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Rules and Regulations

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 308–63]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart P—Federal Bureau of Investigation

ADDING BANKING INSTITUTIONS INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION TO THE LIST OF BANKS ENTITLED TO RECEIVE FINGERPRINT IDENTIFICATION SERVICES OF THE FEDERAL BUREAU OF INVESTIGATION

DECEMBER 12, 1963.

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby amend paragraph (b) of § 0.85 of Subpart P of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations (Order No. 271–62) by substituting a comma for the word "and" following "Federal Reserve System", and adding, following, "FDIC-Reserve Insured Banks", the phrase "and banking institutions insured by the Federal Savings and Loan Insurance Corporation".

The amendment made by this order shall become effective upon the date of the publication of this order in the FEDERAL REGISTER.

(R.S. 161; 5 U.S.C. 22; Sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., 64 Stat. 1261)

ROBERT F. KENNEDY,
Attorney General.

DECEMBER 12, 1963.

[F.R. Doc. 63–13094; Filed, Dec. 17, 1963; 8:49 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 40, 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 restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.340 (Naval Orange Regulation 40, 28 F.R. 13292) are hereby amended to read as follows:

§ 907.340 **Navel orange regulation 40.**

* * * * *

(b) *Order.* * * *

(1) * * *

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement.

* * * * *

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

Dated: December 13, 1963.

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

[F.R. Doc. 63–13080; Filed, Dec. 17, 1963; 8:47 a.m.]

PART 965—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY OF TEXAS

Change in Fiscal Period

Notice of rule making regarding a proposed change in fiscal period for the Texas Valley Tomato Committee, as recommended by such committee, to be made effective under Marketing Order No. 965 (7 CFR Part 965), regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas, was published in the FEDERAL REGISTER November 14, 1963 (28 F.R. 12129). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Texas Valley Tomato Committee (established pursuant to the said marketing agreement and order), it is hereby found that changing the fiscal period, as hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Therefore, the beginning and ending dates prescribed in § 965.114 of Subpart-Rules and Regulations, as hereinafter set forth, are hereby approved for the stated fiscal periods:

§ 965.114 **Fiscal period.**

The fiscal period which extends from March 1, 1963, through February 29, 1964 (28 F.R. 6732), shall end July 31, 1963. Beginning August 1, 1963, and thereafter, the fiscal period shall begin August 1 of each year and end July 31 of the following year, both dates inclusive.

It is hereby further found that good cause exists for not postponing the effective date of § 965.114 beyond the date of publication in the FEDERAL REGISTER in that: (1) No advance preparation for such effective date will be required of handlers for compliance therewith; (2) the changed fiscal period will tend to promote more effective fiscal operations under this marketing order program, is consistent therewith, and will thereby tend to effectuate the declared policy of the act; and (3) no useful purpose would be served by postponing such effective date.

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

Dated: December 12, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63–13065; Filed, Dec. 17, 1963; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–WE–2]

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

Alteration

On November 22, 1963, there was published in the FEDERAL REGISTER (28 F.R. 12341) amendments to §§ 71.171 and 71.181 of the Federal Aviation Regulations, which altered the Lemoore, Calif.,

control zone and transition area. These amendments were to become effective January 9, 1964.

A subsequent examination of the controlled airspace requirements in the Fresno, Calif., and Lemoore terminal areas revealed that retention of the Lemoore transition area is required until February 6, 1964, to provide controlled airspace until the effective date of the transition area at Fresno to be established in Airspace Docket No. 63–WE–54. Therefore, action is taken herein to alter Airspace Docket No. 63–WE–2 by postponing the effective date until February 6, 1964.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, the following change is made:

In Airspace Docket No. 63–WE–2 "effective 0001 e.s.t., January 9, 1964." is deleted and "effective 0001 e.s.t., February 6, 1964." is substituted therefor.

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

Issued in Washington, D.C., on December 11, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–13056; Filed Dec. 17, 1963; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 73]

PART 371—GENERAL LICENSES

Shipments of Limited Value; Canada

Section 371.10 *General License GLV; shipments of limited value,* paragraph (d) Positive List commodities, subparagraph (3) Canada is amended by substituting "$50.00" for the figure "$500.00".

This amendment shall become effective as of December 5, 1963.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc 63–13057; Filed, Dec. 17, 1963; 8:45 a.m.]

[9th General Rev. of Export Regs.; Amdt. P.L. 41]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Substitution to List

Section 399.1 *Appendix A—Positive List of Commodities* is amended by substituting the following entry for the entry presently on the Positive List:

Dept. of Commerce schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
16190	Sugar, beet and cane	Lb.	AGRI	[1] 25	RO [1]	

[1] A validated license is also required for an exportation of sugar to Canada where the net value of the shipment exceeds $50.00. If the exportation does not exceed $50.00 it may be made under the provisions of General License GLV (see § 371.10 of this chapter).

This amendment shall become effective as of December 5, 1963.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 63–13052; Filed, Dec. 17, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 75—HOUSEHOLD FURNITURE INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of December 18, 1963.

Statement by the Commission. Revised trade practice rules for the Household Furniture Industry, formerly known as the Household Furniture and Furnishings Industry, are promulgated by the Federal Trade Commission as hereinafter set forth.

The industry is composed of persons, firms, corporations and organizations engaged in the manufacture, sale or distribution of articles of utility, convenience or decoration which are suitable for use as furniture in a house, apartment or other dwelling place. Such articles include, but are not limited to, all kinds and types of chairs, tables, cabinets, desks, bedsteads and bureaus.

The rules constitute a revision of, and supersede, the rules promulgated for the Household Furniture and Furnishings Industry on May 10, 1932. Numerous changes embodying clarifications of the applicable provisions of laws administered by the Commission have been made.

Suggested trade practice rules were discussed at trade practice conferences held in Los Angeles, California, Chicago, Illinois and High Point, North Carolina.

Proposed rules were subsequently published by the Commission and made available to all industry members and to all interested and affected parties in a public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments or objections as they desired to offer and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington on November 28, 1962, and all matters presented or otherwise received in the proceeding were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it has approved the rules as hereinafter set forth.

Such rules will not become operative until ninety (90) days from the date of promulgation in order to afford industry members opportunity to bring their practices into conformity with the provisions thereof.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
75.0 Definitions.
75.1 Deception (general).
75.2 Wood and wood imitations.
75.3 Deceptive use of wood names.
75.4 Leather and leather imitations.
75.5 Outer coverings.
75.6 Stuffing (including filling, padding, etc.).
75.7 Deception as to origin.
75.8 Deception as to being new.
75.9 Misuse of the terms "floor sample," "discontinued model," etc.
75.10 Deceptive pricing.
75.11 Bait advertising.
75.12 Guarantees, warranties, etc.
75.13 Passing off through imitation or simulation of trade-marks, trade names, etc.
75.14 Misrepresentation as to character of business.
75.15 Push money.
75.16 Commercial bribery.
75.17 Exclusive dealing.
75.18 Prohibited forms of trade restraints.
75.19 Prohibited discrimination.

AUTHORITY: §§ 75.0 to 75.19 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 75.0 Definitions.

(a) *Industry member.* Any person, firm, corporation or organization engaged in the manufacture, sale or distribution of industry products as such products are hereinafter defined.

(b) *Industry products.* (1) Articles of utility, convenience or decoration which are suitable for use as furniture in a house, apartment, or other dwelling place. Such articles include, but are not limited to, all kinds and types of chairs, tables, cabinets, desks, bedsteads and bureaus.

(2) The following products, covered by sets of trade practice rules heretofore promulgated, are not to be considered as coming within the purview of this definition: bed mattresses, bedsprings, metal cots, cedar chests, mirrors, musical instruments, radio and television receiving sets and venetian blinds. Also excluded from the purview of these rules are pictures, lamps, clocks, rugs, draperies as well as appliances and fixtures such as refrigerators and air conditioners.

§ 75.1 Deception (general).

Members of the industry shall not distribute any industry product under any representation or circumstance (including failure to adequately disclose relevant facts)[1] which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to its utility, composition, construction, durability, design, quality, quantity or number of pieces, model, origin, manufacture, price, grade, or in any other material respect. [Rule 1]

§ 75.2 Wood and wood imitations.

(a) In connection with the sale of furniture having exposed parts or surfaces which are wood, or which are not wood but have the appearance of wood, members of the industry shall not use any direct or indirect representation or sales method which is:

(1) False. Examples would include:

(i) Describing as "maple," furniture which is constructed of birch wood;

(ii) Use of the term "solid mahogany" or the word "mahogany" unqualifiedly to describe a mahogany veneered table;

(iii) Using the designation "Danish style walnut" to describe a walnut-stained hackberry chair;

(iv) Describing a non-lumber product as "wood."

NOTE: Hardboard, although produced from wood fibers, shall not be unqualifiedly represented as "wood" but may be designated as "hardboard," "fiberboard," "wood product" or by any nondeceptive descriptive word or term.

or

(2) Likely to mislead because of telling a half-truth. Examples would include:

(i) Describing as "maple," a table consisting of a solid maple top with pecan legs. Such product may be described as "maple top—pecan legs;"

(ii) Designating as "walnut" or "in walnut," a desk top made of walnut veneered plywood. A proper description would be "walnut veneered top;"

(iii) Describing as "solid mahogany" or "mahogany," a product made with laminations of mahogany plies. A proper designation would be "all mahogany plywood;"

(iv) Describing a table top unqualifiedly as "mahogany veneered top" when such products, although mahogany veneered, has been finished by means of decalcomania, printing or otherwise to simulate a different mahogany grain or figure such as crotch mahogany. Such product could be properly described as "mahogany veneer—imitation mahogany crotch figure," or

(3) Likely to deceive by failure to adequately disclose[1] facts concerning the composition, of plywood having the appearance of solid wood, or of simulated finishes on wood or wood imitations. Examples would include failure to disclose when an item of furniture or part thereof:

(i) Has an exposed surface of plastic, metal, hardboard, or other material not possessing a natural wood growth structure but has the appearance of being wood (e.g., "hardboard — mahogany grained" or "walnut finished particle board");

(ii) Which is wood finished by means of decalcomania, printing or other process so as to have the appearance of a different kind of wood, is not the kind of wood which it resembles (e.g., "mahogany finished gum" or "alder—maple finished");

(iii) Is veneered so as to have the appearance of solid wood (e.g., "mahogany veneered plywood").

(b) Whenever disclosure is required by this section it may be accomplished by stating either the true composition (e.g., "mahogany-grained hardboard"), or a disclaimer of composition (e.g., "imitation wood"). [Rule 2]

§ 75.3 Deceptive use of wood names.

(a) Industry members shall not use any direct or indirect representation concerning the identity of the wood in items of furniture which is false or which is likely to mislead purchasers as to the actual wood composition of furniture.

(b) The unqualified word "walnut," shall not be used as the name or designation of wood other than genuine walnut (Juglans).

(c) The word "mahogany" shall not be used unqualifiedly as the name or designation of wood unless the wood so described is genuine mahogany (Swietenia). In naming or designating the Philippine woods Tanguile, Red Lauan, White Lauan, Tiaong, Almon, Mayapis, and Bagtikan, the word "mahogany" may be used but only when prefixed by the word "Philippine" (e.g., Philippine mahogany table"). Examples of improper use of the word "mahogany" under this section would include reference to Red Lauan as "Lauan mahogany" or White Lauan as "Blonde Lauan mahogany." Such woods, however, may be described unqualifiedly as "Red Lauan" or "Lauan" or "White Lauan," respectively.

(d) The word "mahogany" may be used to name or designate wood of the genus Khaya, but only when prefixed by the word "African" (e.g., "African mahogany desk").

(e) The word "mahogany", with or without qualification, shall not be used to name or designate any wood except as provided above.

NOTE: The term "Philippine mahogany" will be accepted as a name or designation of the seven Philippine woods named above. Such terms shall not be applied to any other wood, whether or not grown on the Philippine Islands.

NOTE: Nothing in this section should be constructed as prohibiting the nondeceptive use of wood names to describe the color, finish or appearance of items of furniture (e.g., "Plastic-oak grained" or "Mahogany finished gum.")

[Rule 3]

§ 75.4 Leather and leather imitations.

(a) Members of the industry shall not make any direct or indirect representation concerning furniture or parts thereof covered with leather or other material which simulates leather, which is false or misleading.

(b) Prohibited by this section is the use of any trade name, coined name, trade-mark, or other word or term, or any depiction or device, which has the capacity and tendency or effect of misleading prospective purchasers into believing that furniture is covered in whole or in part from the skin or hide of an animal or that the covering of furniture is leather, top grain leather, or split leather, when such is not the case. When a furniture covering is made from bonded, shredded, pulverized or powdered leather, industry members shall conspicuously disclose[1] such fact.

(c) In the case of non-leather material having the appearance of leather, industry members shall conspicuously disclose facts concerning the composition thereof either by identifying the composition of the product (e.g., "vinyl covering," "upholstered in plastic") or by a disclaimer that the product is not leather

[1] The Commission, in order to prevent deception, may require affirmative disclosure of material facts concerning merchandise which, if known to prospective purchasers, would influence their decisions of whether or not to purchase. The failure to disclose such information is an unfair trade practice violative of section 5 of the Federal Trade Commission Act. Unless otherwise specified, any disclosure required by this section shall be on, or on a tag or label attached to, the industry product and be of such permanency as to remain on or attached to, the product until consummation of its consumer sale. The disclosure shall also appear in any advertising relating to an industry product irrespective of the media used whenever statements, representations or depictions are used in such advertising which, in the absence of such disclosure, serve to create the false impression that the product, or any part thereof, is of a certain kind or composition. In all cases the disclosure required shall be in close conjunction with the representation and shall be of sufficient clarity, conspicuousness and audibility (when spoken) as to be noted by prospective purchasers.

(e.g., "imitation leather," "not leather"). [Rule 4]

§ 75.5 Outer coverings.[2]

(a) In connection with the sale of furniture, members of the industry shall not use any direct or indirect representation concerning the outer covering thereof which:

(1) Is false (e.g., using the term "Mohair" to describe a fabric not produced from fibers derived from the angora goat); or

(2) Has the capacity and tendency or effect of deceiving furniture purchasers by telling a half-truth (e.g., using the unqualified word "Nylon" to describe a blend of nylon and other fibers).

(b) When any identifying reference is made in advertising to an outer covering made of a mixture of different kinds of fibers, each constituent fiber present in substantial quantity (at least 5 percent) shall be designated[1] in the order of its predominance by weight (e.g., "cotton and nylon"). If a fiber so designated is not present in a substantial quantity (less than 5 percent) the percentage thereof shall be stated (e.g., "cotton, rayon, 3 percent nylon").

(c) When any identifying reference is made on a tag or label to an outer covering made of a mixture of different kinds of fibers, each and every kind of fiber present in such outer covering shall be identified by showing the fiber content with percentages of the respective fibers in order of their predominance by weight (e.g., "55 percent Cotton 45 percent Rayon"). In the case of pile fabrics, identification of the fiber content shall be made by stating:

(1) The fiber content of the face or pile and of the back or base, with percentages of the respective fibers in order of their predominance by weight and the respective percentages of the face and back showing the ratio between face and back (e.g., "Face 60% Rayon, 40% Nylon—Back 100% Cotton; Back constitutes 80% of fabric and pile 20%"); or

(2) The percentages of the fibers of the face or pile and the back or base in relation to the total weight of the fabric (e.g., "40% Cotton, 40% Rayon, 20% Nylon" to describe a fabric having an all nylon pile constituting 20 percent of the total weight backed by a 50 percent-50 percent blend of cotton and rayon).

[Rule 5]

§ 75.6 Stuffing (including filling, padding, etc.).

(a) Members of the industry shall not make any direct or indirect representation relating to the stuffing of furniture which is:

(1) False (e.g., describing cotton stuffing as "wool," or urethane foam as "foam rubber"); or

(2) Likely to mislead because of telling a half-truth (e.g., describing shredded or flaked foam rubber stuffing as a "foam rubber" cushion without disclosing[1] that it is shredded or flaked, or describing any non-rubber foam cushion as "foam" without disclosing the kind of foam such as "urethane foam").

NOTE: The unqualified terms "Latex," "Foam Rubber," "Latex Foam Rubber," or other terms of similar import, shall not be used as descriptive of any part of the filling of an upholstery which does not consist of one or more homogeneous pads of latex.

When the upholstery of an industry product has filling material consisting of a top layer of homogeneous latex which is of substantial thickness, and a lower layer or layers of other material, such terms may be used as descriptive thereof, if in immediate conjunction therewith, nondeceptive disclosure is made of the fact that only a part of such filling is of latex.

When the filling is composed, in whole or in part, of latex which has been shredded, flaked, or ground, full and nondeceptive disclosure shall be made of such fact in immediate conjunction with any such term, irrespective of whether the pieces or shreds of latex are in loose form or are held together by glue or some other adhesive agent.

NOTE: This section is promulgated under the Federal Trade Commission Act for the purposes of interpreting requirements of such Act and to assist in the general enforcement of the Act. The section is not to be construed as relieving industry members from full compliance with applicable State and local legal requirements.

[Rule 6]

§ 75.7 Deception as to origin.

(a) Industry members shall not make any direct or indirect representation which is false or likely to deceive prospective purchasers of furniture as to the origin, either domestic or foreign, of such furniture. For example, furniture manufactured in the United States shall not be unqualifiedly described as "Danish" or "Scandinavian" or "Swedish Modern." Such furniture may, when appropriate, be described as "Danish Style," "Swedish Modern Style" or by any other word or term which nondeceptively characterizes its style. Also furniture shall not be represented by trade name or otherwise as being manufactured in the Grand Rapids, Michigan area or in any other furniture producing area, when such is not the fact.

NOTE: Terms such as "French Provincial" or "Chinese Chippendale," because of long usage and general understanding by the furniture buying public, are considered to have acquired a secondary meaning as descriptive of the style of furniture so described. Thus, the unqualified use of such terminology, when appropriate, would not be considered to be violative of this section.

(b) In connection with the sale of furniture of foreign manufacture, members of the industry shall clearly and conspicuously disclose the fact that such furniture was manufactured in an identified foreign country, when the failure to make such disclosure has the capacity and tendency or effect of deceiving prospective purchasers of such products. The disclosure of foreign origin, when required under this section shall be in the form of a legible marking, stamping, or labeling on the furniture, and shall be of such size, conspicuousness and degree of permanency, as to be and remain noticeable and legible upon casual inspection until consumer purchase. [Rule 7]

§ 75.8 Deception as to being new.

(a) Industry members shall not make any direct or indirect representation that an industry product is new unless such product is composed entirely of unused materials and parts.

(b) In connection with the sale of furniture which has the appearance of being new but which contains used materials or parts, such as springs, foam rubber stuffing, or hardware, members of the industry shall conspicuously disclose[1] such fact (e.g., "cushions made from reused shredded foam rubber").

NOTE: See also § 75.9.

[Rule 8]

§ 75.9 Misuse of the terms "floor sample," "discontinued model," etc.

(a) Representations that furniture is a "floor sample," "demonstration piece," etc., shall not be used to describe "trade-in," repossessed, rented or any furniture used other than by prospective purchasers at the place of sale for the purpose of determining their preference and its suitability for their use.

(b) Furniture shall not be described as "discontinued" or "discontinued model" unless the manufacturer has in fact discontinued its manufacture or the industry member offering it for sale will discontinue offering it entirely after clearance of his existing inventories of furniture so described. [Rule 9]

§ 75.10 Deceptive pricing.

Members of the industry shall not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: Guides Against Deceptive Pricing adopted by the Commission October 2, 1958, are now in the process of revision. The new guides will supplement this section by affording additional guidance on the subject. When approved, the new guides will be published in the FEDERAL REGISTER and copies thereof will be furnished upon request.

[Rule 10]

§ 75.11 Bait advertising.

(a) Industry members shall not offer for sale any industry product when the offer is not a bona fide effort to sell the product so offered as advertised and at the advertised price.

NOTE: In determining whether there has been a violation of this section, consideration will be given to acts or practices in-

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[1] See footnote to § 75.1.

[2] Section 12(a)(2) of the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70) specifically exempts "outer coverings of furniture * * *" from the application of the Act. Section 14 of the same Act provides that the Act "shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States." Therefore, corrective action involving deceptive practices in the sale of furniture would be initiated under the Authority of section 5 of the Federal Trade Commission Act which prohibits "unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce."

dicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the product offered. Among acts or practices which will be considered in making that determination are the following:

(1) The creation, through the initial offer or advertisement, of a false impression of the grade, quality, make, value, currency of model, size, usability, or origin of the product offered;

(2) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer;

(3) The disparagement, by acts or words, of the product offered;

(4) The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer;

(5) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter;

(6) The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands;

(7) The use of a sales plan or method of compensation for salesmen or penalizing salesmen designed to prevent or discourage them from selling the advertised product.

(b) It is not necessary that each act or practice set forth in paragraph (a) of this section be present in order to establish that a particular offer is violative of this section. [Rule 11]

§ 75.12 Guarantees, warranties, etc.

(a) Industry members shall not represent in advertising or otherwise that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

(b) Representations that a product is "guaranteed for life" or has a "lifetime guarantee" in addition to meeting the above requirements, shall contain a conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

(c) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

(d) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty." [Rule 12]

§ 75.13 Passing off through imitation or simulation of trade-marks, trade names, etc.

Members of the industry shall not mislead or deceive purchasers by passing off the products of one industry member as and for those of another through the imitation or simulation of trade-marks, trade names, brands, or labels. (See also § 75.14.) [Rule 13]

§ 75.14 Misrepresentation as to character of business.

Members of the industry shall not represent, directly or by implication, in advertising or otherwise, that they produce or manufacture products of the industry, or that they own or control a factory making such products, when such is not the fact, or that they are a manufacturer, wholesale distributor or a wholesaler when such is not the fact, or in any other manner misrepresent the character, extent, or type of their business. [Rule 14]

§ 75.15 Push money.

Industry members shall not pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer—

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be substantially to lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with section 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act.

[Rule 15]

§ 75.16 Commercial bribery.

Members of the industry shall not give, or offer to give, or permit or cause to be given, directly or indirectly, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 16]

§ 75.17 Exclusive dealing.

Members of the industry shall not contract to sell or sell industry products or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 17]

§ 75.18 Prohibited forms of trade restraints (unlawful price fixing, etc.).[3]

Members of the industry, either directly or indirectly, shall not engage in any planned common course of action, or enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any industry products or otherwise unlawfully to restrain trade; or use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or become a party to any such understanding, agreement, combination, or conspiracy. [Rule 18]

§ 75.19 Prohibited discrimination.

