mile radius of Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.).

This amendment shall become effective 0001, e.s.t., April 4, 1963.

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

Issued in Washington, D.C., on January 17, 1963.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 63–672; Filed, Jan. 22, 1963; 8:45 a.m.]

[Airspace Docket No. 62-WE-90]

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

Alteration of Control Zone

On October 10, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 9952) stating that the Federal Aviation Agency proposed to alter the Ephrata, Wash., control zone.

No adverse comments were received regarding the proposed amendment.

Subsequent to the issuance of the notice, Parts 600 and 601 of the regulations of the Administrator were consolidated and recodified into Part 71 [New] of the Federal Aviation Regulations which became effective December 12, 1962 (27 F.R. 10352, 220-2, November 10, 1962). The airspace action taken herein reflects this new format and numbering system adopted for these parts.

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 § 71.171 (27 F.R. 220-91, November 10, 1962), the Ephrata, Wash., control zone is amended to read:

Ephrata, Wash.

Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'20" N., longitude 119°30'40" W.), and within 2 miles either side of the Ephrata VOR 222° radial extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001, e.s.t., April 4, 1963.

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

Issued in Washington, D.C., on January 17, 1963.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 63-673; Filed, Jan. 22, 1963; 8:45 a.m.]

[Airspace Docket No. 62-WE-53]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration

On September 22, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 9461) stating that the Federal Aviation Agency proposed to alter Jet Route No. 4 from Los Angeles, Calif., to Gila Bend, Ariz.; and Jet Route No. 65 from Phoenix, Ariz., to Palmdale, Calif.

Subsequent to the issuance of the notice, Part 602 of the regulations of the Administrator has been recodified into a new Part 75 [New] 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.

No adverse comments were received regarding the proposed amendments.

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 amendments 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, in § 75.100 *Jet routes* (27 F.R. 7304, 10357, 11638) the following changes are made:

1. In the text of Jet Route No. 4 "via Thermal, Calif., INT of the Thermal 088° and the Gila Bend, Ariz., 315° radials; Gila Bend," is deleted and "via the INT of the Los Angeles 099° and the Blythe, Calif., 272° radials; Blythe; the INT of the Blythe 096° and the Gila Bend, Ariz., 315° radials; Gila Bend;" is substituted therefor.

2. In the text of Jet Route No. 65 "via the INT of the Phoenix 280° and the Thermal, Calif., 088° radials; Thermal, Palmdale, Calif.;" is deleted and "via the INT of the Phoenix 272° and the Blythe, Calif., 096° radials; Blythe; the INT of the Blythe 272° and the Palmdale, Calif., 124° radials; Palmdale;" is substituted therefor.

These amendments shall become effective 0001, e.s.t., April 4, 1963.

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

Issued in Washington, D.C., on January 17, 1963.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 63-674; Filed, Jan. 22, 1963; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-71]

PART 311—DISCLOSURE OF AIRCRAFT ACCIDENT INVESTIGATION INFORMATION

Adopted By the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of December 1962.

Part 311 of the Procedural Regulations, consisting of the original part and one amendment, governs the public disclosure of aircraft accident investigation information by Board employees. The Board has decided to reissue Part 311 to incorporate the amendment so that a single document may be made available to interested persons.

At the same time, Part 311 is being amended to bring references and terminology up to date; to express the Board's longstanding construction of the prohibition against giving expert testimony as also applying to former Board employees; and to delete § 311.5, because its provisions, which relate to preservation and release of aircraft wreckage, are incorporated in Revised Part 320 of the Safety Investigation Regulations, which is being issued concurrently. Editorial changes are also being made.

Since Part 311 is a procedural regulation, notice and public procedure hereon are not required. The reissued Part 311 shall be made effective on April 1, 1963.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends and reissues Part 311 of the Procedural Regulations (14 CFR Part 311) effective April 1, 1963, to read as follows:

Sec.
311.1 Finding as to the public interest.
311.2 Release of information concerning accidents.
311.3 Disclosure of information by testimony in court.
311.4 Release and disclosure of information pertaining to aircraft incidents not classified as accidents.

AUTHORITY: §§ 311.1 to 311.4 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 102, 202(a), 701, 72 Stat. 740, 741, 781; 49 U.S.C. 1302, 1322, 1441.

§ 311.1 Finding as to the public interest.

All accident reports and underlying papers in the office of the Bureau of Safety are in the custody of the Secretary of the Board subject to access by employees of the Board for purposes relating to their official duties. Employees have no control of such reports and papers, and no discretion with regard to permitting the use of them for any other purpose except as provided in this part. Making such reports or underlying papers public otherwise than as provided in this part is hereby found to be contrary to the public interest. Employees are hereby prohibited from giving out any such reports, papers or copies thereof to private parties or to local officers; or from testifying in any court as to information in such reports or papers; or from producing such reports, papers, or copies thereof in any court (whether in answer to subpoenas duces tecum or otherwise), except as provided in this part.

§ 311.2 Release of information concerning accidents.

Information secured by the Board concerning accidents involving aircraft may be released only as follows:

(a) *Regional field offices.* Supervisory Investigators of field officers shall, upon request, release the following information concerning any accident at any time during or after the investigation of the accident:

(1) Place and date of the accident;

(2) Make, model, identification mark, and registered owner or operator of the aircraft involved;

(3) Names and addresses of the crew and other occupants of the aircraft or persons injured in the accident; and

(4) Information relating to any fatalities resulting from the accident and to the condition of injured persons. Disclosure of this information must be qualified by the statement that such information is based on reports of physicians or hospitals.

(b) *The Washington office.* The Director of the Bureau of Safety or such person in the Washington office as he may designate shall, upon request, release the information described in para-

graph (a) of this section. In addition, the Director or his designee shall, upon request:

(1) Release the names of witnesses and their addresses;

(2) Make replies as to facts in answer to specific inquiries, either verbal or written, concerning aircraft accidents, and furnish copies of documents in accident files, provided the expense of making such copies is borne by the recipient and that any suggestion, opinion, or recommendation made by any employee of the Board or any employee of the Federal Aviation Agency who has participated in the accident investigation shall be omitted therefrom; and

(3) Make available for inspection that portion of the file which contains factual data pertinent to the accident, but shall not make available any portion of the file which contains any opinion, suggestion, or recommendation of any employee of the Board or any employee of the Federal Aviation Agency who has participated in the accident investigation.

§ 311.3 Disclosure of information by testimony in court.

No board employee or former Board employee shall make public by testimony in court aircraft accident information obtained by him in the performance of his official duties, except in accordance with the following provisions:

(a) *Testimony of employees.* Employees may serve as witnesses for the purpose of testifying to the facts observed by them in the course of accident investigations in those cases in which an appropriate showing has been made that the facts desired to be adduced are not reasonably available to the party seeking such evidence by any other method, including the use of discovery procedures against the opposing party. Employees and former employees shall testify only as to facts actually observed by them in the course of accident investigations and shall not give opinion evidence as expert witnesses.

(b) *State and local investigations.* Employees and former employees may testify in a coroner's inquest and a grand jury proceeding by a state or local government only as to facts actually observed by them in the course of accident investigations and shall not give opinion evidence as expert witnesses.

(c) *Testimony by deposition.* Insofar as possible, testimony of employees will be made available only through depositions taken at times and places reasonably fixed so as to avoid substantial interference with the performance of the duties of the employees concerned.

(d) *Request for testimony of employees.* A request for testimony of a Board employee relating to an aircraft accident shall be addressed to the Associate General Counsel, Rules and Special Counsel Division, who may approve or deny the request. Such request shall set forth the reasons for desiring the testimony and facts showing that it conforms to the Board policies set forth in this part.

(e) *Procedure in the event of a subpoena.* If any employee receives a subpoena to produce accident reports or underlying papers or to testify in court as to accident information, the employee shall immediately notify the Director of the Bureau of Safety by telegram. He shall give the data identifying the accident; the title of the case, the name of the judge, if available, and the title and address of the court; the date on which he is directed to appear; the name, address and telephone number, if available, of the attorney representing the party which caused the issuance of the subpoena; the scope of the testimony, if known, and whether or not the evidence is available elsewhere. The Director will immediately, upon receipt of notice that an employee has been subpoenaed, inform the General Counsel. The General Counsel will either give the employee permission to testify or make arrangements with the court to have him excused from testifying. Until one of these actions is taken, the employee shall appear in court in response to the subpoena and respectfully decline to testify or to produce the records called for, on the grounds that this part prohibits such conduct.

§ 311.4 Release and disclosure of information pertaining to aircraft incidents not classified as accidents.

Information secured by the Board in the investigation of an aircraft incident not classified as an accident may be released or disclosed upon request, but only in accordance with the provisions of §§ 311.1 to 311.3.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 63-723; Filed, Jan. 22, 1963; 8:50 a.m.]

SUBCHAPTER C—SAFETY INVESTIGATION REGULATIONS

[Reg. No. SIR-4]

PART 320—RULES PERTAINING TO AIRCRAFT ACCIDENTS, INFLIGHT HAZARDS, OVERDUE AIRCRAFT AND SAFETY INVESTIGATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of December 1962.

The Board, by publication in 27 F.R. 786 and by circulation of SIDR-1, Docket 13341, issued a notice of proposed rule making, proposing a revision of Part 320, 14 CFR Part 320, which inter alia, proposed an amendment of the definitions of "substantial damage", "fatal injury" and "serious injury"; proposed a requirement that pilots or operators notify the Board of certain additional inflight hazards; proposed that the provisions of Part 321, 14 CFR Part 321, be incorporated into Part 320 and that there be incorporated in Part 320 the authority of the Director, Deputy Director, and hearing officers of the Bureau of Safety in connection with accident investigations.

Comments in response to the notice were received from several trade associations, the Federal Aviation Agency (FAA), and one air carrier. Many of these comments contained suggestions which the Board has adopted in the revised part.

In view of all the comments received the Board has adopted the following modifications of the text of Part 320 as proposed in the notice:

1. "Fatal injury" is defined to mean any injury which results in death within 7 days. The presently effective definition of "fatal injury" is defined as any injury which results in death within 30 days. The notice proposed a 48-hour period in lieu of the 30-day period. On reconsideration, however, the Board is of the opinion that for the purpose of carrying out its safety investigation function, a 7-day period is more realistic.

2. The presently effective definition of "serious injury," (§ 320.2(i)) in pertinent part reads "an injury which requires hospitalization and medical treatment for a period of five or more days * * *" The notice proposed a new definition to read "any injury which (1) requires hospitalization and/or medical treatment for a period of five or more days, commencing within seven days from the date the injury was received, * * *" In the light of comments that were received, the provision pertaining to "medical treatment" has been deleted, while the period of hospitalization has been reduced from 5 days to 48 hours. In addition, the list of injuries defined as serious injuries has been modified from that which is contained in the existing definition. All of the changes in the definition of "serious injury" are designed to reflect with greater particularity injuries resulting from aircraft occurrences which require investigation by the Board. Injuries which do not require hospitalization for more than 48 hours generally do not result from occurrences requiring investigation. The 48-hour period is designed to exclude occurrences which result in a person being admitted to a hospital for 48 hours of observation following such occurrence. It should be noted, however, that all specific injuries listed in § 320.2 under "Serious Injury", irrespective of whether such injuries required hospitalization, are considered serious injuries, and accordingly the Board must be given notification thereof. Finally, severe tendon and nerve damage have been added to the list of injuries which fall within the definition of "Serious Injury".

3. In the notice the Board listed specific occurrences which require the pilot or operator to notify the Board thereof. One of these occurrences was the "incapacitation of any required flight crew member". The Board is of the view that this provision is too broad and needs clarification. Accordingly, this provision has been changed to read "inability of any required flight crew member to perform his normal flight duties as a result of injury or illness."

4. The proposed Subpart C of Part 320 contained rules pertaining to the preservation and release of aircraft wreckage, mail, cargo, and records. The most significant changes in this subpart result from combining provisions previously found in § 311.5 of Part 311, 14 CFR Part 311, with similar provisions

in Subpart C. Section 311.5 sets forth the Board's rules with respect to the release of and access to aircraft wreckage in custody of the Board.[1] Since the access to aircraft wreckage is so closely related to the release of such wreckage the Board is of the view that both such provisions should be located in the same part.

5. In the notice the Board proposed to change the period in which reports of occurrences must be filed from 10 days to 7 days. On consideration, however, the Board is of the view that the 7-day period is too short. Accordingly, the 10-day report period has been retained.

Several of the comments that were received requested deletion of the provision in § 320.5 requiring that the Board be notified of certain inflight hazards. In support of this request it was contended that such hazards must be reported to the FAA, and that the rule, if adopted, would require dual reporting which is time-consuming, costly, and serves no useful purpose.

Under the Act, it is the duty of the Board to ascertain what will best tend to reduce or eliminate the possibility of, or recurrence of, accidents by conducting special studies and investigations on matters pertaining to safety in air navigation and the prevention of accidents. Pursuant to this Congressional directive, the Board is continually making studies and investigations of safety in air navigation. An essential and integral part of many of these studies and investigations is the assimilation and analysis of information and data pertaining to certain critical inflight hazards that have been experienced. Such information and data serve a dual purpose since (1) they provide a basis for Board recommendations and reports pertaining to safety in air navigation and the prevention of accidents, and (2) they provide clues to possible causes of accidents under investigation by the Board. In the light of the foregoing, the Board is of the opinion that it should receive immediate notification of the inflight hazards listed in § 320.5(c), and by the most direct and expeditious means available. It should be noted that the Board does not require, except where specifically requested, that such inflight hazards be made the subject of a formal report pursuant to Subpart D of this part, but only requires that the Board be notified of such inflight hazards by the most expeditious means available. Accordingly, the Board is of the view that this requirement will not place any undue burden on operators.

FAA in their comments suggested a change in § 320.15(a) to reflect the fact that in certain aircraft accidents the report is made on an FAA form (FAA Form 2400). The Board is of the view that only CAB forms should be used in reporting any category of aircraft occurrence or accident including accidents investigated by the FAA pursuant to Public Notice 13. In this regard, the Board has revised and simplified its form for reporting civil aircraft accidents and occurrences involving general aviation aircraft including both rotocraft and fixed wing aircraft. This form, designated CAB Form 453, can be obtained at any CAB Field Office or FAA Flight Standards Office. CAB Form 454 will continue to be used in reporting accidents involving air carrier aircraft.

In the proposed revision of Part 320 the definition of "aircraft accident" was deleted. In lieu thereof, the proposed revision described the occurrences which require immediate notification or reports to the Board. Occurrences of which notification must be given or a report made, may not in all instances constitute accidents within the intent of Title VII of the Act. However, notification and reporting of such occurrences are essential for making certain that the Board is informed of all matters which do require investigation as accidents under Title VII of the Act, and to enable the Board to conduct special studies and investigations on matters pertaining to safety in air navigation and the prevention of accidents. As a result of this change § 320.25(a) has been clarified to reflect the authority of the Director of the Bureau of Safety to determine what constitutes an accident within the meaning of Title VII of the Act.

In addition to the aforementioned modifications, various clarifying and editorial changes have been made in the revised part.

The Board hereby adopts the following revised Part 320 of the Safety Investigation Regulations, 14 CFR Part 320, effective April 1, 1963.

PART 320—RULES PERTAINING TO AIRCRAFT ACCIDENTS, INFLIGHT HAZARDS, OVERDUE AIRCRAFT AND SAFETY INVESTIGATIONS

Subpart A—General

Sec.
320.1 Applicability.
320.2 Definitions.

Subpart B—Initial Notification of Aircraft Accidents, Inflight Hazards and Overdue Aircraft

320.5 Immediate notification.
320.6 Information to be given in notification.

Subpart C—Preservation, Access to and Release of Aircraft Wreckage, Mail, Cargo and Records

320.10 Preservation of aircraft wreckage, mail, cargo and records.
320.11 Access to and release of aircraft wreckage, records, mail and cargo.

Subpart D—Reporting of Aircraft Accidents, Inflight Hazards and Overdue Aircraft

320.15 Reports and statements to be filed.

Subpart E—Investigations and Special Studies

320.20 Authority of Board representatives.
320.25 Authority of the Director, Deputy Director, and hearing officers pertaining to aircraft accidents and air safety investigations.

AUTHORITY: §§ 320.1 to 320.25 issued under sec. 204(a), 701 of Federal Aviation Act of 1958, as amended, 72 Stat. 743, 781, 49 U.S.C. 1324, 1441. Interpret or apply secs. 202, 407 (e), 415, 702, 703, 1004, 72 Stat. 741, 766, 770, 782, 792; 49 U.S.C. 1322, 1377, 1385, 1442, 1443, 1484, and sec. 2, Reorganization Plan No. 13, 64 Stat 1266; 5 U.S.C. 1332–15.

Subpart A—General

§ 320.1 Applicability.

This part contains rules pertaining to: (a) Giving notice of and reporting, aircraft accidents and certain other occurrences in the operation of aircraft when they involve civil aircraft of the United States wherever they occur, or foreign civil aircraft when such events occur in the United States, its territories or possessions.

(b) Preservation, access to, and release of aircraft wreckage, mail, cargo, and records involving all civil aircraft in the United States, its territories or possessions.

(c) Investigation of aircraft accidents, certain inflight hazards, and overdue aircraft and special studies and investigations conducted by the Board pertaining to safety in air navigation and the prevention of accidents.

§ 320.2 Definitions.

As used in this part the following words or phrases are defined as follows:

"Fatal injury" means any injury which results in death within 7 days.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee or bailee of an aircraft.

"Serious injury" means any injury which (1) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes or nose); (3) involves lacerations which cause severe hemorrhages, nerve, muscle or tendon damage; (4) involves injury to any internal organ; or (5) involves second or third degree burns, or any burns affecting more than five percent of the body surface.

"Substantial damage:"

(1) Except as provided in subparagraph (2) of this paragraph:

(i) Substantial damage in aircraft of 12,500 pounds maximum certificated take-off weight or less means damage or structural failure reasonably estimated to cost $300 or more to repair.

(ii) Substantial damage in aircraft of more than 12,500 pounds maximum certificated take-off weight means damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.

(2) Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, taxiing damage to propeller blades, damage to tires, engine accessories, brakes, or wing tips are not considered "substantial damage" for the purpose of this part.

Subpart B—Initial Notification of Aircraft Accidents, Inflight Hazards and Overdue Aircraft

§ 320.5 Immediate notification.

The operator of an aircraft shall immediately, and by the most expeditious means available, notify the Civil Aero-

[1] Simultaneously herewith the Board is adopting a reissued Part 311 which deletes § 311.5 from the part.

nautics Board, Bureau of Safety [1] Field Office nearest the accident or occurrence when:

Field Office, Address, and Telephone

Anchorage; P.O. Box 2219, Anchorage, Alaska; BRoadway 2–7001.
Chicago; Suite 206, 6525 West North Avenue, Oak Park, Ill.; VIllage 8–9565.
Denver; 1549 Emporia Street, Aurora, Colo.; EMpire 6–8249.
Fort Worth; 100 North University Drive, University Plaza Building, Fort Worth 7, Tex.; EDison 6–2463.
Kansas City; 912 East 63d Street, Lower Floor, North Kansas City 10, Mo.; EMerson 3–2220 and 3–2221.
Los Angeles; Los Angeles International Airport, 5820 Avion Drive, Room 228, Los Angeles 45, Calif.; SPring 6–0117.
Miami; P.O. Box 48–0931, Miami International Airport, Miami 48, Fla.; TUxedo 5–2445.
New York; Federal Building, Room 101, New York International Airport, Jamaica, Long Island, New York; 995–3333.
Oakland; P.O. Box 2386, Oakland Airport Station, Oakland 14, Calif.; LOckhaven 8–1290.
Seattle; Room 202, Administration Building, King County Airport, Seattle 8, Wash.; PArkway 3–9474.

The addresses listed above are subject to change. C.A.B. representatives, however, can generally be reached at the telephone numbers listed above.

(a) As a result of the operation of an aircraft, any person (occupant or nonoccupant) receives fatal or serious injury or any aircraft receives substantial damage;

(b) Aircraft collide in flight;

(c) The following inflight hazards are experienced:

(1) Fire;

(2) Rapid decompression requiring emergency action;

(3) Unwanted or asymmetrical thrust reversal;

(4) Flight control system malfunction or failure;

(5) Inability of any required flight crew member to perform his normal flight duties as a result of injury or illness.

(d) An aircraft is overdue and is believed to have been involved in an accident.

§ 320.6 Information to be given in notification.

The notification required in § 320.5 shall contain the following information, if available:

(a) Location;

(b) Date;

(c) Time;

(d) Aircraft make, model, and registration number and nationality;

(e) Names of operator and crew;

(f) Number of persons involved;

(g) Injuries of each person;

(h) Weather conditions;

(i) Point of last departure and destination;

(j) A description of any explosives, radioactive materials, or other dangerous articles carried;

(k) Nature of and circumstances surrounding the accident or occurrence.

NOTE: See Subpart D of this part for reports that must be filed.

Subpart C—Preservation, Access to and Release of Aircraft Wreckage, Mail, Cargo and Records

§ 320.10 Preservation of aircraft wreckage, mail, cargo and records.

(a) The operator of an aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo and mail aboard the aircraft, and all records, including those of flight recorders, pertaining to the operation and maintenance of the aircraft and to airmen involved in an accident or occurrence for which notification must be given until the Board takes custody thereof or a release is granted pursuant to § 320.11 of this part.

(b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail or cargo such wreckage, mail and cargo may be disturbed or moved only to the extent necessary:

(1) To remove persons injured or trapped;

(2) To protect the wreckage from further damage, or

(3) To protect the public from injury.

(c) Where it is necessary to distrub or move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the accident locale including original position and condition of the wreckage and any significant impact marks.

§ 320.11 Access to and release of aircraft wreckage, records, mail and cargo.

(a) *Access to aircraft wreckage, records, mail and cargo.* Only the Board's accident investigation personnel and the persons authorized by the Investigator-in-Charge or the Director, Bureau of Safety, to participate in any particular investigation, examination or testing shall be permitted access to aircraft wreckage, records, mail or cargo which is in the Board's custody.

(b) *Release of aircraft wreckage, records, mail and cargo.* Aircraft wreckage, records, mail and cargo in the Board's custody shall be released by an authorized representative of the Board [2] when is determined that the Board has no further need of such wreckage, mail, cargo or records.

Subpart D—Reporting of Aircraft Accidents, Inflight Hazards and Overdue Aircraft

§ 320.15 Reports and statements to be filed.

(a) *Reports.* The operator of an aircraft shall file a report as provided in paragraph (c) of this section on CAB Form 453 or 454, which forms are attached hereto and incorporated herein as part of this section: [3]

(1) Within ten (10) days after an occurrence for which notification is required by § 320.5 (a) and (b);

(2) When, after seven (7) days, an overdue aircraft is still missing;

(3) Upon request of an authorized representative of the Civil Aeronautics Board.

(b) *Crew member statement.* Each crew member, if physically able at the time the report is submitted, shall attach thereto a statement setting forth the facts, conditions and circumstances relating to the accident or occurrence as they appear to him to the best of his knowledge and belief. If the crew member is incapacitated, he shall submit the statement as soon as he is physically able.

(c) *Where to file the reports.* (1) The operator of an aircraft shall file with the Field Office of the Civil Aeronautics Board nearest the accident or occurrence any report required by this section involving:

(i) Aircraft having a maximum take-off weight of more than 12,500 pounds, or rotocraft regardless of weight;

(ii) Aircraft having a maximum take-off weight of 12,500 pounds or less operated by an air carrier certificated to engage in air transportation in the State of Alaska; and

(iii) Aircraft, regardless of maximum take-off weight, where fatal injuries have occurred to any occupant of such aircraft.

(2) The operator of an aircraft shall file with the FAA Flight Standards District Office nearest the accident or occurrence any report required by this section involving fixed-wing aircraft with a maximum take-off weight of 12,500 pounds or less except reports which are required to be filed with the Board pursuant to subparagraph (1) of this paragraph.

Subpart E—Investigations and Special Studies

§ 320.20 Authority of Board representatives.

Upon demand of an authorized representative of the Board and presentation of credentials issued to such representative, any air carrier, airman, or person engaged in air commerce or in any phase of aeronautics, and any other person having possession or control of any aircraft, aircraft engine, propeller, appliance, air navigation facility, equipment, or any pertinent records and memoranda, including all documents, papers and correspondence now or hereafter existing and kept or required to be kept, shall forthwith permit inspection, photographing or copying thereof by such authorized representative for the purpose of investigating an aircraft

[1] The present addresses and telephone numbers of Civil Aeronautics Board, Bureau of Safety offices are as follows:

[2] An authorized representative of the FAA has authority to release aircraft wreckage, property or records in those accidents which the Board, pursuant to PN–13 (see footnote 4, infra.), has requested the FAA to investigate.

[3] Forms are obtainable from the Civil Aeronautics Board Field Offices (see Footnote 1), the Civil Aeronautics Board, Washington 25, D.C., and the Federal Aviation Agency Flight Standards District Office. Forms filed as part of original document.

accident,[4] inflight hazard or overdue aircraft, or any special study or investigation pertaining to safety in air navigation or the prevention of accidents. Authorized representatives of the Board may interrogate any person having knowledge relevant to an aircraft accident, inflight hazard, overdue aircraft, study or investigation.

§ 320.25 Authority of the Director, Deputy Director, and hearing officers pertaining to aircraft accidents and air safety investigations.

(a) The Director or Deputy Director of the Bureau of Safety of the Board shall have authority in connection with aircraft accidents to:

(1) Order an investigation into the facts, conditions, circumstances and probable cause of all occurrences involving civil aircraft, which he or the Board determines to constitute accidents. In such investigations he may order the taking of depositions, and may order a public hearing in accordance with the provisions of Part 303 of the Board's Procedural Regulations where it is deemed necessary in the public interest.

(2) Designate one or more hearing officials with authority to sign and issue subpoenas, to administer oaths and affirmations, and to take depositions or cause them to be taken in connection with accident investigations.

(b) The Director or Deputy Director may also order a special study or investigation on matters pertaining to safety in air navigation, and if necessary, designate a hearing official in this connection.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 63-721; Filed, Jan. 22, 1963; 8:50 a.m.]

[Reg. No. SIR-5]

PART 321—INVESTIGATION OF RECORDS, FACILITIES AND EQUIPMENT

Deletion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of December 1962.

The Board in 27 F.R. 786 and by circulation of SIDR-1, Docket 13341, issued a notice of proposed rule making which inter alia proposed to repeal Part 321 of the Board's Safety Investigation Regulations and incorporate the provisions thereof into revised Part 320. No adverse comments were received with respect to this proposal.

The revised Part 320 of the Board's Safety Investigation Regulations containing the provisions formerly set forth in Part 321, is being adopted concurrently herewith in Regulation SIR-4. The pertinent provisions of the preamble to SIR-4 are herewith incorporated by reference.