(a) *Prohibited discriminatory prices, rebates, discounts, etc.* No member of the industry engaged in commerce, in the course of such commerce, shall grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount,

[3] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (The McGuire Act, commonly referred to as the Fair Trade Amendment) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE 1: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

NOTE 2: Nothing in this section should be construed as prohibiting the granting of different prices which are not otherwise violative of the foregoing provisions of this section, to customers in different functional categories. For example, a seller may grant a lower price to wholesalers than to retailers to the extent that such wholesalers resell to retailers. If such wholesalers also sell at retail in competition with their customers they may not properly be granted a price lower than the prices granted to competing retailers on that portion of the goods they sell at retail.

(b) *Prohibited brokerage and commissions.* No member of the industry engaged in commerce, in the course of such commerce, shall pay or grant, or receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* No member of the industry engaged in commerce shall pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sales by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to this paragraph (c).

(d) *Prohibited discriminatory services or facilities.* No member of the industry engaged in commerce shall discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities including, but not limited to, displays, exhibits, and promotional material connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to this paragraph (d).

(e) *Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.* No member of the industry engaged in commerce, in the course of such commerce, shall knowingly induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, which is prohibited by the foregoing provisions of this section. [Rule 19]

Approved: November 26, 1963.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-13069; Filed, Dec. 17, 1963; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

Furazolidone; Corrections

In F.R. Doc. 63-12363, published in the FEDERAL REGISTER of November 28, 1963 (28 F.R. 12664), the following corrections are made:

1. In amendment 1, in § 121.255(b)(5), line 5, the word "if" is changed to "is".

2. In amendment 2, the section number (§ 121.2582) is changed to § 121.1145.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: December 12, 1963.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 63-13093; Filed, Dec. 17, 1963; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs; Certification Procedure

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for antibiotic and antibiotic-containing drugs (21 CFR 147.2) are amended as follows:

In § 147.2 *Antibiotic sensitivity discs; certification procedure,* paragraph (c)(1)(iii)(c) is changed by adding a new expiration date "36 months" under

certain conditions and, as amended, reads as follows:

* * * * *

§ 147.2 Antibiotic sensitivity discs; certification procedure.

* * * * *

(c) * * *

(1) * * *

(iii) * * *

(*c*) For streptomycin, dihydrostreptomycin, chlortetracycline, demethylchlortetracycline, tetracycline, and chloramphenicol: 24 months, except 36 months may be used if the person who requests certification has submitted to the Commisioner results of tests and assays showing that such drug as prepared by him is stable for such time.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

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

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: December 11, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63-13029; Filed, Dec. 17, 1963; 8:49 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 30—NONDISCRIMINATION IN APPRENTICESHIP AND TRAINING

On October 23, 1963, notice of the substance of proposed rules regarding equality of opportunity in apprenticeship and training was published in the FEDERAL REGISTER (28 F.R. 11313). Interested persons were given 15 days in which to submit written statements of data, views, and arguments concerning the proposal. Having considered all relevant material submitted, I have decided to, and do hereby establish a new 29 CFR Part 30, effective January 17, 1964, to read as follows:

Sec.

AUTHORITY: §§ 30.1 to 30.16 issued under 50 Stat. 665, R.S. 161; 29 U.S.C. 50, 5 U.S.C. 22.

§ 30.1 Scope and purpose.

This part sets forth policies and procedures to promote equality of opportunity in apprenticeship and training programs registered with the Bureau of Apprenticeship and Training. These policies apply to the selection of apprentices, to waiting lists, and to employment during apprenticeship, and the procedures established provide for review of apprenticeship programs, for processing complaints, for deregistering noncomplying programs and for registering new programs. Provision is also made for cooperative relationships with appropriate State agencies. The purpose of this part is to promote equality of opportunity and to prevent discrimination based on race, creed, color or national origin in all phases of apprenticeship.

§ 30.2 Definitions.

(a) "Bureau" means the Bureau of Apprenticeship and Training.

(b) "Administrator", "Regional Director", and "field representative" mean the Administrator, the Regional Directors and the field representatives of the Bureau.

(c) "Program" means an apprenticeship program registered with the Bureau.

(d) "Employer" means any person or organization employing an apprentice whether or not the apprentice is indentured to such person or organization or to some other person or organization.

(e) "Program sponsor" means any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.

§ 30.3 Equal opportunity standards.

Each apprenticeship program registered with the Bureau shall operate on the basis of the following standards:

(a) The selection of apprentices on the basis of qualifications alone, in accordance with objective standards which permit review after full and fair opportunity for application, unless the selections otherwise made would themselves demonstrate that there is equality of opportunity.

(b) The taking of whatever steps are necessary, in acting upon application lists developed prior to this time, to remove the effects of previous practices under which discriminatory patterns of employment may have resulted.

(c) Nondiscrimination in all phases of apprenticeship and employment during apprenticeship after selections are made.

§ 30.4 Selection of apprentices.

Apprentices may be selected by any of the methods prescribed in paragraphs (a), (b) or (c) of this section.

(a) *Selection on the basis of qualifications alone.* (1) (i) Selection "on the basis of qualifications alone" means that apprentices are chosen from those applicants meeting the minimum qualifications for the trade or craft solely on the basis of their qualifications compared to those of other applicants. Examples of standards by which comparative qualifications may be determined are fair aptitude tests, school diplomas, age requirements, occupationally essential physical requirements, fair interviews, school grades and previous work experience. Under this test, both actual selection for and entry into apprenticeship must be on the basis of comparative qualifications alone. It is not enough for a program sponsor to establish a lengthy list on the basis of minimum qualifications standards and then select apprentices from the list on a basis other than comparative qualifications, such as on the basis of time of application.

(ii) Where the number of applicants meeting the minimum qualifications requirements is greater than the number of job openings, "qualifications alone" means (*a*) that the applicants are ranked on the basis of criteria which measure comparative qualifications (e.g., fair aptitude tests, etc.) and are selected on the basis of the rankings, or (*b*) that without ranking each individual, criteria which measure comparative qualifications are used to identify the "best qualified" in a total number not in excess of the total number of apprentice openings and the order of selection for employment from within the "best qualified" group is determined through any nondiscriminatory system.

(2) "Objective standards" means that qualifications and eligibility must be determined by specific requirements so that questions of discrimination in selection can be fairly adjudicated. It does not mean that all programs must have identical standards for selection. Requirements must be established and disseminated publicly prior to selection. (See § 30.4(a)(4).)

(3) To "permit review" adequate records of the selection process must be kept and made available to the Bureau upon request. These must include a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, willingness to accept direction, which are part of the total judgment. Such records must be retained for at least two years.

(4) "After full and fair opportunity for application" means, with respect to application lists developed prior to January 17, 1964, that in the development of the list the program sponsor had publicly disseminated information about the availability of apprenticeship opportunities and had allowed a substantial period of time for applicants to apply. After January 17, 1964, "After full and fair opportunity for application" means that the program sponsor, prior to time of selection and at least once annually, except in years when no selections are made, has allowed a substantial period of time for new applicants to apply and former applicants to reapply for apprenticeship, has publicly disseminated full information about the availability of apprenticeship opportunities, and has ranked the new applicants thus received along with previous applicants on the basis of their comparative qualifications.

After January 17, 1964, such information shall be posted at the normal place of application for apprenticeship and disseminated to the local employment service and the local schools, except that where selection is made exclusively from a restricted pool (see § 30.4(c)), information need not be disseminated to the local employment service and the local schools.

(b) Selections demonstrating equality of opportunity.

(1) Apprentices may be selected in any manner in which the selections themselves demonstrate equality of opportunity.

(2) Apprentices may also be selected in accordance with any plan which assures equality of opportunity and which is acceptable to the Administrator.

(c) Selection from existing employees. Where apprentices are selected from a restricted pool, e.g., from present employees, admissions to the pool as well as selection for apprenticeship must be on a nondiscriminatory basis after January 17, 1964. Selections from the pools may be made on the basis of seniority of employment.

§ 30.5 Necessary action on prior application lists.

Where program sponsors have or adopt a selection system based on qualifications alone as specified in § 30.4(a), the standard stated in § 30.3(b) does not require any action with regard to "application lists developed prior to this time" beyond that required by § 30.4(a). Where program sponsors do not have a selection system based on qualifications alone, the standard stated in § 30.3(b) requires that "application lists developed prior to this time" be opened to the extent necessary to provide current opportunities for selection of qualified members of racial and ethnic minority groups.

§ 30.6 Nondiscriminatory operation.

There must be no discrimination in apprenticeship or employment during apprenticeship after selections have been made, including but not limited to job assignment, promotion, layoff or termination, rates of pay or other forms of compensation or conditions of work. All apprentices employed shall be subject to the same job performance requirements.

§ 30.7 Formal nondiscrimination provisions.

(a) *Formal provision required.* Except as provided in § 30.7(b), each program registered with the Bureau must contain in its formal apprenticeship standards or in its underlying collective bargaining agreement a formal nondiscrimination provision which is consistent with the standards in § 30.3. The Bureau suggests the following language as appropriate for adoption by program sponsors desiring to select apprentices on the basis of qualifications alone: "Selection of apprentices under the program shall be made from qualified applicants on the basis of qualifications alone and without regard to race, creed, color, national origin, sex, or occupationally irrelevant physical requirements in accordance with objective standards which permit review, after full and fair opportunity for application; and this program shall be operated on a completely nondiscriminatory basis."

(b) *Previously registered programs.* Programs registered prior to January 17, 1964, which contain the following provision or generally equivalent language are not required to revise such language in order to comply with paragraph (a): "Selection of apprentices under this program shall be made from qualified applicant without regard to race, creed, color, national origin or physical handicaps; women shall not be barred from apprenticeships for which they qualify."

(c) *Equal opportunity standards applicable.* Irrespective of the form of the formal nondiscrimination clause adopted or in use, all federally registered programs are required to operate in accordance with the equal opportunity standards in § 30.3 as interpreted in this part.

§ 30.8 New registrations.

Any program sponsor seeking federal registration of a program after January 17, 1964, must select apprentices on the basis of qualifications alone in accordance with objective standards which permit review after full and fair opportunity for application and must adopt a nondiscrimination clause in the form suggested in § 30.7(a) or its equivalent. In addition to the formal provision requirement, the submission to the Bureau must include a concise statement of the selection procedure and of the selection standards which the program sponsor proposes to apply.

§ 30.9 Program reviews.

The Bureau shall conduct a systematic field review of existing federally registered programs, inform program sponsors of the equal opportunity standards, encourage their adoption, and take appropriate action regarding programs which do not adopt and operate in accordance with the standards. Each program field review shall involve the following steps:

(a) Notification to the program sponsor of the equal opportunity standards and the taking of all appropriate action to urge their voluntary acceptance.

(b) Maintenance of a file on the program field review: The file shall accompany the report forwarded by the field representative.

(c) Determination of racial and ethnic composition of the program: Where the composition of the program demonstrates that there is equality of opportunity no further field review will be made. A file shall be maintained regarding such programs, which will contain the information which indicates that equal opportunity is being provided. This file shall be forwarded through supervisory channels to the Administrator for review.

(d) Use of the following checklist where further field review is required:

(1) The formal program language requirement. Does the program contain a formal nondiscrimination clause consistent with the equal opportunity standards in § 30.3? (Programs already containing language generally equivalent to that required by Bureau Circular 62–5 are not required to adopt new written provisions. See § 30.7.)

(2) Selection of apprentices:

(i) Selection on the basis of qualifications alone: Does the program select apprentices on the basis of qualifications alone in accordance with objective standards which permit review after full and fair opportunity for application? (See § 30.4(a)), and is the application list composed entirely of applicants selected and ranked solely on the basis of qualifications alone in accordance with objective standards that permit review after full and fair opportunity for application? (See §§ 30.4(a)(4) and 30.5.)

(ii) Alternative selection plan: If the program does not select apprentices on the basis of qualifications alone, has the program adopted an alternative equal opportunity plan for selecting apprentices which assures equality of opportunity and which is acceptable to the Administrator? Does the program operate in accordance with such plan? Field representatives should submit through channels to the Administrator for approval alternative selection plans which appear to assure equal opportunity. A copy of the approved plan should be included in the case file.

(3) Program operation: Is there any discrimination in apprenticeship or employment during apprenticeship, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay or other forms of compensation or conditions of work? (See § 30.6.)

(e) Where the program sponsor has not adopted or is not operating in accordance with the equal opportunity standards in § 30.3, the field representative shall notify the program sponsor in writing (even in group programs where it is an individual employer who is deficient) and indicate possible methods of providing equal opportunity in accordance with this document. For a reasonable time, not to exceed 30 days from the time the program sponsor is notified of the lack of equal opportunity, the field representative shall make every reasonable effort to encourage corrective action, recording the facts and information in the case report. This effort to obtain corrective action shall include an opportunity for any body designated by the program sponsor or industry group for reviewing complaints of discrimination to resolve the issue.

§ 30.10 Review by Regional Director.

(a) *Forwarding of file.* At the close of the field review for programs found to be in conformity, or at the close of the time allowed for voluntary corrective action for programs found not to be in conformity, the field representative shall forward the case file with his recommendations through supervisory channels to the Regional Director for review.

(b) *Conformity findings.* The Regional Director shall review findings of conformity or achievement of corrective action on a spot check basis in sufficient proportion to assure himself that the Bureau's equal opportunity policy is being properly carried out. Where upon review the Regional Director does not concur in the findings of the field representative, he may order further inves-

tigation or such other action as may be necessary and appropriate.

(c) *Nonconformity findings.* Upon receipt of any finding of nonconformity by a field representative, the Regional Director shall notify the program sponsor in writing that such a finding has been made, of the facts on which the finding is based, and that the program will be deregistered unless the finding is set aside or appropriate corrective action taken. The program sponsor shall have 15 days from the date of receipt of the notification within which to file a written request for a hearing with the Regional Director.

(1) *Hearing not requested.* If the program sponsor does not request a hearing within 15 days, the Regional Director shall review the case. Where, upon review, the Regional Director concurs in the finding of noncompliance and failure to achieve satisfactory corrective action, he shall so notify the program sponsor and the complainant, if any, and shall forward the case file to the Administrator, stating his concurrence and his recommendations, if any. Where, upon review, the Regional Director does not concur in the finding of the field representative, he may order further investigation or such other action as may be necessary and appropriate.

(2) *Hearing procedure.* If the program sponsor within 15 days of receipt of the notice files a written request, the program sponsor shall be accorded a hearing before a hearing officer designated by the Under Secretary of Labor. The hearing shall be informally conducted. Every party shall have the right to counsel and a fair opportunity to present its case or defense, including a right of cross-examination. The hearing officer shall prepare a decision on the basis of the record before him, setting forth findings and conclusions on the question of noncompliance and recommendations, if any. Copies of the decision shall be furnished to the program sponsor, and the complainant, if any. The decision shall be final except that any program sponsor as to whom the decision is adverse may file exceptions with the Administrator within 15 days of its receipt. If exceptions are filed and if there is a complainant, a copy of the exceptions filed shall be furnished to him and he shall be given 15 days in which to file a reply with the Administrator. A copy of such reply shall be furnished to the program sponsor.

§ 30.11 Review by Administrator.

(a) *Voluntary corrective action.* Upon receipt of the Regional Director's concurrence in the finding of the field representative or of a decision of a hearing officer that a program is not in conformity, the Administrator shall so inform any private organization designated by the industry in question to assist in achieving equal opportunity and shall allow the organization a reasonable time, normally not to exceed 20 days, to achieve voluntary corrective action.

(b) *Final determination.* Following the receipt of exceptions and replies to be filed or the expiration of the time for action provided for in paragraph (a) of this section, the Administrator shall render a final decision in writing based on the file or the record as the case may be. If the decision is that the program is in nonconformity and that satisfactory action to achieve conformity has not been taken, the program shall be deregistered. The Administrator shall notify the Regional Director, the program sponsor, the complainant, if any, and any private organizations of the type described in paragraph (a) of this section. In each case in which deregistration is ordered the Administrator will make public notice of the order and will notify the President's Committee on Equal Employment Opportunity and the Solicitor of Labor.

§ 30.12 Complaint procedure.

(a) *Filing.* Any applicant or apprentice who believes that he has been discriminated against on the basis of race, creed, color, or national origin with regard to apprenticeship or that the equal opportunity standards have not been followed in his case may file a complaint with the Bureau or any field representative. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address and the telephone number of the person allegedly discriminated against, the program sponsor involved and brief description of the circumstances of the alleged discrimination or failure to follow equal opportunity standards. Complaints received by the Bureau Headquarters Office will be transmitted to the field for processing. The complaint must be filed not later than 180 days from the date of the alleged discrimination or specified failure to follow equal opportunity standards; and in the case of complaints filed directly with private review bodies designated by program sponsors to review such complaints, any referral of such complaint by the complainant to the Bureau or any field representative must occur within the time limitation stated above or 30 days from the final decision of such body, whichever is later. The time may be extended by the Administrator for good cause shown. Local program sponsors should be immediately encouraged to establish, either individually or in an industry group, fair, speedy, and effective procedures for reviewing complaints of discrimination.

(b) *Processing of complaints.* Upon receipt of any complaint the field representative shall:

(1) Prepare and maintain a complete case file for each complaint received. It shall contain the original complaint, reports of investigations and visits, and correspondence with the employer, the program sponsor, and others regarding all phases of the case in chronological order, including recommendations made and final disposition of the case. This file shall be forwarded to the Regional Director for review upon local disposition of each complaint. A separate local office correspondence and reports file shall be maintained for essential internal records and correspondence regarding each case.

(2) When the program sponsor or an industry group has designated a body for reviewing complaints of discrimination, the field representative, upon receiving a complaint, shall establish a case file and direct the complainant to file his complaint with the representative of the review body. He shall give the complainant the name and address of this representative.

(3) No later than 60 days following the filing of a complaint with the review body by the complainant the field representative shall obtain reports from the complainant and the review body of the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.

(4) When a complaint has not been resolved through local review procedures within 60 days, where no local review procedure exists or where despite satisfactory resolution of the complaint, there is evidence that the equal opportunity practices of the program are not in accordance with these rules, the field representative shall notify the program sponsor of the complaint or such evidence, solicit a response from the program sponsor and conduct whatever other investigation is necessary to determine the facts, including where necessary, interrogation of the complainant, the employer and the other involved persons. The pertinent facts shall be recorded.

(5) Where the program is not operating in accordance with the equal opportunity standards, the field representative shall notify the program sponsor (even in group programs where it is an individual employer who is deficient) and indicate possible methods of providing equal opportunity in accordance with these regulations. For a reasonable time, not to exceed 15 days from the time the program sponsor is notified of the lack of equal opportunity, the field representative shall make every reasonable effort to encourage corrective action, recording the facts and information in the case report.

(6) From this point on, complaints shall be processed procedurally in the same manner as program reviews. (See §§ 30.10–11.)

§ 30.13 Adjustments in schedule for program review or complaint processing.

If, in the judgment of the Administrator, a particular situation warrants and requires special processing and either expedited or extended determination, he shall take the steps necessary to permit such determination if he finds that no person or party affected by such determination will be prejudiced by such special processing.

§ 30.14 Reinstatement of program registration.

Any program deregistered pursuant to these regulations may be reinstated upon presentation of adequate evidence to the Administrator that the program has established and is operating under a selection system based on qualifications alone and is in compliance with § 30.3(c).

§ 30.15 Quota system barred.

Nothing contained in this part shall be construed to require any program sponsor or employer to select or employ apprentices in the proportion which their race, color, religion, or national origin bears to the total population.

§ 30.16 State agencies.

(a) (1) Regional Directors shall encourage State Apprenticeship Council (SAC) States to adopt and implement the equal opportunity standards set forth in § 30.3 and to adopt effective procedures to implement the standards including program reviews, the processing of complaints, deregistration of noncomplying programs, and the consultation and cooperation with private organizations designated by the industry in question to assist in achieving equal opportunity in apprenticeship. Regional Directors shall submit the State equal opportunity programs to the Administrator for determination of their consistency with such equal opportunity standards.

(2) Where State programs are determined to be consistent with such equal opportunity standards, Regional Directors shall work out with SAC States a division of responsibilities between Federal and State personnel for carrying out the procedures adopted to implement the policy.

(3) When the Administrator determines that a State program is not consistent with such standards, he shall notify the Secretary of Labor that a question exists as to whether the Federal Government should continue to recognize, for Federal purposes, programs registered by the State agency.

(b) Regional Directors shall request that SAC State agencies notify them of any State deregistration. Regional Directors shall then notify the Administrator who will in turn notify the President's Committee on Equal Opportunity and the Solicitor of Labor.

(c) Regional Directors shall consult with State officials regarding methods of cooperation with State fair employment practices commissions and shall report the results of such consultations to the Administrator with recommendations for coordination of activities and for a division of responsibilities where appropriate.

Signed at Washington, D.C., this thirteenth of December 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-13141; Filed, Dec. 17, 1963; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER F—ISLANDS UNDER NAVY JURISDICTION

PART 761—NAVAL DEFENSIVE SEA AREAS; NAVAL AIRSPACE RESERVATIONS, AREAS UNDER NAVY ADMINISTRATION, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Scope and purpose. Part 761 as revised conforms with OPNAV (Office of the Chief of Naval Operations) Instruction 5500.11C of November 12, 1963 and prescribes regulations, procedures, and criteria governing the issuance of authorizations to enter certain defense areas (as defined in § 761.5(a)), the entry of which is prohibited except as authorized by the Secretary of the Navy. This part is published as the primary source of information and guidance for persons seeking authorization to enter defense areas, and of authority for officers receiving and processing inquiries and applications relative to such authorizations. Letters or other correspondence issued as guides to persons responsible for administering Part 761 shall not be construed as changing this part. Any entry authorizations issued under the provisions of this part prior to the revision will remain effective until expired, cancelled or revoked.

Subpart A—Introduction

Sec.

Subpart B—Criteria and Basic Controls

Subpart C—Entry Authorization

Subpart D—Additional Instructions

AUTHORITY: §§ 761.1 to 761.20 issued under sec. R.S. 161, 2152, 62 Stat. 799, secs. 5031, 6011, 70A Stat. 278, 375, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 6011, 18 U.S.C. 2152. Interpret or apply sec. 21, 64 Stat. 1005, sec. 1501(a), 72 Stat. 809, sec. 133, 76 Stat. 517; 10 U.S.C. 133, 49 U.S.C. 1301 note, 50 U.S.C. 797. The text contains additional references, including Executive orders

Subpart A—Introduction

§ 761.1 Scope.

(a) This part provides regulations governing the entry of persons, ships, and aircraft into:

(1) Naval Defensive Sea Areas and Naval Airspace Reservations established by Executive order of the President (see § 761.3(a)).

(2) Areas placed under the Secretary of the Navy for administrative purposes by Executive order of the President (see § 761.3(b)).

(3) The Trust Territory of the Pacific Islands (see § 761.3(c)).

(4) The Bonin, Volcano, and Marcus Islands.

(b) In addition to the authorization required by this part, local clearance is required to enter military areas in the Trust Territory of the Pacific Islands and the Bonin, Volcano, and Marcus Islands. The entry authorizations issued under the authority of this part do not supersede or eliminate the need for visas or other clearances or permits required by other law or regulation.

§ 761.2 Background and general policy.

(a) Free entry into the defense areas, listed and defined in this part, and military installations contiguous to or within the boundaries of defense areas has been restricted by Executive order or by regulation for defense purposes because of the unique strategic nature of the areas and for the protection of the military and naval bases, facilities and other installations located therein and the personnel, property and equipment assigned to or located within such areas, bases, stations, facilities and other installations against destruction, loss or injury by accident or enemy action or by sabotage or other subversive actions. Persons, ships, and aircraft are excluded unless and until they qualify for admission under the Executive order or applicable regulation.

(b) The control of entry into or movement within defense areas by persons, ships, or aircraft will be exercised so as to fully protect the physical security of, and insure the full effectiveness of, bases, stations, facilities and other installations within or contiguous to defense areas. However, unnecessary interference with the free movement of persons, ships, and aircraft is to be avoided.

(c) This part will be administered so as to provide for the prompt processing of all applications and to insure uniformity of interpretation and application, insofar as changing conditions permit.

(d) In cases of doubt, the determination will be made in favor of the course of action which will best serve the interests of the United States and national defense as distinguished from the private interests of an individual or group.

§ 761.3 Authority.

(a) *Naval Defensive Sea Areas and Naval Airspace Reservations.* By Exec-

utive Orders, as amended, the President has reserved, set aside, and established the following Naval Defensive Sea Areas and Naval Airspace Reservations under the control of the Secretary of the Navy. Incorporated therein are provisions for the exercise of control by the Secretary over the entry of persons, ships, and aircraft into the areas so described. (See § 761.4(b) for delineation of areas where entry controls are suspended.)

(1) *Atlantic areas.* (i) Culebra Island Naval Defensive Sea Area; Culebra Island Naval Airspace Reservation: Executive Order 8684 of February 14, 1941 (6 F.R. 1016; 3 CFR, 1943 Cum. Supp., p. 895).

(ii) Guantanamo Bay Naval Defensive Sea Area; Guantanamo Bay Naval Airspace Reservation: Executive Order 8749 of May 1, 1941 (6 F.R. 2252; 3 CFR, 1943 Cum. Supp., p. 931).

(2) *Pacific areas.* (i) Honolulu Defensive Sea Area: Executive Order 8987 of December 20, 1941 (6 F.R. 6675; 3 CFR, 1943 Cum. Supp., p. 1048).

(ii) Kaneohe Bay Naval Defensive Sea Area; Kaneohe Bay Naval Airspace Reservation: Executive Order 8681 of February 14, 1941 (6 F.R. 1014; 3 CFR, 1943 Cum. Supp., p. 893).

(iii) Pearl Harbor Defensive Sea Area: Executive Order 8143 of May 26, 1939 (4 F.R. 2179; 3 CFR, 1943 Cum. Supp., p. 504).

(iv) Johnston Island Naval Defensive Sea Area; Johnston Island Naval Airspace Reservation: Executive Order 8682 of February 14, 1941 (6 F.R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F.R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(v) Kingman Reef Naval Defensive Sea Area; Kingman Reef Naval Airspace Reservation: Executive Order 8682 of February 14, 1941 (6 F.R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F.R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(vi) Midway Island Naval Defensive Sea Area; Midway Island Naval Airspace Reservation: Executive Order 8682 of February 14, 1941 (6 F.R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F.R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(vii) Wake Island Naval Defensive Sea Area; Wake Island Naval Airspace Reservation: Executive Order 8682 of February 14, 1941 (6 F.R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1917 (12 F.R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(viii) Kiska Island Naval Defensive Sea Area; Kiska Island Naval Airspace Reservation: Executive Order 8680 of February 14, 1941 (6 F.R. 1014; 3 CFR 1943 Cum. Supp., p. 892) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919).

(ix) Kodiak Naval Defensive Sea Area: Executive Order 8717 of March 22, 1941 (6 F.R. 1621; 3 CFR, 1943 Cum. Supp., p. 915). Kodiak Naval Airspace Reservation: Executive Order 8597 of November 18, 1940 (5 F.R. 4559; 3 CFR, 1943 Cum. Supp., p. 837) as amended by Executive Order 9720 of May 8, 1946 (11 F.R. 5105; 3 CFR, 1943–1948 Comp., p. 527).

(x) Unalaska Island Naval Defensive Sea Area; Unalaska Island Naval Airspace Reservation: Executive Order 8680 of February 14, 1941 (6 F.R. 1014; 3 CFR, 1943 Cum. Supp., p. 892) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919).

(b) *Administrative areas.* By Executive orders, as amended, the President has reserved, set aside, and placed under the control and jurisdiction of the Secretary of the Navy for administrative purposes the following named areas including their appurtenant reefs and territorial waters:

(1) Johnston Island—Executive Order 6935 of December 29, 1934 as amended by Executive Order 11048 of September 4, 1962 (27 F.R. 8851; 3 CFR, 1962 Supp., p. 241).

(2) Kingman Reef—Executive Order 6935 of December 29, 1934 as amended by Executive Order 11048 of September 4, 1962 (27 F.R. 8851; 3 CFR, 1962 Supp., p. 241).

(3) Midway Island—Executive Order 11048 of September 4, 1962 (27 F.R. 8851; 3 CFR, 1962 Supp., p. 241).

(4) Sand Island—Executive Order 6935 of December 29, 1934 as amended by Executive Order 11048 of September 4, 1962 (27 F.R. 8851; 3 CFR, 1962 Supp., p. 241).

(c) *Trust Territory of the Pacific Islands.* The Trust Territory of the Pacific Islands is a strategic area administered by the United States under the provisions of a Trusteeship Agreement with the United Nations. By Executive Order 11021 of May 7, 1962 (27 F.R. 4409; 3 CFR, 1962 Supp., p. 209), the Secretary of the Interior has been charged with the administrative responsibility for all of the Trust Territory of the Pacific Islands. Under an agreement between the Department of the Navy and the Department of the Interior effective July 1, 1963 the entry of all individuals, ships, and aircraft into the Trust Territory is subject to control. That control shall be exercised by the High Commissioner of the Trust Territory and the Department of the Navy as follows:

(1) Entry into Eniwetok and Bikini Atolls and any area hereafter closed for security reasons by the President, shall be controlled solely by the Department of the Navy with respect to all individuals, ships, and aircraft.

(2) Entry into areas now or hereinafter utilized by or under jurisdiction of the military for military purposes shall be controlled by the Department of the Navy with respect to all individuals, ships, and aircraft.

(3) *Entry of U.S. citizens and nationals and citizens of the Trust Territory,* into areas of the Trust Territory other than those set forth in subparagraphs (1) and (2) of this paragraph shall be controlled by the High Commissioner.

(4) *All other persons.* Applications for entry into the Trust Territory, except for those areas under military control, of all persons who are not U.S. citizens and nationals or who are not citizens of the Trust Territory shall be made to the High Commissioner for processing in accordance with the laws and regulations of the Trust Territory: *Provided,* That prior to the issuance of an authorization to enter the Trust Territory, the High Commissioner shall provide the Department of the Navy in all cases with information on the applicants for its consideration and comment, granting thereby the Department of the Navy the right to object to the issuance of an authorization.

(5) *Ships and aircraft.* (i) The entry of ships and aircraft, other than U.S. public ships and aircraft, documented under either the laws of the United States or the laws of the Trust Territory into areas of the Trust Territory other than those set forth in subparagraphs (1) and (2) of this paragraph shall be controlled solely by the High Commissioner.

(ii) Applications for entry into the Trust Territory, except for those areas under military control, of ships and aircraft not documented under the laws of the United States or the laws of the Trust Territory shall be made to the High Commissioner for processing in accordance with the laws and regulations of the Trust Territory: *Provided,* That prior to the issuance of an authorization to enter the Trust Territory, the High Commissioner shall provide the Department of the Navy in all cases with information on the applicants for its consideration and comment, granting thereby the right of the Department of the Navy to object to the issuance of an authorization.

(d) *Bonin, Volcano, and Marcus Islands.* The Bonin, Volcano, and Marcus Islands are administered by the Department of the Navy as a strategic area, under the provisions of the Peace Treaty with Japan. In addition to the requirements of this part, the Commander in Chief, U.S. Pacific Fleet as Military Governor of the Bonin-Volcano Islands and Marcus Island exercises local control over the entry of ships, planes, and persons into these islands, the territorial waters thereof and the airspace above.

(e) *Exercise of authority.* The authority of the Secretary of the Navy to control entry of ships, planes, and persons into the areas listed is exercised through the Chief of Naval Operations and certain of his subordinates as prescribed in this part.

(f) *Penalties.* Penalties are provided by law: (1) for violations of orders or regulations governing persons or ships within the limits of defensive sea areas (62 Stat. 799; 18 U.S.C. 2152); (2) for entering military, naval or Coast Guard property for prohibited purposes or after

removal or exclusion therefrom by proper authority (62 Stat. 765; 18 U.S.C. 1382); (3) for violation of regulations imposed for the protection or security of military or naval aircraft, airports, air facilities, vessels, harbors, ports, piers, waterfront facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any department or agency of which said department or agency consists, or any officer or employee of said department or agency (sec. 21 of the Internal Security Act of 1950 (50 U.S.C. 797) and Department of Defense Directive 5200.8 of 20 August 1954 (19 F.R. 5446)); and (4) for knowingly and willfully making a false or misleading statement or representation in any matter within the jurisdiction of any department or agency of the United States (18 U.S.C. 1001).

§ 761.4 Special provisions.

(a) *Restricted areas.* Special authorization is required for entry into the following restricted areas:

(1) *Eniwetok Atoll, Bikini Atoll and those islands in Kwajalein Atoll under military jurisdiction.* In addition to the controls covered by this part, entry into these areas and the territorial sea thereof is subject to local control by the Commanding Officer, Pacific Missile Range Facility.

(2) *Bonin, Volcano, and Marcus Islands.* In addition to the controls covered by this part, entry into these islands, the territorial sea thereof and airspace above is subject to local control by Commander in Chief, U.S. Pacific Fleet, as Military Governor.

(b) *Suspension of restrictions.* Restrictions imposed under the authority of the above cited Executive Orders on entry into the following Naval Defensive Sea Areas and Naval Airspace Reservations and Administrative Areas have been suspended subject to reinstatement without notice at any time when the purposes of national defense may require.

(1) All Naval Airspace Reservations, except:

(i) Guantanamo Bay Naval Airspace Reservation

(ii) Culebra Island Naval Airspace Reservation

(2) The Wake Island Naval Defensive Sea Area except for entry of foreign flag ships and foreign nationals.

(3) The portion of Kaneohe Defensive Sea Area lying beyond a 500 yard buffer zone around the perimeter of the Kaneohe Marine Corps Air Station (Mokapu Peninsula) and eastward therefrom to Kapoho Point, Oahu.

Suspension of restrictions on entry into a naval airspace reservation, naval defensive sea area, or naval administrative area, does not affect the authority of a commanding officer or other appropriate commander to control entry into or passage through any base, station, or other installation or area, including port or harbor facilities under Navy control.

§ 761.5 Definitions.

(a) *Defense area.* A naval defensive sea area, naval airspace reservation, or naval administrative area established by Executive order of the President, areas of the Trust Territory as defined in § 761.3(c), and the territorial sea thereof, and the Bonin, Volcano, and Marcus Islands and the territorial sea thereof.

(b) *Department of Defense.* The Department of Defense, including the Departments of the Army, Navy, and Air Force.

(c) *Entry authorization.* A document which authorizes a ship, aircraft, or person to enter a defense area.

(d) *Entry Control Commander.* A commander empowered to issue entry authorizations for one or more defense areas (see paragraph V.B.).

(e) *Excluded person.* A person who does not hold a currently valid entry authorization for the area concerned and who has been notified by an Entry Control Commander that authority for him to enter any defense area has been denied, suspended or revoked.

(f) *Foreign nationals.* Persons who are not citizens or nationals of the United States.

(g) *Military installation.* A military (Army, Navy, Air Force, Marine Corps, and/or Coast Guard) activity ashore, having a commanding officer, and located in an area having fixed boundaries, within which all persons are subject to military control and to the immediate authority of a commanding officer.

(h) *Public vessel or aircraft.* A ship or aircraft owned by or belonging to a government and not engaged in commercial activity.

(i) *Territorial sea*—(1) *Trust Territory.* In accordance with section 874(c) of the Code of the Trust Territory " * * * that part of the sea comprehended within the envelope of all arcs of circles having a radius of three marine miles drawn from all points of the barrier reef, fringing reef, or other reef system of the Trust Territory, measured from the low water line, or, in the absence of such reef system, the distance to be measured from the low water line of any island, islet, atoll, reef, or rocks within the jurisdiction of the Trust Territory."

(2) *Other areas.* That part of the sea included within the envelope of all arcs of circles having a radius of three marine miles with centers on the low water line of the coast. For the purpose of this definition, the term "coast" includes the coasts of islands, islets, rocks, atolls, reefs and other areas of land permanently above the high water mark.

(j) *Trust Territory Registry.* Registration of a ship or aircraft in accordance with the laws of the Trust Territory.

(k) *U.S. Registry.* Registration of a ship or aircraft in accordance with the laws and regulations of the United States.

(l) *U.S. Armed Forces.* Military personnel of the Department of Defense, the Departments of the Army, Navy, Air Force, and the United States Coast Guard.

Subpart B—Criteria and Basic Controls

§ 761.6 Criteria.

(a) *General.* (1) Entry authorizations may be issued only after an Entry Control Commander, or a duly authorized subordinate acting in his behalf, has determined that the presence of the person, ship, or aircraft will not, under existing or reasonably foreseeable future conditions, endanger, place an undue burden upon, or otherwise jeopardize the efficiency, capability or effectiveness of any military installation located within or contiguous to a defense area. Factors to be considered shall include, but not be limited to, the true purpose of the entry, the personal history, character and present or past associates of the individuals involved, the possible burdens or threats to the defense facilities which the presence of the ship, aircraft or the individual or individuals involved impose or might reasonably be expected to impose on the related base complex.

(2) Requests for entry authorizations will be evaluated and adjudged as to whether the entry at the time and for the purpose stated will or will not be inimical to the purposes of national defense.

(b) *Adverse.* Substantial evidence of any of the following shall preclude the granting of entry authorization except with the specific approval of the Chief of Naval Operations in each case:

(1) Prior noncompliance with entry control regulations or failure to observe terms under which any entry authorization may have been granted; [1]

(2) Willfully furnishing false, incomplete, or misleading information in an application for an entry authorization; [1]

(3) Advocacy of the overthrow or alteration of the Government of the United States by unconstitutional means;

(4) Commission of, or attempt or preparation to commit, an act of espionage, sabotage, sedition, or treason, or conspiring with or aiding or abetting another to commit such an act;

(5) Performing, or attempting to perform, duties, or otherwise acting so as to serve the interest of another government to the detriment of the United States;

(6) Deliberate unauthorized disclosure of classified defense information;

(7) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group or combination of persons, designated by the Attorney General pursuant to Executive Order 10450 of April 27, 1953 (18 F.R. 2489; 3 CFR, 1953 Supp., p. 72), as amended (see 5 U.S.C. 631 note; also 18 F.R. 2741; 19 F.R. 655; 20 F.R. 816, 2093, 7201, 8163; 22 F.R. 8069);

(8) Serious mental irresponsibility evidenced by having been adjudged insane, or mentally irresponsible, or an

[1] The criteria so marked are applicable only to those applications concerning entry into Eniwetok and Bikini Atolls and other areas under military cognizance.

incompetent, or a chronic alcoholic, or treated for serious mental or neurological disorders or for chronic alcoholism, without evidence of cure; [1]

(9) Conviction of any of the following offenses under circumstances indicative of a criminal tendency potentially dangerous to the security of a strategic area containing military establishments: arson, unlawful trafficking in drugs, murder, kidnaping, blackmail, or sex offenses involving minors or perversion.

(10) Chronic alcoholism or addiction to the use of narcotic drugs without adequate evidence of rehabilitation; [1]

(11) Illegal presence in the United States, its territories or possessions, having been finally subject to deportation order, or voluntary departure in lieu of deportation order, by the United States Immigration and Naturalization Service; [1]

(12) Being the subject of proceedings for deportation or voluntary departure in lieu of deportation for any reasons which have not been determined in the applicant's favor; [1]

(13) Conviction of larceny of property of the United States, willful injury to or destruction of property of the United States, fraudulent enlistment, impersonation of a commissioned officer of the United States or any state or territory thereof, or any offense involving moral turpitude, except offenses, which, in the jurisdiction within which the conviction was obtained, are punishable by imprisonment for not more than one year or a fine of not more than one thousand dollars.[1]

(c) *Aliens.* (1) Entry of aliens for employment or residence in an area entirely within the borders of a defense area is not authorized except when such entry would serve the interests of National Defense, and then only for specified periods and under prescribed conditions.

(2) Entry of aliens for any purpose into areas over which the United States exercises sovereignty is further subject to requirements imposed by law for the obtaining of a United States visa. Naval authorization for entry into areas covered by this part will not be issued to foreign nationals for purposes, places, or periods of time in excess of those stipulated in the visa.

(3) Alien spouses and bona fide dependents of U.S. citizen employees of the United States may, if otherwise qualified, be granted entry authorization so long as the U.S. citizen sponsor or principal remains on duty or resident within the defense area.

(d) *Renewals.* Entry authorizations having been granted and utilized may be extended or renewed upon request at the expiration of the period for which the entry was originally authorized or extended, provided the justification for remaining in the area or for making a reentry meets the criteria set forth in this part. It shall be the responsibility of every applicant to depart the defense area for which entry was authorized upon expiration of the time prescribed in the authorization, unless such authorization has been extended or renewed. Failure to comply herewith will be considered as evidence of violation of this part and may result in denial of future authorizations.

[1] See footnote to § 761.6.

§ 761.7 Basic controls.

(a) *General.* Except for such persons, ship, or aircraft as are issued an authorization to enter by an Entry Control Commander:

(1) No person, except persons aboard public vessels or aircraft of the United States, shall enter any defense area.

(2) No vessel or other craft, except public vessels of the United States shall enter any naval defensive sea area or other defense area.

(3) No aircraft, except public aircraft of the United States, shall be navigated within any naval airspace reservation of the airspace over other defense areas.

(b) *Excluded persons*—(1) *Entry prohibited.* Excluded persons, as defined in § 761.5(e), are prohibited from entering any defense area. In a bona fide emergency which requires an excluded person's presence in or transit through a military installation which is also a defense area, the commanding officer of the installation may grant permission to enter or transit subject to such restrictions as may be imposed by regulation or which may, in his discretion, be required.

(2) *Carrying prohibited.* Except in a bona fide emergency and after being authorized by the appropriate local authority, no vessel or aircraft, except public vessels and aircraft of the United States, shall enter into or be navigated within any defense area while carrying any excluded person, as defined in this part, as passenger, officer or crew member.

(c) *Control of violators.* No commanding officer of a military installation shall permit any ship or aircraft which has entered the limits of his command by passing through a defense area without authorization to land, except in emergency, or, if permitted to land, to disembark passengers or cargo except as authorized by the appropriate Entry Control Commander. Commanding officers will take appropriate action to apprehend violators who come within their jurisdiction and request disposition instructions from the appropriate Entry Control Commander.

(d) *Trust Territory.* An authorization from the High Commissioner is required for all persons desiring to enter the Trust Territory, except into Eniwetok and Bikini Atolls and those areas under military jurisdiction all of which are exclusively controlled by the Department of the Navy.

(e) *Military areas.* Entries authorized under this Instruction do not affect the authority of a commanding officer or other appropriate commander to impose and enforce proper regulations pertaining to movement into or within naval stations or other military installations.

(f) *Waiver prohibited.* No officer of the U.S. Armed Forces, except as authorized in writing by the Chief of Naval Operations, has authority to waive the requirements of this part, and any waiver must be in writing and signed by an authorized person.

Subpart C—Entry Authorization

§ 761.8 General.

(a) As indicated in § 761.7(a), certain persons, ships, and aircraft must be specifically authorized under the provisions of this part to enter defense areas.

(b) When entering or transiting a defense area each person, ship, or aircraft must have a valid authorization or satisfactory evidence thereof.

§ 761.9 Entry Control Commanders.

The following commanders are designated Entry Control Commanders with authority to approve or disapprove individual entry authorizations for persons, ships, or aircraft as indicated:

(a) *Chief of Naval Operations.* Authorization for all persons, ships, or aircraft to enter all defense areas.

(b) *Commander in Chief, U.S. Atlantic Fleet.* Authorization for all persons, ships, or aircraft to enter defense areas in the Atlantic.

(c) *Commander in Chief, U.S. Pacific Fleet.* Authorization for all persons, ships, or aircraft to enter defense areas in the Pacific.

(d) *Commander Caribbean Sea Frontier.* Authorization for all persons, ships, and aircraft to enter the Guantanamo Bay Naval Defensive Sea Area and the Guantanamo Naval Airspace Reservation, and for all persons and U.S. registered private and Canadian public vessels to enter the Culebra Island Naval Defensive Sea Area and Culebra Island Naval Airspace Reservation.

(e) *Commander U.S. Naval Base, Guantanamo Bay.* Authorization for all persons, ships, and aircraft to enter the Guantanamo Bay Naval Defensive Sea Area and the Guantanamo Naval Airspace Reservation.

(f) *Commander Alaskan Sea Frontier.* Authorization for all persons and U.S. registered private and Canadian public vessels to enter Kodiak Naval Defensive Sea Area, Kiska Island Naval Defensive Sea Area, and Unalaska (Dutch Harbor) Naval Defensive Sea Area.

(g) *Commander Hawaiian Sea Frontier.* Authorization for U.S. citizens and U.S. registered private vessels to enter Johnston Island, Midway Island, Kingman Reef, Kaneohe Bay Naval Defensive Sea Area, Pearl Harbor Defensive Sea Area, and military areas in that portion of the Trust Territory east of 160 degrees east longitude, and Filipino workers employed by U.S. contractors to enter Wake Island (see also paragraph (j) of this section).

(h) *Commander U.S. Naval Forces Marianas.* Authorization for U.S. citizens and U.S. registered private vessels to enter the Bonin, Volcano, and Marcus Islands, and military areas in that portion of the Trust Territory west of 160 degrees east longitude, and in conjunction with the High Commissioner for non-U.S. citizens and ships or aircraft documented under laws other than those of the United States or the Trust Territory to enter those portions of the Trust Territory not under military jurisdiction or control.