Interested persons have been afforded an opportunity to participate in this rule making action and due consideration has been given to all relevant matters submitted.

In consideration of the foregoing, the Civil Aeronautics Board hereby repeals Part 321 of the Safety Investigation Regulations, 14 CFR Part 321, effective April 1, 1963.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324(a). Interpret or apply secs. 701, 702, 703, 1004, 72 Stat. 781, 782, 792; 49 U.S.C. 1441, 1442, 1443, 1484)

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 63-722; Filed, Jan. 22, 1963; 8:50 a.m.]

[4] The Board in PN-13, 23 F.R. 10492, effective December 31, 1958, requested the Administrator of the FAA to investigate aircraft accidents involving fixed-wing aircraft with a maximum take-off weight of 12,500 pounds or less except accidents involving aircraft operated by air carriers authorized by certificates of public convenience and necessity to engage in air transportation in the State of Alaska, and accidents in which fatal injuries have occurred to any occupants of such aircraft; and to submit a report to the Board concerning each such investigation.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4574, 34-6990, 35-14787, 40-3611, AS-96]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Accounting for "Investment Credit"

In view of the extensive public discussion of the accounting for the investment credit provided in the Revenue Act of 1962 and the fact that the Accounting Principles Board of the American Institute of Certified Public Accountants has concluded that the investment credit should be reflected in income over the productive life of acquired property,[1] the Securities and Exchange Commission deems it appropriate to respond to inquiries with respect to the application of the Commission's accounting and disclosure requirements to this matter.

In Accounting Series Release No. 1, published April 1, 1937, the Commission announced a program for the purpose of contributing to the development of uniform standards and practice in major accounting questions. Accounting Series Release No. 4 recognizes that there may be sincere differences of opinion between the Commission and the registrant as to the proper principles of accounting to be followed in a given situation and indicates that, as a matter of policy, disclosure in the accountant's certificate and footnotes will be accepted in lieu of conformance to the Commission's views only if such disclosure is adequate and the points involved are such that there is substantial authoritative support for the practice followed by the registrant, and then only if the position of the Commission has not been expressed previously in rules, regulations, or other official releases of the Commission, including the published opinions of its Chief Accountant. This policy is intended to support the development of accounting principles and methods of presentation by the profession but to leave the Commission free to obtain the information and disclosure contemplated by the securities laws and conformance with accounting principles which have gained general acceptance.

In recognition of the substantial diversity of opinion which exists among responsible persons in the matter of accounting for the investment credit, the Commission will accept either a method which reflects the investment credit in income over the productive life of the acquired property or a method which reflects 48 percent of the investment credit (the maximum extent to which the credit can normally increase net income) in income as a reduction of the tax expense of the year in which the credit arises and defers the balance of 52 percent to subsequent accounting periods during which depreciation allowances for tax purposes are reduced because the statutory requirement reduces the basis of the property for tax purposes by the amount of the investment credit. The amount of such deferral should be segregated from taxes currently payable. The 100 percent flow-through to income of the investment credit benefit in the year in which it arises will be accepted in the case of regulated industries when authorized or required by regulatory authorities. In all cases full disclosure of the method of accounting followed and amounts involved should be made where material.

In any case it is the Commission's opinion that the full cost of the property should be reported and that the credit should not be made directly to the asset account. Income tax expenses should not be stated in excess of the

[1] Opinion No. 2, Accounting for the "Investment Credit."

amount payable for the year. No objection will be taken to the recording of additional depreciation equal to the amount of the deferral arising from the above methods of accounting for the investment credit. The amounts involved should be segregated at least in the appropriate notes and schedules required by our accounting regulations.

The certification rules of the Commission require that the accountant's certificate shall state clearly the opinion of the accountant in respect of the financial statements covered by the certificate and the accounting principles and practices reflected therein. The term "accounting principles and practices" should be read in the light of the discussion of broad principles and practices in the booklet "Audits of Corporate Accounts," [2] which was recognized as a significant guide to the profession at the time of drafting our original accounting and certification requirements.

It is recognized that an accountant who certifies to financial statements reflecting a method of reporting contrary to the majority opinion of the Accounting Principles Board is assuming the burden of justifying departure from the recommended procedure and must take into consideration whether he is departing from an accepted procedure and consequently whether he must qualify his certificate with respect to the fairness of the presentation in the financial statements or to a departure from generally accepted accounting principles and practices. In the usual case where an accountant takes exception to a principle or practice followed, the amount involved is material. In view of the substantial diversity of opinion as to the proper method of accounting for the investment credit, if an accountant deems it necessary to qualify his opinion under various circumstances the Commission will accept certificates containing appropriately worded qualifications in accordance with Rule 2-02(d) of Regulation S-X (§ 210.2-02(d) of this chapter) when an alternative accounting treatment acceptable to the Commission is followed by the registrant.

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

JANUARY 10, 1963.

[F.R. Doc. 63-711; Filed, Jan. 22, 1963; 8:48 a.m.]

[2] This booklet consists of a series of letters passing between the Institute's special committee on cooperation with stock exchanges and the committee on stock list of the New York Stock Exchange during the years 1932-1934 with a view to making the accounts published by corporations more informative. This endeavor resulted in the demonstration that certain accounting principles were so generally accepted that they should be followed by all listed companies, the adoption of these principles as rules by the American Institute of Accountants membership, the requirement by the New York Stock Exchange that certified financial statements be included in all listing applications, and the development of an accountant's certificate which would be more informative and more clearly understood by investors and which is substantially the same as the certificate in general use today.

A note to the booklet states that a letter expressing the recommendations of the American Institute of Accountants committee was placed in evidence "in a hearing before the United States Senate Committee on Banking and Currency January 12, 1933."

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 C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

VERXITE (EXFOLIATED HYDROBIOTITE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Zonolite Company, 135 South LaSalle Street, Chicago 3, Illinois, and other relevant material, has concluded that § 121.222 should be amended to change the section title and to permit the safe use of exfoliated hydrobiotite in poultry, swine, and ruminant feeds. 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), § 121.222 (21 CFR 121.222) is revised to read as follows:

§ 121.222 Verxite (exfoliated hydrobiotite).

The food additive verxite (exfoliated hydrobiotite) may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The food additive is a thermally expanded magnesium-aluminum-iron silicate containing a minimum of 98 percent of hydrobiotite having a bulk density of from 5 to 7 pounds per cubic foot.

(b) It is used or intended for use:

(1) In poultry feed at a level not to exceed 5 percent of the weight of the finished feed as a nonnutritive bulking agent for restricting calorie intake in pullet replacement feeds.

(2) As an anticaking or blending agent, pelleting aid, or nonnutritive carrier for the incorporation of nutrients in poultry, swine, or ruminant feeds in an amount not to exceed that necessary to accomplish its intended effect and in no case in an amount to exceed 5 percent of the final feed.

(c) To assure safe use of the additive, the label of any intermediate premix or final feed shall bear in addition to the other information required by the act, the name of the additive, and when the additive is present in excess of 1.0 percent, a statement of the quantity of the additive contained therein and the term "nonnutritive" in juxtaposition therewith.

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 17, 1963.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 63-719; Filed, Jan. 22, 1963; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

GENERAL PROVISIONS

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1000 General provisions applicable to this subpart.

(a) Regulations prescribing conditions under which food additive substances may be safely used predicate usage under conditions of good manufacturing practice. For the purposes of this subpart, good manufacturing practice shall be defined to include the following restrictions.

(1) The quantity of the substance added to food does not exceed the amount reasonably required to accomplish its intended physical, nutritive, or other technical effect in food.

(2) Any substance intended for use in or on food is of appropriate food grade and is prepared and handled as a food ingredient.

(b) The existence of a regulation prescribing safe conditions of use for a food additive shall not be construed to relieve the use of the substance from compliance with any other provision of the act.

(c) The existence of any regulation prescribing safe conditions of use for a

nutrient substance does not constitute a finding that the substance is useful or required as a supplement to the diet of humans.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are solely interpretative in nature and serve to clarify existing regulations.

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

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

Dated: January 16, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-701; Filed, Jan. 22, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PROPYLENE GLYCOL MONO- AND DIESTERS OF FATS AND FATTY ACIDS

The Commissioner of Food and Drugs, having evaluated the data in a petition filed by Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, and other relevant material, has concluded that a regulation should issue to prescribe the conditions of use of propylene glycol mono- and diesters of fats and fatty acids. 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 are amended by adding to subpart D the following new section:

§ 121.1113 Propylene glycol mono- and diesters of fats and fatty acids.

Propylene glycol mono- and diesters of fats and fatty acids may be safely used in food, subject to the following prescribed conditions:

(a) They are produced from edible fats and/or fatty acids in compliance with § 121.1070.

(b) They are used in food in amounts not in excess of that reasonably required to produce their 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 16, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-702; Filed, Jan. 22, 1963; 8:47 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Felt-Tip Ink-Marking Devices; Exemption from Labeling Requirement

Pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 191.63(i) (1) and (2) are amended to read as set forth below and subparagraph (3) is deleted:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

* * * * *

(i) * * *

(1) The felt-tip ink-marking devices are of such construction that the ink is held within the device by an absorbent material so that there is no free liquid within the device, and under any reasonably foreseeable conditions of manipulation and use including reasonably foreseeable abuse by children, the ink will emerge only through the felt-tip writing nib of the device, and

(2)(i) The device has a capacity of not more than 10 grams of ink, and the ink, when tested by methods described in § 191.1(f)(1), has an LD_{50} single oral dose of not less than 2.5 grams per kilogram of body weight of the test animal; or

(ii) The device has a capacity of not more than 12 grams of ink and the ink, when tested by methods described in § 191.1(f)(1), has an LD_{50} single oral dose of not more than 3.0 grams per kilogram of body weight of the test animal.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of labeling requirements under certain conditions.

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

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: January 16, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-703; Filed, Jan. 22, 1963; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 3—SLUM CLEARANCE AND URBAN RENEWAL

Subpart B—Relocation Payments Under Section 106(f) of the Housing Act of 1949, as Amended

MISCELLANEOUS AMENDMENTS

The regulations governing the making of relocation payments under section 106 (f) of the Housing Act of 1949, as amended, 42 U.S.C. 1456, issued pursuant to that section as of June 27, 1961 (26 F.R. 5712, June 27, 1961), as amended (26 F.R. 7826, August 23, 1961, and 27 F.R. 7677, August 3, 1962, as corrected as 27 F.R. 7876, August 9, 1962), are hereby further amended in the following respects:

1. Section 3.106(f) is revised to read as follows:

§ 3.106 Administration of relocation payments program.

* * * * *

(f) *Required determinations.* No claim based upon (1) acquistion of real property by the LPA or a public body other than the LPA, (2) code enforcement, or (3) voluntary rehabilitation shall be approved unless the LPA shall have determined:

(i) That the claimant was, in fact, displaced by such activities; and

(ii) That reimbursement or compensation has not been made for the items involved in the claim as approved.

2. In § 3.110, paragraphs (a) and (b) are revised and a new paragraph (e) is added, as follows:

§ 3.110 Limitations on relocation payments.

(a) *Maximum amount—individuals or families.* The maximum relocation payment that may be made or recognized for moving expenses and actual direct losses of property, for which reimbursement or compensation is not otherwise made, to an individual or family shall note exceed $100 with respect to moving expenses incurred and actual direct losses of property suffered prior to September 23, 1959, and $200 with respect to such expenses incurred and losses suffered on or after September 23, 1959.

(b) *Maximum amount—business concerns.* The maximum relocation payment that may be made or recognized in the case of a business concern, whether for moving expenses or actual direct losses of property, or both, for which reimbursement or compensation is not otherwise made, shall not exceed $2,000 with respect to moving expenses incurred or direct losses of property suffered prior to July 12, 1957, or $2,500 with respect to moving expenses incurred or direct losses of property suffered between July 12, 1957, and September 22, 1959, both dates inclusive, or $3,000 with respect to moving expenses incurred or

direct losses of property suffered on or after September 23, 1959. If the total of the actual moving expenses incurred on or after June 30, 1961, and prior to October 2, 1962, is greater than $3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be the total of such actual moving expenses. If the total of the actual moving expenses incurred on or after October 2, 1962, is greater than $3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be the total of such actual moving expenses or $25,000, whichever is less.

* * * * *

(e) *Determinations in condemnation proceedings.* Notwithstanding any other provision of §§ 3.100–3.110, when property is acquired by proceedings in condemnation, and the amount of the judgment includes an allowance for reasonable and necessary moving expenses or any actual direct losses of property, or for both, the portion of the judgment representing compensation for these items, if separately stated, shall be entitled to recognition as a relocation payment in an amount not to exceed the applicable dollar limitations of (a) or (b) of this section, whichever is applicable, provided that the allowance for actual direct losses of property makes no compensation for loss of goodwill or profit.

Effective as of the 23d day of January 1963.

[SEAL] WILLIAM L. SLAYTON,
Urban Renewal Commissioner.

[F.R. Doc. 63-696; Filed, Jan. 22, 1963; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Miscellaneous Amendments

Scope and purpose. The amendments update several sections in accordance with recent changes to the Bureau of Naval Personnel Manual (distributed as Change No. 8 to holders of the Manual).

1. Section 713.217 is revised to read as follows:

§ 713.217 Naval reserve drill reports.

(a) The reporting of drill attendance, accomplished as detailed in the following paragraphs of this section, is necessary for these reasons:

(1) To facilitate recording of retirement points and promotion data.

(2) To serve as a basis for crediting pay for drill attendance.

(3) To facilitate entry of drill attendance etc., in service records of enlisted personnel that are not in custody of the organization in which personnel have membership.

(b) The Quarterly Naval Reserve Drill Report (NAVPERS 1259) will be submitted by commanding officers of organizations of the Naval Reserve for personnel having official membership in Naval Reserve units, other than Selected Reserve and Naval Reserve Officer School (NROS) students, and by Commandants or the Chief of Naval Air Reserve Training for personnel who perform appropriate duty or Cross Service Training.

(c) Commanding Officers of Selected Reserve units will submit the Reserve Unit Personnel and Performance Report (RUPPERT) (NAVPERS 192).

(d) Student attendance at Naval Reserve Officer Schools will be reported by NROS Course Completion Certificate (NAVPERS 427). The NROS Staff will utilize the Naval Reserve Drill Report (NAVPERS 1259) to report attendance quarterly, and the NROS Course Completion Certificate to report course credit.

(e) Detailed instructions for the preparation and disposition of the Reserve Unit Personnel and Performance Report (NAVPERS 192) and the Quarterly Naval Reserve Drill Report (NAVPERS 192) are contained in Instructions for the Naval Manpower Information System, NAVPERS 15.642, Part I, Inactive. Instructions for the preparation and disposition of the NROS Course Completion Certificate (NAVPERS 427) are contained on the form and the worksheet (NAVPERS 427–1).

2. Section 713.219(b) is revised to read as follows:

§ 713.219 Report of death.

* * * * *

(b) When death occurs in case of a reservist on inactive duty who is not included in paragraph (a) of this section, a report of death in letter form shall be forwarded by the commanding officer or the commandant, as appropriate, to the Chief of Naval Personnel. All pertinent information obtainable, such as full name; grade and designator or rate; file or service number; date and place of birth; social security number; selective service number, local board and location (if unknown, home of record or place of first entry in Armed Services); date, place, and cause of death; source of information; and name and address of next of kin shall be included in this report. A copy of the report together with a terminated health record, shall be forwarded to the Bureau of Medicine and Surgery.

3. Section 713.221(g)(2) is revised to read as follows:

§ 713.221 Annual report of retirement and promotion credits earned.

* * * * *

(g) * * *

(2) For drills, the officer concerned should check first with units in which there has been drill attendance during the period in question to resolve discrepancies. If drills are not properly recorded, the activity should prepare a supplemental or corrected report as outlined in Instructions for the Naval Manpower Information System, NAVPERS 15,642, Part I, Inactive. In the cases of officers the supplemental or corrected report more than 11 calendar months old must be forwarded to the Reserve Officers Recording Activity via the District Commandant or Chief of Naval Air Reserve Training for monitoring and distribution and must contain a statement on the face of the report stating the reasons for the report and that substantiating official documents prepared at the time of the purported participation verify the correctness of the Information.

* * * * *

4. Section 713.301(b) is revised to read as follows:

§ 715.301 Administrative policy.

* * * * *

(b) Active duty: Reservists on active duty shall be governed in the same manner as personnel of the Regular Navy, except where otherwise precluded by law, in accordance with instructions contained in the Bureau of Naval Personnel Manual or in such directives as may be issued by the Chief of Naval Personnel.

* * * * *

5. Section 713.337(b) is revised to read as follows:

§ 713.337 Extension of enlistment.

* * * * *

(b) *Terms of extensions.* Provided they are serving under an enlistment contract, Naval Reserve personnel on inactive duty who meet the qualifications for reenlistment, may extend their enlistments for periods of 2, 3, or 4 years provided such extension together with other extensions, if any, since enlistment or the last reenlistment does not exceed an aggregate of 4 years. Personnel not eligible for reenlistment may not extend their enlistments without prior approval of the Chief of Naval Personnel. Commanding officers should set forth all pertinent facts and their recommendation on the forwarding endorsement to the request for such approval. Former Regular Navy personnel who have been transferred to inactive duty in the Naval Reserve to complete their UMT&S obligation are not eligible to execute an extension of enlistment contract unless they have reenlisted and are serving under an enlistment contract at the time the extension is executed. (Article C–1407 of the Bureau of Naval Personnel Manual contains provisions regarding extension of enlistment of Naval Reservists on active duty.)

* * * * *

6. Section 713.351(n) is revised to read as follows:

§ 713.351 Orders to inactive-duty training.

* * * * *

(n) *Women in the Naval Reserve Programs.* Women officers and enlisted women are authorized to be attached to or associated with units of the Naval

Reserve and/or Naval Air Reserve under the same procedures which govern male personnel, subject to the numbers or percentages prescribed for applicable programs, if otherwise qualified, except that women officers are not subject to promotional requirements. Prior to assignment or attachment to a Naval Reserve unit or to the performance of active duty for training, women officers and enlisted women will certify that they are not in parental status to a child under 18 years of age by completion of Dependency Statement Form (NAVPERS 2852).

* * * * *

6. Section 713.391 (a)(3) and (b) is revised to read as follows:

§ 713.391 Physical examinations.

(a) *Occasions for complete physical examinations.* * * *

* * * * *

(3) Prior to active duty for training of more than 30 days' duration, and prior to release therefrom. However, a complete physical examination is not required upon release if immediately followed by active duty.

* * * * *

(b) *Occasions for limited physical examination.* In the event physical fitness based on standards prescribed in § 713.393 was determined on occasions described in paragraph (a) of this section, and the member is not in receipt of any pension or physical disability allowance from the United States Government, the extent of physical examination given prior to performing active duty for training for 30 days or less shall be sufficient to determine that the individual is physically qualified to perform duties assigned, and is free from infections or contagious disease. Prior to detachment, the examination shall be sufficient to determine whether the reservist's health has been adversely affected by the performance of such duty. A report of the physical examination shall be recorded in the health record of each individual concerned, as follows:

Examined and found (not) physically qualified for active duty for training. Following defects noted:_____

Examined and found (not) qualified for release from active duty for training. Following defects noted:_____

* * * * *

7. In section 713.441(b), the introductory paragraph is changed to read as follows (subparagraphs (1) and (2) remain unchanged):

§ 713.441 Travel and residence overseas.

* * * * *

(b) Except as indicated below in this paragraph, reservists on inactive duty are required to obtain permission to travel or reside overseas for periods in excess of 30 days from the commandant or Chief of Naval Air Reserve Training, as appropriate. Requests for such permission should include approximate date of departure; (1) duration of intended travel; (2) itinerary of countries desiring to visit and (3) overseas address or addresses to which official mail should be sent. Copies of the request and the letter granting permission should be filed in the service record. The commandant or Chief of Naval Air Reserve Training shall forward one copy of the letter granting permission to travel and reside overseas to the Chief of Naval Operations (Op–922).

* * * * *

8. Section 713.517 (c)(1)(i), (c)(2) and (c)(3)(i) is revised to read as follows:

§ 713.517 Appropriate duty (including air).

* * * * *

(c) Appropriate duty orders may be issued for the following:

(1) Tasks in support of the Selected Reserve and, where indicated, in support of the Marine Corps Reserve:

(i) To 2105, 2205, and 2905 officers for the performance of medical and dental examinations, and essential services of an administrative nature for Naval Reserve or Marine Corps Reserve units, and for the performance of medical and dental instructional duties in conjunction with other assignments.

* * * * *

(2) Tasks in support of the naval service generally:

(i) To 2105 and 2205 officers for duty as consultants at naval activities. (Appointments of officers for this duty must be approved by the commanding officer of the activity concerned and by the Chief, Bureau of Medicine and Surgery.)

(ii) To 2105 and 2205 officers for the performance of physical and dental examinations and essential services of an administrative nature. One retirement point is authorized to a Naval Reserve medical officer for each authorized medical examination or consultation which is completed, recorded, and the report of which is forwarded; and one retirement point is authorized to a Naval Reserve dental officer for each three authorized dental examinations or consultations which are completed, recorded, and the reports of which are forwarded.

(iii) To individual Naval Reservists for representing the commandant in local areas where he cannot be represented by suitable active duty personnel, such representation to include attendance at public ceremonies, matters concerned with legal duties, public relations, the administration of the Naval Reserve in a local community, recruiting and procuring personnel for membership in drilling units.

(iv) To individual Naval Reserve officers who are members of the facilities or administrative staff of colleges and universities, or faculty members of hospital schools of nursing conducting a nursing education program of at least three years in length, to function as local procurement representatives and to disseminate information on all officer procurement programs and assist in processing where feasible. All applications from 2905 officers shall be forwarded to the Chief, Bureau of Medicine and Surgery for approval prior to the issuance of orders.

(v) To individual Naval Reservists (including 1635 officers) for the translation of Russian scientific journals. To 1635 officers for the translation of French and German scientific journals. To individual Naval Reservists, technically or scientifically qualified to assist above linquists in proper interpretations of technical portions of the translation. Reservists interested should apply to the Director of Naval Intelligence (Translations Section) via cognizant Commandant for a test translation and include résumé of language education and linquistic experience. Applicants satisfactorily translating test material will receive two retirement points for their effort and be accepted into the program. The Director of Naval Intelligence will make project assignments and establish deadline completion dates. Individual monthly progress reports to the Director of Naval Intelligence via Commandant are required.

(3) Special categories of training:

(i) Attendance at symposiums, seminars, conferences or lecture programs:

(*a*) Conducted by the Commandants, other military commands or;

(*b*) Conducted in conjunction with professional or trade conventions or meetings.

(*1*) The reserve instruction must be in addition to the regular agenda and program of the convention or meeting.

(*2*) The reserve instruction must be sponsored, supervised, and conducted by one or more of the military departments and be of at least two hours duration.

(*3*) Participation of reservists in such activities and the award of point credit therefor must have been approved previously in each instance by the Chief of Naval Personnel.

(*4*) An individual must participate in his capacity as a reservist and devote his time and effort beyond that normally associated with his civilian occupation.

(*5*) A reservist's participation must be without remuneration other than pay he may be entitled to as a member of a reserve component.

(*6*) A reservist's participation must demonstrably improve his fitness to perform the military duties to which he reasonably may be expected to be assigned upon mobilization or similarly improve the fitness of others by his supervisory responsibilities in connection with his participation.

* * * * *

9. Section 730.3(a)(1) is revised to read as follows:

§ 730.3 Summary of matters relating to discharges of enlisted and inducted personnel.

* * * * *

(a) * * *

(1) *Table of matters relating to honorable and general discharges.* (Articles referred to are articles of the Bureau of Naval Personnel Manual.)

Reason for discharge	Authority	Mileage	Issue of civilian clothing (§ 730.16)	Cash allowance (§ 730.16)	Retain and wear uniform to home (§ 730.16)	Recoupment of reenlistment bonus (Article A–4204)
Expiration of enlistment.	§ 730.4 and Article C–10317.	Yes	No	No	Yes [1]	No.
Fulfillment of service obligation.	§ 730.4 and Article C–10317.	Yes	No	No	Yes [1]	No.
Disability	§ 730.5	Yes	No	No	Yes [1]	No.[2]
Convenience of the Government.	§ 730.6	Yes	No	No	Yes [1]	No.[3]
Dependency or hardship.	§ 730.8	Yes	No	No	Yes [1]	No.
Minority	§ 730.9	Yes	No	No	Yes [1]	No.
Unsuitability	§ 730.10	Yes	Yes	No	No	No.
Security	§ 730.11	Yes	Yes	No	No	(4).
Unfitness	§ 730.12	Yes	Yes	No	No	Yes.
Misconduct	§ 730.13	Yes	Yes	No	No	Yes.

[1] Unless discharged to accept direct commission or appointment as an officer or warrant officer, persons who have served less than six months on active duty subsequent to last authorization to an initial clothing allowance may retain only one complete uniform. (See § 730.16(d).)
[2] Reenlistment bonus is to be recouped in the case of separation by reason of disability resulting from misconduct, willful neglect, or incurred during a period of unauthorized absence.
[3] Reenlistment bonus is to be recouped in the case of women members whose marriage constitutes the sole basis for such discharge, and in other cases when specifically directed by the Chief of Naval Personnel under the special and unusual circumstances discussed in article A–4204.
[4] When directed by Chief of Naval Personnel.

* * * * *

10. Section 730.5(c) is revised to read as follows:

§ 730.5 Separation of enlisted personnel by reason of physical disability.

* * * * *

(c) The medical board report or report of medical survey, together with all pertinent facts, shall be forwarded by the convening authority of the board to the Chief of Naval Personnel via the Chief of the Bureau of Medicine and Surgery when there is an indication of disciplinary action pending including court-martial proceedings or investigative proceedings which might lead to court-martial, or uncompleted sentences of courts-martial involving confinement or discharge, drug addiction, alcoholism, homosexuality, or criminalism; or there is evidence that the member is under investigation or being processed as a security risk. In such cases, no further action toward final disposition of the case shall be taken until receipt of instructions from the Chief of Naval Personnel. If, subsequent to appearance before a physical evaluation board or board of medical survey a member becomes subject to disciplinary action, a report by message with copy to the naval hospital which began the processing shall be submitted to the Chief of Naval Personnel stating action taken or contemplated.

* * * * *

11. Section 730.6 (a) (4)–(6), (b) (3) and (c) is revised to read as follows:

§ 730.6 Separation of enlisted personnel for convenience of the Government.

(a) * * *

(4) National health, safety or interest.

(5) Erroneous enlistment or induction.

(6) Other good and sufficient reasons when determined by the Chief of Naval Personnel.