(i) *Senior Naval Commander in Defense Area.* Emergency authorization for persons, ships, or aircraft in cases of emergency or distress. In all cases the Chief of Naval Operations, and as appropriate, the Commander in Chief, U.S. Atlantic Fleet or the Commander in Chief, U.S. Pacific Fleet, and other interested commands, shall be informed immediately of the nature of the emergency, and action taken.

(j) *U.S. Coast Guard.* The U.S. Coast Guard regulates the movement of shipping within the Honolulu Harbor under the authority of Executive Orders 10173 of October 18, 1950 (15 F.R. 7005, 3 CFR, 1950 Supp., p. 140) and 10289 of September 17, 1951 (16 F.R. 9499; 3 CFR, 1951 Supp., p. 469); such shipping is considered to be under U.S. authorized supervision within the meaning of Executive Order 8987 of December 20, 1941 (6 F.R. 6675; 3 CFR, 1943 Cum. Supp., p. 1048). The Commandant, Fourteenth Naval District, as representative of the Secretary of the Navy, retains responsibility for security of the Honolulu Defensive Sea Area, as required by naval interest, and, as such, issues amplifying instructions relating to the Honolulu Defensive Sea Area.

§ 761.10 Persons; group authorizations.

Persons in the following categories, except those persons who have been denied individual authorization or have had a prior authorization revoked, may enter the defense areas indicated without individual authorization:

(a) Persons aboard U.S. public vessels or aircraft entering a Naval Defensive Sea Area or a Naval Airspace Reservation.

(b) Military members of the U.S. Armed Forces or U.S. civil service employees of the Department of Defense when traveling on official orders.

(c) U.S. ambassadors, cabinet members, elected U.S. Government officers and U.S. citizen civil service employees of the U.S. Government traveling on official orders on U.S. Government business may enter defense areas as required by their orders.

(d) Dependents of military members of the U.S. Armed Forces and U.S. citizen dependents of U.S. civil service employees traveling on official orders and entering for purposes of joining a principal permanently stationed in an area covered by this part.

(e) U.S. Navy Technicians, U.S. Army Contract Technicians, or U.S. Air Force Contract Technicians, who are traveling on official (does not include invitational) travel orders on U.S. Government business, may enter defense areas as specifically required by such orders.

(f) Persons domiciled and currently residing in the Bonin Islands and traveling on a Bonin Island travel document may enter the Bonin Islands.

(g) Individuals on board any foreign public vessel or aircraft which has been granted diplomatic or other official U.S. Government authorization to enter an area covered by this part.

(h) Through passengers and bona fide regularly employed crew members, unless otherwise excluded, on nonpublic vessels authorized to enter areas covered by this part. This does not include an authorization to disembark at a port contiguous to or within the areas covered in this part. Application for authorization to disembark may be submitted to an Entry Control Commander having jurisdiction over the particular port.

(i) Through passengers and bona fide regularly employed crew members, unless otherwise excluded, on nonpublic aircraft authorized to enter areas covered by this part. Such persons are subject to local regulations governing entry into or movement within military air stations or facilities. Application for authorization to disembark may be submitted to an Entry Control Commander having jurisdiction over the air facility.

(j) U.S. citizen news correspondents and photographers when properly accredited by the Department of Defense to enter areas covered by this part except that special authorization is required to enter the restricted areas listed in § 761.4(a).

§ 761.11 Persons: individual authorizations.

(a) *Application; filing.* Applications for authorization to enter defense areas shall be filed with one of the following:

(1) Chief of Naval Operations.

(2) Commander in Chief, U.S. Atlantic Fleet.

(3) Commander in Chief, U.S. Pacific Fleet.

(4) Any Naval Sea Frontier Commander.

(5) Any Naval Fleet or Force Commander.

(6) Any Naval District Commandant.

(7) Any Naval Attache.

The Commander or Attache with whom the application is filed is responsible for taking such action on the application as he may be empowered to do or for forwarding the application to the nearest Entry Control Commander authorized by this part to take action thereon. Applications received in the United States and those received indicating that the applicant his resided in the United States for the major portion of ten years immediately prior to date of request will normally be forwarded to the Chief of Naval Operations for action. In all cases where the forwarding activity has information regarding the applicant or his employer, appropriate comment and/or recommendation for disposition will be included in the forwarding letter. The processing of applications of persons residing in the United States (other than Alaska and Hawaii) will be expedited if they are mailed direct to the Chief of Naval Operations.

(b) *Form.* (1) Applications for entry authorizations will be made on the standard form Statement of Personal History, DD 398, which is available at most military installations. In addition to the information required by the form, an entry application shall include the following additional information under Item 20, "Remarks":

"21. Purpose of proposed visit: (Detailed statement including names of principal persons, firms, or establishments to be visited)

"22. Proposed duration of visit:

"23. Estimated date of arrival:

"24. Address to which authorization should be mailed:"

In the event that a DD 398 form is not available, a locally produced form containing identical information including the certification and signature of applicant and witness may be utilized.

(2) Incomplete forms will be returned for completion.

(3) When time is of the essence, emergency applications may be forwarded by message to the appropriate Entry Control Commander. Such messages shall include the following:

(i) Name of applicant.

(ii) Date and place of birth.

(iii) Citizenship.

(iv) Residence for last ten (10) years.

(v) Employers and their addresses for last ten (10) years.

(vi) Results of Local Agency Check, if pertinent.

(vii) Place to be entered and date of entry.

(viii) Purpose of entry and duration of stay.

(ix) Comments and/or recommendations of forwarding officer as appropriate.

(x) A statement that a completed DD 398 or appropriate substitute has been mailed prior to the sending of the message.

(c) *Processing.* The Entry Control Commander empowered to issue entry authorizations shall upon receipt of an application take the following action:

(1) Initiate or conduct such investigation as may be required to establish facts upon which to make a determination that the entry of the applicant at the time and for the purpose indicated is or is not in accordance with the criteria set forth in § 761.6.

(2) Request additional information from the applicant if required, or

(3) Issue an entry authorization as requested or modified as circumstances require, or

(4) Deny the request and advise the applicant of his right to appeal, or,

(5) Forward the application to the next superior in command together with a statement of the investigation conducted and the reason for forwarding and comments or recommendations as appropriate.

(d) *Authorizations.* Entry authorizations will state the purpose for which the entry is authorized and such other information and conditions as are pertinent to the particular authorization. Authorizations to enter and re-enter may be issued to resident U.S. citizens and be valid for a specified time not to exceed two years. Authorizations may be issued to U.S. citizens residing abroad and to aliens to enter and re-enter for a specified period of time required to accomplish the purpose for which the authorization was issued not to exceed one year.

§ 761.12 Ships: group authorizations.

Ships or other craft in the following categories, except those ships which have been denied individual authorization or have had a prior authorization revoked,

may enter the defense areas indicated without individual authorizations:

(a) U.S. public vessels, to enter all defense areas.

(b) U.S. private vessels which are: (1) under charter to the Department of Defense (including the Military Sea Transportation Service), or (2) operating under a contract or charter with the Department of Defense providing for the employment of such vessels, or (3) routed by a Naval Control of Shipping Office, or (4) employed exclusively in support of and in connection with a Department of Defense construction, maintenance, or repair contract and whose crews carry individual entry clearances, to enter defense areas as authorized by controlling Defense Department agency.

(c) Ships or craft registered and licensed in the Bonin Islands and manned by U.S. citizens or residents of the Bonin Islands to enter the Bonin Islands.

(d) Privately owned local craft, registered with and licensed by appropriate local U.S. Government authorities, and owned and operated by local inhabitants who have been granted an authorization to enter the local defense area at the discretion of the local commanders.

(e) Foreign flag ships traveling on diplomatic or other special clearance or for which special arrangements have been made under international agreements or treaties.

(f) Ships operating under a group authorization issued by the Chief of Naval Operations.

(g) Ships in distress, subject to local clearances and control by senior officer present.

§ 761.13 Ships: individual authorizations.

(a) *Applications; form; filing.* Applications for authorization to navigate ships within the limits of defense areas shall be filed with the cognizant Entry Control Commander by letter or telegram including the following information and any additional information that may be relative to the proposed operation:

(1) Name of ship.

(2) Place of registry and registry number.

(3) Name, nationality and address of operator.

(4) Name, nationality and address of owner.

(5) Gross tonnage of ship.

(6) Nationality and numbers of officers and crew (include crewlist when practicable).

(7) Number of passengers (include list when practicable).

(8) Last port of call prior to entry into area for which clearance is requested.

(9) Purpose of visit.

(10) Proposed date of entry and estimated duration of stay.

(b) *Processing.* Authorization for single entries or for multiple entries for a period not to exceed one year may be granted or denied by an Entry Control Commander. Authorizations for multiple entries for a period to exceed one year or for special group entries must be forwarded to the Chief of Naval Operations with appropriate comments and recommendations.

§ 761.14 Aircraft: group authorizations.

Aircraft in the following categories, except those aircraft which have been denied individual authorization or have had a prior authorization revoked, may enter the defense areas indicated without individual authorization:

(a) U.S. public aircraft to enter all defense areas.

(b) U.S. private aircraft which are under charter to the Department of Defense (including the Military Air Transport Service), or operating under a contract with the Department of Defense providing for the employment of such aircraft to overfly U.S. island positions and to land when proper authorization has been obtained from the Chief of Naval Operations for use of naval aviation facilities, to enter defense areas as authorized by controlling Defense Department agency.

(c) Foreign flag aircraft for which special arrangements have been made under international agreements or treaties.

(d) Aircraft operated by companies authorized by the Chief of Naval Operations to utilize naval facilities in defense areas for regular commercial activity, to enter defense areas associated therewith.

(e) Any aircraft in distress, subject to local clearance and control by senior officer present.

§ 761.15 Aircraft: individual authorizations.

(a) *Special procedures.* In addition to the entry authorization to enter or navigate within the defense area concerned, certain special procedures must be followed by aircraft:

(1) If U.S. Navy aviation facilities are to be used, prior authorization must be obtained from the Chief of Naval Operations.

(2) If U.S. Air Force aviation facilities are to be used, prior authorization must be obtained from the appropriate Air Force Commander.

(3) Foreign public aircraft must obtain diplomatic clearance or clearance under applicable special agreements or treaties.

(b) *Application; Form; Filing.* Applications for authorization to navigate aircraft within the limits of defense areas shall be made by letter or telegram addressed to the Commander in Chief, U.S. Atlantic Fleet or the Commander in Chief, U.S. Pacific Fleet, as appropriate. Copies of application letter shall be sent to the Chief of Naval Operations and the local commanders who are known to be concerned. Applications shall include the following information:

(1) Type and serial number of aircraft (the number of aircraft in flight if a mass movement is involved), nationality and name of registered owner.

(2) Name and rank of senior pilot.

(3) Number in crew.[2]

(4) Number of passengers and whether military or civilian; include name (and rank) of distinguished passengers.[2]

(5) Purpose of flight.

(6) Plan of flight route, including:

(a) Point of origin of flight and its destination;

(b) Estimated date and times of arrival and departure at all airspaces covered by this Instruction including stops within the Trust Territory, when pertinent.

(7) Radio call signs of aircraft and radio frequencies available.

(8) Whether cameras are to be carried and whether they will be used.

(9) Whether arms are to be carried.[2]

(10) Whether authorization to land as indicated in § 761.15(a) has been obtained.[2]

(c) *Processing.* Authorization for individual entries or for multiple entries for a period not to exceed three months may be granted by an Entry Control Commander. Authorizations for multiple entries over a period to exceed three months and applications for group authorizations must be forwarded to the Chief of Naval Operations with appropriate comments and recommendations.

§ 761.16 Notice of action.

All applicants will be kept advised of action being taken relative to the processing of applications. Individuals whose applications cannot be processed promptly (usually within ten working days) or whose applications must be forwarded to another office for processing will be notified of the anticipated delay and advised of the approximate time when action may be expected to be taken. Under no circumstances will a notice of disapproval include a statement of the reason therefor. Copies of all notices will be distributed to commands and Entry Control Commanders concerned. Copies of all notices of disapproval will be mailed to the Chief of Naval Operations concurrently with the mailing to the applicant.

§ 761.17 Revocation.

Entry authorizations will be revoked only by an Entry Control Commander upon being advised of the discovery of information which would have been ground for denial of the initial request. Such a revocation will be confirmed in writing to the holder of an entry authorization. No reason for revocation of the entry authorization will be given. When an entry authorization is revoked, a one-way permit will be issued as appropriate, to permit the ship, aircraft, or person to transit the defense area in order to depart from a contiguous area.

§ 761.18 Appeals.

(a) Appeals may be filed with the Entry Control Commander who issued the denial or revocation. It shall contain a complete statement of the purpose of the proposed entry and a statement of reasons why the entry should be authorized, including a showing that the entry will be consistent with the purposes of national defense.

(b) Appeal letters shall be forwarded promptly to the next superior Entry Control Commander with an endorsement setting forth the reasons for the denial or revocation and a recommendation as to the action to be taken by the superior.

[2] Information on these items need not be reported when the aircraft will only overfly the areas covered by this part.

(c) The superior may act on the appeal and notify the applicant of the decision, or he may forward the appeal to the next superior and notify the applicant of this referral.

(d) Final review may be had in cases involving Naval Defensive Sea Areas in accordance with the procedures set forth in OPNAV (Office of the Chief of Naval Operations) Instruction 5420.18 of September 4, 1956.

Subpart D—Additional Instructions

§ 761.19 Inspection and search of vessels and other craft.

The clearance of all vessels or other craft, other than public vessels of the United States, will be granted only on the condition that their owners, charterers, operators or masters:

(a) Consent to inspection and search of all vessels or other craft whenever the local naval commander considers such action necessary for military security of the area.

(b) Execute a "hold harmless" agreement under which no liability shall be incurred by the Navy Department, its agents or representatives for damage to vessels or other craft, their cargo, or for any demurrage charges which may arise out of or in connection with any inspection or search while in the exercise of due care.

§ 761.20 Additional regulations governing persons and vessels in Naval Defensive Sea Areas.

(a) By virtue of the authority vested in the President by section 44 of the United States Criminal Code, as amended and reenacted in 18 U.S.C. 2152, the President has prescribed the following additional regulations in Executive Order 9275 of November 23, 1942 (7 F.R. 9767; 1943 Cum. Supp. p. 1227) to govern persons and vessels within the limits of defensive sea areas theretofore or thereafter established:

(1) No person shall have in his possession within the limits of any defensive sea area, any camera or other device for taking pictures, or any film, plate or other device upon or out of which a photographic imprint, negative or positive, can be made, except in the performance of official duty or employment in connection with the national defense, or when authorized pursuant to the provisions of the Act approved June 25, 1942 (Public Law 627, 77th Congress) as amended (50 U.S.C. App. 781–785), and the regulations promulgated thereunder (7 F.R. 7307; 32 CFR 765.19(b)).

(2) It shall be the duty of the master or officer in charge of any vessel to take custody of and safeguard all cameras or other devices for taking pictures, or film, plate or other device upon or out of which a photographic imprint, positive or negative, can be made, the possession of which is prohibited by Executive Order 9275, from any person, prior to the time any vessel enters any defensive sea area or upon the boarding by any person of any vessel while within a defensive sea area, and to retain custody thereof until such vessel is outside the defensive sea area or the person is about to disembark.

(3) There shall be prominently displayed on board all vessels, except public war vessels of the United States manned by personnel in the naval service, a printed notice containing the regulations prescribed in Executive Order 9275.

(4) Any person violating section 1 of Executive Order 9275 (restated in subparagraph (1) of this paragraph) shall be liable to prosecution as provided in section 44 of the Criminal Code as amended and reenacted in 18 U.S.C. 2152.

(b) The regulations stated in paragraph (a) of this section are not a limitation on prosecution under any other statute that may have been violated by acts or omissions prohibited by Executive Order 9275.

Dated: December 11, 1963.

By direction of the Secretary of the Navy.

ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 63-13108; Filed, Dec. 17, 1963; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Miscellaneous Amendments

1. Pursuant to the provisions of Section 7 of the River and Harbor Act approved March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.155 establishing and governing the use of anchorage areas in the Port of New York is hereby amended with respect to paragraphs (b)(3) and (c)(2) by making minor revisions in the descriptions of Anchorages No. 8 and 17, and paragraph (c)(5) by revoking subdivision (i) of Anchorage No. 19, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.155 Port of New York.

* * * * *

(b) *East River.* * * *

(3) *Anchorage No. 8.* North of a line bearing 259° between the north tower of the Bronx-Whitestone Bridge at Old Ferry Point and a point at latitude 40°47'57", longitude 73°52'16"; thence east of a line bearing 0° to latitude 40°48'06"; thence southeast of a line parallel to the bulkhead extending northeasterly to latitude 40°48'20"; thence north of a line bearing 296° to shore.

* * * * *

(c) *Hudson River.* * * *

(2) *Anchorage No. 17.* North of a line bearing 66° from shore to a point at latitude 40°51'34", longitude 73°56'54"; thence west of a line bearing 29° to latitude 40°52'27", longitude 73°56'16"; thence 20° to latitude 40°54'17", longitude 73°55'23"; thence 15° to latitude 40°56'20", longitude 73°54'39"; thence south of a line bearing 284° to shore.

* * * * *

(5) *Anchorage No. 19 (for naval vessels).* * * *

(i) [Revoked]

* * * * *

[Regs., 2 December 1963, 1507–32 (East and Hudson Rivers, N.Y.) ENGCW–ON] (Sec. 7, 38 Stat. 1053; 10 U.S.C. 471)

2. Purusant to the provisions of Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.25 governing the use of a danger zone in the Atlantic Ocean, Delaware, is hereby amended revoking the note under paragraph (b)(2) effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.25 Atlantic Ocean off Delaware Coast; antiaircraft artillery firing area, Second Army.

* * * * *

(b) *The regulations.* * * *

(2) * * *

NOTE: [Revoked].

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[Regs., 4 December 1963, 1507–32 (Atlantic Ocean, Del.) ENGCW–ON] (Chap. XIX, 40 Stat. 892; 33 U.S.C. 3)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), §207.613b is hereby prescribed to govern the use and navigation of waters of the entrance channel to Camp Pendleton Boat Basin, Camp Pendleton, California, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.613b Pacific Ocean, Camp Pendleton Boat Basin, U.S. Marine Corps Base, Camp Pendleton, Calif.; restricted area.

(a) *The area.* All of the waters of Camp Pendleton Boat Basin entrance channel lying northerly of a line between a light on the north Camp Pendleton jetty at latitude 33°12'22", longitude 117°24'07", and a light on the north Oceanside Harbor groin at latitude 33°12'29", longitude 117°23'55".

(b) *The regulations.* (1) The area is reserved exclusively for use by vessels owned or operated by the Federal Government. Permission to enter the area must be obtained from the enforcing agency.

(2) The regulations in this section shall be enforced by the Commanding

General, U.S. Marine Corps Base, Camp Pendleton, California, or such agencies as he may designate.

[Regs., 4 December 1963, 1507-32 (Camp Pendleton Boat Basin, Calif.) EMGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Brigadier General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 63-13054; Filed, Dec. 17, 1963; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 63-1127]

PART 1—PRACTICE AND PROCEDURE

Former Commissioners and Employees

At a session of the Federal Comunications Commission held at its offices in Washington, D.C., on the 11th day of December 1963;

The Commission having under consideration § 1.25 of its rules of practice and procedure, concerning former commissioners and employees, and Public Law 87-849, approved October 23, 1962, which amends the criminal laws with respect to conflicts of interests; and

It appearing, that the pertinent revised provisions of the Criminal Code (now set forth as 18 U.S.C. 207) should be reflected in § 1.25 of the rules; and

It further appearing, that the amendment adopted herein is interpretative and of a procedural nature, and hence that the notice and effective date requirements of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing, that authority for the amendment adopted herein is set forth in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, and in Title 18 of the United States Code, at section 207;

It is ordered, Effective December 18, 1963, That § 1.25 of the rules of practice and procedure is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 13, 1963.

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

1. Section 1.25 is amended to read as follows:

§ 1.25 Former Commissioners and employees.

(a) No Commissioner shall, for a period of one year following the termination of his services as a Commissioner, represent any person before the Commission in a professional capacity, except that this restriction shall not apply to any former Commissioner who has served the full term for which he was appointed. See 47 U.S.C. 154(b).

(b) No member, officer, or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission.

(c) No former member, officer, or employee of the Commission shall act as agent or attorney for any one other than the United States in connection with any particular Commission matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as a member, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, the rendering of service, investigation, or otherwise. See 18 U.S.C. 207(a).

(d) No former member, officer, or employee of the Commission shall, within one year after his employment has ceased, appear personally before the Commission as agent or attorney for any one other than the United States in connection with any particular Commission matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and which was under his official responsibility as an officer or employee of the Commission at any time within a period of one year prior to termination of his employment. See 18 U.S.C. 207(b).

(e) Notwithstanding the provisions of paragraphs (c) and (d) of this section, a former member, officer, or employee of the Commission who possesses outstanding scientific or technological qualifications may act as attorney or agent or appear personally in connection with a particular matter in his scientific or technological field, upon certification by the Commission, published in the FEDERAL REGISTER, that the national interest would be served by such action or appearance. See 18 U.S.C. 207(b). This exception does not apply to persons barred from representing others before the Commission under paragraphs (a) or (b) of this section.

[F.R. Doc. 63-13106; Filed, Dec. 17, 1963; 8:49 a.m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Operation During Emergency

Part 2 of the Commission's rules as revised by order adopted October 31, 1963, published in the FEDERAL REGISTER November 22, 1963 (28 F.R. 12386) is amended to incorporate the Commission's action of November 7, 1963 (FCC 63-1049), published November 16, 1963 (28 F.R. 12218), amending § 2.405, effective November 18, 1963, to read as follows:

§ 2.405 Operation during emergency.

The licensee of any station (except amateur, standard broadcast, FM broadcast, noncommercial educational FM broadcast, or television broadcast) may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization: *Provided:* (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and (c) That the Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: *Provided further,* (d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further,* (e) That any such emergency communication undertaken under this section shall terminate upon order of the Commission.

NOTE: Part 3 of this chapter contains provisions governing emergency operation of standard, FM, noncommercial educational FM, and television broadcast stations. Part 12 of this chapter contains such provisions for amateur stations.

Released: December 13, 1963.

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

[F.R. Doc. 63-13107; Filed, Dec. 17, 1963; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under sections 591 and 593 of the Code, relating to the deduction for dividends paid on deposits and to reserves for losses of mutual savings banks and other similar institutions, were published in the FEDERAL REGISTER for November 5, 1963.

A public hearing on these proposed amendments to the regulations will be held on Tuesday, January 7, 1964, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: Technical Planning Division, Washington, D.C., 20224, by January 3, 1964.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 63-13079; Filed, Dec. 17, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 971]

LETTUCE GROWN IN THE LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Notice of Proposed Change in Fiscal Period and Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed rule making relating to amendment of § 971.103 *Fiscal period* and to approval of proposed expenses and a proposed rate of assessment, as hereinafter set forth, which were recommended by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971), herein referred to collectively as the order. The order regulates the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Consideration will be given to any written data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 14 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

Amend § 971.103 to read:

§ 971.103 Fiscal period.

The fiscal period which extends from November 1, 1962, through October 31, 1963 (7 CFR 971.103), shall end July 31, 1963. Beginning August 1, 1963, and thereafter, the fiscal period shall begin August 1 of each year and end July 31 of the following year, both dates inclusive.

§ 971.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1963, through July 31, 1964, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $16,050.00.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be two cents ($0.02) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meanings as when used in the said marketing agreement and this part.

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

Dated: December 12, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63-13064; Filed, Dec. 17, 1963; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 4b, 40, 41, 42, 91 [New], 514]

[Notice 63-46; Docket No. 3008]

INSTALLATION OF COCKPIT VOICE RECORDERS IN LARGE AIRPLANES USED BY AN AIR CARRIER OR A COMMERCIAL OPERATOR

Notice of Proposed Rule Making

Notice is hereby given that there are under consideration proposals to amend (1) Parts 40, 41, and 42 of the Civil Air Regulations and Part 91 [New] of the Federal Aviation Regulations to require the installation of cockpit voice recorders in large airplanes used by air carrier or commercial operators; (2) Part 514 of the Regulations of the Administrator to establish standards for the approval of cockpit voice recorders; and (3) Part 4b of the Civil Air Regulations to prescribe standards governing cockpit voice recorder installations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C. All communications received on or before February 28, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In recent years there have been a number of accidents characterized by sudden extreme emergencies, so that the flight crew could not communicate with ground facilities. In those cases where the crew did not survive, information that they may have been able to give concerning the cause and nature of the emergency was lost.

The Civil Air Regulations currently require airborne flight recorders, in certain large airplanes used by air carrier and commercial operators, to record at least time, and the altitude, airspeed, vertical acceleration, and heading of the airplane. Although this information has been extremely helpful in estimating the airplane's flight path, and maneuvers, additional information to establish the cause of the emergency and the procedures used by the crew to cope with it could be obtained from a recording of the crews' conversation during the emergency.

The Agency conducted a feasibility study in 1960 and awarded contracts for the development of cockpit voice recorders in October 1961. This study indicated that with suitable microphone and filter equipment it was possible to obtain reasonably intelligible recordings of cockpit conversations from a continuously open cockpit-mounted area microphone under rather severe cockpit noise conditions. However, in the DC-3 airplane, which has an extremely high cockpit noise level, it was necessary to use headset boom-mounted microphones.

The Agency conducted a government-industry Airborne Recorder Symposium on March 19, 1963, at which cockpit voice recorder development was reviewed, and a preliminary draft of performance standards for such recorders was distributed. A number of constructive suggestions were received and included in the standards. Moreover, several manufacturers advised the Agency that they are prepared to manufacture recorders meeting such standards.

The Agency believes that cockpit voice recorders would be a valuable tool in the

investigation of accidents and thereby lead to improvements in safety by providing firsthand information of the flight crews' observation and analysis of conditions aboard the airplane and the procedures employed by them. This information would, in turn, facilitate the development and establishment of appropriate corrective measures such as design changes in the airplane or revised operating procedures.

Since the need for such information may arise at any time, the installation of cockpit recorders should proceed as rapidly as possible. The Agency believes that the installation schedule proposed herein is practicable and will not seriously disrupt the operation of the affected airplanes. Amendments to the regulations to require the installation and use of cockpit voice recorders are therefore being proposed, as discussed in the following paragraphs.

1. It is proposed to amend Parts 40, 41, and 42 to require the installation of approved cockpit voice recorders on large airplanes used in air carrier and commercial operations by the following dates:

(a) On all turbine-powered airplanes by July 1, 1965;

(b) On all pressurized reciprocating four-engine airplanes by January 1, 1966; and

(c) On all other airplanes by July 1, 1966.

2. The proposed amendments to Parts 40, 41, and 42 also specify that the recorder must be installed in accordance with the pertinent installation requirements of Part 4b, as discussed hereinafter, and that it must be operated continuously from the beginning of the starting checklist through the final checklist of each flight. The operator would be required to retain the recording for at least 60 days in the event of any accident or occurrence that requires immediate notification to the Civil Aeronautics Board.

3. In order to cover crew training operations conducted by air carriers or commercial operators, an amendment to add a new § 91.36 to the general operating rules of Part 91 [New] is being proposed. This proposal is similar to the foregoing proposals for Parts 40, 41, and 42.

4. It is also proposed to amend Part 514 of the regulations of the Administrator Order as § 514.90 specifying standards for cockpit voice recorders. Among other things, the proposed standards require the ability to record simultaneously on four separate channels, but require only the last 30 minutes of operation to be retained on the recording medium so that it may be reused continuously. In addition to environmental and performance tests typical for airborne audio equipment, the proposed standards also specify special frequency response, sensitivity, and harmonic distortion characteristics for the cockpit-mounted area microphone and preamplifier equipment, to cope with cockpit noise. The standards also prescribe impact, fire protection, and water immersion tests to insure that the record will be usable after a crash.

5. Since the ability to record intelligible and useful information will depend upon the manner in which the recorder is installed, a new § 4b.656 is proposed that contains requirements for cockpit voice recorder installations. This section would require the recorder to be installed in such a manner that it will record all voice communications of the flight crewmembers while on the flight deck or while using the airplane's interphone or loud speaker systems. It would also require the recorder to be installed in such a manner that it will record voice communications transmitted or received by radio, and any voice or audio signals identifying navigation or approach aids that are introduced into a headset or speaker in the airplane.

In this respect, the proposal would require the installation of one or more cockpit-mounted area microphones arranged to pick up continuously all voice communications by flight crewmembers when at their assigned stations on the flight deck. It would also require the recorder to be installed in such a manner that the intelligibility of the recorded communications will be as high as practicable when recorded under flight cockpit noise conditions and played back. For accident investigation purposes, 100 percent readability of all flight crew conversations would, of course, be highly desirable. However, studies made by the Agency show that this goal is not attainable in the present state of the art, and that the intelligibility which can be achieved depends upon the cockpit noise environment of the particular airplane type. Therefore, the proposed rule is intended to insure that current knowledge and techniques for improving intelligibility will be applied in making recorder installations by using optimum microphone locations and filter characteristics. For airplanes, such as the DC–3, in which satisfactory intelligibility cannot be obtained with cockpit-mounted area microphones because of the high cockpit noise level, the proposed rule requires the use of headset boom-mounted microphones or equivalent. The Agency's studies have also shown a need for the development of a practical and objective method or means for measuring the intelligibility level of cockpit voice recordings. Proposals for studies to accomplish this objective are now being considered.

To minimize garbling of the record when several communications take place simultaneously, it is proposed that the installation be arranged to record on separate channels the communications spoken or received on microphones, headsets, or speakers located at the following stations: (1) First pilot's station; (2) second pilot's station; (3) third crewmember's station, if such is provided on the airplane; and (4) cockpit-mounted area microphone(s). The proposal also specifies that the recorder be connected to the most reliable electric power source. An aural or visual means would be required to enable checking the recorder for proper operation prior to flight. Finally, means would also be required to stop automatically any erasure feature in the event of a crash.

These proposals except the one pertaining to Part 91 [New] are subject to the FAA Recodification Program announced in Draft Release 61–25 (26 F.R. 10698). The final rule, if adopted, may be in the recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, 1424).

In consideration of the foregoing, it is proposed to amend Parts 4b, 40, 41, and 42 of the Civil Air Regulations, Part 91 [New] of the Federal Aviation Regulations, and Part 514 of the Regulations of the Administrator, as follows:

1. By amending Part 4b by adding a new § 4b.656 to read as follows:

§ 4b.656 Installation of cockpit voice recorders.

(a) If a cockpit voice recorder is required by the operating rules of this subchapter, it shall be of an approved type and shall be installed so that it will record all:

(1) Voice communications transmitted from or received in the airplane by radio;

(2) Voice communications of flight crewmembers on the flight deck;

(3) Voice communications of flight crewmembers using the airplane's interphone system;

(4) Voice communications of flight crewmembers using the airplane's loud speaker system; and

(5) Voice or audio signals identifying navigation or approach aids introduced into a headset or speaker in the airplane.

(b) The cockpit voice recorder shall be installed so that the portion of the communications or audio signals specified in paragraph (a) of this section obtained from each of the following sources is recorded on a separate channel:

(1) Microphones, headsets, or speakers used at the first pilot station.

(2) Microphones, headsets, or speakers used at the second pilot station.

(3) Microphones, headsets, or speakers used at a third flight crewmember's station (if such a station is provided in the airplane).

(4) Cockpit-mounted area microphones.

(c) In addition to the requirements of paragraphs (a) and (b) of this section, the cockpit voice recorder must be installed so that:

(1) It receives its electric power from the bus of maximum reliability;

(2) There is an automatic means to assure that any erasure feature ceases to function at the instant of crash impact; and

(3) There is an aural or visual means for preflight checking of the recorder for proper operation.

(d) The recording requirements of paragraph (a)(2) of this section shall be met by installing one or more cockpit-mounted area microphones arranged to pick up continuously all voice communications by flight crewmembers when at their assigned stations on the flight deck. The microphones shall be located, and the preamplifiers and filters of the re-

corder shall be adjusted or supplemented if necessary, so that the intelligibility of the recorder communications will be as high as practicable, when recorded under flight cockpit noise conditions and played back. Repeated aural or visual playback of the record may be employed in evaluating the intelligibility. Where a satisfactory level of intelligibility cannot be obtained by the use of cockpit-mounted area microphones, headset boom-mounted microphone or equivalent shall be installed in lieu of cockpit-mounted area microphones.

2. By amending Part 40 by adding a new § 40.212 to read as follows:

§ 40.122 Cockpit voice recorders.

(a) An approved cockpit voice recorder shall be installed in each airplane having a maximum certificated takeoff weight of more than 12,500 pounds on or before the following dates:

(1) July 1, 1965, for all turbine-powered airplanes;

(2) January 1, 1966, for all pressurized reciprocating four-engine airplanes; and

(3) July 1, 1966, for all other airplanes.

(b) The cockpit voice recorder shall be installed in accordance with the requirements of Part 4b of this subchapter.

(c) The cockpit voice recorder shall be operated continuously from the start of the use of the checklist prior to starting engines for the purpose of flight to the completion of the final checklist at the termination of the flight. In complying with this requirement, an approved cockpit voice recorder having an erasure feature may be utilized, so that at any instant during the operation of the recorder, information recorded more than 30 minutes earlier may be erased or otherwise obliterated.

(d) In the event of an accident or occurrence requiring immediate notification to the Board, the recorded information shall be retained by the air carrier or commercial operator for a period of at least 60 days or, if requested by an authorized representative of the Administrator or the Board, for a longer period.

3. By promulgating amendments to Parts 41 and 42 of the Civil Air Regulations similar to that proposed in item 2 herein.

4. By amending Part 91 [New] by adding a new § 91.36 to read as follows:

§ 91.36 Cockpit voice recorders.

(a) Except as provided in paragraph (e) of this section, no holder of an air carrier or commercial operator certificate may operate any of the following airplanes on or after the prescribed dates, unless there is installed on that airplane an approved cockpit voice recorder meeting the requirements of paragraph (b) of this section and that cockpit voice recorder is operated in accordance with paragraph (c) of this section:

(1) Large turbine-powered airplanes, July 1, 1965;

(2) Large pressurized reciprocating four-engine airplanes, January 1, 1966; and

(3) All other large airplanes, July 1, 1966.

(b) The cockpit voice recorder shall be installed in accordance with the requirements of Part 4b of this subchapter.

(c) The cockpit voice recorder shall be operated continuously from the start of the use of the checkoff list prior to starting engines for the purpose of flight to the completion of the final checklist at the termination of the flight. In complying with this requirement, an approved cockpit voice recorder having an erasure feature may be utilized, so that at any instant during the operation of the recorder, information recorded more than 30 minutes earlier may be erased or otherwise oblitered. However, flight may be conducted without an operating cockpit voice recorder in order to:

(1) Ferry an aircraft with an inoperative cockpit voice recorder from a place where repair or replacement cannot be made to a place where they can be made;

(2) Continue a flight as originally planned, if the cockpit voice recorder becomes inoperative after the airplane has taken off; or

(3) Conduct an airworthiness flight test, during which the cockpit voice recorder is turned off to test it or to test any communications or electrical equipment installed in the aircraft.

(d) In the event of an accident or occurrence requiring immediate notification to the Board, the recorded information shall be retained by the air carrier or commercial operator for a period of at least 60 days or, if requested by the Administrator or the Board, for a longer period.

(e) This section does not apply to a ferry flight of a newly acquired airplane from the place where possession of it was taken to a base where the cockpit voice recorder is to be installed.

5. By amending Part 514 by adding the following § 514.90:

§ 514.90 Cockpit voice recorder—TSO–C84.

(a) *Applicability.* (1) Minimum performance standards are hereby established for cockpit voice recorders for use on United States civil aircraft. New models of cockpit voice recorders manufactured for use on civil aircraft on or after the effective date of this section shall meet the standards specified in Federal Aviation Agency Standard, "Minimum Performance Standards for Cockpit Voice Recorders," dated November 1, 1963,[1] and Federal Aviation Agency document entitled, "Environmental Test Procedures for Airborne Electronic Equipment," dated August 31, 1962,[1] except as provided in subparagraph (2) of this paragraph.

(2) Federal Aviation Agency document, "Environmental Test Procedures for Airborne Electronic Equipment," outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under one or more of the following categories, as specified in the FAA document, is eligible for approval under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D;

(ii) Vibration Test—Categories A, B, C, D, E, or F;

(iii) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(iv) Radio-Frequency Susceptibility Test—Category A; and

(v) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.*

(1) In addition to the markings specified in § 514.3(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental test procedures outlined in the FAA document, "Environmental Test Procedures for Airborne Electronic Equipment," which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by six letters which identify the categories under which the equipment is qualified. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Category;

(ii) Vibration Test Category;

(iii) Audio-Frequency Magnetic Field Susceptibility Test Category;

(iv) Radio Frequency Susceptibility Test Category;

(v) Emission of Spurious Radio-Frequency Energy Test Category; and

(vi) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DBAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$BAAAX.

(c) *Data requirements.* In accordance with the provisions of § 514.2, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located the following technical data:

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, indicating any limitations, restrictions, or other conditions pertinent to installation; and

(3) One copy of the manufacturer's test report.

[1] Copies may be obtained upon request addressed to the Federal Aviation Agency, Attention HQ–620, Washington, D.C., 20553.

Issued in Washington, D.C., on December 12, 1963.

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

[F.R. Doc. 63-13062; Filed, Dec. 17, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-67]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

To implement the provisions of CAR Amendments 60-21/60-29 in the Dublin, Ga., terminal area, the FAA has under consideration the designation of a transition area at Dublin. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dublin Municipal Airport (latitude 32°33'55'' N., longitude 82°59'10'' W.); within 2 miles each side of the Dublin VOR 071° True radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Dublin VOR 013° and 193° True radials, extending from 10 miles northeast to 9 miles southwest of the VOR, excluding the portion which would coincide with the Macon, Ga., transition area. This would provide protection for aircraft executing proposed instrument holding, approach and departure procedures at the Dublin Municipal Airport. Communications service within the proposed transition area would be provided by the Macon Area FAA Flight Service Station.

The floors of the airways which would traverse the transition area proposed herein would automatically assume the floor of the transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. 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, 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 Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, 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. 1343).

Issued in Washington, D.C., on December 11, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-13055; Filed, Dec. 17, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 11, 21]

[Docket Nos. 14895, 15233; FCC 63-1128]

GRANT OF AUTHORIZATIONS IN BUSINESS RADIO SERVICE AND DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Notice of Proposed Rule Making

In the matters of Amendment of Subpart L, Part 11, to adopt rules and regulations to govern the grant of authorizations in the Business Radio Service for microwave stations to relay television signals to community antenna systems, Docket No. 14895. Amendment of Subpart I, Part 21, to adopt rules and regulations to govern the grant of authorizations in the Domestic Public Point-to-Point Microwave Radio Service for microwave stations used to relay television broadcast signals to community antenna television systems, Docket No. 15233.

1. Notice is hereby given of further proposed rulemaking in Docket No. 14895 and of proposed rulemaking in Docket No. 15233.

2. The Commission issued a notice of proposed rulemaking in Docket No. 14895 on December 14, 1962, and received comments and reply comments. On May 23, 1963, the Court of Appeals for the District of Columbia Circuit affirmed the Commission's decision in Carter Mountain Transmission Corp., 32 FCC 459, 32 FCC 1181. Carter Mountain Transmission Corp. v. F.C.C., 321 F. 2d 359, petition for certiorari pending. This case makes clear our authority to adopt rules in the Domestic Public Point-to-Point Microwave Radio Service, similar to the rules proposed in the Business Radio Service (Docket No. 14895). Since the basic provisions of the rules in both services should be the same, we believe the most appropriate procedure is to issue a notice of proposed rulemaking in the common carrier area and, after study of the comments received, adopt final rules applicable to both services. This procedure will also have the advantage of allowing the interested parties to comment on proposed rules which are more detailed and reflect our further tentative views in this important area. We are thus issuing a notice of further proposed rulemaking in Docket No. 14895, setting forth more definitive proposals, and a notice of proposed rulemaking in Docket No. 15233, setting out largely the same proposals with respect to the Domestic Public Point-to-Point Microwave Radio Service.

3. Before discussing briefly these proposals, it is important, we believe, to stress the goal of these proceedings. It is not, as some apparently believe, to adopt rules "tantamount to an absolute prohibition of private microwave service to CATV system." The Commission fully recognizes the valuable service CATV systems can render (and are rendering) in many areas and the desirability of promoting the orderly development of the CATV industry, including action to authorize appropriate microwave facilities. But such development should be as a complement to and not at the cost of eliminating or crippling local television service. The importance of such service was stressed by the Commission in its Sixth Report and Order (see allocation priority No. 2: "To provide each community with at least one television broadcast service"), and needs no elaboration.[1] Our goal thus is to promulgate regulations which will give adequate protection to local television service, without inhibiting the growth of community antenna service with its provision of multiple television services). Our proposals are designed to achieve that goal. They are, we stress, just that—proposals. Interested parties thus have the additional opportunity of informing the Commission as to where and in what respects these proposals fall short of the goal of these proceedings.

4. We believe that our goal can best be achieved through rules which would require the CATV system to carry the programming of a local station without material degradation and not to duplicate for a reasonable period the programming carried over any local station. We think that in this way, the conflict between the two services (i.e., CATV and local television) can reasonably be adjusted in a manner which will permit both to become established and grow. Initially,

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[1] Senate Rept. No. 923, 86th Cong., 1st sess., aptly described the consequences of the demise of local broadcast service in the following terms:

"The community would be left without the local service which is necessary if the public is to receive the maximum benefits from the television medium. This means no local news or weather reports, no outlet for local advertisers, no forum for the discussion of local problems, no television medium for the promotion of local, civic, charitable, or other community programs or for cooperation with local law enforcement and other public officials, no adequate opportunity for local talent, no programming directed to special local tastes—in fact, none of the locally centered activities which make it important that a community have its own station rather than simply a satellite interconnected with the owned and operated stations of the three networks in New York City and Hollywood."

we wish to make two points. The proposed rules would not automatically impose requirements upon the CATV system; a request would have to be made by a station entitled to claim protection under the rules. Second, and more important, we recognize that in many instances the station and the CATV system have worked out a satisfactory arrangement which in actual operation fully serves the needs of both. Where there is such an arrangement which both parties still believe suited to their particular situation, it is not our intention to upset or replace it, for it may reasonably constitute a particularization of the public interest in that area. In short, an agreement, fairly arrived at between the parties and designed to fit the particular needs of the area, is entitled to great weight; we do not mean to inhibit or impair the good faith working out, by the broadcaster and the CATV, of the problems here under consideration.

5. The requirement that the CATV system carry the local station. The importance of this condition is self-evident. If the local station is not carried on the CATV system, it would seem to be effectively shut off from reception in the homes taking the CATV service. Indeed, the set is sometimes rendered incapable of off-the-air reception at the time when it is hooked into the system; and, in any event, off-the-air reception can be achieved only through the use of a switching device on the set—an inconvenience which inhibits such reception.[2] It would appear, therefore, that the local station should be carried by the CATV system without material degradation (within the limitations imposed by the technical state of the art).

6. A serious question is presented as to whether the above requirements and the non-duplication restrictions (see pars. 8–9, infra), should extend to CATV systems operating within the predicted Grade B contour of a local station. A majority of the interested parties responding to our original Notice, while generally supporting the Commission's proposal, strongly urged that the proposed rules should be extended to a CATV system operating within the predicted Grade B contour of a television broadcast station (rather than Grade A as proposed in our notice). They stressed that many stations operating in sparsely settled areas are dependent for success upon serving the entire population within their A and B contours, and often beyond; and that the loss of television households in the area between the Grade A contour and the Grade B contour could very well upset what is, at best, an already precariously balanced profit and loss situation, and could spell the difference between continuation or elimination of local service, or, at the least, result in its substantial diminution. We recognize, in view of our decision in Carter Mountain, the force of these arguments. Clearly, in some instances, the station will need the benefits of our regulations out to its Grade B contour. But because we are promulgating a rule to be applicable to almost every situation—with, we hope, requests for waivers at a minimum (see par. 10, infra)—we have tentatively determined, as urged by some of the parties, to restrict our rules to the Grade A contour, and have so proposed herein.

7. Under this proposal, we recognize that there would be some requests by stations for protection beyond the Grade A contour, and we would handle such requests on a case-by-case basis. In order to insure that the public interest would be fully protected in this respect, we have also proposed the following:

(i) A CATV system located within the predicted Grade A or Grade B contour of a station or stations would be required to notify (by letter) all such stations of the filing of its application for microwave facilities in the Business Radio Service (and to accompany its filing with a statement to this effect); a provision to the same effect is proposed in the Domestic Point-to-Point Microwave Service. In this way, an existing station could file appropriate requests, in detailed form, with the Commission prior to the grant of the microwave application. See section 309(d).

(ii) Upon an appropriate showing, interim protection, pending the outcome of a hearing, could be afforded stations whose Grade B contour encompasses a CATV system applying for microwave facilities. See proposed procedures set out in paragraph 11, infra.