(b) * * *

(3) Marriage, upon written request to the commanding officer provided the woman meets the following conditions:

(i) Has served 12 months after completion of recruit training;

(ii) Has served 18 months after completion of, or disenrollment from, a service school where the length of the course is 24 weeks or less, or has served 24 months after completion of, or disenrollment from, a service school where the length of the course is over 24 weeks;

(iii) Has served 12 months subsequent to reenlistment or subsequent to a 2-, 3-, or 4-year extension of enlistment becoming operative;

(iv) Has served 12 months subsequent to assignment to duty for which a voluntary agreement to extend enlistment was executed; or

(v) Has served 12 months from the date of reporting to an overseas duty station.

When two or more of the above conditions apply to an individual, the period of time which results in retaining the individual to the latest date shall govern. Except when waiver is authorized as set forth hereinafter, in no case will discharge be effected earlier than six months from the date of submission of written request therefor. Commanding officers may waive the 6 months' delay in discharge in those cases wherein a contact relief is not required or at such time as a relief becomes available. In no case will discharge be effected during such period as the member is serving at a duty station located sufficiently close to the location of her husband as to not preclude the establishment of a joint household. Ensure that a copy of the member's request and information as to the command's action thereon is submitted to the cognizant personnel distributor in all cases. (Art. A–4204 of the Bureau of Naval Personnel Manual contains instructions relative to recoupment of reenlistment bonus, if paid.)

(c) Full information regarding the reason for separation and a recommendation concerning reenlistment in accordance with article C–10103 of the Bureau of Naval Personnel Manual based upon enlisted performance evaluations (article C–7821 of said Manual, and applicable Bureau directives) shall be entered on page 13 of the service record in connection with all cases within the purview of this section.

12. Section 730.10(d) is revised to read as follows:

§ 730.10 Discharge of enlisted personnel by reason of unsuitability.

* * * * *

(d) Enlisted personnel serving on board ships, overseas stations, and continental U.S. activities lacking separation facilities, who are recommended for discharge in accordance with this section and processed in accordance with § 730.14, will normally be transferred to the nearest continental U.S. separation activity to await instructions from the Chief of Naval Personnel. However, personnel so recommended and processed who are stationed in the central or western Pacific area and whose home of record is in Hawaii, Guam or the Republic of the Philippines should, where practicable, be transferred to the U.S. Naval Station at Pearl Harbor, Hawaii, Guam, M.I., or Subic Bay, Luzon, Republic of the Philippines, as applicable, to await instructions from the Chief of Naval Personnel. Notwithstanding the foregoing, if the commanding officer of a ship or unit operating from a continental U.S. port or of an activity in continental U.S. lacking separation facilities, considers that the services of the individual concerned can be further utilized at his present duty station without adversely affecting the morale, discipline or efficiency of his command, he should retain the individual pending receipt of such instructions. The transfer orders and records must accurately reflect the person's status and reason for transfer in order to ensure that the individual is held pending receipt of the instructions from the Chief of Naval Personnel. As used in this paragraph, the term "continental U.S." does not include Alaska.

* * * * *

13. Section 730.12 is revised to read as follows:

§ 730.12 Discharge of enlisted personnel by reason of unfitness.

(a) Enlisted personnel may be separated by reason of unfitness with an undesirable discharge or with a higher type discharge when it is warranted by the particular circumstances in a given case. A discharge by reason of unfitness, regardless of the attendant circumstances, will be effected only when directed by or authorized by the Chief of Naval Personnel. The provisions of this section are not to be used as a substitute for action under the Uniform Code of Military Justice (10 U.S.C. 801–940). Therefore, discharge by reason of unfitness will not be issued in lieu of disciplinary action except upon the determination by the Chief of Naval Personnel that the interests of the service as well as the individual will best be served by administrative discharge. Accordingly, discharge by reason of unfitness normally will not be recommended in lieu of disciplinary action.

(b) An enlisted person may be recommended for discharge by reason of un-

fitness to free the service of persons whose military record is characterized by one or more of the following:

(1) Frequent involvement of a discreditable nature with civil or military authorities.

(2) Sexual perversion including but not limited to (i) lewd and lascivious acts, (ii) homosexual acts, (iii) sodomy, (iv) indecent exposure, (v) indecent acts with or assault upon a child under age 16, or (vi) other indecent acts or offenses.

(3) Drug addiction or the unauthorized use or possession of habit-forming narcotic drugs or marijuana.

(4) An established pattern for shirking.

(5) An established pattern showing dishonorable failue to pay just debts.

(6) Other good and sufficient reasons, as determined by the Chief of Naval Personnel.

(c) In each case processed in accordance with this section, the individual is subject to an undesirable discharge and therefore the following is required:

(1) The individual must be informed in writing of the reason(s) for which he is being considered for discharge.

(2) The individual must be afforded an opportunity to submit in writing a request for or a waiver of the privileges set forth in § 730.14(c).

(d) Attention is directed to § 730.14 which prescribes the detailed procedure for submission of reports and recommendations for discharge by reason of unfitness.

(e) Enlisted personnel, except those processed under paragraph (b)(2) of this section, shall be retained on board pending receipt of instructions from the Chief of Naval Personnel.

(f) Enlisted personnel serving on board ships, overseas stations, and continental U.S. activities lacking separation facilities who are recommended for discharge in accordance with paragraph (b)(2) of this section may be transferred to the nearest continental U.S. separation activity to await instructions from the Chief of Naval Personnel. The transfer orders and records must accurately reflect the person's status and reason for transfer in order to ensure that the individual is held pending receipt of the instructions from the Chief of Naval Personnel. In this connection, a complete copy of the papers forwarded to the Chief of Naval Personnel shall be filed in the individual's service record.

14. Section 730.15(j) is amended by revising subparagraph (2) to read as follows and by adding the following subparagraph (3):

§ 730.15 Field board of officers.

* * * * *

(j) *Action by the Chief of Naval Personnel.* * * *

(2) Based upon consideration of findings, recommendations, and opinions of a field board and/or the Enlisted Performance Evaluation Board and/or other circumstances, final action approved by the Chief of Naval Personnel may, in some cases, be different from the action proposed by a board or recommended by the commanding officer. The final action approved by the Chief of Naval Personnel in an individual case will not, as a matter of policy and/or law, include a discharge under other than honorable conditions unless such action is proposed by the Enlisted Performance Evaluation Board. If the final action approved is less favorable to the individual than that proposed by the field board, the Chief of Naval Personnel will generally afford the individual an opportunity to make representations in an effort to show cause why the less favorable action should not be taken. Final action will normally be promulgated by form letter without including reasons for the action taken.

(3) When considered appropriate, the Chief of Naval Personnel will authorize or direct that the individual be retained in the service in a probationary status. In such a case, the action of the Chief of Naval Personnel will include instructions concerning the terms of the probation and will specify the type of discharge which is to be executed without further reference to the Bureau of Naval Personnel in the event the individual does not fulfill the terms of his probation. A less favorable discharge than the type specified will not be given the probationer unless his case is reprocessed under the provisions of this subpart which govern discharge by reason of unsuitability, unfitness, or misconduct, as applicable, and such discharge is directed by the Chief of Naval Personnel.

15. Section 730.16 is amended by revising the parenthetical subparagraph at the end of paragraph (c) and by revising paragraph (d) to read as follows:

§ 730.16 General provisions and restrictions relating to enlisted separations.

* * * * *

(c) *Civilian clothing.* * * *

* * * * *

(Detailed instructions regarding issuance of civilian clothing, its cost, and recovery of uniforms of dischargees are set forth in the Bureau of Supplies and Accounts Manual, paragraph 25940.)

(d) *Wearing of uniform after discharge.* Enlisted personnel discharged with an honorable or general discharge (except those discharged by reason of unsuitability, security, unfitness, or misconduct), are entitled to retain their uniforms and may within 3 months after discharge wear them from place of discharge to their homes, except that persons who have served less than 6 months on active duty subsequent to last authorization to an initial clothing allowance, unless discharged to accept a direct commission or appointment as an officer or warrant officer, are entitled to retain only one complete uniform appropriate to the season. The 3-month period relates to the period between the date of discharge and the date of the person's arrival home, and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired. Enlisted personnel discharged to accept a commission or appointment as an officer or warrant officer may retain all clothing in their possession.

* * * * *

(R.S. 161, secs. 280, 1162, 5031, 6291–6298, 70A Stat. 14, 89, 278, 391–393, as amended; 5 U.S.C. 22, 10 U.S.C. 280, 1162, 5031, 6291–6298)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

JANUARY 16, 1963.

[F.R. Doc. 63–671; Filed, Jan. 22, 1963; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.100(f), subparagraph (4) is amended to read as follows:

§ 17.100 Transportation of claimants and beneficiaries.

* * * * *

(f) * * *

(4) The furnishing of transportation to effect discharge of a member from domiciliary care will require prior consent of the Director.

2. In § 17.115(a), subparagraph (1) is amended and subparagraph (4) is added to read as follows:

§ 17.115 Prosthetic and similar appliances.

(a) * * *

(1) Outpatients eligible under the provisions of § 17.60(a) (1) through (5), (7)(ii), (8), and (b), upon determination of entitlement, feasibility, and medical need.

* * * * *

(4) Any veteran to repair or replace an appliance (not including dental appliances) reasonably necessary to the veteran and belonging to him which was damaged or destroyed by a fall or other accident caused by a service connected disability for which such veteran is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation.

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

These regulations are effective January 23, 1963.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 63–716; Filed, Jan. 22, 1963; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2853]

[Arizona 031311]

ARIZONA

Order Opening Reclamation Lands to Location, Entry, and Patent Under General Mining Laws

By virtue of the authority contained in the act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

1. Subject to valid existing rights the following described lands shalls at 10:00 a.m. on February 22, 1963, be open to location, entry and patent under the United States mining laws:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 21 W.,
Sec. 11, NE¼ (unsurveyed).

The area described contains 160 acres.

2. The opening made by this order shall be subject to the stipulations quoted below, and which is made a part of this order, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the county records, and in the United States Land Office at Phoenix, Arizona, before any rights attach by virtue of this order:

In carrying on the mining and milling operations contemplated hereunder, locator will, by means of substantial dikes, or other adequate structures, confine all tailings, debris and harmful chemicals in such a manner that the same shall not be carried into the Wellton-Mohawk Canal, Gila River or onto Gila Project lands by storm waters, or otherwise.

There is reserved to the United States, its agents and employees, at all times, free ingress to, passage over and egress from all of the above-described lands for the purpose of inspection; and there is further reserved to the United States, its successors and assigns the prior right to use any of the lands hereinabove described, to construct, operate and maintain canals, dikes, wasteways, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant works, including the right to take and remove from the lands hereinabove described such construction materials as may be required in the construction of irrigation works without any payment made by the United States or its successor for such right. The locator further agrees that the United States, its officers, agents, employees and its successors and assigns, shall not be held liable for any damage to the improvements or working of the locator resulting from the construction, operation and maintenance of any works of the United States and/or the removal of the construction materials from the lands hereinabove described.

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

JANUARY 17, 1963.

[F.R. Doc. 63-685; Filed, Jan. 22, 1963; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Stillwater National Wildlife Refuge, Nevada

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

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

NEVADA

STILLWATER NATIONAL WILDLIFE REFUGE

Sport fishing on the Stillwater National Wildlife Refuge, Nevada, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 4,000 acres or 16 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: January 25, 1963, through December 31, 1963, except closed during migratory waterfowl hunting season.

(c) Daily creel limits: Bass—5 fish, minimum size 12 inches. Catfish—25 fish. Bluegill—25 fish. Minor species—As prescribed by State regulations.

(d) Methods of fishing:

1. Tackle: One rod and line, closely attended, may be used to which will be attached not more than three baited hooks, nor more than three fly hooks, or not more than two plugs or similar lures. No more than two such plugs or lures, irrespective of the number of hooks or attractor blades attached thereto, shall be attached to the line. Only one such combination of hook, line and rod shall be used by one person at any time.

2. Boats: Boats with motors up to 10 h.p. may be used for fishing.

(e) Other provisions:

1. A Federal permit is not required to enter the public fishing area.

2. The provisions of this special regulation are effective to January 1, 1964.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 16, 1963.

[F.R. Doc. 63-709; Filed, Jan. 22, 1963; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

HANDLING OF FRESH PEACHES GROWN IN GEORGIA

Notice of Proposed Rule Making

Consideration is being given to the following proposals to amend the rules and regulations (subpart—Industry Committee Regulations; 7 CFR 918.100–918.131) submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 918 (7 CFR Part 918) as amended, regulating the handling of fresh peaches grown in Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof.

Consideration will be given to written data, views, or arguments concerning such proposals received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than 10 days after the publication of this notice in the FEDERAL REGISTER.

The proposals would (1) redefine the districts into which the area (the State of Georgia) has been divided in the amended marketing agreement and order and (2) change the representation from the districts on the Industry Committee. The proposed amendments are as follows:

1. Delete § 918.110 and substitute therefore the following:

§ 918.110 Change in representation by districts on the Industry Committee.

The representation or membership on the Industry Committee is changed to provide for:

(a) One (1) member to represent the South Georgia District;

(b) Four (4) members to represent the Central Georgia District; and

(c) Three (3) members to represent the North Georgia District.

2. Add the following new § 918.111:

§ 918.111 Redefinition of districts.

The districts into which the area is divided are redefined as follows:

(a) "South Georgia District" shall include the counties of Quitman, Coffee, Miller, Jeff Davis, Baker, Toombs, Terrell, Ware, Mitchell, Pierce, Worth, Evans, Brooks, Liberty, Turner, Glynn, Irwin, Echols, Atkinson, Early, Wheeler, Decatur, Montgomery, Randolph, Bacon, Dougherty, Wayne, Crisp, Charlton, Thomas, Bryan, Tift, McIntosh, Ben Hill, Berrien, Lanier, Clay, Telfair, Seminole, Clinch, Calhoun, Appling, Lee, Tattnall, Grady, Brantley, Colquitt, Long, Cook, Chatham, Wilcox, Camden, and Lowndes;

(b) "Central Georgia District" shall include the counties of Muscogee, Bleckley, Marion, Laurens, Schley, Johnson, Macon, Candler, Houston, Glascock, Bullock, Twiggs, Stewart, Wilkinson, Taylor, Washington, Crawford, Emanuel, Peach, Jefferson, Burke, Effingham, Chattahooche, Pulaski, Webster, Dodge, Sumter, Treutlen, Bibb, Jenkins, Dooly, and Screven; and

(c) "North Georgia District" shall include the counties of Harris, Talbot, Upson, Monroe, Jones, Baldwin, Hancock, Warren, McDuffie, Polk, Troup, Gwinnett, Lamar, Jackson, Fayette, Forsyth, Jasper, Franklin, Douglas, Gordon, Henry, Dade, Green, Whitfield, Lincoln, Haralson, Paulding, Cobb, DeKalb, Rockdale, Walton, Oconee, Oglethorpe, Floyd, Richmond, Cherokee, Pike, Clarke, Coweta, Elbert, Butts, Banks, Carroll, Chattooga, Clayton, Dawson, Morgan, Catoosa, Wilkes, Gilmer, Fannin, Lumpkin, Union, White, Towns, Habersham, Stephens, Rabun, Columbia, Bartow, Merriwether, Barrow, Heard, Madison, Spalding, Hall, Putnam, Hart, Fulton, Pickens, Newton, Walker, Tallaferro, and Murray.

Dated: January 18, 1963.

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

[F.R. Doc. 63–726; Filed, Jan. 22, 1963; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of tolerances for residues of the insecticide 1-naphthyl *N*-methylcarbamate in or on garden peas (peas with pods) at 10 parts per million and in or on pea vines at 100 parts per million.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate consists of extraction with methylene chloride. The cleaned up residue is hydrolyzed with potassium hydroxide, and the 1-naphthol formed is determined colorimetrically at 475 millimicrons after reacting with *p*-nitrobenzenediazonium fluoroborate.

Dated: January 16, 1963.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 63–700; Filed, Jan. 22, 1963; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 901) has been filed by Rohm and Haas Company, 222 West Washington Square, Philadelphia 5, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of resinous and polymeric rigid vinyl plastics and rigid modified vinyl plastics as articles intended for use in contact with food as follows:

1. It is proposed that the optional substances used in the formulation of the plastics include the following substances (in addition to substances generally recognized as safe in food and substances the use of which is permitted by prior sanction or approval or by regulations in Part 121 (21 CFR Part 121)):

a. Synthetic drying oils identified in § 121.2514(b)(3)(iii).

b. Polyester resins identified in § 121.2514(b)(3)(vii) with the addition to the permitted polyhydric alcohols of di- and tripropylene glycol.

c. Modifiers (for polyesters) identified in § 121.2514(b)(3)(xiv).

d. Vinyl resinous substances identified in § 121.2514(b)(3)(xv) with the addition of vinyl-aliphatic (C_1–C_8) ethers.

e. Styrene polymers identified in § 121.2514(b)(3)(xvii) with the addition of vinyl toluene.

f. Polyethylene.

g. Polypropylene.

h. Acrylics and their copolymers identified in § 121.2514(b)(3)(xx).

i. Elastomers identified in § 121.2514 (b)(3)(xxi).

j. Copolymers of any of the monomers used to prepare the polymers identified in paragraph 1 a, b, and d through i of this notice.

k. Minor monomers, not to exceed a total of 5 percent, in copolymers otherwise provided for under paragraph 1 a, b, and d through j of this notice:

tert-Butyl aminoethyl methacrylate.
Dimethacrylates of alkylene (C_2–C_6) and polyoxyalkylene (2–6 units) glycols.
Dimethylaminoethyl methacrylate.
Divinylbenzene.
Hydroxyethyl methacrylate.
Hydroxyethylvinylsulfide.

Hydroxypropyl methacrylate.
Itaconic acid.
Methacrylamide.
Methacrylamidoethylethylene urea.
Methacryloxyacetamidoethylethylene urea.
Methacryloxyacetic acid.
n-Methylol amides of acrylic and methacrylic acids.
Trivinylbenzene.

l. Waxes identified in § 121.2514(b)(3)(xxiii).

m. Plasticizers identified in § 121.2514(b)(3)(xxiv).

n. Release agents identified in § 121.2514(b)(3)(xxv) with the addition of:

Fatty acids derived from vegetable or animal oils.
Fatty alcohols derived from hydrogenation of the above fatty acids or their esters.
Vegetable or animal fats and oils.

o. Pigments and colorants identified in § 121.2514(b)(3)(xxvi).

p. Surface lubricants identified in § 121.2514(b)(3)(xxvii).

q. Surface active agents identified in § 121.2514(b)(3)(xxix) with the addition of:

Alkylphenols reacted with 5 to 40 mols of ethylene oxide.
Sodium salts of sulfates or sulfonates of alkylphenols reacted with 2 to 10 mols of ethylene oxide.

r. Antioxidants and stabilizers identified in § 121.2514(b)(3)(xxx) with the addition of:

Barium and calcium salts of fatty acids (for polyvinyl chloride mixtures only).
2-Hydroxy-4-methoxybenzophenone.
2-Hydroxy-4-methoxy-2-carboxybenzophenone.
3-Hydroxyphenylbenzoate.
2-Hydroxyphenylbenzotriazole.
p-Methoxyphenol.
Methyl salicylate.
Phenyl salicylate.
Tin mercaptides (for polyvinyl chloride mixtures only).

s. Polymerization catalysts:

Alkyl hydroperoxides and peroxides.
Arylalkyl hydroperoxides and peroxides.
Azoisobutyronitrile.
Diacyl peroxides.
Ferrous chloride.
Ferrous sulfate.
Hydrogen peroxide.
Ketone hydroperoxides and peroxides.
Peroxy acid esters.
Sodium, calcium, and magnesium perchlorates.
Sodium formaldehyde sulfoxylate.
Sodium, potassium, and ammonium salts of oxy acids and sulfur.
Zinc chloride.

t. Chain transfer agents:

Alkyl (C_8–C_{18}) mercaptans.
Mercaptoacetic acid and its esters.
Mercaptoethanol.

u. Coagulants:

Calcium chloride.
Magnesium chloride.
Sodium chloride.

v. Miscellaneous materials identified in § 121.2514(b)(3)(xxxiii) with the addition of oxalic acid (maximum 0.001 percent) and dimethyl phthalate.

2. It is further proposed that the rigid plastic in the finished form in which it is to contact food, when extracted with the solvent or solvents characterizing the type of food and under conditions of time and temperature characterizing the conditions of its intended use as determined from Tables 1 and 2 of § 121.2526(c), shall yield, per square inch of surface tested, extractives not to exceed the following:

a. From rigid plastic used or intended for use as a component of single-service containers up to and including 1 gallon capacity:

1. Total nonvolatile solids obtained upon evaporation of the solvent: Not to exceed 0.5 milligram.

2. Substances that, in aqueous medium, are readily oxidizable by potassium permanganate: Not to exceed the equivalent in reducing power of 12.5 micrograms of *p*-methoxyphenol as determined by the change in spectrophotometric absorbance in the region 545 millimicrons-550 millimicrons wavelength.

3. Substances which absorb ultraviolet light in the region 245 millimicrons-310 millimicrons wavelength: Not to exceed the absorbance of 18 micrograms of *p*-methoxyphenol.

b. From rigid plastic used or intended for use as a component of single-service containers in excess of 1 gallon capacity:

1. Total nonvolatile solids obtained upon evaporation of the solvent: Not to exceed 1.0 milligram.

2. Substances that, in aqueous medium, are readily oxidizable by potassium permanganate: Not to exceed the equivalent in reducing power of 12.5 micrograms of *p*-methoxyphenol as determined by the change in spectrophotometric absorbance in the region 545 millimicrons-550 millimicrons wavelength.

3. Substances that absorb ultraviolet light in the region 245 millimicrons-310 millimicrons wavelength: Not to exceed the absorbance of 23 micrograms of *p*-methoxyphenol.

c. From rigid plastic used or intended for use as a component of articles used or intended for use in repeated or continuous service:

1. Total nonvolatile solids obtained upon evaporation of the solvent: Not to exceed 10.0 milligrams.

2. Substances that, in aqueous medium, are readily oxidizable by potassium permanganate: Not to exceed the equivalent in reducing power of 21 micrograms of *p*-methoxyphenol as determined by the change in spectrophotometric absorbance in the region 545 millimicrons-550 millimicrons wavelength.

3. Substances that absorb ultraviolet light in the region 245 millimicrons-310 millimicrons wavelength: Not to exceed the absorbance of 27 micrograms of *p*-methoxyphenol.

Information regarding analytical procedures. The analytical determinations for relating rigid plastics to the above criteria require precision for accurate and reproducible results. A description of methods applicable to these determinations may be obtained on request from the Commissioner of Food and Drugs, Department of Health, Education and Welfare, Washington 25, D.C.

Dated: January 18, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-718; Filed, Jan. 22, 1963; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 986) has been filed by E. I. du Pont de Nemours and Company, Inc., Wilmington 98, Delaware, proposing the issuance of a regulation to provide for the safe use of hexamethylenetetramine as a neutralizing agent employed in the application of stearato-chromic chloride complex coatings to paper and paperboard intended for use in contact with food.

Dated: January 16, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-699; Filed, Jan. 22, 1963; 8:47 a.m.]

[21 CFR Part 147]

ANTIBIOTIC DRUGS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(f), 59 Stat. 463 as amended; 21 U.S.C. 357), notice is given that a petition has been filed by Consolidated Laboratories, Inc., P.O. Box 234, Chicago Heights, Illinois, proposing the issuance of regulations to provide for the inclusion of sensitivity discs of sulfadiazine, sulfamethoxypyridazine, sulfisoxazole, and sulfisomidine in packaged combinations with discs of certifiable antibiotics. Each sensitivity disc is to contain not less than 50 micrograms and not more than 300 micrograms of one of the sulfonamides.

All interested persons are invited to submit their views in writing regarding this proposal. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: January 16, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-698; Filed, Jan. 22, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 62–EA–35]

FEDERAL AIRWAY AND ASSOCIATED CONTROL 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 is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Low altitude VOR Federal airway No. 141 and its associated control areas extend in part from Concord, N.H., to Lebanon, N.H. The Federal Aviation Agency has under consideration the designation of an east alternate to Victor 141 between Concord and Lebanon via the intersection of the Concord VOR 011° and the Kennebunk, Maine, VORTAC 281° True radials. This Intersection falls over Laconia, N.H. This alternate between Laconia, N.H., and Lebanon, N.H., would provide a direct route between these two cities for the control of instrument flight rules traffic. Under Agency Airway Planning Standard No. 2 dated September 1960, these two terminals qualify for a connecting airway on the basis of being certificated air carrier stops. The Concord to Laconia segment of this east alternate of Victor 141 would overlie Low Altitude VOR Federal airway No. 72. The designation of this airway as the east alternate of Victor 141 would be for airway numbering simplification.

The control areas associated with this east alternate of Victor 141 would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under 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 17, 1963.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 63–675; Filed, Jan. 22, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 62–WE–113]

FEDERAL AIRWAYS, ASSOCIATED CONTROL AREAS, TRANSITION AREAS, AND CONTROL ZONE

Proposed Alterations, Revocation, and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.65), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Riverton, Wyo., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 12 miles east and 8 miles west of the Boysen Reservoir, Wyo., VORTAC 186° True radial, extending from 35 miles south to 67 miles south of the VORTAC, excluding the airspace within Federal airways. The Boysen Reservoir transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Boysen Reservoir VORTAC 006° and 186° True radials extending from 9 miles north to 20 miles south of the VORTAC. VOR Federal airway No. 187 is designated, in part, from the Rock Springs, Wyo., VORTAC via the intersection of the Rock Springs VORTAC 026° and Boysen Reservoir VORTAC 186° True radials; to the Boysen Reservoir VORTAC.

The Federal Aviation Agency has under consideration the following airspace actions:

1. Redesignate the Riverton transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.); within 2 miles either side of the 121° True radial of a VOR to be installed approximately January 20, 1963, near Riverton at latitude 43°03'51" N., longitude 108°27'18" W., extending from the 5-mile radius area to 8 miles southeast of the VOR and within 2 miles either side of the Riverton VOR 291° True radial extending from the 5-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Riverton VOR and within 10 miles east and 7 miles west of the Riverton VOR 016° True radial extending from the 20-mile radius area to 38 miles north of the VOR. This redesignation of the Riverton transition area would provide additional controlled airspace for the protection of aircraft executing holding pattern procedures at the Boysen Reservoir VORTAC, the Riverton VOR and for aircraft executing prescribed instrument approach and departure procedures at the Riverton Municipal Airport. Communications service within the transition area would be provided by the Worland, Wyo., Flight Service Station through remote facilities at the Riverton VOR.

2. Revoke the Boysen Reservoir transition area. This transition area, originally designated for the protection of aircraft executing holding pattern procedures at the Boysen Reservoir VORTAC, would no longer be required with the redesignation of the Riverton transition area.