8. Protection against duplication. If the programs of a local station are duplicated by the signals being brought in by the CATV system, there would appear to be an obvious impact on the ability of that station to attract advertisers.[3] If, on the other hand, the CATV does not duplicate any local station's programming, the latter can garner a sizeable percentage of the audience, particularly if it has popular network programming, and thus can have a substantial basis for obtaining advertiser support. There would appear to be little question, we believe, about the need for protection against duplication. The issue, rather, would seem to be the extent of that protection, whether it should simply bar simultaneous exposure or go beyond non-simultaneous protection. In the initial Notice issued in Docket No. 14895, we proposed a 30-day period—namely, that the CATV system must not duplicate simultaneously, or 30 days prior or subsequent thereto, a program broadcast by the station. In this way, the station would be protected against the situation where its programs appear first on the CATV system[4] or are presented soon thereafter. National Community Television Association, Inc., argues that such provision for non-duplication imposes a severe burden on the CATV system and will cripple or kill its operation. But it has set forth no facts or detailed showing to support this charge. Further, we note that CATV systems have voluntarily entered into agreements with local stations containing provisions calling for greater protection than is afforded merely by barring simultaneous exposure. See, e.g., the "Agreement Relating to Non-duplication", of September 14, 1963, filed in the Collier Electric Co. proceeding, Docket Nos. 14341–44, barring CATV presentation of a program 15 days before, or 14 days after the local station broadcasts such program.

9. The matter of the appropriate time period is, however, a difficult one, and we have been given little detailed information on this score. The CATV industry has, as stated, made charges without supporting showings. In some instances, interested broadcasters have submitted more detailed information, but all have simply assumed the correctness of the 30-day period and addressed themselves to other facets of our proposal.[5] Based upon our developing knowledge of the field, especially that stemming from recent proceedings, the 30-day period appears too long. We have therefore determined to reduce the period and propose in the attached rules a 15-day period (see, e.g., the "Agreement Relating to Non-duplication", filed in the Collier Electric Co. proceeding).[6] We wish to emphasize our need for information on

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[2] Indeed, it has been brought to our attention that in many instances the switching device is technically defective.

[3] See, e.g., Carter Mountain Transmission Corp., supra; Sen. Rept. No. 923, 86th Cong., 1st sess. A large number of the comments received in Docket No. 14895 lend further support for the above statement.

[4] Many stations in the smaller communities present kinescopes or film of network shows a week or so later than they are presented over the network (and carried by the network affiliate in the large metropolitan areas); since the CATV system normally seeks to bring in the programming of just such stations through microwave authorizations, it would appear important to give the station greater protection than would be afforded by simply barring simultaneous exposure. A station presenting a program a week after it has been seen in its community over the "Denver" or "Albuquerque" channel on the CATV, would seem to have little chance of attracting advertiser support in connection with such a program.

[5] Thus, they urged that the proposed 30-day advance notification was both unnecessary and unrealistic. We have revised the notice provision to propose that the station shall notify the CATV system of the programs it plans to carry as soon as possible and in no event less than seven days before the date of presentation over the CATV system.

[6] We have also proposed a provision that, in no event, would the CATV system affording protection to a single TV station be required to delete reception of a program if doing so would result in its subscribers having a choice of less than two network programs at the time (including one from the local station). We believe that this revision largely negates any crippling effect as to the operations of the CATV system, for it insures that such a system would not be reduced, because of the non-duplication requirements, to presenting only one network program—that of the local station—at any one time; at all times the CATV system would be furnishing its subscribers a choice of at least two network programs, plus any other signals brought into the community.

We recognize that the proposed 15-day non-duplication requirement should be inapplicable to programs of national importance (e.g., Presidential addresses, missile shots). We have made no proposal in this connection, because it is our understanding that such programs are not presented on a delayed basis. Interested parties, however, may comment and make proposals, if they believe a problem does or may exist in this area.

this aspect of the matter. We desire the parties to address themselves to this issue of the appropriate time period, and to do so in terms of specific showings—not sweeping, unsupported assertions. Such showings should also go to the need for protection against the subsequent presentation of the program by the CATV system.

10. These, then, are the substantive rule provisions proposed in this field. We recognize that, as with all rule proposals, they may not fit every situation. Under such rules, a CATV system might have to seek a waiver on the ground that some facet is inapplicable to its situation. A particular station, on the other hand, might be vitally interested in greater protection than that afforded by the rules—protection, for example, out to its Grade B contour. In either case, we would hope that the parties would negotiate earnestly and in good faith to reach an agreement, keeping in mind the purposes of the rules and the public interest requirements of the particular situation. In the event that an agreement cannot be reached, we would require that any request for waiver submitted to us contain all pertinent information in detailed form.

11. The Commission, upon consideration of that detailed presentation, would determine whether there is a material and substantial issue of fact warranting a hearing or whether a determination can properly be made upon the basis of the written filings. In the event a hearing is required and the CATV system is already in operation with the microwave authorization, we have proposed special procedures. As a practical matter, it would appear to do little good to afford a station in a small community, perhaps already in precarious financial straits, relief only at the end of a rather lengthy and expensive hearing. We believe that under the public interest standard and the provisions of section 4 (i) and (j) of the Communications Act, the Commission can, where an appropriate showing is clearly made as to the need therefor, afford interim relief to the station pending the outcome of the hearing. In order to assure that no inequities would result in actual employment of this interim relief, we would require reporting by the station and, if it desires, the CATV system at six months' intervals as to the effects of the relief granted. In this way, we would be in a position to re-examine, upon request or on our own motion, the appropriations of the interim relief afforded (e.g., the local advertising support gained or indicated, the financial impact on the CATV's operation, etc.).

12. As will be seen, the rules proposed in the Amendment of Subpart I, Part 21, to adopt rules and regulations to govern the grant of authorizations for common carrier microwave stations used to relay television broadcast signals to community antenna systems are substantially similar to those now proposed in Docket 14895. We point out, however, that different procedures may be appropriate because of the different services involved, and specifically invite comments directed to such procedural matters as notification to be given to the carrier by the broadcaster when a CATV system is not following the conditions imposed, the most suitable manner of resolving factual disputes in this connection, and the most appropriate sanctions to be imposed in the event of violation of the conditions. We also invite comments whether the interim relief procedures proposed in § 11.557(b) of the rules should be employed in this area also.

13. Applications are presently pending before the Commission seeking authorization in the Business Radio Microwave service or the Domestic Public Point-to-Point microwave radio service which will be used to relay the signals of television broadcasting stations to the cable distribution points of various community antenna television systems. Such applications seek authorizations for new facilities as well as modification, renewal, and assignment of existing facilities. With exception noted in the following sentence, these applications, as well as similar ones subsequently filed, will not be acted upon until the conclusion of the rule making proceedings. Applicants who voluntarily agree to meet the conditions set forth in the proposed rules in the appendixes may receive a grant, if the application is otherwise proper in all respects.[7] Authorizations previously granted in the Business Radio Service and subject to the interim conditions (see Notice, adopted December 12, 1962, par. 7) will be modified to reflect the provisions here proposed (e.g., 15 rather than 30-days protection; proposed § 11.556(a)(3)). Such modification will become effective 30 days from the date of issuance of this Notice (i.e., January 13, 1964); within that 30-day period, stations receiving protection under interim conditions and desiring to retain such protection, should make the request for protection required by the proposed rules. All "interim-period" authorizations will, of course, be modified at the conclusion of the proceeding to reflect the provisions finally adopted.

14. Authority for the rule amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before January 22, 1964, and reply comments on or before February 12, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

16. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: December 11, 1963.

Released: December 13, 1963.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

New §§ 11.556, 11.557 are proposed, as follows:

§ 11.556 Authorizations for stations to relay television signals to CATV systems.

(a) Authorizations (including initial grants, modifications, assignments, and renewals) in the Business Radio Service to construct or operate point-to-point operational fixed stations to relay television signals to a community antenna television system (CATV)[1] will contain the following conditions:

[7] If the station or stations involved agree, an applicant may, of course, receive a grant containing conditions at variance with those proposed herein. The applicant should obtain such station consent prior to filing its request for action; in any event, barring unusual or extraordinary circumstances, it is not, we stress, appropriate to obtain a grant upon assurance that the conditions will be voluntarily met and then seek reconsideration as to them.

We think it appropriate to spell out the conditions which the applicant must accept if he is to obtain a grant during this interim period. He must accept the conditions in § 11.556(a) (or, as the case may be, § 21.710)—namely, that he will, upon request, carry the TV station within whose predicted Grade A contour his system operates and not duplicate that station's programs within the 15-day prior and subsequent period delineated (provided he receives the specified notice and with the exceptions noted paragraph (a) (3) and (4)). Further, the application must be accompanied by the statement specified in paragraph (b); if a station within whose B contour the system operates requests that the above requirements (of § 11.556(a) or 21.710) be applied, the applicant must again determine whether it wishes to accept a grant subject to the condition that it will afford the above-noted protection to such station or whether it wishes to await the outcome of the rulemaking proceedings. We wish to stress again that this procedure is simply an interim one whereby the CATV system may obtain a grant if it is willing to accept the conditions now proposed; it is not designed nor intended to hold hearings to resolve particular issues arising in the various factual situations since such issues, in our judgment, should be resolved only when the applicable policy guidelines have been established (i.e., when these rulemaking proceedings have been concluded).

[1] As used in §§ 11.556 and 11.557, "community antenna television system" means any wire or cable facility performing the service of receiving and amplifying the signals transmitting programs broadcast by one or more television stations and redistributing such programs to subscribing members of the public, but such terms shall not include (1) any such facility which serves fewer than fifty subscribers, (2) any such facility which serves only the residents of one or more apartment dwellings under common ownership, control, or management, and commercial establishments located on the premises of such an apartment house.

The term, "television broadcast station," as used in §§ 11.556 and 11.557, shall not include boosters, repeaters, translator television stations, and satellites (which do not originate at least 7 hours per week of local programming), unless such facilities carry the programming of a station within whose Grade A contour a substantial part of the CATV system lies.

[8] The statement of Commissioner Bartley concurring in part and dissenting in part and the dissenting statement of Commissioner Loevinger were filed as part of the original document.

(1) If the CATV system operates in an area within the predicted Grade A contour of any authorized and operating television broadcast station or any television broadcast station subsequently authorized by the Commission and placed in operation, the CATV system, upon the request of such television broadcast station, shall carry the signal of such station without any material degradation in quality (within the limitations imposed by the technical state of the art), shall not duplicate a program being simultaneously broadcast by said station, and shall not present a program to be carried by said station during the period commencing 15 days prior to its broadcast by the station and ending 15 days after such broadcast; provided the CATV operator has received notification from the broadcast station as soon as possible and in any event, at least seven days in advance of the date of the program's scheduled presentation over the CATV system.

(2) The applicant accepts and will carry out appropriate interim relief conditions that may be required by the Commission, pursuant to § 11.557.

(3) Notwithstanding any requirement in paragraph (a) of this section, a CATV system affording protection to a single television broadcast station is not required to delete reception over its system of a program if, in doing so, there would be available for reception by its subscribers less than two network programs (including one from the local station being carried over the system pursuant to the requirements in paragraph (a) (1) of this section).

(4) Notwithstanding any requirement or request made by a television broadcast station pursuant to paragraph (a) of this section, a CATV system may deliver to its subscribers the signals of another television broadcast station whose signal is being carried pursuant to the requirements of this section (or pursuant to an agreement reached by the parties in lieu of the requirements of this section).

(b) An application for the initial authorization to relay television signals to a CATV system shall contain a statement that the applicant has notified any television broadcast station, within whose predicted Grade A or Grade B contour the CATV system operates or will operate, of the filing of the application. Such statement shall be supported by copies of the letters of notification directed to such television broadcast licensees. Notice to television broadcast licensees shall include the fact of filing by the applicant, identification of each CATV system intended to be served by the applicant, identification of the community to be served by each such CATV system, and the television station(s) whose programs will be distributed by the CATV system(s).

§ 11.557 Special procedures in connection with authorizations for stations used to relay television broadcast signals to CATV systems.

(a) When a television broadcast station or a CATV system believes that the requirements of § 11.556 are inappropriate to its particular situation, the station or system may file a request in detailed form (including all pertinent financial, economic, and operating data), setting forth the need for greater or lesser requirements than set out in § 11.556 or for waiver of that section. Such requests shall be served upon the appropriate party (i.e., the television broadcast station or the CATV system), and responses thereto shall be filed within 20 days and also contain detailed pertinent data. The Commission, after consideration of the material, shall either grant or deny such request in whole or in part, or designate such request for hearing or oral argument.

(b) In the event the Commission designates a request for hearing or argument, and the CATV system is already operating with microwave authorizations in the Business Radio Service, the Commission may, upon a showing containing detailed financial, economic, and operating data establishing the need therefor, afford such interim relief to the television broadcast station as may serve the public interest in the circumstances, taking into account the equities of the situation. The station afforded such interim relief shall file reports with the Commission (and shall serve such reports upon the CATV system) regularly at six months' intervals after actual commencement of the interim relief, showing in detail the results of that relief. The CATV system may, if it desires, respond to such showing, including a detailed showing as to the effects of the interim relief upon its operation. Upon its own motion or the motion of the parties, the Commission will consider whether the continuation of such relief is consistent with the public interest, taking into account the equities of the situation, or whether it should be terminated or revised.

New §§ 21.710, 21.711 are proposed, as follows:

§ 21.710 Stations used to relay television broadcast signals to CATV systems.

(a) Authorizations (including initial grants, modifications, assignments, and renewals) in this service to establish or operate stations used to relay television broadcast signals to a community antenna television system (CATV) [2] shall be subject to the condition that the licensee carrier shall include the following requirements in its tariffs or in any contracts for service to any CATV system:

(1) If the CATV system operates in an area within the predicted Grade A contour of any authorized and operating television broadcast station or any television broadcast station subsequently authorized by the Commission and placed in operation, the CATV system, upon the request of such television broadcast station, shall carry the signal of such station without any material degradation in quality (within the limitations imposed by the technical state of the art), shall not duplicate a program being simultaneously broadcast by said station, and shall not present a program to be carried by said station during the period commencing 15 days prior to its broadcast by the station and ending 15 days after such broadcast, provided the CATV operator has received notification from the broadcast station as soon as possible and in any event, at least seven days in advance of the date of the program's scheduled presentation over the CATV system.

(2) Notwithstanding any requirement in paragraph (a) of this section, a CATV system affording protection to a single television broadcast station is not required to delete reception over its system of a program if, in doing so, there would be available for reception by its subscribers less than two network programs (including one from the local station being carried over the system pursuant to the above requirements).

(3) Notwithstanding any requirement or request made by a television broadcast station pursuant to paragraph (a) of this section, a CATV system may deliver to its subscribers the signals of another television broadcast station whose signal is being carried pursuant to the requirements of this section (or pursuant to an agreement reached by the parties in lieu of the requirements of this section).

(b) An application for the initial authorization to relay television signals to a CATV system shall contain a statement that the applicant has notified any television broadcast station, within whose predicted Grade A or Grade B contour the CATV system operates or will operate, of the filing of the application. Such statement shall be supported by copies of the letters of notification directed to such television broadcast licensees. Notice to television broadcast licensees shall include the fact of filing by the applicant, identification of each CATV system intended to be served by the applicant, identification of the community to be served by each such CATV system, and the television station(s) whose programs will be distributed by the CATV system(s).

§ 21.711 Special procedures in connection with authorizations for stations used to relay television broadcast signals to CATV systems.

When an interested party believes that the requirements of § 21.710 are inappropriate to its particular situation, the party may file a request in detailed form (including all pertinent financial, economic, and operating data), setting forth

[2] As used in §§ 21.710 and 21.711, "community antenna television system" means any wire or cable facility performing the service of receiving and amplifying the signals transmitting programs broadcast by one or more television stations and redistributing such programs to subscribing members of the public, but such terms shall not include (1) any such facility which serves fewer than fifty subscribers, (2) any such facility which serves only the residents of one or more apartment dwellings under common ownership, control, or management, and commercial establishments located on the premises of such an apartment house.

The term, "television broadcast station", as used in §§ 21.710 and 21.711 shall not include boosters, repeaters, translator television stations, and satellites (which do not originate at least 7 hours per week of local programming), unless such facilities carry the programming of a station within whose predicted Grade A contour a substantial part of the CATV system lies.

the need for greater or lesser requirements than set out in § 21.710. Such requests shall be served upon the appropriate party (i.e., the television broadcast station or the CATV system and the carrier), and responses thereto shall be filed within 20 days and shall also contain detailed pertinent data. The Commission, after consideration of the material, shall either grant or deny such request in whole or in part, or designate such request for hearing or oral argument.

[F.R. Doc. 63-13105; Filed, Dec. 17, 1963; 8:50 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 404]

ADVERTISING AND LABELING AS TO SIZE OF TABLECLOTHS

Proposed Trade Regulation Rule Making Proceeding and Opportunity to Present Data, Views or Argument

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Subpart F of Part 1 of the Commission's Procedures and Rules of Practice, 28 F.R. 7083-84 (July 1963), has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding deception as to the size or dimensions of tablecloths.

The Commission has initiated this proceeding having reason to believe that: (a) Manufacturers, importers and distributors have engaged in the practice of selling tablecloths in commerce, as "commerce" is defined in the Federal Trade Commission Act, marked as to "cut size," i.e., the dimensions of the material used in making such tablecloths, without disclosing the size of the finished products; (b) this practice has the capacity and tendency (1) to mislead and deceive purchasers into believing that the "cut size" represents the actual dimensions of the finished products, whereas the finished size of tablecloths is in fact substantially smaller than the "cut size" of the materials from which they are made, a matter of primary importance to the consumer, and (2) to divert business from competitors who clearly disclose the finished size of their tablecloths; and that, therefore, (c) this practice constitutes an unfair method of competition in commerce, and an unfair and deceptive act or practice in commerce, in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission therefore proposes the following trade regulation rule:

§ 404.1 The Rule.

In connection with the sale or offering for sale of tablecloths in commerce, as "commerce" is defined in the Federal Trade Commission Act, any representation of the "cut size" or the dimensions of materials used in the construction of tablecloths, in advertising, labeling, marking or otherwise, constitutes an unfair method of competition and an unfair and deceptive act or practice, unless—

(a) The dimensions of the cut size are accurate measurements of the yard goods used in the construction of the tablecloths; and

(b) Such "cut size" dimensions are accompanied by the words "cut size"; and

(c) The "cut size" is accompanied by a clear and conspicuous disclosure of the length and width of the finished products and by an explanation that such dimensions constitute the finished size.

Example. An example of proper size marking when the product has a finished size of 50" x 68" and a cut size of 52" x 70", and disclosure is made of the cut size, is—Finished size 50" x 68"; cut size 52" x 70".

All interested persons, including the consuming public, are hereby notified that they may file written data, views or argument concerning the proposed rule with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street at Pennsylvania Avenue, NW., Washington, D.C., 20580, not later than February 14, 1964. Such written data, views or argument should be filed in duplicate.

All interested parties are also hereby given notice of opportunity to orally present data, views or argument with respect to the proposed rule at a hearing to be held at 10 a.m., e.s.t., on January 31, 1964 in Room 532 of the Federal Trade Commission Building, Washington, D.C.

The data, views or argument presented orally or in writing respecting the proposed rule will be available for examination by interested parties at the office of the Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in the sale or distribution of tablecloths in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice concerning the substantive requirements of the statutes which it administers.

The advertising and sales promotional literature used in promoting the sale of tablecloths indicates that the practice which would be prohibited by the proposed rule is widespread in the industry. This proceeding is designed to inform all industry members of their obligations under the law and assure equitable treatment in complying with the law.

All interested persons, including the consuming public, are urged to express their approval or disapproval of the proposed rule and give a full statement of their views in connection therewith.

Issued: December 19, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-13068; Filed, Dec. 17, 1963; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

HAIR OF CERTAIN ANIMALS, COTTON AND SILK WASTE AND CARPET WOOL IMPORTATION FROM COUNTRIES NOT IN THE AUTHORIZED TRADE TERRITORY

Notice of Consideration of Revision of Allocation of Licenses

Notice is hereby given that Foreign Assets Control is considering a revision of the basis on which licenses are granted under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) for the importation of the following commodities from countries (other than Communist China, North Korea, and Cuba) not in the authorized trade territory:

Badger hair.
Camel hair.
Carpet wool.
Cotton waste.
Goat hair.
Horse mane hair, horse tail hair and other horse hair.
Silk waste.
Yak hair.

Heretofore, licenses for the importation of each of the above described commodities have been granted in an aggregate yearly amount based on the average annual imports of the commodity from the exporting country during the years 1946–1951. These quotas will remain unchanged. The quantities licensed for each applicant within the quotas have been based upon the applicant's past history of importation, and the Control is considering a change in this allocation procedure.

Interested parties are hereby invited to submit their views prior to January 31, 1964, concerning the basis on which the allocation of licenses should be made. Presentation of views on this subject may be made either by letter addressed to the Office of Foreign Assets Control, Treasury Department, Washington 25, D.C., or in person. Any party desiring to be heard in person should notify the Director, Office of Foreign Assets Control, as soon as possible.

Attention is directed to the fact that the term "authorized trade territory" is defined in § 500.322 of the Foreign Assets Control Regulations and that the term "countries (other than Communist China, North Korea, and Cuba) not in the authorized trade territory" as used herein includes Albania, Bulgaria, Czechoslovakia, the Eastern Zone of Germany, the Eastern Sector of Berlin, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Poland, Rumania, the Union of Soviet Socialist Republics, and Viet-Nam (only those areas under Communist control).

An appropriate announcement of the procedure which is adopted will be made in the FEDERAL REGISTER as soon after January 31, 1964, as possible, at which time instructions for the filing of applications for licenses will be announced.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Foreign Assets Control.

[F.R. Doc. 63-13078; Filed, Dec. 17, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 6]

MARKETING QUOTA REVIEW COMMITTEE PANELS

Notice of Establishment of Areas of Venue

Pursuant to section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002) which requires that the field organization be published in the FEDERAL REGISTER and § 711.12 of the Marketing Quota Review Regulations (26 F.R. 10204, 27 F.R. 4831, 6539, 28 F.R. 3913) which provides for establishment of areas of venue for marketing quota review committee panels, notice is hereby given that the areas of venue established for the following States (28 F.R. 236, 460, 3891, 4464, 5025, 5026) have been revised and established by the ASC State Committees as follows:

INDIANA

Counties of:

Area I—Carroll, Cass, Elkhart, Fulton, Howard, Kosciusko, Marshall, Miami, St. Joseph, Wabash.

Area II—Clay, Deviess, Greens, Knox, Lawrence, Martin, Monroe, Morgan, Owen, Sullivan, Vigo.

Area III—Benton, Jasper, Lake, LaPorte, Newton, Porter, Pulaski, Starke, Tippecanoe, White.

Area IV—Boone, Clinton, Fountain, Hendricks, Marion, Montgomery, Parke, Putnam, Vermillion, Warren.

Area V—Clark, Dearborn, Floyd, Harrison, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, Washington.

Area VI—Crawford, Dubois, Gibson, Orange, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick.

Area VII—Blackford, Delaware, Hamilton, Hancock, Henry, Jay, Madison, Randolph, Tipton, Wayne.

Area VIII—Bartholomew, Brown, Decatur, Fayette, Franklin, Jackson, Johnson, Rush, Shelby, Union.

Area IX—Adams, Allen, DeKalb, Grant, Huntington, LaGrange, Noble, Steuben, Wells, Whitley.

MINNESOTA

Area I—Fillmore, Freeborn, Houston.
Area II—Meeker, Sherburne, Stearns.

TENNESSEE

Area I—Carter, Cocke, Greene, Hamblen, Hawkins, Jefferson, Johnson, Sullivan, Unicoi, Washington.

Area II—Anderson, Campbell, Claiborne, Hancock, Grainger, Knox, Scott, Sevier, Union.

Area III—Blount, Bradley, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane.

Area IV—Bledsoe, Clay, Cumberland, Fentress, Jackson, Overton, Pickett, Putnam, Van Buren, Warren, White.

Area V—Cannon, Coffee, DeKalb, Franklin, Grundy, Hamilton, Marion, Rutherford, Sequatchie.

Area VI—Cheatham, Davidson, Macon, Robertson, Smith, Sumner, Trousdale, Williamson, Wilson.

Area VII—Bedford, Giles, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Wayne.

Area VIII—Benton, Decatur, Dickson, Hickman, Houston, Humphreys, Montgomery, Perry, Stewart.

Area IX—Chester, Crockett, Fayette, Hardeman, Hardin, Haywood, McNairy, Madison, Shelby, Tipton.

Area X—Carroll, Dyer, Gibson, Henderson, Henry, Lake, Lauderdale, Obion, Weakley.

TEXAS

Area I—Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler.

Area II—Bailey, Baylor, Briscoe, Childress, Cochran, Cottle, Crosby, Dickens, Floyd, Foard, Garza, Hale, Hall, Hardeman, Hockley, King, Knox, Lamb, Lubbock, Lynn, Motley, Terry, Wilbarger, Yoakum.

Area III—Archer, Callahan, Clay, Comanche, Eastland, Erath, Fisher, Haskell, Hood, Jack, Jones, Kent, Mitchell, Montague, Nolan, Palo Pinto, Parker, Scurry, Schackelford, Somervell, Stephens, Stonewall, Taylor, Throckmorton, Wichita, Wise, Young.

Area IV—Bell, Bosque, Collin, Cooke, Dallas, Denton, Ellis, Falls, Fannin, Freestone, Grayson, Hill, Hunt, Johnson, Kaufman, Leon, Limestone, McLennan, Madison, Navarro, Robertson, Rockwall, Tarrant.

Area V—Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Harrison, Henderson, Hopkins, Houston, Lamar, Marion, Morris, Nacogdoches, Panola, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, Wood.

Area VI—Andrews, Borden, Brewster, Crane, Culberson, Dawson, Ector, El Paso, Gaines, Glasscock, Howard, Hudspeth, Irion, Jeff Davis, Loving, Martin, Midland, Pecos, Presidio, Reagan, Reeves, Sterling, Terrell, Upton, Ward, Winkler.

Area VII—Bandera, Brown, Coke, Coleman, Concho, Coryell, Crockett, Edwards, Gillespie, Hamilton, Kendall, Kerr, Kimble, Lampasas, Llano, McCulloch, Mason, Menard, Mills, Real, Runnels, San Saba, Schleicher, Sutton, Tom Green.

Area VIII—Atascosa, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kinney, Kleberg, LaSalle, McMullen, Maverick, Medina, Nueces, Starr, Uvalde, Val Verde, Webb, Willacy, Zapata, Zavala.

Area IX—Aransas, Bastrop, Bee, Blanco, Burleson, Burnet, Caldwell, Calhoun, Comal, Dewitt, Fayette, Goliad, Gonzales, Guadalupe, Hays, Karnes, Lee, Live Oak, Milam, Refugio, San Patricio, Travis, Victoria, Washington, Williamson, Wilson.

Area X—Austin, Brazoria, Brazos, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jackson, Jasper, Jefferson, Lavaca, Liberty, Matagorda, Montgomery,

Newton, Orange, Pol, San Jacinto, Trinity, Tyler, Walker, Waller, Wharton.

WISCONSIN

Area I—Columbia, Dane, Dodge, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, Waukesha.

Area II—Barron, Buffalo, Chippewa, Crawford, Dunn, Eau Claire, Grant, Jackson, Juneau, La Crosse, Monroe, Pepin, Pierce, Polk, Richland, St. Croix, Sauk, Trempealeau, Vernon.

Area III—Adams, Brown, Calumet, Clark, Door, Fond du Lac, Green Lake, Kewaunee, Langlade, Manitowoc, Marathon, Marinette, Marquette, Menomonee, Oconto, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago, Wood.

Area IV—Ashland, Bayfield, Burnett, Douglas, Florence, Forest, Iron, Lincoln, Oneida, Price, Rusk, Sawyer, Taylor, Vilas, Washburn.

ILLINOIS

Area I—Boone.
Area II—Adams.
Area III—Montgomery.
Area IV—Crawford.
Area V—Alexander, Hamilton, Massac, Pulaski, Saline, Union.

VIRGINIA

Area I—Accomack, Amelia, Brunswick, Chesapeake, Chesterfield, Dinwiddie, Greensville, Isle of Wight, Nansemond, Northampton, Nottoway, Powhatan, Prince George, Southampton, Surry, Sussex, Virginia Beach.

(Sec. 3, 60 Stat. 238; 5 U.S.C. 1002; Sec. 363, 52 Stat. 63, as amended; 7 U.S.C. 1363)

Effective date. January 1, 1964.

Signed at Washington, D.C., on December 13, 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-13081; Filed, Dec. 17, 1963; 8:41 a.m.]

Office of the Secretary

COMMODITY CREDIT CORPORATION

Organization and Functions; Delegations of Authority

I. *General.* The Commodity Credit Corporation Charter Act on June 29, 1948 (15 U.S.C. 714) established the Commodity Credit Corporation (hereinafter referred to as CCC), effective July 1, 1948, under a permanent Federal Charter, as an agency and instrumentality of the United States within the United States Department of Agriculture, subject to the general supervision and direction of the Secretary of Agriculture. Originally, CCC had been incorporated under the laws of the State of Delaware, pursuant to section 2(a) of the National Industrial Recovery Act of June 16, 1933, and Executive Order 6340 of October 16, 1933. The principal office of CCC is at the United States Department of Agriculture, Washington, D.C., 20250.

A. *Stock and borrowing power.* CCC has a capital stock of $100,000,000 which is subscribed by the United States, and has authority to borrow, with the approval of the Secretary of the Treasury, not to exceed an amount fixed by law.

II. *Organization*—A. *Board of Directors.* The Board of Directors consists of seven members. The Secretary of Agriculture is an ex officio director and serves as Chairman of the Board of Directors. The President of the United States, by and with the consent and advice of the Senate, appoints the remaining members of the Board of Directors.

B. *Advisory Board.* An advisory board of five members is appointed by the President of the United States to survey the general policies of CCC and the operation of its programs and to advise the Secretary of Agriculture with respect thereto. Not more than three members may belong to the same political party. The advisory board meets at least every 90 days.

C. *Officers.* The Under Secretary of Agriculture is President of CCC and the following Agricultural Stabilization and Conservation Service (hereinafter referred to as ASCS), Foreign Agricultural Service (hereinafter referred to as FAS), and Agricultural Marketing Service (hereinafter referred to as AMS) officials are ex officio officers of the CCC: The Administrator, ASCS, Executive Vice President, CCC; the Administrator, FAS, Vice President, CCC; the Administrator, AMS, Vice President, CCC; the Associate Administrator, ASCS, Vice President, CCC; the Deputy Administrator, Commodity Operations, ASCS, Vice President, CCC; the Deputy Administrator, State and County Operations, ASCS, Vice President, CCC; the Deputy Administrator, Management, ASCS, Vice President, CCC; the Executive Assistant to the Administrator, ASCS, Secretary, CCC; Director of Fiscal Division, ASCS, Controller, CCC; Deputy Director in Charge of Finance, Fiscal Division, ASCS, Treasurer, CCC; and Deputy Director in Charge of Accounting, Fiscal Division, ASCS, Chief Accountant, CCC. The Directors of Divisions and Commodity Offices of ASCS are ex officio Contracting Officers of the CCC.

D. *Management.* The management of CCC is vested in its Board of Directors, subject to the general supervision and direction of the Secretary. The President of CCC is Vice Chairman of the Board and performs such other duties as the Secretary or the Board may prescribe. The Executive Vice President is the chief executive officer of CCC. His authority, together with that of the other Vice Presidents, is set forth in section IV hereof. Activities of CCC, approved by the Board of Directors and the Secretary of Agriculture, are generally carried out through the facilities and personnel of ASCS, FAS, and AMS of the Department. From time to time services of other agencies of the United States Department of Agriculture may be utilized on certain operations or programs. The Directors of the Divisions and Commodity Offices of ASCS serve as executives of CCC in general charge of the activities carried out through their respective Divisions or Offices.

E. *The Contract Disputes Board.* The members of the Contract Disputes Board for CCC are appointed by the Board of Directors of CCC with the approval of the Secretary of Agriculture. The Contract Disputes Board has jurisdiction to act for and on behalf of CCC and its officers (a) to consider and determine appeals by claimants on contract claims against CCC involving doubtful or disputed questions of fact or law where settlement or adjustment cannot otherwise be effected under established policies and procedures, (b) upon request of the Executive Vice President or other officer of CCC, to exercise the authority of the Executive Vice President or other officer in connection with (1) any contract claim by or against CCC, including settlement and adjustment of any such claims, and (2) the suspension or debarment of any contractor, and (c) to act for the head of the agency or for any other officer of CCC to whom appeals may be taken from findings of fact by a contracting officer under any contract disputes provision which provides a method for final and conclusive determination of disputed questions of fact. The decisions of the Contract Disputes Board on all matters falling within its jurisdiction are final for administrative purposes within the United States Department of Agriculture. The names of such members and information with respect to their authority may be obtained from the Secretary, CCC.

III. *Functions*—A. *General.* Under its corporate charter (15 U.S.C. 714–714p) and in accordance with specific statutes, where applicable, and its annual budget programs submitted to and approved by Congress, CCC engages in buying, selling, lending, and other activities with respect to agricultural commodities, their products, food, feeds, and fibers, for the purpose of stabilizing, supporting, and protecting farm income and prices; assisting in the maintenance of balanced and adequate supplies of such commodities; and facilitating their orderly distribution. The Corporation also makes available materials and facilities required in connection with the production and marketing of such commodities.

B. *Types of Programs.* The following types of programs are conducted by CCC:

1. *Price Support Program.* Price Support operations are carried out under the CCC's charter powers and in conformity with specific statutes where applicable, such as the Agricultural Act of 1949 as amended (7 U.S.C. 1421 et seq.), and the National Wool Act of 1954, as amended (7 U.S.C. 1781 et seq.). Price support of various agricultural commodities is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. Commodities acquired by the Corporation in its price support operations are disposed of through sales, barters and exchanges, and donation, in conformity with specific statutes, where applicable, such as sections 202, 407, and 416 of the Agricultural Act of 1949, as amended, the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480), as amended, and other applicable legislation.

2. *Supply and Foreign Purchase Program.* This program is carried out under the authority contained in the CCC's charter, particularly sections 5 (b) and (c) thereof. CCC procures

foods, agricultural commodities, their products, and related materials to supply the requirements of Government agencies, foreign governments, and relief and rehabilitation agencies, and to meet domestic requirements. Foods, agricultural commodities, and their products are procured or aid is given in their procurement to facilitate distribution or to meet anticipated requirements during periods of short supply.

3. *Storage Facilities Program.* This program is carried out under the authority contained in the CCC's charter, particularly sections 4(h), 4(m), and 5 (a) and (b). CCC may (a) purchase and maintain (in storage deficient areas) granaries and equipment for care and storage of grain owned or controlled by CCC; (b) make loans for the construction or expansion of farm storage facilities; (c) provide storage-use guarantees to encourage the construction of commercial storage facilities; and (d) undertake other operations necessary to provide storage adequate to carry out CCC's programs.

4. *Commodity Export Program.* This program is carried out under the authority contained in the CCC's charter, particularly sections 5(d) and 5(f), and in accordance with specific statutes where applicable, such as sections 407 and 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427, 1431), the International Wheat Agreement Act of 1949, as amended (7 U.S.C. 1641, et seq.), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691, et seq.), and Title II of the Agricultural Act of 1956 (7 U.S.C. 1851, et seq.). CCC promotes the export of agricultural commodities and products through sales, barter, payments, and other operations.

5. *Special activities.* These activities are carried out under the authority of section 5(g) of CCC's charter and specific statutory authorizations or directives with respect thereto. Examples of such activities are the International Wheat Agreement program, sales of surplus agricultural commodities for foreign currencies under Title I of P.L. 480, long-term supply contracts under Title IV of P.L. 480, and the transfer of CCC grain to the Department of Interior for migratory waterfowl feed.

IV. *Delegations of authority*—A. *General.* All authorities and responsibilities relating to CCC shall be exercised (i) pursuant to authorizations contained in dockets or resolutions approved by the Board of Directors and the Secretary of Agriculture, (ii) in accordance with the by-laws of CCC (27 F.R. 10664) and (iii) within the confines of administrative and functional areas of jurisdiction. (See organizational statements for the Department of Agriculture (19 F.R. 74 as amended) and for Agricultural Stabilization and Conservation Service (28 F.R. 4368).) This statement of authority shall not be construed as waiving any restrictions, limitations, or requirements stated in the specific delegation of authority or imposed in governing policies, rules, regulations or procedures.

B. *Authority of Vice Presidents, CCC.* Pursuant to the by-laws of CCC, the Vice Presidents of the CCC hold office ex officio by virtue of their positions in the ASCS, FAS, and AMS. The Vice Presidents and their authority are as follows:

1. Executive Vice President: The Executive Vice President, who is the Administrator, ASCS, except as provided in paragraph 2 below, has general supervision and direction of the preparation of policies and programs for submission to the Board, of the administration of the policies and programs approved by the Board of Directors, and of the day-to-day conduct of the business of CCC and of its officers and employees.

2. The Vice President who is Administrator, FAS, has responsibility for preparation for submission by the Executive Vice President to the Board of policies and programs for (1) export sales and subsidies, except those pertaining to the International Wheat Agreement, and (ii) barter involving export of agricultural commodities in exchange for strategic and other approved materials. He also has responsibility for the administration, under policies and programs approved by the Board, of those operations which are carried out through facilities and personnel of the FAS. He also performs such special duties and exercises such powers as may be prescribed from time to time by the secretary of Agriculture, the Board, or the President of the Corporation.

3. The Vice President who is Administrator, AMS, has responsibility for the administration of those operations under policies and programs approved by the Board relating to food distribution which are carried out through facilities and personnel of the AMS. He also performs such special duties and exercises such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, or the President of the Corporation.

4. Other Vice Presidents:

(a) The other Vice Presidents assist the President and the Executive Vice President in the performance of their duties and exercise of their powers to such extent as the President or the Executive Vice President prescribes, and perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, or the President of the Corporation.

(b) The Vice Presidents are authorized in the discharge of their responsibilities, subject to the general supervision and direction of the Executive Vice President, to establish and interpret policies, institute activities and operations, execute documents, issue instructions and orders, and perform any other necessary actions which are in accordance with the by-laws and programs and policies adopted by the Board of Directors.

C. *Authority of Directors of Divisions and Commodity Offices of ASCS.* The Directors of Divisions and Commodity Offices of ASCS are in general charge of the activities of CCC carried out through their respective Divisions and Offices.

D. *Acting capacity.* The person occupying, in an acting capacity, the office of any person designated ex officio by the by-laws of the CCC as an officer of CCC, acts as such officer during his occupancy of such office.

E. *Authority to execute contracts.* Contracts of CCC relating to any of its activities may be executed in its name by the Secretary of Agriculture or the President of CCC. The Vice Presidents, the Controller, the Treasurer, the Directors of the Divisions and Commodity Offices of ASCS may execute contracts relating to the activities of CCC for which they are respectively responsible. The Executive Vice President and, subject to the written approval of the appointment by the Executive Vice President, the Vice Presidents, the Controller, the Directors of the Divisions and Commodity Offices of ASCS may appoint, by written instrument or instruments, such Contracting Officers as they deem necessary, who may, to the extent authorized by such instrument or instruments, execute contracts in the name of CCC. The names of such officers and information with respect to their authority may be obtained from the appropriate Director or the Secretary of CCC, U.S. Department of Agriculture, Washington, D.C., 20250.

F. *Authority to settle claims.* The Executive Vice President, CCC, and the Vice President, CCC, who is Deputy Administrator, Commodity Operations, ASCS, may settle and adjust claims in controversy by or against CCC and their designees may carry out such responsibilities with respect to the settlement and adjustment of claims as may be delegated to them. The Directors of Divisions and Commodity Offices of ASCS may settle and adjust any claim arising out of activities under their jurisdiction not in excess of the face amount of $20,000 or in excess of such amount with the approval of the Executive Vice President or Vice President, CCC, who is Deputy Administrator, Commodity, Operations, ASCS. The Vice President, CCC, who is Administrator, FAS, may settle and adjust any claim by or against CCC arising out of the operations of the Barter Program, other than claims arising solely under sales announcements, not in excess of the face amount of $20,000 or in excess of such amount with the approval of the Executive Vice President, CCC.

The Vice President, CCC, who is Administrator, AMS, may settle and adjust any claim by or against CCC arising out of the operations of the following programs, within area of administrative responsibility of AMS, not in excess of the face amount of $20,000 or in excess of such amount with the approval of the Executive Vice President, CCC:

(1) donation of food commodities to State, Federal and private agencies for use in U.S. pursuant to Section 416 of the Agricultural Act of 1949, as amended,

(2) donation of food commodities to State correctional institutions for minors pursuant to Section 210 of the Agricultural Act of 1956.

(3) special milk program for children (claims arising from operations under funds available prior to July 1, 1962).

The State Executive Directors of ASCS State Offices may settle and adjust any claim arising out of CCC activities under

their jurisdiction not in excess of the face amount of $5,000 or in excess of such amount with the approval of the Executive Vice President or the Vice President, CCC, who is Deputy Administrator, Commodity Operations, ASCS. Authorized claims officers may carry out such responsibilities with respect to settlement and adjustment of claims as may be delegated to such claims officers. The names of such officers and information with respect to their authority may be obtained from the Secretary, CCC.

V. *Availability of records and information*—A. *Records.* 1. Records pertaining to CCC activities restricted by Presidential directive, statute, Records Security Regulations, or other regulations may be made available only to the extent provided by such restrictions.

2. Records pertaining to CCC activities classified "Administratively Confidential" under the Administrative Regulations of the Department (1AR536b), in accordance with such regulations, may not be examined except in the performance of official duties nor may copies thereof be furnished upon request except in proper cases from Federal official sources. Such records include minutes of meetings of the Board of Directors, CCC (except resolutions extracted therefrom), Commodity Credit Corporation dockets until the end of the period stated in the pertinent docket, and information concerning proposed purchases and contracts under such dockets until there has been official release to news media or other public dissemination of such information. After the "Administratively Confidential" classification has been removed such records are available as set forth in 3 below.

3. Records, other than those classified under 1 or 2 above, are available for examination to anyone having an interest therein.

B. *Requests for records or information.* 1. Any person desiring to examine records, obtain information, or make submittals or requests with respect to CCC activity should address his request to the division or office through which the activity is carried out, or the Secretary of CCC, United States Department of Agriculture, Washington, D.C., 20250.

VI. *Prior authorizations and delegations.* The statement of Organization, Functions and Delegations of Authority of CCC issued July 18, 1962 (27 F.R. 6945), is hereby superseded. All subdelegations of authority relating to any function covered by such superseded statement or by this statement shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under previous delegations or subdelegations of authority or assignment of functions.

Done at Washington, D.C., this 12th day of December 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-13066; Filed, Dec. 17, 1963; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LAWRENCE H. ZAHN

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: No change.
B. Additions: No change.

This statement is made as of December 3, 1963.

LAWRENCE H. ZAHN.

DECEMBER 3, 1963.

[F.R. Doc. 63-13053; Filed, Dec. 17, 1963; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATOMIC ENERGY COMMISSION AND DEPARTMENT OF THE ARMY

Filing of Petition Regarding Food Additive Gamma Radiation

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 1233) has been filed by Atomic Energy Commission, Washington, D.C., 20201 and Department of the Army, Natick, Massachusetts, proposing the issuance of a regulation to provide for the safe use of sealed units containing the isotope cobalt 60 or cesium 137 as a source of gamma radiation for the preservation of lemons, with an absorbed dose of 75,000 to 100,000 rads, and of oranges, with an absorbed dose of 75,000 to 200,000 rads.

Dated: December 11, 1963.

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

[F.R. Doc. 63-13088; Filed, Dec. 17, 1963; 8:48 a.m.]

CRUCIBLE CHEMICAL CO.

Filing of Petition Regarding Food Additives Defoaming Agents

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 1279) has been filed by Crucible Chemical Company, 5560 Northwest Highway, Chicago 30, Illinois, proposing the issuance of an amendment to § 121.1099 to provide for the safe use of polyoxyethylene (40) stearate and silicon dioxide as components of defoaming agents.

Dated: December 11, 1963.

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

[F.R. Doc. 63-13089; Filed, Dec. 17, 1963; 8:48 a.m.]

DOW CHEMICAL CO.

Filing of Petition Regarding Food Additives Resinous and Polymeric Coatings

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 1128) has been filed by The Dow Chemical Company, Post Office Box 467, Midland, Michigan, 48641, proposing that § 121.2514 *Resinous and polymeric coatings* be amended by inserting alphabetically in paragraph (b)(3)(viii)(*a*) the new item "Glycidyl ethers formed by reacting phenol novolac resins with epichlorohydrin."

Dated: December 11, 1963.

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

[F.R. Doc. 63-13090; Filed, Dec. 17, 1963; 8:49 a.m.]

HIGH VOLTAGE ENGINEERING CORP.

Filing of Petition Regarding Food Additive Electron Beam Radiation

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 1276) has been filed by High Voltage Engineering Corporation, Burlington, Massachusetts, proposing the issuance of a regulation to provide for the safe use of electrons at energy levels not to exceed 5 million electron volts and with an absorbed dose of 20,000 to 50,000 rads for control of insect infestation in wheat and wheat products.

Dated: December 12, 1963.