3. Designate a control zone at Riverton within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.); within 2 miles either side of the Riverton VOR 121° True radial extending from the 5-mile radius zone to 8 miles southeast of the VOR and within 2 miles either side of the Riverton VOR 291° True radial extending from the 5-mile radius zone to 8 miles northwest of the VOR, from 0500 to 1700 hours local time, daily. This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Riverton Municipal Airport. Communications service will be furnished by the Worland Flight Service Station through remote facilities at the Riverton VOR. The time of designation would coincide with the hours of operation of the aviation weather reporting service provided by Frontier Airlines.

4. Realign VOR Federal airway No. 187, in part, from the Rock Springs VORTAC via the intersection of the Rock Springs VORTAC 026° True radial and the Riverton VOR 180° True radial; Riverton VOR; to the Boysen Reservoir VORTAC. This would provide more precise navigational guidance for aircraft utilizing this airway.

5. Extend VOR Federal airway No. 85 from the Casper, Wyo., VORTAC direct to the Riverton, Wyo., VOR. This would provide a route for VOR equipped aircraft operating between Casper and Riverton.

In accordance with § 71.5(c)(3) of the Federal Aviation Regulations, floors for the proposed segments of Victor 187 and Victor 85 within the Riverton transition area would coincide with the floor of the transition area. The remainder of the segments of Victor 85 and Victor 187 under consideration herein would extend upward from 700 feet above the surface pending review of en route controlled airspace requirements in accordance with Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station,

Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under 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 17, 1963.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 63–676; Filed, Jan. 22, 1963; 8:45 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 62–WA–74]

JET ROUTES AND JET ADVISORY AREA

Proposed Alteration and 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 amendments to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 80 is presently designated in part from the Kansas City, Mo., VORTAC via the St. Louis, Mo., VORTAC; the Indianapolis, Ind., VORTAC; the intersection of the Indianapolis VORTAC 073° and the Appleton, Ohio, VORTAC 273° True radials; to the Appleton VORTAC. The FAA has under consideration the alteration of this segment of J–80 from the Kansas City VORTAC direct to the Springfield, Ill., VOR; direct to the Indianapolis VORTAC; direct to the Appleton VORTAC. Such action would provide a more direct route between Kansas City and Appleton reducing the mileage approximately 17 nautical miles. In addition, the realignment of J–80 over the Springfield VOR would permit better radar coverage from the St. Louis radar system than the present route over the St. Louis VOR. The jet advisory area associated with J–80 is so designated that it will automatically conform to the altered route.

The FAA also has under consideration the designation of a terminal radar jet advisory area from flight level 240 to flight level 390 and within 16 statute miles either side of a departure route from the Kansas City VORTAC via the intersection of the Kansas City VORTAC 076° and the Springfield VOR 265° True radials to the Springfield VOR. This terminal jet advisory area would overlie low and intermediate altitude airways between Kansas City and Springfield providing transition capability between the three structures.

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 17, 1963.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 63–677; Filed, Jan. 22, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 216]

[Delegation of Authority No. 106]

ASSISTANT SECRETARY OF STATE FOR EUROPEAN AFFAIRS

Delegation of Certain Authority

Pursuant to the authority contained in the Act of Congress approved May 26, 1949 (63 Stat. 111), there is hereby delegated to the Assistant Secretary of State for European Affairs the authority to concur in any written arrangements between the Secretary of Commerce and the appropriate agency of Canada under the provisions of Section 6 of the Great Lakes Pilotage Act of 1960, approved June 30, 1960 (74 Stat. 259).

Dated: September 13, 1962.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-714; Filed, Jan. 22, 1963; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 63-1]

WASHINGTON

AMERICAN BUREAU OF SHIPPING

Acceptance of Certificates and/or Registers

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), and 167-38 dated October 26, 1959 (24 F.R. 8857), and the applicable inspection laws administered in conjunction with R.S. 4405, as amended, 4462, as amended (46 U.S.C. 375, 416), and the regulations in 46 CFR 31.10-16, 71.25-25 and 91.25-25: *It is ordered,* That:

(a) The valid current certificates and/or registers issued by the American Bureau of Shipping with home office at 45 Broad Street, New York 4, New York, attesting to the tests and surveys of shipboard cargo gear on a passenger, cargo, or miscellaneous vessel conducted by or for such Bureau, may be accepted as prima facie evidence of the condition and suitability of such gear by the Coast Guard when performing an inspection of a vessel as further described in 46 CFR 31.10-16, 71.25-25 or 91.25-25: *Provided,* That:

(1) Such certificates and/or registers shall be maintained currently and shall indicate that the described shipboard cargo gear for the particular vessel described therein complies with the standards respecting shipboard cargo gear as set forth in the Convention Concerning the Protection Against Accidents of Workers Employed in Loading or Unloading Ships (Revised) (International Labor Organization Convention No. 32); and,

(2) The dates when such tests or surveys were conducted, together with the signature or initials of the competent persons performing them shall be recorded therein.

(b) This approval and permission to accept valid current certificates and/or registers of the American Bureau of Shipping shall become effective on the date of publication of this document in the FEDERAL REGISTER and shall be in effect until suspended, amended, or canceled by proper authority. (This approval continues in effect the approval previously published in the regulations, as well as in the FEDERAL REGISTER of November 23, 1961; 26 F.R. 10996.)

Dated: January 15, 1963.

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

[F.R. Doc. 63-720; Filed, Jan. 22, 1963; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANNO L. NOACK AND HELENE KÜHNHAUSEN

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

Anno L. Noack, 109 Ocean View Drive, Green Point, Cape Town, Africa. $1,220.49 in the Treasury of the United States.

Helene Kühnhausen, 1417 Cascade Avenue, Chehalis, Wash. $174.38 in the Treasury of the United States.

Claim No. 63769. Vesting Order No. 9068.

Executed at Washington, D.C., on January 15, 1963.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-689; Filed, Jan. 22, 1963; 8:46 a.m.]

CHARLES TRENET

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

Charles Trenet, 91 Quai de la Varenne, La Varenne Saint-Hilaire, Seine, France. $501.32 in the Treasury of the United States.

Claim No. 43145. Vesting Order No. 3430.

Executed at Washington, D.C., on January 15, 1963.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-690; Filed, Jan. 22, 1963; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 15, 1963.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number C-0101-309, for the withdrawal of land from all forms of appropriation under the Public Land Laws, including the mining and mineral leasing laws.

The applicant desires the land for use as a Radio Repeater Site. The specific area is: Nine Mile Hill Radio Repeater Site.

For a period of thirty 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 Land Office Manager, Bureau of Land Management, Department of the Interior, Colorado Land Office, Gas and Electric Building, 910 15th Street, Denver 2, Colorado.

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 affected are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 47 N., R. 2 W.,
In Sec. 15: SE¼NW¼NW¼.

The area described above totals 10 acres.

J. ELLIOTT HALL,
Acting Manager,
Land Office, Denver.

[F.R. Doc. 63-686; Filed, Jan. 22, 1963; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 16, 1963.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 0101321, for the withdrawal from location and entry under the General Mining Laws, subject to existing valid claims, certain public lands in the sections and townships described below.

The applicant desires the land for use as campgrounds, overlooks, rest stops and picnic areas, located in the Routt National Forest. The specific Areas are: roadside zones along U.S. Highway 40 and Old U.S. Highway 40.

For a period of thirty 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 Land Office Manager, Bureau of Land Management, Department of the Interior, Colorado Land Office, Gas and Electric Building, 910 15th Street, Denver 2, Colorado.

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 affected are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

T. 5 N., R. 82 W.,
Secs. 8, 9, 15, 16, 17, 18, 20, 21, 22.
T. 5 N., R. 83 W.,
Secs. 13, 14, 15, 20, 21, 22, 23, 29, 30, 31, 32.
T. 5 N., R. 84 W.,
Secs. 23, 25, 26, 36.

Lands proposed to be withdrawn in the above designated area aggregate approximately 1,309 acres more or less.

J. ELLIOTT HALL,
Acting Manager,
Land Office, Denver.

[F.R. Doc. 63-687; Filed, Jan. 22, 1963; 8:46 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 31, 1962.

The Federal Aviation Agency has filed an application, Serial Number Nevada 051786 for the withdrawal of the lands described below, from all forms of appropriation including the Taylor Grazing Act, the mining and mineral leasing laws, and disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended.

The applicant desires the land for the continued proper operation, construction and maintenance of a Very High Frequency/Ultra High Frequency, Air Ground Communication Facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box Number 1551, Reno, Nevada.

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:

MOUNT DIABLO MERIDIAN, NEVADA

T. 41 N., R. 35 E.,
Sec. 22, SE¼SW¼SW¼, SE¼SE¼SW¼;
Sec. 27, E½W½NW¼NW¼, E½NW¼NW¼, E½NE¼NW¼, W½W½NW¼NE¼, NE¼SW¼NW¼, N½SE¼NW¼.

The area as described contains 110 acres.

H. CURT HAMMIT,
Land Office Manager.

[F.R. Doc. 63-688; Filed, Jan. 22, 1963; 8:46 a.m.]

[Oregon 03945]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 14, 1963.

Notice of an application Serial No. Oregon 03945, for withdrawal and reservation of Lands, was published as FEDERAL REGISTER Document No. 56-649, on page 613 of the issue for January 27, 1956. 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 10:00 a.m., on February 25, 1963 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN, OREGON

T. 3 S., R. 14 E.,
Sec. 13: SW¼SW¼NE¼, E½SW¼NW¼, SW¼SW¼NW¼, SE¼NW¼, N½N½SW¼, SW¼NW¼SW¼, N½SE¼;
Sec. 14: E½SE¼, E½SW¼SE¼;
Sec. 23: W½E½NE¼, E½W½NE¼, SW¼SW¼NE¼, E½NE¼SW¼, SE¼SW¼, NW¼NE¼SE¼, W½SE¼;
Sec. 35: W½E½NE¼, SW¼NE¼.
T. 2 S., R. 15 E.,
Sec. 13: S½NE¼SW¼, SE¼NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 23: E½SW¼NE¼, SW¼SW¼NE¼, SE¼NE¼, E½NE¼SW¼, N½NE¼SE¼, SW¼NE¼SE¼, NW¼SE¼, N½SW¼SE¼, SW¼SE¼SW¼;
Sec. 24: N½NW¼NE¼, NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼;
Sec. 26: E½NW¼, NE¼SW¼, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼;
Sec. 27: SE¼SW¼SW¼, SE¼SW¼, S½NW¼SE¼, SW¼SE¼;
Sec. 33: S½SE¼;
Sec. 34: SW¼SW¼NE¼, E½NW¼, E½W½NW¼, E½SW¼, E½NW¼SW¼SW¼SW¼, W½NW¼SE¼, NW¼SW¼SE¼.
T. 3 S., R. 15 E.,
Sec. 3: SW¼SW¼NW¼, W½W½SW¼;
Sec. 4: Lots 1 and 2, N½SW¼NE¼, SE¼NE¼, S½SW¼NW¼, SW¼SE¼NW¼, SW¼, E½NE¼SE¼, SW¼NW¼SE¼, S½SE¼;
Sec. 5: SE¼SE¼NE¼, NE¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 7: E 20 acres of Lot 4, SW¼SE¼NE¼, S½SW¼NE¼, E½NE¼SW¼, SW¼NE¼SW¼, SE¼SW¼, N½SE¼, E½SE¼SE¼;
Sec. 8: SW¼NW¼SW¼, W½SW¼SW¼, E½SE¼SE¼, SW¼SE¼SE¼;
Sec. 9: E½NW¼, E½W½NW¼, NW¼NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼;
Sec. 17: NE¼NE¼, S½NW¼NE¼, S½N½, N½SW¼, N½NE¼SE¼, NW¼SE¼;
Sec. 18: E 20 acres of Lot 1, Lot 2, Lot 3, NE¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, W½NE¼NW¼, NW¼SE¼NW¼, NE¼NE¼SE¼;
T. 1 S., R. 16 E.,
Sec. 4: Lot 3, W½SE¼NW¼, NW¼NE¼SW¼;
Sec. 5: SE¼NW¼SE¼, SW¼SE¼;
Sec. 8: SW¼NE¼NE¼, SE¼NE¼, E½NE¼NW¼, NE¼SE¼NW¼, NW¼SE¼, E½SW¼SE¼;
Sec. 20: W½E½NE¼, N½NW¼SE¼, SW¼NW¼SE¼;
Sec. 30: SE 10 acres Lot 3, E 20 acres Lot 4, NW¼NE¼, W½SW¼NE¼, E½SW¼, W½NW¼SE¼, NW¼SW¼SE¼;
Sec. 31: E 20 acres Lot 1, E 20 acres Lot 2, SE¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, W½NE¼SE¼, SE¼NE¼SE¼, NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, SE¼SE¼;
Sec. 32: W½SW¼SW¼, SE¼SW¼SW¼;
T. 2 S., R. 16 E.,
Sec. 5: Lot 4, NW¼SW¼NW¼;
Sec. 6: Lots 1 and 2, S 20 acres of Lot 3, S½NE¼, SE¼NW¼, E½SW¼, NE¼NW¼SE¼, W½W½SE¼;
Sec. 7: E 20 acres Lot 1, E 20 acres Lot 2, E 20 acres Lot 3, Lot 4, NE¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, W½E½SW¼;
Sec. 18: Lots 1 and 2, W½E½W½;
Sec. 19: Lot 1, NW¼NE¼NW¼.

The above described lands total 5,017.92 acres.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63-710; Filed, Jan. 22, 1963; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH PEACHES GROWN IN GEORGIA

Findings and Determinations With Respect to Continuation in Effect of Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 99, as

amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the FEDERAL REGISTER on November 30, 1962 (27 F.R. 11822), that a referendum would be conducted among the growers who, during the calendar year 1962 (which period was determined to be a representative period for the purpose of such referendum), had been engaged, in Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period December 7 to December 15, 1962, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in Georgia, is not favored by the requisite majority of such growers.

Dated: January 18, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63–727; Filed, Jan. 22, 1963; 8:50 a.m.]

FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Order Directing That a Referendum Be Conducted; Designation of Referendum Agents to Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Marketing Agreement and Order No. 921 (7 CFR Part 921), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) it is hereby directed that a referendum be conducted among the growers who, during the calendar year 1962 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area specified in the order, in the production of peaches for market to determine whether such growers favor the termination of the said marketing agreement and order. Robert H. Eaton and William C. Knope of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agent of the Secretary of Agriculture to perform the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid growers to cast his ballot, in the manner herein authorized, relative to the aforesaid termination of the marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such growers, bona fide engaged in marketing fresh peaches grown within the production area specified in the order or in rendering services for or advancing the interests of the growers of such peaches, may vote for the growers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such growers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in (a)(3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to the Fruit and Vegetable Division, Agricultural Marketing Service, 1812 SW. Washington Street, Portland 5, Oregon, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Washington; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each grower whose name and address are known; and (iii) by such other means as said referendum agent may deem advisable.

(4) By conducting meetings of growers and arranging for balloting at the meeting places, if said referendum agent determines that voting shall be at meetings. At each such meeting, balloting shall continue until all of the growers who are present, and who desire to do so, have had an opportunity to vote. Any grower may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to growers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a)(3) hereof.

(8) By appointing any country agricultural agent within the production area in the State of Washington, and any other persons deemed necessary or desirable, to assist the said referendum agent in performing his duties hereunder. Each county agricultural agent and other person so appointed shall serve without compensation and may be authorized, by the said referendum agent, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agent) in accordance with the requirements herein set forth; and shall forward to Robert H. Eaton, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1218 Southwest Washington Street, Portland 5, Oregon, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each grower to whom a ballot form was given;

(ii) A register containing the name and address of each grower from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to growers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by Robert H. Eaton of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

(c) The referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should he, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agent and appointees in conducting said referendum.

Copies of the text of aforesaid marketing agreement and order may be examined in the Office of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., and at the Office of A. J. Anderson, Manager, Washington Fresh Peach Marketing Committee, 624 West Yakima Avenue, Yakima, Washington.

Ballots to be cast in the referendum may be obtained from the referendum agent and any appointee hereunder.

Dated: January 18, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63-728; Filed, Jan. 22, 1963; 8:51 a.m.]

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of Public Law 87-128 (7 U.S.C. 1961), it has been determined that in Howard County, Texas, nautral disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of January 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-694; Filed, Jan. 22, 1963; 8:46 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of Public Law 87-128 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Harrison.
Jack.
Red River.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of January 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-695; Filed, Jan. 22, 1963; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-47]

U.S. ARMY MATERIALS RESEARCH AGENCY

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has (1) consented to the transfer of Facility License No. R-65 from the Ordnance Materials Research Office to U.S. Army Materials Research Agency, and (2) has issued Amendment No. 3, set forth below, to License No. R-65. The license amendment substitutes, as licensee, U.S. Army Materials Research Agency for Ordnance Materials Research Office. License No. R-65, as amended, authorizes U.S. Army Materials Research Agency to operate the pool-type nuclear reactor located at Watertown Arsenal, Watertown, Massachusetts. By letter dated October 10, 1962, the Commission was advised that the U.S. Army Materials Research Agency was established in accordance with Department of the Army General Orders No. 46, dated July 25, 1962 and became operative on August 1, 1962. Organizational responsibilities to insure safe operation of the nuclear reactor remain unchanged. The licensee requested that License No. R-65 be amended to substitute U.S. Army Materials Research Agency in all places for Ordnance Materials Research Office.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see Docket No. 50-47 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 16th day of January 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-65; Amdt. No. 3]

License No. R-65 is revised in its entirety to read as follows:

1. By application dated December 1, 1956 and amendments thereto dated February 18, 1957, April 29, 1957, June 14, 1957, April 30, 1959, August 27, 1959, December 15, 1959, February 23, 1960, and October 27, 1961 (hereinafter collectively referred to as the "Application"), the Ordnance Materials Research Office, U.S. Army requested a Class 104 license, authorizing operation of a light water-moderated and -cooled, pool-type nuclear reactor (hereinafter referred to as the "reactor") located at Watertown Arsenal, Watertown, Massachusetts. By application amendment dated October 10, 1962, the U.S. Army Materials Research Agency requested that License No. R-65 be transferred to the U.S. Army Materials Research Agency.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as the "Act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-16 and will operate in conformity with the application and in conformity with the Act and with the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The licensee is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The licensee is a Government Agency, and need not furnish proof of financial protection as would otherwise be required by subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, Licensing of Production and Utilization Facilities, to possess and operate the reactor as a utilization facility at the designated location in Watertown, Massachusetts, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, Special Nuclear Material, to receive, possess and use up to 9.35 kilograms of contained uranium 235 in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, Licensing of Byproduct Material, to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The licensee shall not operate the reactor at power levels in excess of 1,000 kilowatts without prior written authorization from the Commission.

B. The licensee is authorized to use a dilution factor of 10^{-10} seconds per cubic centimeter in computing the permissible rate of discharge of radioactive noble gases from his 175 foot stack.

C. The licensee shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letter to the Commission dated January 30, 1961.

D. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

E. The licensee shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

F. The licensee shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter I, Part 50, the Commission has allocated to the licensee for use in connection with operation of the reactor, 9.35 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to the licensee and returns to the Commission are contained in Appendix A below. Transfers from the Commission to the licensee in accordance with Column (2) of Appendix A will be conditioned upon return to the Commission of special nuclear material substantially in accordance with Column (3) of Appendix A.

6. This license is effective as of the date of issuance and shall expire at midnight October 2, 1997.

Date of issuance: January 16, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

APPENDIX A

(1) Date of transfer (calendar year)	(2) Transfers from AEC to USAMRA, kgs. U-235	(3) Returns by USAMRA to AEC, kgs. U-235		(4) Net yearly distribution, kgs. U-235	(5) Cumulative distribution, kgs. U-235
		Cold scrap	Spent fuel		
1958	7.56	3.78	----------	3.78	3.78
1959	1.12	0.56	0.50	0.06	3.84
1960	2.80	1.40	1.20	0.20	4.04
1961	2.24	1.12	0.94	0.18	4.22
1962	1.40	0.70	0.61	0.09	4.31
1963	1.40	0.70	0.59	0.11	4.42
1964	1.40	0.70	0.57	0.13	4.55
1965	1.40	0.70	0.55	0.15	4.70
1966	1.40	0.70	0.55	0.15	4.85
1967	1.40	0.70	0.55	0.15	5.00
1968	1.40	0.70	0.55	0.15	5.15
1969	1.40	0.70	0.55	0.15	5.30
1970	1.40	0.70	0.55	0.15	5.45
1971	1.40	0.70	0.55	0.15	5.60
1972	1.40	0.70	0.55	0.15	5.75
1973	1.40	0.70	0.55	0.15	5.90
1974	1.40	0.70	0.55	0.15	6.05
1975	1.40	0.70	0.55	0.15	6.20
1976	1.40	0.70	0.55	0.15	6.35
1977	1.40	0.70	0.55	0.15	6.50
1978	1.40	0.70	0.55	0.15	6.65
1979	1.40	0.70	0.55	0.15	6.80
1980	1.40	0.70	0.55	0.15	6.95
1981	1.40	0.70	0.55	0.15	7.10
1982	1.40	0.70	0.55	0.15	7.25
1983	1.40	0.70	0.55	0.15	7.40
1984	1.40	0.70	0.55	0.15	7.55
1985	1.40	0.70	0.55	0.15	7.70
1986	1.40	0.70	0.55	0.15	7.85
1987	1.40	0.70	0.55	0.15	8.00
1988	1.40	0.70	0.55	0.15	8.15
1989	1.40	0.70	0.55	0.15	8.30
1990	1.40	0.70	0.55	0.15	8.45
1991	1.40	0.70	0.55	0.15	8.60
1992	1.40	0.70	0.55	0.15	8.75
1993	1.40	0.70	0.55	0.15	8.90
1994	1.40	0.70	0.55	0.15	9.05
1995	1.40	0.70	0.55	0.15	9.20
1996	1.40	0.70	0.55	0.15	9.35
1997	----------	----------	3.35	(3.35)	6.00
	62.72	31.36	25.36	6.00	----------

[F.R. Doc. 63-670; Filed, Jan. 22, 1963; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RAYMOND E. HEBERT

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 as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: None.
B. Additions: Dynacolor Corporation.

This statement is made as of January 11, 1963.

RAYMOND E. HEBERT.

[F.R. Doc. 63-715; Filed, Jan. 22, 1963; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MACARONI AND SPAGHETTI DEVIATING FROM IDENTITY STANDARDS

Notice of Issuance of Temporary Permit to Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporay permit has been issued to A. Zerega's Sons, Inc., 20-01 Broadway, Fair Lawn, New Jersey, to cover interstate marketing tests of macaroni and of spaghetti deviating from the requirements of the standards of identity for these foods (21 CFR 16.1). The macaroni and the spaghetti will contain glyceryl monostearate in a quantity not to exceed 2 percent by weight of the farinaceous ingredients. Such use of glyceryl monostearate will require label declaration.

This permit expires December 31, 1963.

Dated: January 16, 1963.

GEO. P LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-697; Filed, Jan. 22, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14915; FCC 63-44]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

Order Amending Order

In the matter of American Telephone and Telegraph Company, the

Chesapeake and Potomac Telephone Company, the Chesapeake and Potomac Telephone Company of Maryland and the Chesapeake and Potomac Telephone Company of Virginia; charges, classifications, regulations and practices for "T-3" conditioned channels.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of January 1963;

The Commission, having under consideration its order adopted herein on January 11, 1963, suspending the tariff schedule Third Revised Page 23AA of American Telephone and Telegraph Company Tariff F.C.C. No. 135 and instituting an investigation into the lawfulness of said tariff schedule;

It appearing, that through inadvertency, said order of January 11, 1963 did not include the following ordering clause:

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision.

and that said ordering clause should be included in said January 11, 1963 order;

It is ordered, That the order adopted herein on January 11, 1963, is amended to include the following ordering clause:

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision.

Released: January 18, 1963.

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

[F.R. Doc. 63-730; Filed, Jan. 22, 1963; 8:51 a.m.]

[Docket No. 14919; FCC 63-52]

BRUSH BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Georgia M. Brush and Jerald A. Brush d/b as Brush Broadcasting Company, Wauchula, Florida, Docket No. 14919, File No. BP-14841; requests: 1600 kc, 500 w, day, for construction permit.

1. The Commission has before it for consideration (a) the above-captioned application; (b) "Petition to Deny Application" filed on May 24, 1962, by Hardee Broadcasting Company (hereinafter petitioner or Hardee), licensee of Station WAUC, Wauchula, Florida, directed aaginst the above-captioned application; (c) "Opposition to Petition to Deny Application" filed June 25, 1962, by Georgia M. Brush and Jerald Brush d/b as Brush Broadcasting Company (applicant); and (d) a reply filed July 17, 1962, by Hardee.

2. Petitioner asserts standing on the ground that it is an existing station in Wauchula, Florida, the city in which applicant proposes to operate a station, and therefore, would suffer potential economic injury because of substantial losses in its national, regional and local advertising revenues. The Commission agrees that petitioner has standing under section 309 of the Communications Act of 1934, as amended. F.C.C. v. Sanders Bros. Radio, 309 U.S. 470, 9 R.R. 2008 (1940).

3. Hardee alleges that grant of the Brush application would produce mutually destructive competition in an area which cannot support two stations, would result in a decline in the quality of service now rendered by WAUC, and would drive both stations into strictly marginal operations. In a supporting affidavit, Robert S. Taylor, principal storckholder of WAUC, alleges that despite diligent and experienced management, WAUC has managed a total net profit from 1958 through 1961 of less than $50; that the total broadcast income for fiscal 1961 was only slightly over $30,000; and that it is "inconceivable" that Wauchula, a community of 3,411 population could support two standard broadcast stations. The petitioner also contends that the applicant made no effort to ascertain the needs and interests of listeners in Wauchula for programming; that the programming proposal is not in the public interest because only 2 percent of the total broadcast time is proposed to be devoted to local live programming; and that the applicant is not financially qualified.

4. Applicant in its Opposition to Petition to Deny Application claims that it had intended to apply for facilities for Wauchula, Florida, for a number of years but after WAUC was granted its plans were temporarily tabled in order to make further study and investigation of the market; that applicant's conclusion is that Wauchula and the surrounding county are growth areas which in the last ten years have enjoyed tremendous growth; that as evidence of this, building permits for Wauchula last year totaled over one million dollars; that there are numerous industries in Wauchula with an industrial park being developed "to lure new industry"; that broadcasting is the only enterprise without competition; and, that it is the opinion of the community that a second standard broadcast station could better serve commercial advertising and community public service.

5. In view of the allegations by the petitioner that Wauchula cannot support two standard broadcast stations and that grant of the Brush application would result in an overall degradation in the quality of standard broadcast service in this area, we believe that the petitioner must be afforded an opportunity in a hearing to offer proof on this issue. Carroll Broadcasting Company v. F.C.C. 103 U.S. App. D.C. 346, 258 F. 2d 44, 17 R.R. 2016 (1958). Accordingly, such an issue will be specified. The burden of proof on this issue will be placed on the petitioner.

6. In addition, although the applicant has sufficient cash or liquid assets to meet its cost of construction and cost of operation for a reasonable period of time, we cannot find the applicant financially qualified, because a serious question exists as to whether the applicant's estimate of operating revenues of $27,000 is realistic, in view of the claim that insufficient revenue sources are available in the area to support a second standard broadcast station. In addition in view of the meager earnings of the petitioner over the last several years (less than $50 net profit over a four year period) and the rather sizeable margin ($9,000) predicted by the applicant, we are of the opinion that the applicant should prove that its estimate of operating expenses is realistic, and that the burden of proof should remain upon the applicant with respect to proving the reasonableness of both predicted revenues and expenses.

7. With respect to the requested programming issues, a review of the pleadings raises a sufficient doubt about what the applicant has done to ascertain the needs of Wauchula, to warrant specification of an issue on programming. Further, since the applicant has not offered any justification of the small amount of local live programming proposed, inquiry will be made in this matter also. However, the petitioner's request for a separate issue with respect to this matter will be denied, since the programming issue as specified herein below, together with the final issue, is sufficient.

8. In addition to the foregoing matters, it appears that the proposed operation would cause co-channel interference to the existing operation of Station WKWF, Key West, Florida. Therefore, an issue on this matter will also be specified.

9. 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 specified below:

Accordingly, it is ordered, This 16th day of January 1963, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there are adequate revenues to support more than one standard broadcast station in the area proposed to be served by the applicant herein, without loss or degradation of standard broadcast service to such area.

2. To determine whether the applicant is financially qualified to construct and operate its proposed station and whether its estimates of expected operating revenues and expenses are reasonable.

3. To determine the efforts made by the applicant to ascertain the programming needs and interests of the area to be served, the manner in which it proposes to meet such needs and interests.

4. To determine the areas and populations which would receive primary service from the above-captioned proposal and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal would cause objectionable interference to Station WKWF, Key West, Florida, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

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

It is further ordered, That Hardee Broadcasting Company and John M. Spottswood, licensees of Stations WAUC, Wauchula, Florida and WKWF, Key West, Florida, respectively, are made parties to the proceeding.

It is further ordered, That the petition filed May 24, 1962, by Hardee Broadcasting Company is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That, in the event of a grant of the application, the construction permit 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 prohibited.

It is further ordered, That, in the event of a grant of the 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 the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 1 is hereby placed on Hardee Broadcasting Company.

It is ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent, pursuant to § 1.140 of the Commission's 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 § 1.352(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed by such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

Released: January 18, 1963.

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

[F.R. Doc. 63-731; Filed, Jan. 22, 1963; 8:51 a.m.]

[Docket No. 14854; FCC 63M-38]

DR. CHARLES H. HAGGARD AND KENNETH R. ROGERS

Order Continuing Hearing

In re application of Dr. Charles H. Haggard and Kenneth R. Rogers, Crystal City, Texas, Docket No. 14854, File No. BP-14502; for construction permit.

It is ordered, This 7th day of January 1963 that the hearing herein presently scheduled to be held on January 22, 1963, is continued to a date to be specified at the further prehearing conference presently scheduled to be held on January 28, 1963, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 8, 1963.

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

[F.R. Doc. 63-732; Filed, Jan. 22, 1963; 8:51 a.m.]

[Docket No. 14922]

VIRGIL E. JAMES

Order To Show Cause

In the matter of Virgil E. James, West New York, New Jersey; order to show cause why there should not be revoked the license for Radio Station KBG 1339 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notices of violation of the Commission's rules was served upon the above-named licensee at his last known address as follows: Official Notices of Violations dated September 12 and 26, 1962, alleging violation of §§ 19.61 (a), (e), (f); 19.62 and 19.24(a)(1) of the Commission's rules.

It further appearing, that said licensee did not reply to such communications or to a follow-up letter dated Nov. 1, 1962, also mailed to the licensee at his last known address; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 17th day of January 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 5004 Palisade Avenue, West New York, New Jersey.

Released: January 18, 1963.

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

[F.R. Doc. 63-733; Filed, Jan. 22, 1963; 8:51 a.m.]

[Docket Nos. 14868-14870; FCC 63M-90]

OREGON MOBILE RADIO ET AL.

Order Continuing Hearing

In re applications of Robert H. Larson and George E. Milligan d/b as Oregon Mobile Radio, Docket No. 14868, File No. 2174-C2-P-61; for a construction permit to establish a new two-way communications service in the Domestic Public Land Mobile Radio Service at Medford, Oregon; Empire Communications of Medford, Inc., Docket No. 14869, File No. 4080-C2-P-61; for a construction permit to establish a new two-way communications service with control facilities in the Domestic Public Land Mobile Radio Service at Medford, Oregon; Medford Business Exchange, Inc., Docket No. 14870, File No. 589-C2-P-62; for a construction permit to establish a new two-way communications service in the Domestic Public Land Mobile Radio Service at Medford, Oregon.

As a result of agreements reached upon the record in a prehearing conference held this date in the above-entitled matter: *It is ordered,* This 17th day of January 1963, that:

1. All exhibits with the names of their witness-sponsors shall be exchanged on or before March 4, 1963,

2. The Common Carrier Bureau shall notify the applicants whether their engineering exhibits are satisfactory in the eyes of the Common Carrier Bureau, and shall, if possible, notify the applicants what engineering witnesses may be required, such notifications to be made on or before March 18, 1963, and

3. The hearing now scheduled for February 4, 1963, is rescheduled to commence at 10:00 a.m., April 1, 1963, in the Commission's offices in Washington, D.C.

Released: January 18, 1963.

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

[F.R. Doc. 63-734; Filed, Jan. 22, 1963; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. 18419 etc.]

AMERICAN LOUISIANA PIPE LINE CO., AND MICHIGAN WISCONSIN PIPE LINE CO.

Order Fixing Date for Oral Argument

JANUARY 16, 1963.

American Louisiana Pipe Line Company, Docket No. G-18419; Michigan

Wisconsin Pipe Line Company, Docket Nos. G–12292, G–17512 and RP60–9.

On September 27, 1962, the Presiding Examiner issued a decision upon the issue of proper design of rates in the above proceedings. On November 9, 1962, five parties to the proceedings,[1] including the Commission Staff, filed exceptions to the aforementioned decision. Two of these, Michigan Gas and Electric Company, and Iowa Southern Utilities Company, requested oral argument before the Commission.

The Commission finds: It is appropriate and in the public interest that all parties be given opportunity to present oral argument before the Commission as hereinafter provided.

The Commission orders:

(A) Oral argument shall be held before the Commission at 10:00 a.m., e.s.t., on February 26, 1963, in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the rate design issue as hereinabove set out.

(B) Any party to this proceeding desiring to participate in the oral argument shall advise the Secretary of the Commission on or before February 8, 1963, to that effect, and shall state the amount of time it desires to have allocated for its argument. Parties having similar interests are urged to select one spokesman to argue their contentions and thus prevent repetitious arguments.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–678; Filed, Jan. 22, 1963; 8:45 a.m.]

[Docket No. CP63–171]

HOPE NATURAL GAS CO.

Notice of Application and Date of Hearing

JANUARY 16, 1963.

Take notice that on December 17, 1962, an application was filed with the Federal Power Commission pursuant to section 7 of the Natural Gas Act as amended, by Hope Natural Gas Company ("Applicant") seeking an order, in Docket No. CP63–171, authorizing the replacement of certain existing natural gas storage compressor units in a presently existing compressor station. Applicant, having its principal place of business at 445 West Main Street, Clarksburg, West Virginia, is a West Virginia Corporation and is a subsidiary of Consolidated Natural Gas Company, a holding company. Applicant requests authorization to replace four—500 horsepower engine units at Bridgeport Storage Compressor Station with one—1,100 horsepower engine unit. The units that are to be replaced were purchased in 1914, 1915, 1919, and 1926 and are obsolete and expensive to operate. The total cost of the proposed replacement facilities is estimated to be $275,000 with an additional $13,000 cost for the removal of the present units. The original cost of the facilities to be replaced totals $123,807.75.

Bridgeport Compressor Station is used to pump gas into and out of Hope's storage field in Harrison and Taylor Counties, West Virginia. The gas withdrawn from this storage field is used primarily in its distribution markets of Clarksburg, Fairmont and Morgantown, West Virginia.

Applicant further states that by this application no new gas supply is required and that the proposed facilities replace existing facilities and no change in present rates is proposed as a result of this application.

The matter is one that should be heard and 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 25, 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 14, 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. 63–679; Filed, Jan. 22, 1963; 8:45 a.m.]

[Docket No. CP63–167]

MIDWESTERN GAS TRANSMISSION CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application and Date of Hearing

JANUARY 16, 1963.

Take notice that on December 12, 1962, Midwestern Gas Transmission Company (Midwestern), 231 South LaSalle Street, Chicago 4, Illinois, and Texas Eastern Transmission Corporation (Texas Eastern), Southern National Bank Building, Houston, Texas, filed in Docket No. CP63–167 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an emergency interconnection between the pipeline systems of the two companies and the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed interconnection will be located at the point where Midwestern's 30-inch line crosses Texas Eastern's 24-inch line in Pike County, Indiana. The estimated cost of the proposed facilities is $7,700 to be financed from funds on hand.

An agreement between the Applicants, dated September 14, 1962, provides for the utilization of the proposed facilities when either company is confronted with an emergency which can be alleviated by the deliveries of natural gas from the other. Either party, upon request from the other, will make emergency deliveries of natural gas when possible without impairment of service obligations to others. All emergency deliveries will be made on a gas-for-gas exchange basis.

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 26, 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 Applicants 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 15, 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. 63–680; Filed, Jan. 22, 1963; 8:45 a.m.]

[Docket No. CP63–130]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

JANUARY 16, 1963.

Take notice that on November 13, 1962, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in

[1] Michigan Gas and Electric Company; Iowa Southern Utilities Company; North Central Public Service Company and Fuels Research Council, Inc., et al. (Coal Interveners).

Docket No. CP63–130 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 unspecified natural gas facilities for the delivery of natural gas to existing customers, 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 augment Applicant's ability to act with reasonable dispatch in constructing and placing in operation certain natural gas delivery facilities without the delay incident to the filing and processing of individual certificate applications.

The total cost of the proposed facilities will not exceed a maximum of $168,000, and no single project will exceed a cost of $20,000. The application states that the proposed facilities will be financed from funds on hand.

No increase over presently authorized volumes is requested in the instant application. Applicant proposes to establish additional delivery points to enable existing customers to provide gas service in areas heretofore without such service. The proposed service will be subject to the following conditions:

(1) Applicant's customer proposing service in the new area will not require an increase in the contract volume presently available from Applicant;

(2) The service will be in an area not heretofore served with natural gas;

(3) Applicant's customer proposing the service has obtained such authorization therefor as may be required;

(4) The estimated peak day delivery requirements in the 1st and 3d years of operations for the new area or areas are less than 2 percent and 5 percent, respectively, of the total peak day volumes of natural gas, including storage service, available from Applicant to the customer proposing such service or 5,000 Mcf, whichever is less; and

(5) Applicant's customer proposing the service does not propose, under the authorization herein sought, to serve an industrial customer in the new area that would use in excess of 10,000 Mcf of gas per month.

Applicant has not requested any change in the design or operation of its pipeline system or in the rates now charged by it by reason of the construction and operation of the proposed facilities.

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 11, 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. 63–681; Filed, Jan. 22, 1963; 8:45 a.m.]

[Docket No. CP63–44 etc.]

NORTH STAR NATURAL GAS COMPANY OF WISCONSIN, INC., ET AL.

Notice of Applications

JANUARY 16, 1963.

North Star Natural Gas Company of Wisconsin, Inc., Docket No. CP63–44; North Star Natural Gas Company, Docket No. CP63–45; Midwestern Gas Transmission Company, Docket No. G–18313.

Take notice that on August 16, 1962, North Star Natural Gas Company of Wisconsin, Inc. (North Star Wisconsin), 123 East Elm Street, River Falls, Wisconsin, filed in Docket No. CP63–44 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Midwestern Gas Transmission Company (Midwestern) to establish physical connection of its transmission facilities with the proposed facilities of and to sell natural gas to North Star Wisconsin for resale and distribution in the Village of Dresser, Wisconsin, and environs, all as more fully set forth in the application in Docket No. CP63–44 on file with the Commission and open to public inspection.

North Star Wisconsin proposes to construct and operate a lateral transmission line connecting Midwestern's main transmission line with the distribution system North Star Wisconsin proposes to construct and operate in Dresser. The total estimated cost of the proposed facilities is shown to be $68,600, which cost will be financed by short term financing and by cash generated from operation.

Take further notice that on August 16, 1962, North Star Natural Gas Company (North Star), 3304 Chicago Avenue South, Minneapolis, Minnesota, filed in Docket No. CP63–45 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Midwestern to establish physical connection of its transmission facilities with the proposed facilities of and to sell natural gas to North Star for resale and distribution in the Village of Bertha, Minnesota, and environs, all as more fully set forth in the application in Docket No. CP63–45 on file with the Commission and open to public inspection.

North Star proposes to construct and operate a lateral transmission line connecting Midwestern's main transmission line with the distribution system North Star proposes to construct and operate in Bertha. The total estimated cost of the proposed facilities is shown to be $153,800, which cost will be financed by short term financing and by cash generated from operation.

The estimated third year peak day and annual natural gas requirements for Dresser and Bertha are:

	Peak day (*Mcf*)	*Annual* (*Mcf*)
Dresser	142	102,722
Bertha	296	155,908

Applicants have received franchises from the communities wherein natural gas service is proposed.

On September 20, 1962, Midwestern filed an answer to the subject applications stating that it does not oppose them and is willing to render the proposed services. In order to provide service to North Star Wisconsin and North Star, Midwestern states that it is necessary to amend the Commission's order accompanying Opinion No. 331, issued October 31, 1959, as amended, in Docket No. G–18313 in order to revise certain of its contract demand allocations.

Accordingly, take notice that on September 20, 1962, Midwestern, P.O. Box 774, Chicago 90, Illinois, filed in Docket No. G–18313 a motion to amend the order accompanying Opinion No. 331, issued October 31, 1959, as amended, by reducing the contract demand of the Village of Hawley, Minnesota, by 162 Mcf and the contract demand of Montana-Dakota Utilities Company by 1,500 Mcf. Midwestern states that said customers have requested the foregoing reductions.

Protests, petitions to intervene or requests for hearing in these related proceedings 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 13, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–682; Filed, Jan. 22, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1550 etc.]

INVESTORS MUTUAL, INC., ET AL.

Notice of Filing of Application

JANUARY 17, 1963.

In the matters of Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund Inc., Investors Variable Payment Fund, Inc., File No. 812–1550; Gamble-Skogmo, Inc., File No. 812–1553; Investors Diversified Services, Inc., File No. 812–1558.

On December 19, 1962, Randolph Phillips, a shareholder of Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc. and Investors Variable Payment Fund, Inc., each of which is a registered investment company, filed an application (File No. 812–1550) pursuant to section 2(a)(9) of the Investment Company Act of 1940 ("Act") for a determination that Bertin C. Gamble, Gamble-Skogmo, Inc. and the General Outdoor Advertising Company acting collectively (hereinafter referred to as "the Gamble Group") (1) control, or have acquired the power to exercise a controlling influence over the management or policies of Alleghany Corporation and of Investors Diversified Services, Inc., and/or (2) control, in concert with John D. Murchison, Clint W. Murchison, Jr., R. Walter Graham, Jr., Louis J. Kocurek, Frank E. McKinney, A. M. Sonnabend, Edgar T. Riggs, and Anthony A. Smith (hereinafter referred to as "the Murchison Group"), or have acquired the power in concert with members of the Murchison Group to exercise a controlling influence over the management or policies of Alleghany Corporation and of Investors Diversified Services, Inc.

The Commission, on January 2, 1963, issued a Notice of and Order for Hearing on the application filed by Randolph Phillips (File No. 812–1550) and fixed January 16, 1963, as the date for the commencement of the hearing on that application, which hearing is now in recess.

Notice is hereby given that Gamble-Skogmo, Inc. has filed an application (File No. 812–1553) pursuant to section 6(c) of the Act requesting, in reference to the application of Randolph Phillips, on behalf of itself and all other persons named in the application of Randolph Phillips, an exemption from that part of section 2(a)(9) of the Act which provides that if an application filed under section 2(a)(9) is not granted or denied by the Commission within 60 days after filing thereof, the determination sought by the application shall be deemed to have been temporarily granted pending final determination of the Commission thereon, such exemption to remain in effect until the Commission shall have determined all issues before it in the proceeding relating to the application of Randolph Phillips (File No. 812–1550).

All interested persons are referred to the application filed by Gamble-Skogmo, Inc., which is on file with the Commission for a complete statement of the averments set forth therein, some of which are indicated as follows:

The legal issues presented to the Commission by (1) the application of Randolph Phillips and (2) a motion filed by Gamble-Skogmo, Inc. to dismiss the application of Randolph Phillips, are novel and complex and will require more than the statutory period of 60 days for resolution. It is also averred that the presentation of evidence and the rendering of a decision by the Hearing Examiner and/or the Commission will necessarily require more than 60 days.

Notice is further given that Investors Diversified Services, Inc. ("IDS"), a registered investment company, investment adviser, and principal underwriter to Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund Inc., and Investors Variable Payment Fund, Inc., has filed an application (File No. 812–1558) pursuant to section 6(c) of the Act requesting, in reference to the application of Randolph Phillips, an exemption on behalf of itself, and of all other persons named in the application of Randolph Phillips, from that part of section 2(a)(9) of the Act which provides that if an application filed under Section 2(a)(9) is not granted or denied by the Commission within 60 days after filing thereof, the determination sought by the application shall be deemed to have been temporarily granted pending final determination of the Commission thereon, such exemption to remain in effect until such time as the application of Randolph Phillips has been finally determined by the Commission and by the courts in the event any petition for review is filed from the final order of the Commission.

All interested persons are referred to the application filed by IDS which is on file with the Commission for a complete statement of the averments set forth therein, some of which are indicated as follows:

The issues presented in the application filed by Randolph Phillips involve difficult and complex questions of law, particularly as to the jurisdiction of the Commission, which are of vital importance not only to each of the registered investment companies which has IDS as its adviser and principal underwriter and to the other persons named in the application but, as well, to many other investment companies, advisers, other persons subject to the provisions of the Act, and to the Commission. It is believed by IDS that for Randolph Phillips to support the determination sought by him it will be necessary that he produce many witnesses and introduce voluminous documents which will require an extended evidentiary hearing. IDS is informed that Randolph Phillips has served subpoenas on at least four persons, and has caused two subpoena duces tecum, calling for numerous categories of documents, to be issued and served, that other witnesses may be called; and, after the conclusion of the oral testimony, it is probable that the Commission's post-hearing procedure will be invoked. IDS suggests that, under the circumstances, the 60-day period will have run before the matters are at issue for determination by the Commission, as a consequence of which the status of the persons named in the application of Randolph Phillips will be undefined and uncertain and it will be prejudicial to the Commission to require it to determine the issues in the section 2(a)(9) proceeding within the 60 day period (which expires February 17, 1963) even if there is some remaining time available for the reason it will not have time properly to consider and rule upon the complex legal and factual issues which will be present.

It appears to the Commission that (1) the proceeding relating to the status of Gamble-Skogmo, Inc. filed in File No. 812–1553 and the proceeding relating to the application of IDS filed in File No. 812–1558 are ancillary to each other and to the proceeding relating to the application filed by Randolph Phillips in File No. 812–1550, (2) it would be conducive to the orderly determination of the issues in the three proceedings if such proceedings be consolidated, and (3) it is appropriate in the public interest that the issues in the proceeding relating to the application filed by Gamble-Skogmo, Inc. (File No. 812–1553) and the related application filed by IDS (File No. 812–1558) be presented and argued in accordance with the procedure set forth below.

It is therefore ordered, That the proceeding in File No. 812–1553 and the proceeding in File No. 812–1558 be, and the same hereby are, consolidated with each other and with the proceeding in File No. 812–1550.

It is further ordered, Pursuant to section 40(a) of the Act, that oral argument on the 6(c) application filed by Gamble-Skogmo, Inc. (File No. 812–1553) and on the application filed by IDS (File No. 812–1558) be held on the 31st day of January 1963, at 2:30 P.M., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., at which time the Hearing Room Clerk will advise as to the room in which such oral argument will be held.

It is further ordered, That, on or before January 25, 1963, Randolph Phillips, Investors Diversified Services, Inc., Alleghany Corporation, Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., Investors Variable Payment Fund, Inc., and such other persons as have been granted permission to participate in the proceeding at File No. 812–1550, and any other person desiring to be heard or otherwise wishing to participate in the proceeding at File No. 812–1553 and the proceeding at File No. 812–1558, may, if they deem it appropriate, file in accordance with the Commission's rules of practice, a brief setting forth reasons as to whether (1) it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and the provisions of the Act that IDS and the other persons named in the application of Randolph Phillips be exempt, pending the final determination by the Commission of the issues in the section 2(a)(9) proceeding (File No. 812–1550), and by the courts in the event a petition for review is filed from the final order of the Commission, from that provision of section 2(a)(9) of the Act which provides that, if an application filed thereunder is not granted or denied by the Commission within 60 days after filing thereof, the determination sought by the application shall be deemed to have been temporarily granted pending the final determination of the Commission thereon; and (2) if so, whether such exemption should be subject to any conditions or be limited to any extent.

It is further ordered, That at the same time as briefs are filed with this Commission, a copy of such brief be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon each of such other persons as have

been given permission to participate in the section 2(a)(9) proceeding and that proof of such service (by affidavit or in case of an attorney-at-law by certificate) be filed contemporaneously with the filing of the brief with this Commission.

It is further ordered, That the pendency of the section 6(c) proceedings and the action taken herein shall not interfere in any way with the orderly and expeditious conduct of the proceeding relating to the application of Randolph Phillips (File No. 812–1550).

It is further ordered, That the Secretary of the Commission shall give notice of this Notice and Order by mailing a copy by registered mail to Randolph Phillips, Gamble-Skogmo, Inc., Investors Diversified Services, Inc., General Outdoor Advertising Company, Bertin C. Gamble, Alleghany Corporation, Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund Inc., Investors Variable Payment Fund, Inc., John D. Murchison, Clint W. Murchison, Jr., R. Walter Graham, Jr., Louis J. Kocurek, Frank E. McKinney, A. M. Sonnabend, Edgar T. Rigg, and Anthony A. Smith; and that notice to all other persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases under the Act.

By the Commission.

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

[F.R. Doc. 63–712; Filed, Jan. 22, 1963; 8:48 a.m.]

[File Nos. 7–2247, 7–2248]

LABORATORY FOR ELECTRONICS, INC., AND CROWN ZELLERBACK CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 17, 1963.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Laboratory for Electronics, Incorporated, File 7–2247.
Crown Zellerback Corporation, File 7–2248.

Upon receipt of a request, on or before February 1, 1963, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

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

[F.R. Doc. 63–713; Filed, Jan. 22, 1963; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 503]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 18, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub-No. 15), filed December 3, 1962. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Organic plant foods and soil conditioners,* including the following: *Bone meal, cow manure, hydrated lime, peat moss, sheep manure, peat humus, rose food, vermiculite, sulphate of ammonia, super phosphate, muriate of potash, charcoal, aluminum sulphate, azalea food, cocoa bean hulls, wild bird food,* and *such commodities moving inbound as are used in the production and manufacture of the commodities heretofore listed as organic plant foods and soil conditioners,* serving Sheldon, Ill., as an off-route point in connection with applicant's presently authorized regular-route operations.

HEARING: March 5, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 730 (Sub-No. 219), filed January 7, 1963. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, and commodities in bulk); and *compressed gas* (other than liquefied petroleum gas) in shipper-owned compressed gas trailers, (1) over irregular routes, between intercontinental ballistic missile testing and launching sites, and supply points therefor, located in Weld, Washington, Lincoln, Gilpin, Jefferson, Adams, Morgan, Arapahoe, Elbert, Douglas, El Paso, Larimer, Teller, Park, Clear Creek, Boulder, and Logan Counties, Colo, Laramie, Platte, and Goshen Counties, Wyo., and Cheyenne, Kimball, Banner, and Scotts Bluff Counties, Nebr., and (2) over regular routes, serving intercontinental ballistic missile testing and launching sites, and supply points therefor, located in the above counties, as off-route points in connection with applicant's authorized regular-route operations.

NOTE: Applicant states that it is presently authorized in Sub-156, to serve the intercontinental ballistic missile testing and launching sites, and supply points therefor, located in all of the above counties, excepting Logan County, Colo., and Cheyenne, Banner, and Scotts Bluff Counties, Nebr. The purpose of this application is to add Logan County, Colo., and Cheyenne, Banner, and Scotts Bluff Counties, Nebr., and to permit service between all sites and supply points, in addition to serving them as off-route points. Applicant agrees that any duplication of authority with that presently held by it, shall not be construed as authorizing more than a single operating right.

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 2202 (Sub-No. 242), filed December 27, 1962. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron 10, 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 Fort Worth, Tex., and junction of Texas Highway 121, and U.S. Highway 75, from Forth Worth, over Texas Highway 121 to junction of Texas Highway 121 and U.S. Highway 75, and return over the same route serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Fort Worth, Tex., and Afton, Okla.

HEARING: March 7, 1963, at the Baker Hotel, Dallas, Tex., before Joint Board

No. 77, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 2900 (Sub-No. 109), filed November 9, 1962. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road (Post Office Box 2408), Jacksonville, Fla. Applicant's attorney: J. Edward Allen (same address as applicant) and Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B Explosives*. (1) Serving the site of the Gulf States Utilities Company plant, located approximately 7 miles southwest of Orange, Tex., near junction Texas Highway 87 and Texas Farm-to-Market Road 105, as an off-route point in connection with carrier's regular route operations between Houston, Tex., and New Orleans, La. (2) Serving the junction of U.S. Highway 71 and Louisiana Highway 10, at or near Lebeau, La., for purposes of joinder only in connection with carrier's regular route operations over U.S. Highway 71, between the junction of U.S. Highways 71 and 190, near Krotz Springs, La., on the one hand, and, on the other, the junction of U.S. Highways 71 and 165, north of Alexandria, La. (3) Between Birmingham, Ala., and New Orleans, La., serving all intermediate points, and the site of the United States Navy Jet Air Base near Meridian, Miss., as an off-route point, as follows: From Birmingham over U.S. Highway 11 via Laurel, Miss., to junction U.S. Highway 90, thence over U.S. Highway 90 to New Orleans, and return over the same route. (4) Between Meridian, Miss., and Jackson, Miss., serving all intermediate points, and the site of the United States Navy Jet Air Base near Meridian as an off-route point as follows: From Meridian over U.S. Highway 80 via Newton, Miss., to Jackson, and return over the same route.

(5) Between Newton, Miss., and Laurel, Miss., serving no intermediate points, as follows: From Newton over Mississippi Highway 15 to Laurel, and return over the same route. (6) Between Jackson, Miss., and New Orleans, La., serving all intermediate points, and the off-route points of Vicksburg, Miss., and Baton Rouge, Church Point, Opelousas, and St. Martinville, La., without restriction; and points within one mile of Jackson, Miss., restricted to pickup and delivery of *glass containers* only, as follows: From Jackson over U.S. Highway 51 via McComb, Miss., and Hammond, La., to Laplace, La., thence over U.S. Highway 61 to junction Lousiana Highway 48, thence over Louisiana Highway 48 via Sellers, St. Rose, and Kenner, La., to New Orleans, and return over the same route. (7) Between Vicksburg, Miss., and Tallulah, La., serving the intermediate points of Delta and Mound, La., as follows: From Vicksburg over U. S. Highway 80 to Tallulah, and return over the same route. (8) Between Larose, La., and Plaquemine, La., serving all intermediate points, and off-route points within 7 miles of the following specified routes, as follows: From Larose over Louisiana Highway 308 to Donaldsonville, La., thence over unnumbered highway to Plaquemine, and return over the same route. From Larose over Louisiana Highway 24 to junction Louisiana Highway 1, thence over Louisiana Highway 1 to Plaquemine, and return over the same route. (9) Between Thibodaux, La., and Montegut, La., serving all intermediate points, and off-route points within 7 miles of the following specified route, as follows: From Thibodaux over Louisiana Highway 24 to Houma, La., thence over Louisiana Highway 55 to Montegut, and return over the same route.

(10) Between Houma, La., and Chauvin, La., serving all intermediate points, and off-route points within seven miles of the following specified route, as follows: From Houma over Louisiana Highway 56 to Chauvin, and return over the same route. (11) Between Houma, La., and Dulac, La., serving all intermediate points, and off-route points within seven miles of the following specified route, as follows: From Houma over Louisiana Highway 57 to Dulac, and return over the same route. (12) Between Scotlandville, La., and Baton Rouge, La., serving all intermediate points, as follows: From Scotlandville over U.S. Highway 61 to Baton Rouge, and return over the same route. (13) Between Lake Charles, La., and Monroe, La., serving all intermediate points, and the off-route points of Camp Livingston, La., Unatex, La., the sites of the Alexandria, La., Air Force Base and the Alexandria, La., Municipal Airport, and those within a radius of 12 miles of Lake Charles, as follows: From Lake Charles over U.S. Highway 90 to Iowa, La., thence over U.S. Highway 165 via Alexandria, La., to Monroe, and return over the same route. (14) Between Shreveport, La., and Tallulah, La., serving all intermediate points, and the off-route points in the Shreveport, La., Commercial Zone, as defined by the Commission, as follows: From Shreveport over U.S. Highway 80 via Delhi, La., to Tallulah, and return over the same route.

(15) Between Baton Rouge, La., and junction U.S. Highways 71 and 165, north of Alexandria, La., serving no intermediate points, with service restricted to traffic moving to or from points on U.S. Highway 165 north of Alexandria, as follows: From Baton Rouge over unnumbered highway via Port Allen, La., to junction U.S. Highway 190, thence over U.S. Highway 190 to junction U.S. Highway 71, approximately 3 miles west of Krotz Springs, La., thence over U.S. Highway 71 to junction U.S. Highway 165, and return over the same route. (16) Between Jeanerette, La., and Weeks Island, La., serving all intermediate points, as follows: From Jeanerette over U.S. Highway 90 to Sorrell, La., thence over Louisiana Highway 318 to junction Louisiana Highway 83, thence over Louisiana Highway 83 to Weeks Island, and return over the same route. (17) Between Boutte, La., and the Huey P. Long Bridge, near New Orleans, La., serving all intermediate points, as follows: From Boutte over U.S. Highway 90 to the Huey P. Long Bridge, and return over the same route. (18) Between junction Louisiana Highways 14 and 445, approximately 2 miles south of New Iberia, La., and the mainland side of the bridge to Avery Island, La., serving no intermediate points, as follows: From junction Louisiana Highways 14 and 445 over Louisiana Highway 445 to the mainland side of the bridge to Avery Island, and return over the same route. (19) Between Baton Rouge, La., and the site of the U.S. Army Holding and Reconsignment Center near Sharp, La., serving no intermediate points, as follows: From Baton Rouge over U.S. Highway 190 to junction unnumbered highway, thence over unnumbered highway to the site of the U.S. Army Holding and Reconsignment Center, and return over the same route.

(20) Between Lebeau, La., and Opelousas, La., serving no intermediate points, as follows: From Lebeau over Louisiana Highway 10 to junction U.S. Highway 167, thence over U.S. Highway 167 to Opelousas, and return over the same route. (21) Between Lafayette, La., and Abbeville, La., serving no intermediate points, as follows: From Lafayette over U.S. Highway 167 to Abbeville, and return over the same route. (22) Between Kinder, La., and Eunice, La., serving no intermediate points, as follows: From Kinder over U.S. Highway 190 to Eunice, and return over the same route. (23) Serving points in that part of Texas bounded by a line beginning at Port Arthur, Tex., and extending along U.S. Highway 69 to junction southeastern city limits of Beaumont, Tex., thence along the eastern city limits of Beaumont to the Neches River, thence along the Neches River to junction Texas Highway 87, and thence along Texas Highway 87 to the point of beginning, as off-route points in connection with carrier's regular route operations. (24) Serving the site of the plant of E. I. Du Pont De Nemours & Co., Inc., located approximately two miles south of Orange, Tex., and Camp Wallace, Tex., as off-route points in connection with carrier's regular route operations.

(25) Between Houston, Tex., and New Orleans, La., serving all intermediate points, and off-route points within 7 miles of New Orleans, those within 7 miles of Morgan City, La., all other off-route points within 7 miles of U.S. Highway 90 between New Orleans and Morgan City, the site of the Cabot Carbon Company plant located approximately 8 miles south of Centerville, La., and Unatex, La., located approximately 6 miles west of Eunice, La., and 1 mile south of U.S. Highway 190, as follows: From Houston over U.S. Highway 90 via Beaumont, Tex., and New Iberia, La., to Boutte, La., thence over unnumbered highway to Luling, La., thence over Louisiana Highway 18 via Ama, Waggaman, Westwego, and Harvey, La., to Gretna, La., thence over Louisiana Highway 23 to New Orleans, and return over the same route. From Houston over U.S. Highway 90 to Jennings, La., thence over Louisiana Highway 26 to junction Louisiana Highway 14, thence over Louisiana Highway 14 to junction U.S. Highway 90, thence over U.S. Highway 90 to Boutte, La., thence to New Orleans as specified above, and return over the same route. From Houston over U.S. Highway 90 to Crowley, La., thence over Louisiana

Highway 13 to Eunice, La., thence over U.S. Highway 190 via Opelousas, La., to Lobdell, La., thence over Louisiana Highway 415 to junction Louisiana Highway 76, thence over Louisiana Highway 76 to Port Allen, La., thence by ferry across the Mississippi River to Baton Rouge, La. (also from junction U.S. Highway 190 and Louisiana Highway 415 near Lobdell, La., over U.S. Highway 190 to junction U.S. Highway 61, thence over U.S. Highway 61 to Baton Rouge), thence over U.S. Highway 61 to New Orleans, and return over the same routes. From Houston over U.S. Highway 90 to Lafayette, La., thence over U.S. Highway 167 via Carencro and Sunset, La., to Opelousas, La., thence to New Orleans as specified above, and return over the same route. From Houston over U.S. Highway 90 to Lafayette, La., thence over Louisiana Highway 94 to Breaux Bridge, La., thence over Louisiana Highway 31 to New Iberia, La., thence to New Orleans as specified above, and return over the same route.

(26) Between Orange, Tex., and Galveston, Tex., serving all intermediate points, as follows: From Orange over Texas Highway 87 to Galveston, and return over the same route. From Orange over Texas Highway 87 to Port Arthur, Tex., thence over Texas Highway 347 via Nederland, Tex., to junction U.S. Highway 69, thence over U.S. Highway 69 to Beaumont, Tex., thence over Texas Highway 105 via Sourlake, Tex., to junction Texas Highway 770, thence over Texas Highway 770 via Saratoga, and Hull, Tex., to junction U.S. Highway 90, thence over U.S. Highway 90 to Devers, Tex., thence over Texas Highway 61 to junction Texas Highway 731 (formerly Texas Highway 73T), thence over Texas Highway 731 to Stowell, Tex. (also from Beaumont over Texas Highway 124 to Stowell), thence over Texas Highway 124 to junction Texas Highway 87, thence over Texas Highway 87 to Galveston, and return over the same routes. (27) Between Galveston, Tex., and Houston, Tex., serving all intermediate points, as follows: From Galveston over U.S. Highway 75 to junction Texas Highway 146, thence over Texas Highway 146 to Texas City, Tex., thence over unnumbered highway to La Marque, Tex., thence over Texas Highway 3 to Houston, and return over the same route. (28) Between Port Arthur, Tex., and Orange, Tex., serving no intermediate points, as follows: From Port Arthur over Texas Highway 87 to Orange, and return over the same route. (29) Serving points in Texas within 9 miles of Houston, Tex., in connection with carrier's regular-route operations.

(30) Between Jackson, Miss., and Greenville, Miss., serving all intermediate points, and the off-route points of Belzoni, Carthage, Inverness, Isola, Kosciusko, Midnight, and Silver City, Miss., as follows: From Jackson over U.S. Highway 51 to Durant, Miss., thence over Mississippi Highway 12 to Tchula, Miss., thence over U.S. Highway 49E to Greenwood, Miss., thence over U.S. Highway 82 to Greenville; and return from Greenville over U.S. Highway 82 to Leland, Miss., thence over U.S. Highway 61 to Anquilla, Miss., thence over Mississippi Highway 14 to junction U.S. Highway 49W, thence over U.S. Highway 49W to Yazoo City, Miss., and thence over U.S. Highway 49 to Jackson. (31) Serving the site of the Columbian Carbon Company, situated approximately 8 miles south of Centerville, La., near Louisiana Highway 317, as an off-route point in connection with carrier's regular route operations over U.S. Highway 90, restricted against transportation of all shipments moving to New Orleans, La., either for export or for interchange at any point in the commercial zone thereof. (32) Between Jackson, Miss., and New Orleans, La., serving no intermediate points, as follows: From Jackson over U.S. Highway 49 to junction Mississippi Highway 13, thence over Mississippi Highway 13 to junction Mississippi Highway 35, thence over Mississippi Highway 35 to the Mississippi-Louisiana State line, thence over Louisiana Highway 21 to junction Louisiana Highway 41, thence over Louisiana Highway 41 to junction U.S. Highway 11 at Pearl River, La., thence over U.S. Highway 11 to junction U.S. Highway 90, thence over U.S. Highway 90 to New Orleans, and return over the same route. (33) Between junction U.S. Highway 11 and Mississippi Highway 43, near Santa Rosa, Miss., and junction U.S. Highway 190 and U.S. Highway 11, near Slidell, La., serving no intermediate points, as follows: From junction U.S. Highway 11 and Mississippi Highway 43 over Mississippi Highway 43 to junction Mississippi Highway 604, thence over Mississippi Highway 604 to Pearlington, Miss., thence over U.S. Highway 90 to junction U.S. Highway 190, thence over U.S. Highway 190 to junction U.S. Highway 11, and return over the same route. (34) Between Baton Rouge, La., and Hammond, La., serving no intermediate points, as follows: From Baton Rouge over U.S. Highway 190 to Hammond, and return over the same route.

(35) Between Hammond, La., and Poplarville, Miss., serving no intermediate points, as follows: From Hammond over U.S. Highway 190 to Covington, La., thence over Louisiana Highway 21 to Bogalusa, La., thence over Louisiana Highway 10 to the Louisiana-Mississippi State line, thence over Mississippi Highway 26 to Poplarville, Miss., and return over the same route. (36) Between Houston, Tex., and junction Interstate Highway 10 and Texas Highway 61, serving no intermediate points, as follows: From Houston over Interstate Highway 10 to junction Texas Highway 61, and return over the same route. (37) Between junction Texas Highway 61 and Interstate Highway 10, and Port Arthur, Tex., serving no intermediate points, except the junction of Texas Highways 73 and 124 for purpose of joinder only, as follows: From junction Interstate Highway 10 and Texas Highway 61, over Interstate Highway 10 to junction Texas Highway 73, thence over Texas Highway 73 to Port Arthur, and return over the same route. (38) Between junction Texas Highway 235 and U.S. Highway 90, near Vidor, Tex., and Kinder, La., serving no intermediate points, as follows: From junction Texas Highway 235 and U.S. Highway 90 over Texas Highway 235 to the Texas-Lousiana State line, thence over Louisiana Highway 12 to junction U.S. Highway 190, and thence over U.S. Highway 190 to Kinder, and return over the same route. (39) Between Liberty, Tex., on the one hand, and, on the other, Hardin, Tex., and points within 5 miles of Hardin. (40) Between points within 5 miles of Sulphur, La., including Sulphur. (41) Between points within 9 miles of Jennings, La., including Jennings. (42) Between points within 9 miles of Crowley, La., including Crowley. (43) Between points within 5 miles of Jeanerette, La., including Jeanerette.

NOTE: Applicant states it presently holds authority to transport general commodities with certain exceptions over all of the routes herein described. The purpose of this application is to extend the commodity description in applicant's present authority as set forth in Docket No. MC 2900 Sub 106 to include Classes A and B explosives.

HEARING: March 7, 1963, at the Federal Building and U.S. Court House, 515 Rusk Street, Houston, Tex., before Examiner John B. Mealy.

No. MC 6264 (Sub-No. 7), filed November 19, 1962. Applicant: LEWIS W. GROOM, doing business as L. & N. TRANSFER, Route No. 1, Casseville, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over *regular routes,* transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dubuque, Iowa, and points in Wisconsin, in a circuitous manner as follows: (a) from Dubuque over U.S. Highway 61 to junction Wisconsin Highway 133; thence over Wisconsin Highway 133 to junction County Highway V; thence over County Highway V to Glen Haven, Wis. From Glen Haven to junction County Highway VV; thence over County Highway VV to junction County Highway A; thence over County Highway A to junction County Highway X; thence over County Highway X to junction County Highway P; thence over County Highway P to junction U.S. Highway 18; thence over U.S. Highway 18 to junction Wisconsin Highway 35; thence over Wisconsin Highway 35 to Patch Grove, Wis. Return over Wisconsin Highway 35 to junction U.S. Highway 18; thence over U.S. Highway 18 to Mount Ida, Wis. Return over U.S. Highway 18 to junction Wisconsin Highway 132; thence over Wisconsin Highway 132 to Woodman, Wis. Return over Wisconsin Highway 132 to junction U.S. Highway 18; thence over U.S. Highway 18 to junction County Highway J; thence over County Highway J to junction County Highway A; thence over County Highway A to junction Wisconsin Highway 35; thence over Wisconsin Highway 35 to junction County Highway U; thence over County Highway U to junction Wisconsin Highway 81; thence over Wisconsin Highway 81 to junction Wisconsin Highway 133; thence over Wisconsin Highway 133 to junction U.S. Highway 61; thence over

U.S. Highway 61 to Dubuque, Iowa; and (b) from Dubuque over U.S. Highway 151 to junction Wisconsin Highway 80; thence over Wisconsin Highway 80 to junction County Highway A; thence over County Highway A to junction County Highway E; thence over County Highway E to Livingston, Wis. Return over County Highway E to junction County Highway X; thence over County Highway X to junction Wisconsin Highway 39; thence over Wisconsin Highway 39 to junction U.S. Highway 18; thence over U.S. Highway 18 to Fennimore, Wis. Return on U.S. Highway 18 to junction County Highway F; thence over County Highway F to junction County Highway E; thence over County Highway E to junction U.S. Highway 61; thence over U.S. Highway 61 to junction Wisconsin Highway 81; thence over Wisconsin Highway 81 to junction Wisconsin Highway 133; thence over Wisconsin Highway 133 to junction U.S. Highway 61; thence over U.S. Highway 61 to Dubuque, Iowa, serving all intermediate points on the above-described highways.

HEARING: February 27, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 8544 (Sub-No. 19), filed October 26, 1962. Applicant: GALVESTON TRUCK LINE, a corporation, 6844 Navigation Boulevard, Houston 11, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used accounting and bookkeeping machines*, and *empty wooden boxes*, from Oklahoma City, Okla., Tulsa, Okla., Joplin, Mo., Springfield, Mo., and points in Texas on and east of a line beginning at the boundary of the United States and Mexico near Del Rio, Tex., and extending along U.S. Highway 277 to Abilene, Tex., and thence along U.S. Highway 83 to the Texas-Oklahoma State line, to Dayton, Ohio.

NOTE: Applicant has pending contract carrier application under MC 124889, therefore, dual operations may be involved.

HEARING: March 6, 1963, at the Federal Building and U.S. Court House, 515 Rusk Street, Houston, Tex., before Examiner John B. Mealy.

No. MC 9942 (Sub-No. 15), filed August 27, 1962. Applicant: HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, from points in Kankakee County, Ill., to points in Indiana, Wisconsin, Nebraska, Iowa, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia, North Dakota, South Dakota, and Minnesota, and (2) *general commodities* (except those of unusual value, dangerous explosives, livestock, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), from points in the destination states described in (1), to points in Kankakee County, Ill.

HEARING: February 21, 1963, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Jerry F. Laughlin.

No. MC 10761 (Sub-No. 132), filed January 4, 1963. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210—12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Cattaraugus County, N.Y., as off-route points in connection with applicant's presently authorized regular-route operations.

HEARING: March 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Louis G. LaVecchia.

No. MC 11207 (Sub-No. 209), filed December 11, 1962. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, *over irregular routes*, transporting: (1) *Building board, insulation board, fibreboard, pulpboard, wallboard, and parts, materials, and accessories, incidental to the transportation and installation thereof*, from New Orleans, La., Armant Station, La., Mobile, Ala., and Florence, Ky., to points in Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, Tennessee, Kentucky, North Carolina, South Carolina, and Virginia, Cairo and Metropolis, Ill., Clarkville, Evansville, Jeffersonville, and New Albany, Ind., Cincinnati, Cleves, Springdale, New Richmond, Lockland, Neville, Higginsport, Ripley, Aberdeen, Manchester, Stout Dam, Portsmouth, New Boston, Wheelersburg, Ironton, and Chesapeake, Ohio, and to those points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 60 to Lewisburg, Ky., thence over U.S. Highway 219 to Marlinton, W. Va., thence over West Virginia Highway 39 to the West Virginia-Virginia State line, and (2) *materials, supplies, and equipment, used in the production*, of the commodities specified above, on return.

HEARING: March 4, 1963, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner John B. Mealy.

No. MC 22604 (Sub-No. 1), filed December 4, 1962. Applicant: FRANK LUNDY, doing business as THE FRANK LUNDY TRUCKING CO., 83–36 Talbot Street, Kew Gardens, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel mill products, scrap alloys, and magnets, and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Caldwell and Harrison, N.J., and Mineola, N.Y., on the one hand, and, on the other, points in New York and New Jersey within 20 miles of New York, N.Y.

HEARING: March 1, 1963, at 346 Broadway, New York, N.Y., before Examiner Harry M. Shooman.

No. MC 28478 (Sub-No. 21), filed October 8, 1962. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), from Grand Rapids, Mich., over Michigan Highway 37, to Battle Creek, Mich., and return over the same route, serving only those intermediate points otherwise authorized to be served.

HEARING: March 7, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 28675 (Sub-No. 6), filed August 27, 1962. Applicant: W. FORD JOHNSON CARTAGE, INC., 3755 Central Avenue, Detroit 10, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points within five (5) miles of Howell, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Howell.

HEARING: March 8, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 29120 (Sub-No. 62), filed November 16, 1962. Applicant: WILSON STORAGE AND TRANSFER CO., a corporation, 1500 "1" Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Carol Stream, Ill., as an off-route point in connection with applicant authorized regular route operations.

HEARING: March 5, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 30844 (Sub-No. 84) filed October 8, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles*

distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (1) between points in Iowa and Omaha, Nebr., on the one hand, and, on the other, Baltimore, Md., Wilmington, Del., Boston, Mass., Newark, N.J., New York, N.Y., Norfolk, Va., Omaha, Nebr., and Philadelphia, Pa., and (2) from points in Iowa and Omaha, Nebr., to points in Colorado, Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: February 25, 1963, at Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 42343 (Sub-No. 12), filed January 15, 1963. Applicant: MACHISE EXPRESS COMPANY, INC., 500 North Egg Harbor Road, Hammonton, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 16, N.Y. 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 Avisun Corporation at or near New Castle, Del., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved.

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

No. MC 42963 (Sub-No. 16), filed November 23, 1962. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* from St. Louis, Mo., and points in St. Louis County, Mo., to points in Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states duplication of present authority to be eliminated.

HEARING: March 4, 1963, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 50069 (Sub-No. 263), filed October 29, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products,* from St. Clair, Mich., to Toledo, Ohio.

HEARING: March 12, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 52054 (Sub-No. 22), filed November 29, 1962. Applicant: S. & C. TRANSPORT COMPANY, INC., 65 State Street, South Hutchinson, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass, glass jars and glass containers,* from Okmulgee and Muskogee, Okla., to Hutchinson, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities, on return.

HEARING: March 22, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 39.

No. MC 59264 (Sub-No. 30), filed November 16, 1962. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Solvents, dyes and paste* (for use in the manufacture of printing ink), in bulk, in tank vehicles, from Monmouth Junction, N.J., to Philadelphia, Pa., and New York, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 25, 1963, at 346 Broadway, New York, N.Y., before Examiner Harry M. Shooman.

No. MC 61396 (Sub-No. 91), filed September 24, 1962. Applicant: HERMAN BROS., INC., 2501 North 11th, Omaha, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Flour,* in bulk, in pneumatic vehicles, from Omaha and Fremont, Nebr., to points in Iowa, Indiana, and South Dakota, and *returned and rejected shipments,* on return.

HEARING: March 6, 1963, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Jerry F. Laughlin.

No. MC 65920 (Sub-No. 3), filed October 29, 1962. Applicant: PETER BISHOP, WILLIAM BISHOP, AND HATTIE BISHOP, a partnership, doing business as BISHOP MOTOR EXPRESS, 607 Century Avenue SW., Grand Rapids, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods (when transported as a separate and distinct service in connection with so-called household movings), commodities in bulk, and commodities requiring special equipment), from the intersection of Interstate Highway 196 and 68th Avenue in Michigan, over 68th Avenue to Eastmanville, Mich., and return over the same route, serving no intermediate points.

HEARING: March 7, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 68100 (Sub-No. 14), filed November 13, 1962. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Box 1250, Bartlesville, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Well-pumping units,* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *materials, equipment, and supplies* used in the installation, operation, and maintenance of such units, between Bartlesville, Okla., on the one hand, and, on the other, points in California.

NOTE: Applicant states the authority granted herein is restricted against tacking or joinder with any other operating rights now held for the purpose of rendering a through service.

HEARING: February 28, 1963, at the Mayo Hotel, Tulsa, Okla., before Examiner C. Evans Brooks.

No. MC 83539 (Sub-No. 90), filed October 8, 1962. Applicant: C. & H. TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O., Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of their size or weight, requires the use of special equipment, and *parts thereof* when moving in connection with such commodities, (A) between points in Colorado, on the one hand, and, on the other, points in Kansas, and (B) between points in Nebraska, on the one hand, and, on the other, points in Kansas, Louisiana, Oklahoma and Texas.

NOTE: Applicant states contingent upon approval and granting of this application, it will request cancellation of the following certificates simultaneously with the issuance of a certificate including all of the above requested operating rights: (1) Certificate MC 83539, Sub 12 (in part) to the extent that it presently authorizes transportation namely: *Commodities,* the transportation of which because of their size or weight, requires the use of special equipment, and *parts thereof* when moving in connection with such commodities, over irregular routes between Wichita, Kans., on the one hand, and, on the other, points in Nebraska and Colorado. (2) Certificate MC 83539, Sub 13 (in part), to the extent that it presently authorizes transportation namely: *Commodities* which because of size or weight require the use of special equipment, and *parts thereof* when moved in connection with such commodities, between points in that part of Texas on and north of U.S. Highway 80 from the Texas-Louisiana State line through Marshall, Dallas and Fort Worth to Mineral Wells, Tex., and on and east of U.S. Highway 281 from Mineral Wells through Wichita Falls to the Texas-Oklahoma State line, on the one hand, and, on the other, points in Nebraska. This application is a gateway removal. The authority sought herein duplicates the rights specified in Notes (1) and (2) supra, and additionally proposes elimination of Wichita, Kans., or the northeastern portion of Texas as gateways in through service between the points herein proposed to be served. An additional purpose of the application is to obtain a more simplified operating authority. A grant of this application and a simultaneous cancellation of applicant's presently held certificates to the extent specified in Notes (1) and (2) above will not result in any duplication of operating rights.

HEARING: February 25, 1963, at the Mayo Hotel, Tulsa, Okla., before Examiner C. Evans Brooks.

No. MC 89723 (Sub-No. 30), filed December 20, 1962. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, Room 1151, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (including express, baggage, and mail in auxiliary or supplemental service* of the Missouri Pacific Railroad), between Stockton, Kans., and Glade, Kans., from Stockton, over U.S. Highway 183, to Glade, and return over the same route, serving no intermediate points.

NOTE: Common control may be involved.

HEARING: March 26, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 94121 (Sub-No. 1), filed December 3, 1962. Applicant: HARRY BROWN, doing business as BROWN AND SON, Apartment D521, Presidential Apartments, City Line and Presidential Boulevard, Philadelphia 31, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, Pennsylvania Boulevard at 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Box board paper*, on skids and pallets, from Philadelphia, Pa., to Egg Harbor, Metuchen, and Millville, N.J.

HEARING: February 28, 1963, at Room 321–B, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Theodore M. Tahan.

No. MC 95540 (Sub-No. 473), filed October 24, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meatpacking houses*, as described by the Commission, and *frozen foods*, (1) between points in Iowa and Omaha, Nebr., on the one hand, and, on the other, Baltimore, Md., Boston, Mass., Newark, N.J., New York, N.Y., Norfolk, Va., Omaha, Nebr., Philadelphia, Pa., and Wilmington, Del., and (2) from points in Iowa and Omaha, Nebr., to points in Colorado, Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia.

HEARING: March 7, 1963, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Jerry F. Laughlin.

No. MC 95540 (Sub-No. 482), filed November 21, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by packinghouses*, as described in Parts A and C *Appendix 1* 61 M.C.C. 209, from Harlan, Iowa, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina.

HEARING: March 1, 1963, at Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 95813 (Sub-No. 12), filed December 19, 1962. Applicant: T. LEROY KOSER, doing business as KOSER TRUCKING, R.D. No. 1, Dillsburg, Pa. Applicant's representative: John W. Frame, 2207 Old Gettysburg Road, Camp Hill, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, siding, shingles, wallboard, and materials and supplies* used in the installation of said commodities, and *paper carpet lining, paint, and expansion paving joints and plaster, plaster products, and materials and supplies* used in the installation of said commodities, from Akron, N.Y., to Baltimore, Md., and *empty containers of other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: March 4, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Theodore M. Tahan.

No. MC 103435 (Sub-No. 132), filed December 18, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Williston, N. Dak., and Glasgow, Mont., from Williston over U.S. Highway 2 to Glasgow, and return over the same route, serving all intermediate points.

HEARING: March 5, 1963, at the Court House, Glasgow, Mont., before Joint Board No. 84.

No. MC 105461 (Sub-No. 49), filed January 2, 1963. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing enamelware, laundry tubs*, and *plumbing equipment, parts and fittings*, from Monaca, Pa., to points in Suffolk and Nassau Counties, N.Y. (excluding points in the New York, N.Y., Commercial Zone).

HEARING: February 28, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 106233 (Sub-No. 10) (AMENDMENT), filed September 28, 1962, published in FEDERAL REGISTER of October 24, 1962, amended December 11, 1962, and republished, as amended, this issue. Applicant: GORDON HART, doing business as GORDON HART TRUCK LINE, Dexter, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment and commodities which are injurious or contaminating to other lading), between points in the St. Louis, Mo., Commercial Zone and Poplar Bluff, Mo.; from St. Louis over U.S. Highway 67, to Poplar Bluff, and return over the same route, as an alternate route for operating convenience only.

HEARING: March 8, 1963, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 106400 (Sub-No. 41), filed November 19, 1962. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling Street, Sugar Creek, Mo. Applicant's attorney: Erle W. Francis, Veterans of Foreign Wars Building, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, and in bags, from Olathe, Kans., and points within five (5) miles thereof, to points in Missouri, and *damaged and rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: March 26, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 106603 (Sub-No. 67), filed August 10, 1962. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures*, in mixed loads with salt, from Rittman, Ohio, to points in Michigan.

HEARING: March 11, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 106965 (Sub-No. 199) (AMENDMENT), filed December 26, 1962, published FEDERAL REGISTER issue of January 9, 1963, amended January 15, 1963, and republished as amended this issue. 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: *Kyanite*, dry, in bulk, from points in Prince Edward and Buckingham Counties, Va., to points in Delaware, Maryland, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.), New York, North Carolina, Ohio, West Virginia, and Pennsylvania.

NOTE: Common control may be involved. The purpose of this republication is to include Pennsylvania as a destination State.

HEARING: Remains as assigned February 11, 1963, at the Offices of the Interstate Commerce Commission, Wash-

ington, D.C., before Examiner Leo A. Riegel.

No. MC 107496 (Sub-No. 263), filed October 17, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk and in bags, from Olathe, Kans., and points within five (5) miles thereof, to points in Missouri.

NOTE: Common control may be involved.

HEARING: March 15, 1963, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 107500 (Sub-No. 69), filed November 28, 1962. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: Thomas J. Houser, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious to other lading) and *refused and rejected shipments*, serving minuteman missile launching sites, control points, supply points, warehouses and supply dumps located, or to be located, within Laramie, Goshen, and Platte Counties, Wyo.; Weld and Logan Counties, Colo., and Scottsbluff, Banner, Kimball, and Cheyenne Counties, Nebr., as off-route points in connection with applicant's regular-route operations to and from Cheyenne, Wyo.

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 107515 (Sub-No. 413), filed October 11, 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: *Confectionary*, in vehicles equipped with mechanical refrigeration, from Fort Worth, Tex., to points in Ohio and Indiana.

NOTE: Applicant states "J. L. Lawhon, President of Refrigerated Transport Co., Inc., and owner of one-half of the stock holds permits as a contract carrier (MC–104589 Subs 5, 7, 10, 13, 17), which authorize the transportation of carbonated beverages. None of his shippers can be shippers of Refrigerated Transport Co., Inc. The Commission repeatedly has authorized the dual authority."

HEARING: March 5, 1963, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks.

No. MC 108207 (Sub-No. 104), filed October 11, 1962. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Springdale, Ark., to points in Texas.

HEARING: March 4, 1963, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks.

No. MC 108375 (Sub-No. 19), filed September 17, 1962. Applicant: LeROY L. WADE & SON, INC., 1615 Izard Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and *related machinery and machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities, the transportation of which, by their size or weight, requires special equipment, between points in Nebraska, Iowa, Missouri, Kansas, and South Dakota. Restriction: "Carrier shall not transport (1) any shipments which originate at St. Louis or Kansas City, Mo., and which are destined to any points in Missouri, Kansas, or Iowa, and (2) any shipments which originate at any point in Iowa, Missouri, and Kansas and which are destined to St. Louis or Kansas City, Mo."

NOTE: Applicant now holds authority to transport "commodities" the transportation of which, because of their size or weight, requires the use of special equipment, and related contractors' materials and supplies when their transportation is incidental, etc." subject to the stated restriction. The purpose of this application is to add "related machinery and machinery parts" to the existing service in the same states, and subject to the same restriction.

HEARING: March 4, 1963, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Jerry F. Laughlin.

No. MC 108428 (Sub-No. 12), filed December 3, 1962. Applicant: DINO D'AGATA, Northeast Corner 25th and Dickinson Streets, Philadelphia, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Philadelphia and Norristown, Pa., to points in Massachusetts, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: February 28, 1963, at Room 321–B, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Theodore M. Tahan.

No. MC 111014 (Sub-No. 2), filed November 9, 1962. Applicant: LAWRENCE TRANSFER & STORAGE CO., INC., 609 Massachusetts Street, Lawrence, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Pulpboard, fiberboard, wastepaper, paper boxes and equipment and supplies*, used in the manufacture and production of paper, pulpboard, fiberboard, and paper boxes, between Lawrence, Kans., and Blue Springs, Mo., from Lawrence, over U.S. Highway 40, to Blue Springs, and return over the same route, serving no intermediate points, but serving off-route points in Missouri within 3 miles of Kansas City, Mo.

NOTE: Common control may be involved.

HEARING: March 18, 1963, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 111138 (Sub-No. 31), filed October 22, 1962. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., P.O. Box 459, Storm Lake, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 761, from Spencer, Iowa, to Chicago, Ill., and the Chicago, Ill., commercial zone, and to Omaha, Nebr., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: March 5, 1963, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Jerry F. Laughlin.

No. MC 111307 (Sub-No. 4), filed November 8, 1962. Applicant: THE OVERLAND EXPRESS, LIMITED, R.R. No. 4, Woodstock, Ontario, Canada. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the port of entry on the International Boundary line between the United States and Canada at Sarnia, Ontario-Port Huron, Mich., on the one hand, and, on the other, Detroit, Mich., and points in the United States within 5 miles thereof, over U.S. Highway 25, and return over the same route, as an alternate route for operating convenience on traffic moving from and to points in Canada.

HEARING: March 15, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 163.

No. MC 111687 (Sub-No. 7), filed October 19, 1962. Applicant: BENJAMIN H. RUEGSEGGER, Route No. 1, Kawkawlin, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and empty used malt beverage containers and other such incidental facilities* (not specified) used in transporting the above described commodities, between South Bend, Ind., on the one hand, and, on the other, Bay City, Midland, Saginaw, and Caro, Mich.

HEARING: March 12, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 23.

No. MC 111687 (Sub-No. 8), filed November 2, 1962. Applicant: BENJAMIN H. RUEGSEGGER, Route 1, Kawkawlin, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream, mix, milk, novelties, bars, cups, sandwiches, cake rolls, pies, ice milk, sherbert, water ices, and vegetable fat frozen desserts*, in containers, *including water ice bars, fudge bars, and articles of a like nature*, in containers, in vehicles equipped with temperature control devices, and (2) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) above, between Huntington and Fort Wayne, Ind., on the one hand, and, on the other, Toledo, Ohio, Detroit, Kalamazoo, and Pontiac, Mich.

HEARING: March 14, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 112148 (Sub-No. 23), filed November 14, 1962. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carrollton, Macon, Marshall, Milan, and Moberly, Mo., to points in Iowa, Nebraska, Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsular of Michigan.

HEARING: February 28, 1963, at Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 112223 (Sub-No. 61), filed December 20, 1962. Applicant: QUICKIE TRANSPORT COMPANY, 501 11th Avenue South, Minneapolis, Minn. Applicant's attorney: Earl Hacking, 503 11th Avenue South, Minneapolis 4, 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, points in the Chicago Commercial Zone, and Commercial Zone of Kansas City, Mo., (2) *hexane*, in bulk, from points in the Chicago Commercial Zone, and Lemont, Ill., to the plant site of the Honeymead Products Company located at Mankato, Minn., and the plant site of the Minnesota Linseed Oil Company, located in Minneapolis, Minn., and (3) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) and (2) above, on return.

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

No. MC 112822 (Sub-No. 36), filed December 31, 1962. Applicant: EARL BRAY, INC., P.O. Box 910 (Linwood and North Streets), Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from Barnsdall and Stroud, Okla., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, and Wisconsin.

NOTE: Common control may be involved.

HEARING: March 1, 1963, at the Mayo Hotel, Tulsa, Okla., before Examiner C. Evans Brooks.

No. MC 112822 (Sub-No. 37), filed December 31, 1962. Applicant: EARL BRAY, INC., P.O. Box 910, Linwood and North Streets, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, in bags and in bulk, from Webb City, Mo., including points within ten (10) miles thereof, to points in Arkansas, Illinois, Iowa, Kansas, Nebraska, Oklahoma, and Texas, (2) *crushed and ground limestone*, in bags and in bulk, from Carthage, Mo., including points within ten (10) miles thereof, to points in Arkansas, Illinois, Iowa, Kansas, Nebraska, Oklahoma, and Texas.

NOTE: Common control may be involved.

HEARING: March 1, 1963, at the Mayo Hotel, Tulsa, Okla., before Examiner C. Evans Brooks.

No. MC 113267 (Sub-No. 88), filed January 16, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts*, and *pineapples*, from Miami and Jacksonville, Fla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: January 28, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Examiner Charles B. Heinemann.

No. MC 113651 (Sub-No. 47), filed October 8, 1962. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, and *exempt commodities*, between points in Iowa and Omaha, Nebr., on the one hand, and, on the other, Baltimore, Md., Boston, Mass., Newark, N.J., New York, N.Y., Norfolk, Va., Omaha, Nebr., Philadelphia, Pa., and Wilmington, Del., and (2) *meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, from points in Iowa and Omaha, Nebr., to points in Colorado, Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and *exempt commodities*, on return.

HEARING: February 25, 1963, at Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 113777 (Sub-No. 3), filed December 12, 1962. Applicant: JAMES MESSINA, doing business as MESSINA HAULAGE, 3351 Woodward Avenue, Wantagh, Long Island, N.Y. Applicant's attorney: L. Agnew Myers, Jr., Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Brooklyn, N.Y., to points in New Jersey, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, on return.

HEARING: February 27, 1963, at 346 Broadway, New York, N.Y., before Examiner Harry M. Shooman.

No. MC 113908 (Sub-No. 107), filed November 2, 1962. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Philadelphia, Pa., to Detroit, Mich., Boston, Mass., Cleveland, Ohio, Minneapolis, Minn., and Chicago, Pekin, and Peoria, Ill.

HEARING: February 27, 1963, at Room 321–B U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Theodore M. Tahan.

No. MC 114288 (Sub-No. 3), filed October 4, 1962. Applicant: R. RAY LOWRIE, doing business as LOWRIE TRUCK LINE, Grand Saline, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures or mineral compounds and pepper*, in sacks, bags, and packages, from Grand Saline, Tex., and points within a 2-mile radius thereof, to points in Oklahoma, Arkansas and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states it proposes to transport the above commodities in mixed loads with salt and salt products.

HEARING: March 5, 1963, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks.

No. MC 114400 (Sub-No. 3), filed December 5, 1962. Applicant: BE-RITE DELIVERY SERVICE, INC., 1024 South Vandeventer Avenue, St. Louis, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Department store and mail order store merchandise,* between St. Louis, Mo., and Alton, Ill.

NOTE: Applicant states the proposed operation will be under continuing contract with Sears, Roebuck and Co. Operation will be a shuttle service between Sears, Roebuck and Co. retail stores and warehouse located at St. Louis, Mo., and Sears, Roebuck and Co. store and warehouse located at Alton, Ill. Also, common control may be involved.

HEARING: March 8, 1963, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 114486 (Sub-No. 8), filed December 20, 1961. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 2902 Lester, Texarkana, Tex. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Expanded plastic insulating material,* from Boca Raton, Fla., to points in Georgia, Alabama, South Carolina, Mississippi, and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified above, on return.

HEARING: February 25, 1963, at the Washington-Youree Hotel, Shreveport, La., before Examiner John B. Mealy.

No. MC 115757 (Sub-No. 38), filed December 26, 1962. Applicant: BULK MOTOR TRANSPORT, INC., 1400 Kansas Ave., Kansas City, Kans. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* in bulk, in specialized hopper type bottom dump or pneumatic tank semitrailers, from Hutchinson, Kans., to Kansas City and St. Joseph, Mo.

HEARING: March 13, 1963, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 115786 (Sub-No. 2) (AMENDMENT), filed December 13, 1962 published FEDERAL REGISTER issue January 3, 1963, amended and republished this issue. Applicant: MATURA TRUCKING CORP., 11 Dunlap Drive, Parlin, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Macaroni, spaghetti, sauces, and cheeses, and prepared macaroni products,* frozen, between South Hackensack, N.J., on the one hand, and, on the other, points in Fairfield, Hartford, and New Haven Counties, Conn., and points in Orange and Rockland Counties, N.Y.

NOTE: Applicant states the proposed service will be under continuing contract with Buitoni Foods Corporation, South Hackensack, N.J. The purpose of the republication is to include "Hartford" County, Conn., as shown above, which was erroneously omitted in previous publication.

HEARING: Remains as assigned February 8, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 115859 (Sub-No. 1), filed November 15, 1962. Applicant: PAUL J. MILLER, R.D. No. 1, Orefield, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Canned animal foods,* from the site of the Allen Products Co., Inc., plant, located in South Whitehall Township, Lehigh County, Pa., to points in Florida and Georgia; and (2) *Frozen meats, meat products, and meat byproducts,* unfit for human consumption, in mechanical refrigerator equipment, from points in Florida and Georgia to the site of the Allen Products Co., Inc., plant located in South Whitehall Township, Lehigh County, Pa.

NOTE: Applicant states that the proposed operation will be under contract with the Allen Products Co., Inc. Applicant also has common carrier authority under MC 50493 and Subs thereunder; therefore dual operations may be involved.

HEARING: March 1, 1963, at Room 321–B, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Theodore M. Tahan.

No. MC 116721 (Sub-No. 2), filed October 23, 1962. Applicant: BIG T TRUCKING CORP., Valley Road, R.D. No. 1, Somerville, N.J. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Clay sewer pipe and fittings therefor, clay coping and clay fuel linings,* from Hillsborough Township (Somerset County), N.J., to points in Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *rejected, damaged and returned shipments,* on return.

HEARING: February 25, 1963, at 346 Broadway, New York, N.Y., before Examiner Harry M. Shooman.

No. MC 117119 (Sub-No. 73), filed November 14, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 20 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Macon, Milan, Marshall, Carrollton, Moberly, Mo., to points in Iowa, Wisconsin, Minnesota, and the upper peninsula of Michigan.

NOTE: Common control may be involved.

HEARING: February 28, 1963, at Room 401 Old Federal Office Building, Fifth & Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 117119 (Sub-No 74), filed November 25, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Portland and Presque Isle, Maine, Albany, N.Y., Pittsburgh, Pa., and Baltimore, Md., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: February 26, 1963, at 346 Broadway, New York, N.Y., before Examiner Harry M. Shooman.

No. MC 117200 (Sub-No. 3), filed December 13, 1962. Applicant: ALLEN TISCH AND MERDON DREWS, a partnership, doing business as TISCH & DREWS, Oconto Falls, Wis. Applicant's representative: J. J. Keller, 201 West Wisconsin Avenue, Neenah, Wis. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone,* from Menominee, Mich., to points in Wisconsin, (2) *coal,* from Menominee, Mich., to points in Wisconsin within 100-mile radius of Menominee, Mich., and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities described in (1) and (2) above, on return.

NOTE: Applicant states the proposed operations are for the account of Northwestern-Hanna Fuel Co.

HEARING: February 26, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 117200 (Sub-No. 4), filed December 13, 1962. Applicant: ALLEN TISCH AND MERDON DREWS, a partnership, doing business as, TISCH & DREWS, Oconto Falls, Wis. Applicant's attorney: Phillip H. Porter, 707 First National Bank Building, Madison, Wis. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Inedible salt,* (1) from Marinette, Wis., to points in the Upper Peninsula of Michigan, (2) from Duluth, Minn., to points in the Upper Peninsula of Michigan, and (3) from Duluth, Minn., to points in Wisconsin.

NOTE: Applicant states the proposed operation will be under contract with International Salt Co.

HEARING: February 26, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 282.

No. MC 118130 (Sub-No. 10), filed November 22, 1962. Applicant: BENJAMIN M. HAMRICK, doing business as BEN HAMRICK, 740 North Houston, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas* and *coconuts* when transported in mixed loads with bananas, from Mobile, Ala., to points in Texas, and *exempt commodities,* on return.

HEARING: February 27, 1963, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner John B. Mealy.

No. MC 118545 (Sub-No. 3), filed October 1, 1962. Applicant: CLEO J. CARBARY, doing business as CLEO J. CARBARY TRUCKING COMPANY, P.O. Box 86, Bay City, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Bend, Ind., to points in Saginaw and Bay Counties, Mich., and *empty containers or other such incidental facilities* used in transporting the above described commodities and *pallets*, on return.

HEARING: March 13, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 118661 (Sub-No. 4), filed December 7, 1962. Applicant: HERMAN R. EWELL, INC., East Earl (Lancaster County), Pa. Applicant's attorney: Andrew Wilson Green, 1223 Locust Street, Philadelphia 7, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, frozen dairy products*, and *frozen desserts*, in vehicles equipped with mechanical refrigeration, from Harrisburg, Pa., to points on Long Island, N.Y., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed operation will be under continuing contracts with Hershey Creamery Co., Harrisburg, Pa. Applicant holds common carrier authority in MC 114123 and Subs thereunder; therefore dual operations may be involved. Common control may also be involved.

HEARING: February 28, 1963, at 346 Broadway, New York, N.Y., before Examiner Harry M. Shooman.

No. MC 118828 (Sub-No. 3), filed October 25, 1962. Applicant: Henry K. Friesen, doing business as FRIESEN GRAIN AND TRANSPORT, Meade, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Etter, Tex., to points in Kansas, and *exempt commodities*, on return.

HEARING: March 21, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 118959 (Sub-No. 11), filed December 19, 1962. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, P.O. Box 586, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Gramercy, Houma, Matthews, Reserve, and Supreme, La., to points in Ohio, Illinois, Indiana, Missouri, Kentucky, Iowa, Minnesota, Kansas, Oklahoma, Arkansas, Mississippi, Tennessee, and Wisconsin, and *damaged and rejected shipments*, on return.

HEARING: February 28, 1963, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner John B. Mealy.

No. MC 119321 (Sub-No. 3), filed August 20, 1962. Applicant: THOMAS E. BUBER, INC., 308 Antoine, Wyandotte, Mich. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, refractory products and brick products*, between Detroit, Mich., on the one hand, and, on the other, Sault Ste. Marie, Mich., a port of entry on the International Boundary Line between the United States and Canada.

HEARING: March 8, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 163.

No. MC 119422 (Sub-No. 16), filed December 17, 1962. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oils, road oils, and asphalts*, in bulk, in tank vehicles, from points in Madison County, Ill., to points in Mercer, Grundy, Daviess, Caldwell, Ray, Lafayette, Johnson, Henry, St. Clair, Cedar, Dade, Greene, and Stone Counties, Mo., and points in Missouri east of the aforementioned counties.

HEARING: March 7, 1963, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 119422 (Sub-No. 17), filed December 23, 1962. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, granulated, in bulk, and *liquid sugar, sucrose, sugar inverts*, and *blends of liquid sugar, sucrose* and *inverts*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Missouri, Illinois, Iowa, and Indiana.

HEARING: February 25, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 119493 (Sub-No. 11), filed December 21, 1962. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, Joplin, Mo. 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, with no authority to transport said commodities in tank and hopper bottom vehicles requested, from Wichita, Kans., to points in Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, on return.

HEARING: March 12, 1963, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 154.

No. MC 119765 (Sub-No. 2), filed October 29, 1962. Applicant: HENRY G. NELSEN, doing business as HENRY G. NELSEN, 1548 Locust Street, Avoca, Iowa. 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: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, between Harlan, Iowa, on the one hand, and, on the other, Omaha, Nebr., Chicago, Elgin, Joliet, and Rockford, Ill., Sioux City, and Davenport, Iowa.

HEARING: March 1, 1963, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 119825 (Sub-No. 3), filed November 28, 1962. Applicant: WESLEY W. PETERSON, Stanley, Wis. Applicant's attorney: Philip A. Meadows, Boyd, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives), between Stanley, Wis., and Thorp, Wis.: From Stanley (Chippewa County) over Wisconsin Highway 29 through the Town of Thorp (Clark County) to Thorp, and return over the same route, serving no intermediate points.

HEARING: March 1, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 124034 (Sub-No. 9), filed December 14, 1962. Applicant: SCHWERMAN TRUCKING CO. OF N.Y., INC., 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in packages, (1) from Plainville, Conn., to points in Connecticut, Massachusetts, and Rhode Island, and (2) from the plant site of the Penn-Dixie Cement Corporation located in or near Jersey City, N.J., to points in New Jersey, points in Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., and points in Fairfield County, Conn.

NOTE: Common control may be involved.

HEARING: March 4, 1963, at 346 Broadway, New York, N.Y., before Examiner Harry M. Shooman.

No. MC 124048 (Sub-No. 8), filed December 3, 1962. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbide* residue, in bulk, in tank vehicles, from Gary, Ind., to points in Wisconsin.

NOTE: Applicant states that it has common carrier cement authority in MC 124048 and contract carrier authority in MC 113833, although an application is pending before the Commission in MC 124048 (Sub-No. 4) to convert its present Permits to a common carrier Certificate; thus, dual operations may be involved. Applicant further states that it is controlled by Schwerman Trucking Co. (Wisconsin parent corporation).

HEARING: March 5, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 124236 (Sub-No. 2), filed October 24 1962. Applicant: CHEMICAL EXPRESS, 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D.

White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, packaged and in bulk, from points in Potter and Randall Counties, Tex., to points in Colorado, Kansas, New Mexico, and Oklahoma.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. 115135 and subs; therefore, dual operations may be involved.

HEARING: March 8, 1963, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks.

No. MC 124281 (Sub-No. 1), filed November 27, 1962. Applicant: HAROLD M. VAN CAMPERNOLLE, 707 South Wheeling, Kansas City, Mo. Applicant's attorney: Kenneth C. West, 915 Grand Avenue, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, coal,* and *coke*, in dump trucks, between points in that part of Kansas on and east of a line beginning at the Kansas-Nebraska State line and extending along Kansas Highway 99 to junction U.S. Highway 54, and on and north of a line beginning at the junction of Kansas Highway 99 and U.S. Highway 54 and extending along U.S. Highway 54 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 65 to junction Missouri Highway 52; on and south of a line beginning at the junction of U.S. Highway 65 and Missouri Highway 52 and extending along Missouri Highway 52 to junction U.S. Highway 54, and on and west and north of a line beginning at junction of Missouri Highway 52 and U.S. Highway 54 and extending along U.S. Highway 54 to the Missouri-Kansas State line.

HEARING: March 13, 1963, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 124417 (Sub-No. 5), filed December 3, 1962. Applicant: ALPHONSE HINDERMAN AND VINCENT HINDERMAN, a partnership, doing business as HINDERMAN BROTHERS, Dickeyville, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk and in mixed shipments of bulk and packages, from Dubuque and Estherville, Iowa, to points in Wisconsin, and *rejected and returned shipments of the same commodities*, on return.

HEARING: February 28, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 124419 (Sub-No. 1), filed October 22, 1962. Applicant: L. W. HOEHNS, doing business as HOEHNS FEED & PRODUCE COMPANY, Smithton, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk and in bags, from Kansas City, Kans., to points in Lafayette, Johnson, Henry, Pettis, Benton, Hickory, Cooper, Morgan, Camden, and Miller Counties, Mo., and *livestock and exempt commodities*, on return.

HEARING: March 11, 1963, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 124746, filed September 4, 1962. Applicant: C. C. ROBINSON, doing business as C. C. ROBINSON & SONS, Route 3, Bastrop, La. Applicant's attorney: W. P. Switzer, 110 Pine Street, Crossett, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Monroe, La., to points in Louisiana, Mississippi and Arkansas and that part of Texas on and east of U.S. Highway 281.

HEARING: February 25, 1963, at the Washington-Youree Hotel, Shreveport, La., before Examiner John B. Mealy.

No. MC 124767 (Sub-No. 1), filed September 21, 1962. Applicant: HARRIS-McBURNEY COMPANY, a corporation, 1006 Airport Road, Jackson, Mich. Applicant's attorney: Quentin A. Ewert, Union Savings and Loan Building, 117 West Allegan Street, Lansing 23, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone poles*, between points in Michigan, Indiana, and Ohio.

HEARING: March 14, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 124777, filed September 13, 1962. Applicant: WILSON E. CANTELL, 14709 East 35th Street, Independence, Mo. Applicant's attorney: J. F. Schlafly, Jr., First National Bank Building, Alton, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk and in bags, from Kansas City, Mo., to points in Atchison, Jefferson, Leavenworth, Wyandotte, Shawnee, Johnson, Osage, Douglas, Franklin, and Miami Counties, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: March 18, 1963, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 124846, filed October 8, 1962. Applicant: JAMES J. VAN BOOVEN, Rhineland, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in barrels and in cans and bottles in containers, palletized, from Belleville, Ill., to Hermann, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant presently holds temporary authority in MC 124561 Sub-1 TA as a common carrier to perform the same operations that it seeks in this application as a contract carrier.

HEARING: March 11, 1963, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124847 (REPUBLICATION), filed October 8, 1962, published in FEDERAL REGISTER issue of December 5, 1962, hearing held January 8, 1963, and republished as there amended this issue. Applicant: VERNON KISER, Olive Hill, Ky. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone*, in bulk, in dump vehicles, from Olive Hill and Carter City, Ky., and points within 10 miles of each, to points in Gallia, Lawrence, and Scioto Counties, Ohio, and points in Cabell, Lincoln, and Wayne Counties, W. Va. (2) *Slag*, in bulk, in dump vehicles, from Ashland, Ky., to points in Gallia, Lawrence, and Scioto Counties, Ohio, and points in Cabell, Lincoln, and Wayne Counties, W. Va. (3) *Sand and gravel*, in bulk, in dump vehicles, from Haverhill, Ohio, and points within 2 miles thereof, to points in Carter, Boyd, and Greenup Counties, Ky.

NOTE: Applicant states that the transportation service to be performed will be under continuing contract or contracts with The Standard Slag Co., 1200 Stambaugh Building, Youngstown, Ohio. Hearing was held on January 8, 1963, at Columbus, Ohio, before Joint Board No. 62. At the hearing the application was amended to show Vernon Kiser as applicant in lieu of the partnership as previously published. Item (3) above was also amended by adding gravel. Any person or persons who may have been prejudiced by the broadening of this application, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 124854, filed October 15, 1962. Applicant: GRIM BROS. TRUCKING CO., a corporation, 997 Loucks Mill Road, York, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, P.O. Box 581, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete, cinder, and slag products*, from Baltimore, Md., and points in Harford County, Md., to points in Pennsylvania, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia.

HEARING: March 5, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Theodore M. Tahan.

No. MC 124870, filed October 24, 1962. Applicant: J. T. BERRIDGE & SONS COMPANY, INC., 809–813 Main Street, Atchison, Kans. Applicant's attorney: James M. Caplinger, 917 Topeka Avenue, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and replacement vehicles*, in truckaway service, between points in Atchison, Brown, Doniphan, Jackson, Jefferson, Leavenworth, and Nemaha Counties, Kans., and points in Missouri and Nebraska.

HEARING: March 26, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 140.

No. MC 124889, filed October 26, 1962. Applicant: GALVESTON TRUCK LINE CORPORATION, 6844 Navigation Boulevard, Houston 11, Tex. Author-

ity sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper*, from Corpus Christi, Tex., to San Antonio, Tex.

NOTE: Applicant is also authorized to conduct common carrier operations under MC 8544 and subs thereunder; therefore dual operations may be involved.

HEARING: March 6, 1963, at the Federal Building and U.S. Court House, 515 Rusk Street, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner John B. Mealy.

No. MC 124902 (Sub-No. 1), filed November 23, 1962. Applicant: GERALD E. MULLINS doing business as HULL'S MAIL DELIVERY AND MESSENGER SERVICE, 49 Avery Street, Stamford, Conn. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Documents, letters, and packages* not exceeding 50 pounds, between Stamford, Conn., on the one hand, and, on the other, points in New York, N.Y., commercial zone and White Plains, N.Y.

HEARING: March 6, 1963, at Bond Hotel, Hartford, Conn., before Examiner Harry M. Shooman.

No. MC 124910, filed November 13, 1962. Applicant: LYNCH LEASE CORPORATION, 202 Day Street, West Springfield, Mass. Applicant's representative: William L. Mobley, Rooms 311–315, 1694 Main Street, Springfield, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and plywood*, from Boston, Mass., Bridgeport, New Haven, and New London, Conn., New York, Port of Albany, Port of Rensselaer, Poughkeepsie, and North Tonawanda, N.Y., Portsmouth and Providence, R.I., and Port Newark, N.J., to the plant site of H. F. Lynch Lumber Co., West Springfield, Mass., and (2) *building materials*, from the plant site of H. F. Lynch Lumber Co., West Springfield, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

NOTE: Applicant states that (1) above, will be restricted to shipments having a prior movement by water.

HEARING: March 5, 1963, at the Bond Hotel, Hartford, Conn., before Examiner Harry M. Shooman.

No. MC 124977, filed December 14, 1962. Applicant: RAYMOND OHSWALDT, 115 Roosevelt Place, Palisades Park, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Seeds, fertilizers, bulbs, plants, weed killers, garden, and florist supplies, insecticides and fungicides*, from Bound Brook, N.J., to points in New York, Pennsylvania, Connecticut, Massachusetts, Vermont, Rhode Island, Delaware, District of Columbia, and Maryland, and *empty containers or other such incidental facilities* used in transporting the above-described commodities and *rejected or defected materials*, on return.

NOTE: Applicant states the proposed operation will be under continuing contract with the Vaughan Seed Co., between its warehouse at Bound Brook, N.J., and its distributors.

HEARING: February 28, 1963, at 346 Broadway, New York, N.Y., before Examiner Harry M. Shooman.

No. MC 124983, filed December 19, 1962. Applicant: CLARENCE NEWLUN, doing business as NEWLUN TRANSPORT SERVICE, 119 Lincoln Street, North Pekin, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Dairy products, yogurt, ice cream, fruit juice and fruit drinks, frozen desserts, milk and cream*, between Pekin, Ill., and Burlington, Iowa.

HEARING: March 4, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 54.

MOTOR CARRIERS OF PASSENGERS

No. MC 109736 (Sub-No. 15), filed October 15, 1962. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. 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 regular routes, transporting: *Passengers and their baggage and express, mail and newspapers*, in the same vehicle with passengers, between Towanda, and Harrisburg, Pa., from Towanda, over U.S. Highway 220, to Hughesville, Pa., thence over Pennsylvania Highway 405 to Muncy, Pa., thence over Pennsylvania Highway 14 to junction U.S. Highway 11, thence over U.S. Highway 11, to junction U.S. Highway 22, and thence over U.S. Highway 22 to Harrisburg, and return over the same route serving all intermediate points between Towanda and Hughesville inclusive.

HEARING: March 6, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Theodore M. Tahan.

No. MC 124894, filed November 4, 1962. Applicant: JOE M. PARKHILL, P.O. Box 135, Eureka Springs, Ark. Applicant's attorney: Davis Duty, 124½ West Walnut Street, Rogers, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Eureka Springs, Ark., and extending to Branson and Cassville, Mo.

HEARING: March 11, 1963, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 91.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12791 (Sub-No. 1), filed December 7, 1962. Applicant: MEYER AND DIETEL TOURS, INC., 9222 West Burleigh Street, Suite A, Milwaukee 10, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Milwaukee, Wis., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and in groups, in charter operations, (1) beginning and ending at points in Wisconsin and extending to Chicago, Ill., and (2) beginning and ending at Washington, D.C., and Baltimore, Md., and extending to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia.

HEARING: March 1, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 18535 (Sub-No. 35), filed November 26, 1962. Applicant: O. ALEX HICKLIN, doing business as HICKLIN MOTOR LINE, Railroad Avenue, St. Matthews, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, native wood, and veneer*, rough, dressed or precut, from points in Orangeburg County, S.C., to points in Virginia and Georgia, and Charleston, S.C. and *refused and rejected shipments of commodities specified above*, on return.

NOTE: Applicant states the proposed service will be on traffic destined for export.

No. MC 30319 (Sub-No. 129), filed January 7, 1963. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, P.O. Box 4054, Houston 14, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex., and Thormund A. Miller, 205 Transportation Building, Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Orange, Tex., and Port Arthur, Tex.; from Orange over Texas Highway 87 to Port Arthur, 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.

NOTE: Common control may be involved.

No. MC 103378 (Sub-No. 252), filed December 26, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions*, in bulk, in tank vehicles, from Bainbridge, Ga., and points within 10 miles thereof, to points in Alabama.

No. MC 107403 (Sub-No. 450), filed January 7, 1963. 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: *Fish oil, sea animal oil, vegetable oil, and blends thereof*, in bulk, in tank vehicles, from Newark and Elizabeth, N.J., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin.

NOTE: Common control may be involved.

No. MC 112617 (Sub-No. 133), filed December 17, 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: *Jet fuel*, in bulk, in tank vehicles, from Catlettsburg, Ky., to points in California.

No. MC 112750 (Sub-No. 120), filed January 7, 1963. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside 61, Long Island, N.Y. Applicant's attorney: J. K. Murphy (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Pittsburgh, Pa., on the one hand, and, on the other, East Palestine, Ohio, Weirton, Clarksburg, and Parkersburg, W. Va., and Cumberland, Md.

NOTE: Applicant states the proposed service will be for the account of Wonday Film Service, Inc.

No. MC 116314 (Sub-No. 8) (REPUBLICATION) filed March 13, 1962, published FEDERAL REGISTER issue May 31, 1962, and republished this issue. Applicant: MAX BINSWANGER TRUCKING, 13846 Alondra Boulevard, Santa Fe Springs, Calif. Applicant's attorney: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type vehicles, from Colton, Creal, and Victorville, Calif., to points in Mojave County, Ariz., north of the Colorado River.

NOTE: The purpose of this republication is to show that the application will be handled under the no hearing procedure.

No. MC 123992 (Sub-No. 8), filed December 20, 1962. Applicant: SCHWERMAN CO. OF PA., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, and in packages, from Nazareth, Pa., to points in Broome, Tioga, and Chemung Counties, N.Y.

NOTE: Common control may be involved.

No. MC 124034 (Sub-No. 10), filed January 7, 1963. Applicant: SCHWERMAN TRUCKING CO. OF N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in packages, from the plant site of the Alpha Portland Cement Company, at or near Cementon, N.Y., to points in New York, Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont.

NOTE: Common control may be involved.

No. MC 124514 (Sub-No. 1), filed November 23, 1962. Applicant: CLIFFORD T. ROUNDTREE, doing business as RELIABLE TRANSFER, Main Street (P.O. Box 473), Petersburg, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk) between points in Petersburg, Alaska, and points on Mitkof Island, Alaska.

MOTOR CARRIERS OF PASSENGERS

No. MC 10622 (Sub-No. 5), filed January 4, 1963. Applicant: YOSEMITE PARK AND CURRY CO., a corporation, doing business as YOSEMITE TRANSPORTATION SYSTEM, Yosemite National Park, Calif. Applicant's attorney: Robert N. Lowry, 111 Sutter Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers (seasonal between July 1 and September 15), between Stateline, Nev., and the junction of Nevada Highway 28 and U.S. Highway 50; from Stateline over U.S. Highway 50 to the junction of U.S. Highway 50 and Nevada Highway 28, and return over the same route, serving all intermediate points.

NOTE: Applicant states if authority sought herein is granted, it seeks authority to abandon operations over that portion of its presently authorized route described as follows: From Brockway, Calif., over California Highway 28 to the California-Nevada State line, thence over Nevada Highway 28 to junction of U.S. Highway 50, and return over the same route.

No. MC 123345 (Sub-No. 2), filed October 4, 1962. Applicant: ALASKA MOTOR COACHES, INC., P.O. Box 1048, Fairbanks, Alaska. Applicant's attorney: Julian C. Rice, Suite A, Nerland Building, P.O. Box 516, Fairbanks, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, (1) between Haines, Alaska, and the International Boundary line between Alaska and Canada: from Haines over Alaska Highway 7 to the International Boundary line between the United States and Canada, and return over the same route, serving all intermediate points, and (2) all way points and all points in Alaska to be served on the Marine Highway, including but not limited to Petersburg, Ketchikan, Juneau, and Haines.

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 procedures. 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 thereon for determining the commodities which are embraced in such descriptions:

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 114194 (Sub-No. 9) and (Sub-No. 23), filed January 10, 1963. Petitioner: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 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 FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2770 (Sub-No. 6), filed January 16, 1963. Applicant: SANBORN'S MOTOR EXPRESS, INC., Box 312, Norway, Maine (mailing address), Fore Street Road, Oxford, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving all intermediate points and the off-route points of Forest Station, Orient, and Weston, Maine, as follows: (1) between Lincoln, Maine, and Vanceboro, Maine; from Lincoln over Maine Highway 6 to Vanceboro, and return over the same route, (2) between Lincoln, Maine, and Springfield, Maine; from Lincoln over U.S. Highway 2 to its junction with Maine Highway 170, thence over Maine Highway 170 to junction with Maine Highway 6 at Springfield, and return over the same route, (3) between Springfield, Maine, and Topsfield, Maine; from Springfield over Maine Highways 170 and 169 to junction Maine Highway 169, thence over Maine Highway 169 to junction U.S. Highway 1, thence over U.S. Highway 1 to its junction with Maine Highway 6 at Topsfield, and return over the same route, and (4) between Lincoln, Maine, and Topsfield, Maine; from Lincoln over U.S. Highway 2 to its junction with alternate U.S. Highway 2, thence over alternate U. S. Highway 2 to its junction with Maine Highway 171, thence over Maine Highway 171 to junction unnumbered highway, thence over unnumbered highway to its junction with U.S. Highway 1, thence over U.S. Highway 1 to its junction with Maine Highway 6 at Topsfield, and return over the same route.

NOTE: This application is a matter directly related to MC–F 8336, published this issue.

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–8333. Authority sought for merger into PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Avenue, Dravosburg, Pa., of the operating rights and property of JACOB EISENBERGER, INC., 211 Washington Avenue, Dravosburg, Pa., and for acquisition by FREDERICK T. HILLER, also of Dravosburg, Pa., of control of such rights and property through the transaction. Applicants' attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be merged: *Such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles requiring specialized handling or rigging, because of size or weight, as a *common carrier*, over irregular routes, between Norristown, Pa., and points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown; *machinery*, between Lawrence and North Andover, Mass., on the one hand, and, on the other, points in Pennsylvania, New York (except New York City), and North Carolina; *used machinery, used stores, office, and factory supplies and fixtures, used heating and plumbing equipment*, and *used lumber*, between points in Massachusetts, Rhode Island, and New Hampshire; *waste paper, rags, wool sweepings*, and *used metals*, from points in Providence County, R.I., and points in New Hampshire south of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 202 to Henniker, N.H., and thence along New Hampshire Highway 9 to the New Hampshire-Vermont State line, to Boston, Mass., and points within 15 miles of Boston; *machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks and tanks*, except lumber and lumber products, restricted to transportation in special equipment only, between points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie, on the one hand, and, on the other, points in that part of Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, in the territory bounded by a line beginning at Schenectady, N.Y., and extending along New York Highway 7 to Richmondville, N.Y., thence along New York Highway 10 to Deposit, N.Y., thence along New York Highway 17 to Monticello, N.Y., thence along New York Highway 42 to Port Jervis, N.Y., thence along U.S. Highway 209 to Stroudsburg, Pa., thence along U.S. Highway 611 to Easton, Pa., thence along U.S. Highway 22 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to Bound Brook, N.J., thence along New Jersey Highway 18 (formerly New Jersey Highway S28) to Highland Park, N.J., thence along New Jersey Highway 27 to Rahway, N.J., thence along unnumbered highway to junction U.S. Highway 1, thence along U.S. Highway 1 to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford, Conn., to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 15 to U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester, to Fitchburg, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line, thence along New York Highway 2 (formerly New York Highway 96) to Troy, N.Y., and thence along New York Highway 7 to point of beginning, including points on the indicated portions of the highways specified. RESTRICTION: No service shall be performed in the transportation of cement, in bulk, in tank vehicles, between points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie, N.Y., on the one hand, and, on the other, points in the above-specified area. PITTSBURGH & NEW ENGLAND TRUCKING CO., is authorized to operate as a *common carrier* in Ohio, Pennsylvania, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, New York, New Jersey, Rhode Island, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

NOTE: PITTSBURGH & NEW ENGLAND TRUCKING CO., controls JACOB EISENBERGER, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC–F–7953, which became the order of the Commission on August 23, 1962.

No. MC–F–8334. Authority sought for control by JOSEPH E. SALDUTTI, 15 Melrose Drive, Mountain Lakes, N.J., RALPH SALDUTTI, 171 South Orange Avenue, South Orange, N.J., and ALBERT SALDUTTI, 124 Fairfield Drive, Milburn, N.J., of TREDWAYS EXPRESS, INC., 512 Myrtle Avenue, Boonton, N.J., and NEW JERSEY FORWARDING COMPANY, 80–82 Commercial Street, Newark 5, N.J. Applicants' attorney: Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J. Operating rights sought to be controlled: (TREDWAYS) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Essex, and Morris Counties, N.J., those in that part of Bergen County, N.J., on and south of New Jersey Highway 4, those in that part of Passaic County on, east, and south of a straight line extending between Ramapo Lake, N.J., and Smith Mills, N.J., through Haskell, N.J., and those in that part of Union County on and north of New Jersey Highway 28, between points in that part of New Jersey specified above, and between New York, N.Y., Secaucus, Hillside, Hoboken, Newark, Carlstadt, North Bergen, Weehawken, and Jersey City, N.J., on the one hand, and, on the other, points in Warren and Sussex Counties, N.J.; and *radio equipment*, from Boonton, N.J., to Philadelphia; (NEW JER-

SEY FORWARDING) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, from points in Essex, Hudson, Bergen, Passaic, and Union Counties, N.J., to New York, N.Y., points in Westchester County, N.Y., and those on Long Island, N.Y., on and west of New York Highway 112, between points in the above-specified New Jersey counties, on the one hand, and, on the other, Bethlehem, Easton, Allentown, and Philadelphia, Pa., and between New York, N.Y., and Newark, N.J., on the one hand, and, on the other, points in that part of New Jersey on and north of U.S. Highway 30. JOSEPH E. SALDUTTI, RALPH SALDUTTI and ALBERT SALDUTTI, hold no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

NOTE: Applicants have requested that this application be handled with a petition for reconsideration in No. MC–F–8065, Trucking Enterprises, Inc.—Control—Tredways Express, Inc.

No. MC–F–8336. Authority sought for purchase by SANBORN'S MOTOR EXPRESS, INC., Box 312, Norway, Maine (mailing address), Fore Street Road, Oxford, Maine, of the operating rights of REGINALD GOODWIN, doing business as GOODWIN'S EXPRESS, 75 Taylor Street, Lincoln, Maine, and for acquisition by HOWARD L. SANBORN and DWIGHT L. SANBORN, both of 99 Pine Street, South Paris, Maine, and H. BLAINE SANBORN, 51 Pleasant Street, Norway, Maine, of control of such rights through the purchase. Applicants' attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Operating rights sought to be transferred: Operations by virtue of a second proviso registration described in a Form BMC–75 Statement, in the State of Maine, Docket No. MC–120638. Vendee is authorized to operate as a *common carrier* in Maine, Massachusetts, and New Hampshire. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–2770 Sub 6, is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8335. Authority sought for control by CAROLINA SCENIC STAGES, 217 North Converse Street, Spartanburg, S.C., of DIXIE COACH LINES, INC. (FORMERLY DAHLONEGA-ATLANTA COACH LINES, INC.), P.O. Box 491, Alpharetta, Ga., and for acquisition by HAMISH TURNER, SR., and RUTH T. TURNER, both also of Spartanburg, S.C., of control of DIXIE COACH LINES, INC. (FORMERLY DAHLONEGA-ATLANTA COACH LINES, INC.), through the acquisition by CAROLINA SCENIC STAGES. Applicants' attorney and representative respectively: Joseph H. Blackshear, 205 Jackson Building, Gainesville, Ga., and Hamish Turner, Sr., 217 North Converse Street, Spartanburg, S.C. Operating rights sought to be controlled: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, as a *common carrier* over regular routes, between Buckhead, Ga., and Sandy Springs, Ga., between Atlanta, Ga., and Dahlonega, Ga., between Jasper, Ga., and Gainesville, Ga., serving all intermediate points, between Dahlonega, Ga., and Gainesville, Ga., serving all intermediate points except those between the junction of Georgia Highways 52 and 11 (known as Quillians Junction) and Gainesville, and between Dahlonega, Ga., and Gainesville, Ga., serving all intermediate points. CAROLINA SCENIC STAGES is authorized to operate as a *common carrier* in North Carolina, Georgia, and South Carolina. Application has been filed for temporary authority under section 210a (b).

By the Commission.

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

[F.R. Doc. 63–706; Filed, Jan. 22, 1963; 8:48 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order No. 149]

CHICAGO NORTH SHORE AND MILWAUKEE RAILWAY

Rerouting of Traffic

Due to abandonment of operations, the Chicago North Shore and Milwaukee Railway having placed an embargo on all freight, it is the opinion of Charles W. Taylor, agent, that the Chicago North Shore and Milwaukee Railway is unable to transport traffic routed over its lines.

It is ordered, That:

(a) Rerouting of traffic: Because of abandonment of operations and embargo placed, the Chicago North Shore and Milwaukee Railway and its connections being unable to transport traffic in accordance with shippers' routing, are hereby authorized to divert and reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad or railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic authorized by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p.m., January 20, 1963.

(g) Expiration date: This order shall expire at 11:59 p.m., February 28, 1963 unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 17, 1963.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 63–708; Filed, Jan. 22, 1963; 8:48 a.m.]

[Disaster Order No. 7]

FLORIDA

Transportation of Livestock Feed and Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Donald P. McPherson, Vice-Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing, That because of recent freeze in the State of Florida the Secretary of Agriculture, by letter dated January 17, 1963, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the State of Florida at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of livestock feed and hay to the State of Florida be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain, until April 30, 1963, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agricul-

ture to assist in relieving the distress caused by the freeze.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 18th day of January 1963.

By the Commission.

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

[F.R. Doc. 63-717; Filed, Jan. 22, 1963; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 18, 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. 38120: *T.O.F.C. service—Commodity rates from and to southern territory.* Filed by Western Trunk Line Committee, Agent (No. A-2288), for interested rail carriers. Rates on lawn mowers, etc., and window glass, etc., as more fully described in the application, moving in or on trailers and loaded on railroad flat cars, between points in southern territory, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

Tariff: Supplement 32 to Western Trunk Line Committee tariff I.C.C. A-4379.

FSA No. 38121: *Grain and grain products from MKT points in Missouri and Kansas.* Filed by Missouri-Kansas-Texas Railroad Company (No. 37), for itself. Rates on corn, oats, sorghum grains, wheat and direct products thereof, in carloads, from points in Missouri and Kansas on the MKT RR, to Kansas City, Mo.-Kans., St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Unregulated motor truck competition.

Tariff: Supplement 25 to Missouri-Kansas-Texas Railroad Company tariff I.C.C. 1753.

By the Commission.

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

[F.R. Doc. 63-704; Filed, Jan. 22, 1963; 8:47 a.m.]

[Notice 742]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 18, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65144. By order of January 15, 1963, the Transfer Board approved the transfer to James Cross, doing business as Frank Cross, Sharon, Pa., of Certificate No. MC 17032, issued July 13, 1950, to James Cross and Mary Cross, a partnership, doing business as Frank Cross, Sharon, Pa., authorizing the transportation of: Iron and steel products, and such raw materials supplies, and equipment used in the manufacture of such products, between Sharon, Pa., and points in Pennsylvania within 5 miles of Sharon, on the one hand, and, on the other, points in Ohio, that part of New York west of U.S. Highway 15, and those in that part of West Virginia north of U.S. Highway 40, including points on the indicated portions of the highways specified. Martin E. Cusick, First Federal Building, Sharon, Pa., attorney for Applicants.

No. MC-FC 65457. By order of January 15, 1963, the Transfer Board approved the transfer to Owens Bros., Inc., Dansville, N.Y., of Certificate No. MC 87156, issued September 23, 1959, to Merritt D. Jones, doing business as Jones Transportation, Spencer, N.Y., authorizing the transportation of: Eggs, over regular routes, from Spencer, N.Y., to New York, N.Y., serving the intermediate and off-route points within 12 miles of Spencer, restricted to pick-up and the off-route points of Paterson and Newark, N.J., restricted to the transportation of eggs in cases and empty egg containers; groceries, sugar, canned fruits, and vegetables, over regular routes, from New York, N.Y., to Spencer, N.Y., serving the off-route points of Hoboken, N.J., and Elmira, N.Y., and canned goods, over regular routes, between Spencer, N.Y., and Ithaca, N.Y. Raymond A. Richards, 35 Curtice Park, Webster, N.Y., representative for Applicants.

No. MC-FC 65508. By order of January 15, 1963, the Transfer Board approved the transfer to Norman A. Bast and George F. Carter, doing business as Sigma-4 Express, Latrobe, Pa., of Certificates, Nos. MC 119118 and Subs, 2, 3, 6, 10 and 15, and to be substituted in pending docket No. MC 119118 Sub 13, issued October 29, 1959, February 3, 1961, January 13, 1960, March 2, 1961, March 2, 1961, and September 17, 1962, respectively in the name of Lewis W. McCurdy and Margaret J. McCurdy, a partnership, doing business as McCurdy's Trucking Co., 571 Unity Street, Latrobe, Pa., authorizing the transportation over irregular routes, of malt beverages, in containers, and advertising material moving therewith, from Milwaukee, Wis., to Johnstown, Somerset, Indiana, Greensburg, Punxsutawney, McKeesport, Uniontown, State College, and Altoona, Pa., from Milwaukee, Wis., to Washington, Blairsville, Brandy Camp, Belle Vernon, and Carrolltown, Pa., from Milwaukee, Wis., to Warren and Canonsburg, Pa., from Milwaukee, Wis., to Butler, Kittanning, and Lewistown, Pa., from Peoria, Ill., to Chambersburg, Pa., empty containers on return; and canned vegetables, from Oconomowoc, Wis., to Punxsutawney, Erie, and Warren, Pa. George M. Lynch, Mellon Bank Building, Latrobe, Pa., attorney for Applicants.

No. MC-FC 65540. By order of January 15, 1963, the Transfer Board approved the transfer to Stephen L. Kulovits, Fullerton, Pa., of Certificate No. MC 24486 Sub 4, issued by the Commission April 21, 1955, to Harry L. Wolfgang, Schnecksville, Pa., authorizing the transportation of: Shale derived aggregate, in bulk, from Tamaqua, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, New Jersey, and New York within 200 miles of Tamaqua. Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa., attorney for the Applicants.

No. MC-FC 65567. By order of January 15, 1963, the Transfer Board approved the transfer to "J" Truck Line, Inc., Petersburg, Ill., of the operating rights in Certificate No. MC 118780, issued July 10, 1959, to William F. Juergens, doing business as Juergens Transport Service, Petersburg, Ill., authorizing the transportation, over irregular routes, of agricultural machinery and implements, animal and poultry feed, animal and poutry feed ingredients, concentrates and minerals used in the mixing of animal and poultry feed and calf meal, baled straw, brick, tile, and clay products, building materials, grain, fence posts, harvester combines, and livestock, from

and to specified points in Ohio, Illinois, Iowa, Wisconsin, Indiana, and Missouri, varying with the commodities transported. Mack Stephenson, 922 First National Bank Building, Springfield, Ill., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 63-707; Filed, Jan. 22, 1963; 8:48 a.m.]

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