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

[F.R. Doc. 63-13091; Filed, Dec. 17, 1963; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC., AND TRUSTEES OF COLUMBIA UNIVERSITY

Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 15, set forth below, to Facility License No. R-46. The license, as

amended, authorizes Industrial Reactor Laboratories, Inc., and The Trustees of Columbia University in the City of New York ("the licensee") to operate the IRL reactor located in Plainsboro Township, Middlesex County, New Jersey. The amendment, in accordance with the application for license amendment dated November 26, 1963, amends a condition previously inserted in the license concerning the maximum excess reactivity which will be available to the console operator by movement of the five safety rods in gang during the conduct of the Advanced Pressure Tube Reactor critical experiments. Experimental measurements have indicated that the total worth of the five safety rods may be somewhat less than had been predicted. Further differential rod worth measurements to confirm this indication cannot be made unless the condition is modified as set forth in the license amendment.

The Commission has found that:

(1) 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;

(2) Prior public notice of proposed issuance of this amendment is not required since the license amendment does not involve significant hazards considerations different from those previously evaluated;

(3) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant 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 Part 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 a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and a copy of the application dated November 26, 1963, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 6th day of December 1963.

For the Atomic Energy Commission.

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

[License No. R–46; Amdt. No. 15]

1. Facility License No. R–46, as amended November 19, 1963, issued to Industrial Reactor Laboratories, Inc., and The Trustees of Columbia University in the City of New York ("the licensee"), is hereby amended, in accordance with the application for license amendment dated November 26, 1963, to delete Paragraph 1.c. in its entirety and to substitute therefor the following:

"1.c. The maximum excess reactivity which will be available to the console operator by movement of the five safety rods in gang shall not exceed 0.09."

2. This amendment is effective as of the date of issuance.

Date of issuance: December 5, 1963.

For the Atomic Energy Commission.

E. G. CASE,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63–13050; Filed, Dec. 17, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14918]

LINEAS AEREAS DE NICARAGUA, S.A.

Notice of Prehearing Conference

Application of Lineas Aereas de Nicaragua, S.A., for a renewal of its foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property and mail between the terminal points Managua, Nicaragua, and Miami, Florida.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 3, 1964, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., December 13, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63–13096; Filed, Dec. 17, 1963; 8:49 a.m.]

[Docket 14837]

ALASKAN ROUND-TRIP EXCURSION FARES

Notice of Cancellation of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned to be held on December 19, 1963, at 10 a.m., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., is hereby canceled due to the withdrawal of the suspended tariffs by the parties involved.

Dated at Washington, D.C., December 16, 1963.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 63–13146; Filed Dec. 17, 1963; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15231; FCC 63–1120]

CENTRAL CONNECTICUT BROADCASTING CO. AND CONNECTICUT-NEW YORK BROADCASTERS, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re applications of The Central Connecticut Broadcasting Company, for renewal of license of Station WHAY, New Britain, Connecticut (including auxiliary stations KE–9648 and KCI–469), File No. BR–2365; The Central Connecticut Broadcasting Company (assignor), Connecticut-New York Broadcasters, Inc. (assignee), Docket No. 15231, File Nos. BAL–4587, BALRE–901; for Assignment of license of WHAY, New Britain, Connecticut (including auxiliary stations KE–9648 and KCI–469).

1. WHAY and WRYM are the only two standard broadcast stations in New Britain, Connecticut. The licensee of WHAY, The Central Connecticut Broadcasting Company, seeks to assign the license of that station to Connecticut-New York Broadcasters, Inc. The licensee of the other New Britain station, Hartford County Broadcasting Corporation (Petitioner or WRYM hereinafter), has petitioned to deny the application for assignment of license and has also petitioned to deny the pending renewal application of WHAY. The Commission now has before it the WHAY assignment and renewal applications, the WRYM petitions to deny, and various subsequent pleadings filed by the three parties.[1]

2. The proposed assignee, Connecticut-New York Broadcasters, Inc., is also the licensee of standard broadcast Station WICC in Bridgeport, Connecticut. The petitioner, WRYM, claims that it is a "party in interest" under section 309(d) of the Communications Act because the assignment of the WHAY license to the

[1] The specific pleadings before the Commission are: (a) "Petitions to Deny" the above-captioned assignment and renewal applications, filed September 10, 1962, and March 18, 1963, respectively, by Hartford County Broadcasting Corporation (WRYM); (b) "Oppositions to Petitions to Deny" the assignment application, submitted September 28, 1962 by the assignor and assignee; (c) "Opposition to Petition to Deny Renewal Application," submitted April 1, 1963, by the licensee of WHAY; (d) "Replies" to (b) and (c), above, filed October 15, 1962, and April 11, 1963, respectively, by WRYM; (e) a "Supplement to Opposition to Petition to Deny" the assignment application, filed January 23, 1963, by assignee; (f) "Reply to Supplement to Opposition filed February 12, 1963, by WRYM; and (g) a response by the assignee, dated September 10, 1963, to a Commission letter of August 9, 1963, concerning the assignee's proposed programming. Requests for extensions of time to file various pleadings were consented to by all parties. Petitions for leave to file the supplemental pleadings were granted by the Commission.

present owner of WICC will bring about substantial improvement in the competitive position of WHAY with respect to WRYM and, therefore, will cause direct economic injury to the latter station. Petitioner raises the possibility that a common owner of WHAY and WICC may offer joint advertising rates for the two stations and may be able to enjoy various other potential advantages of multiple ownership such as some degree of joint staffing or use of common programming material. The proposed assignee, in its opposition, denies that it intends any degree of joint sales, staffing, or operation between WICC and WHAY and states that any claim to the contrary by WRYM can only be speculation. In reply, WRYM takes a somewhat different tack. WRYM argues, first, that joint ownership of WHAY and WICC—located in Connecticut's two largest metropolitan markets—will in itself confer upon the assignee so great an amount of power that the new owner of WHAY will possess "an obvious potential for increased competitive ability" when compared with the present owner. Secondly, WRYM sets forth specific facts of record in the Commission's files and in the assignment application which tend to show that WHAY will be a far stronger competitor under the proposed assignee than under the present owner. WRYM notes that the proposed assignee has far greater financial resources than the assignor; that, from a financial point of view, the assignee has been much more successful than the assignor in operating radio stations; that the assignee proposes to increase greatly the number of commercial spots broadcast over WHAY; that the assignee proposes to eliminate approximately 17 hours of foreign language programming per week over WHAY and will, therefore, compete more directly with WRYM's English language programming; and, finally, that the assignee's stated intention of making WHAY a better and more successful station than at present will, if carried out, necessarily make WHAY a stronger competitor with WRYM than it is at present.

3. In order to establish that it is a "party in interest" under section 309(d) of the Communications Act and § 1.359 (i) of the Commission's rules and that it is, therefore, entitled to petition against the grant of an assignment application, a party must show that the Commission's action in granting the application would result in some direct injury to the petitioner. James Robert Meachem, 12 Pike and Fischer R.R. 1427 (1955), Greater Rockford Television, Inc., 16 Pike and Fischer R.R. 438 (1957). Where it is claimed that grant of an assignment application will result in economic injury to an existing station, the licensee must show that the injury will be of substantial nature, is reasonably likely to occur, and will occur specifically as a result of the potential Commission action to which objection is made. F.C.C. v. Sanders Brothers, 309 U.S. 470 (1940?), National Broadcasting Co. (KOA) v. F.C.C. 132 F2d 545 (D.C. Cir. 1942), aff'd 319 U.S. 239 (1943), Midwest Television, Inc., 9 Pike and Fischer R.R. 611 (1953). We believe that WRYM has met that burden here in that it has alleged sufficient facts to demonstrate that approval of the assignment now under consideration would result in a substantial strengthening of the competitive position of WHAY with respect to WRYM and, therefore, economic injury to the licensee of the latter station. See General-Times Television Corp., 13 Pike and Fischer R.R. 1049 (1956), James A. Saunders, 17 Pike and Fischer R.R. 727 (1958), WWIZ, Inc., 22 Pike and Fischer R.R. 1073 (1962).[2]

4. Substantively, WRYM gives four reasons to support its conclusion that the assignment application should be denied. First, it is argued that common ownership of WHAY and WICC will involve a degree of overlap between the service contours of the two stations which will be in violation of § 3.35(a) of the Commission's rules. WRYM points out that the area of Connecticut within which the overlap occurs is very densely populated and involves a substantial portion of the primary service area of each station.[3] Second, it is submitted that the combined coverage of WICC and WHAY—including, as it does, the primary business and population areas of the state—is so great as to constitute a concentration of control of standard broadcast stations in contravention of § 3.35(b) of the Commission's rules. Third, WRYM contends that an additional § 3.35(b) question is raised by virtue of the broadcast holdings of Aldo De Dominicis, majority stockholder in the assignor who holds an option to acquire 10 percent of the stock in the assignee corporation. Upon exercise of the option, Mr. De Dominicis would own 10 percent interests in WICC and WHAY in addition to an interest of 8 percent he now owns in Station WBZY, Torrington, Connecticut. Mr. De Dominicis, is also a creditor-lessor of Station WDEE, Hamden, Connecticut.[4] Finally, the petitioner submits that there has been no showing that the assignee's proposed programming is best suited for the needs and interests of the New Britain listening audience, nor has the assignee indicated any attempt has been made to determine these needs and interests. (By letter of August 9, 1963, the Commission also requested comments from the assignee concerning its efforts to ascertain community programming needs and also with regard to its plans to eliminate foreign language and network programming over WHAY.)

5. The proposed assignee counters the arguments regarding possible violation of § 3.35 (a) and (b) by minimizing the extent of service contour overlap between WHAY and WICC, by stressing the large number of competing broadcast services available both in the area of contour overlap and throughout the entire service areas of the two stations, and by reiterating its intention to operate the stations on a completely independent basis. The assignor answers the arguments directed at the broadcast interests of Mr. De Dominicis by stating that a grant of the present application will tend to decrease rather than increase his control of broadcasting in Connecticut. It is emphasized that Mr. De Dominicis will, upon consummation of the assignment and exercise of his options, have only a 10 percent interest in WHAY and WICC and an 8 percent interest in WBZY; that Mr. De Domonicis does not participate in the management of WBZY or WDEE (of which he is only a creditor); and, that, in any event, the four stations are independently staffed and programmed and are in areas "which are heavily saturated with a variety of primary services."

6. The proposed assignee's response to the Commission's programming inquiries is, in essence, as follows: The assignee's president, Kenneth Cooper, has devoted many years of his life to broadcasting in the New England area and Mr. Cooper has "deep knowledge of the needs and interests of persons residing in this area." This is said to be particularly true of the New Britain region because Mr. Cooper has in the past been employed by several stations serving the Hartford-New Britain area. As a result of his general familiarity with the region and of considerable listening to radio service available in the area by Mr. Cooper and an associate, the conclusion was reached that there was a great need for a "strong regional news operation" with a greater emphasis on local civic and community events than now broadcast over WHAY. It was concluded that network affiliation would make it difficult to feature large amounts of local and area news, etc., and accordingly, the assignee's proposed schedule dropped network programs. The assignee also proposed to drop for-

[2] WRYM claims standing to object to a grant of the WHAY renewal application for reasons identical to those given in paragraph 2, above, stating that a grant of the renewal is an integral part of the entire assignment transaction. WRYM makes no claim that it will suffer economic injury from a grant of the renewal application itself, however, and, for that reason, we do not believe it has shown itself to be a "party in interest" for the purposes of this particular application. The petition to deny the WHAY renewal application will, therefore, be dismissed. Notwithstanding this dismissal, we have examined the substantive contentions in the petition to deny the renewal. These contentions—claiming primarily that WHAY has sought to "withhold" certain information about the assignment in its subsequently filed renewal application—are little more than frivolous and raise no public interest questions.

[3] At the time the assignment application and the initial pleadings in this case were filed, the assignee held a construction permit to increase the day-time power of WICC from one kilowatt to five kilowatts. That construction permit has since been turned in to the Commission for cancellation. Our discussion here omits all arguments of the parties which had been based on an assumed operation by WICC with five kilowatts.

[4] Mr. De Dominicis sold his 49 percent stock interest in WDEE pursuant to Commission consent of March 6, 1963 (BTC–4157) but remains a creditor of the new stockholders for the unpaid balance of the sales price and also, with the other former stockholders, leases to the new licensee a transmitter site and certain studio facilities.

eign language programming because the population of New Britain has become more and more English speaking each year and, therefore, would be better served by generally directly programming. The programming judgements expressed above are, finally, supported by a limited survey of "responsible and representative members of the community" which was taken after receipt of the Commission's letter.

7. Upon consideration of the assignment application and of the various submissions by the parties, the Commission has concluded that no substantial and material public interest questions exist as to three of the points raised by the petitioner but that as to the fourth, the problem of overlap between WHAY and WICC, a hearing is required. Our reasons for these conclusions are set forth briefly in the paragraphs that follow.

8. As to its proposed programming, assignee has shown that its principal officer, its president and largest stockholder (47.6 percent)[5] Mr. Kenneth Cooper has resided in and has had broadcast station employment in the New Britain-Hartford area for an extended period of time. We must concede that such experience is a reasonable basis for an assertion that he has knowledge of the needs and interest of the people of the area. This coupled with the fact that the assignee, however belatedly[6] did conduct a survey to determine whether its "original judgment as to the programming needs" was sound and whether its proposed program changes were desired, supports the conclusion that the assignee has had knowledge of interests of needs and interests of New Britain and the surrounding area. The petitioner has presented no facts to support its assertion.

9. We do not believe that any § 3.35(b) "concentration of control" questions obtain with respect to either Mr. De Dominicis or the proposed assignee. Prior to the filing of the present assignment application, Mr. De Dominicis held a majority interest in one station (WHAY), a 49 percent interest in a second (WEE) and an 8 percent interest in a third. Having already disposed of all but a creditor's interest in WEE, Mr. De Dominicis will, upon consummation of the assignment and exercise of his options, hold only a 10 percent interest in two stations (WHAY and WICC) and and 8 percent interest in a third (WBZY). Upon these facts, we cannot find that a substantial question exists as to whether a grant of the present application will, with respect to Mr. De Dominicis, tend to create a concentration of control of standard broadcast stations contrary to the public interest. Nor can we find such a substantial question with regard to the proposed assignee. We do not feel that ownership of two stations in an area with so large a number of existing competing services can, in any absolute sense, create an undesirable concentration of control.

10. Our conclusions with respect to the § 3.35(a) or "duopoly" question must be somewhat different, however. Section 3.35(a) of the rules is not primarily concerned with absolute national or regional concentrations of power through ownership of broadcast stations but deals, rather, with the potential undesirable effects of multiple ownership in one particular geographic area where service may be received from two or more commonly owned stations. Section 3.35 (a) states that no license for a standard broadcast station will be granted to any party if:

> (a) Such party directly or indirectly owns, operates or controls another standard broadcast station, a substantial portion of whose primary service area would receive primary service from the station in question, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation.

According to the proposed assignee's own engineering exhibits, the area of overlap includes 30.6 percent of the total area within the present WICC daytime primary service area and 28 percent of the area within the primary daytime service area of WHAY. Indeed, assignee's exhibits also indicate a limited amount of overlap between the 1 mv/m contours of the two stations.

11. We feel, therefore, that a hearing is necessary to determine whether a grant of the assignment application would be in the public interest despite the substantial overlap which would occur between the two stations. In examining this question, it appears appropriate to consider the size, extent, and location of the areas served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of listeners residing in the area of overlap; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap will or will not be in contravention of § 3.35(a) of the Commission's rules.

12. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject assignment application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below. Accordingly, *It is ordered*, Pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant assignment application (BAL–4587) is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether a grant of the subject application would be in contravention of the provisions of § 3.35(a) of the Commission's rules with respect to multiple ownership of standard broadcast stations.

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

It is further ordered, That Hartford County Broadcasting Corporation is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing (either individually or, if feasible, and consistent with the rules, jointly), within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the aforementioned petition of Hartford County Broadcasting Corporation requesting denial of the renewal application of Central Connecticut Broadcasting Company for Station WHAY, is dismissed.

It is further ordered, That the aforementioned petition of Hartford County Broadcasting Corporation requesting denial of the subject application for assignment of the license of WHAY is granted to the extent indicated above and is denied in all other respects.

Adopted: December 4, 1963.

Released: December 11, 1963.

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

[F.R. Doc. 63–13100; Filed, Dec. 17, 1963; 8:49 a.m.]

[Docket Nos. 14318, 14319; FCC 63M–1325]

COLUMBIA BASIN MICROWAVE CO.

Order Continuing Hearing

In re applications of Columbia Basin Microwave Company, for renewal of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, Docket No. 14318, File No. 1464–C1–R–61; for consent to assignment of the license for station KOY40, a facility in the Domestic Public Point-to Point Microwave Radio Service at Ephrata, Washington from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc., Docket No. 14319, File No. 4082–C1–AL–61.

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[5] The assignee corp. has 11 other individual stockholders holding the balance of 52.4 percent of its stock.

[6] The survey was made after the filing of the assignment application and in response to the Commission's inquiry concerning what effort had been made to ascertain the needs of WHAY's service area.

The Hearing Examiner having under consideration a motion for continuance filed December 10, 1963, by the above-entitled applicant requesting that the evidentiary hearing now scheduled for December 16, 1963, be continued to February 17, 1964; and

It appearing that additional time is needed to enable applicant to comply with a Commission request for additional information and for the Commission to evaluate the information when received; and

It further appearing that there are no objections to the immediate favorable consideration of the motion for continuance, and good cause for granting the same having been shown;

It is ordered, This the 11th day of December 1963, that the motion for continuance is granted and the evidentiary hearing in the above-entitled proceeding is continued from Monday, December 16, 1963, to Monday, February 17, 1964.

Released: December 12, 1963.

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

[F.R. Doc. 63-13101; Filed, Dec. 17, 1963; 8:49 a.m.]

[Docket No. 15232; FCC 63-1121]

NOBLE BROADCASTING CORP.

Order Designating Application for Hearing on Stated Issues

In re application of The Noble Broadcasting Corporation, for renewal of license of Station WILD, Boston, Massachusetts, Docket No. 15232, File No. BR-1406.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of December, 1963;

The Commission having under consideration (1) the above captioned application; [1] and (2) the Commission's field inquiry with respect to the operations of station WILD; and

It appearing, that the licensee's prior application for renewal of license was granted for a short term terminating August 1, 1962, in part in order to afford the licensee "a reasonable opportunity to demonstrate to the Commission that you (the licensee) are carrying out your (financial) proposals effectively"; and

It further appearing, that despite the licensee's prior representations with respect to financial qualifications, the above-captioned application indicates that current liabilities exceed current assets; and

It further appearing, that in 1962, the licensee received revenue from the operation of WILD, including receipts from the "Sister Marie" account, which were not reported in the station's journals and in the licensee's Annual Financial Report (FCC Form 324) for 1962. In view of the fact broadcast licensees are obligated to report all revenue and consideration received from station operation in the Annual Financial Report, serious questions are raised with respect to licensee's submission of a false and misleading Annual Financial Report, not accurately and correctly reflecting licensee's financial operation; and

It further appearing, that the licensee knowingly issued or caused to be issued checks without sufficient money on deposit in such a manner as to raise serious questions with respect to licensee's financial qualifications; and

It further appearing, that in 1962 and 1963, the licensee failed to comply with applicable law regarding the withholding of Federal Income Taxes and Social Security deductions with respect to certain employees, raising questions with respect to licensee's character qualifications; and

It further appearing, that in 1962 and 1963 licensee engaged in the practice of "double billing" certain local advertisers, including Tip Top TV, Sharol Furniture Company and Brown Sales Company, enabling the local advertisers to receive from national business concerns a greater share of the expense of cooperative advertising than that to which they were or would have been entitled and that such practice occurred subsequent to the issuance of the Commission's Public Notice of March 9, 1962, in which we declared "double billing" to be a morally reprehensible practice; and

It further appearing, that the licensee failed to exercise a reasonable degree of control over material broadcast on WILD on certain foreign language programs and that the licensee was unaware of the content of such programs; and

It further appearing, that in 1962 and 1963, the licensee entered into agreements to give certain WILD disc jockeys commercial time in lieu of a pay raise which commercial time, the disc jockeys, with the permission and knowledge of licensee, resold as time-brokers and that since no copies of written or oral contracts relating to the sale of the broadcast time were filed with the Commission, licensee was in violation of § 1.613 (formerly §1.342) of the Commission's rules; and

It further appearing, that in 1962 and 1963, WILD broadcast numerous programs in foreign languages, including Greek, Italian, Polish and Albanian, pursuant to time-broker contracts, and, that prior to May 1, 1962, and from April to September 1963, inclusive, the time-broker contracts for many of the foreign language programs were not filed with the Commission in further violation of § 1.613 (formerly § 1.342) of the Commission's rules; and

It further appearing, that in September and October 1963, licensee broadcast advertisements over WILD for an account known as "Sister Marie" which advertisements contained words to the effect that "Sister Marie" guaranteed to "reunite the separated and bring loved ones together" and that when requested to furnish copies of the "Sister Marie" advertisements, licensee furnished copy which did not fully reveal the material actually broadcast; and

It further appearing, that, licensee has received cash advances from record companies pursuant to agreements with record companies, including Jamie and Roulette, and further, broadcast in 1962 and/or 1963, advertisements containing sponsor identification such as: "You have just heard a cut from The Other Family * * * made available through Roulette Records * * * at all record shops," which this Commission does not consider as constituting a proper sponsorship identification and is therefore, violative of section 317 of the Communications Act and §3.119 of the Commission's rules; and

It further appearing, that on several occasions in May and June 1962, in connection with WILD "Big Blast" dances, the licensee broadcast advertisements concerning a lottery which were in violation of section 1304 of Title 18, U.S.C. and were inconsistent with §3.122 of the Commission's rules; and

It further appearing, that the Commission's field inquiry in September and October of 1963 revealed numerous violations of §§ 3.111 and 3.112, including the logging of commercials which were not broadcast, the broadcast of commercials which were not logged, inaccurate entries of the time of broadcast of commercials and inaccurate entries of the length of commercials; and

It further appearing, that with respect to the above matters, written statements, with attachments, submitted by the licensee to the Commission on or about October 12, 1963, October 26, 1963, and November 4, 1963, and/or oral statements made to the Commission's staff by the licensee during the course of a staff investigation of WILD conducted from September 23, 1963 to October 2, 1963, inclusive, and from October 15, 1963, to October 26, 1963, inclusive, contained misrepresentations, concealed facts and/or were lacking in candor, and

It further appearing, that in view of the foregoing, a substantial question exists as to whether the Noble Broadcasting Corporation possesses the requisite character and/or financial qualifications to be a licensee of the Commission; and

It further appearing, that after consideration of all the foregoing, the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience and necessity; and that, therefore, said application must be designated for a hearing;

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

1. To determine whether in its written and/or oral statements to the Commission or its staff with respect to the above matters, the licensee misrepresented facts to the Commission and/or was lacking in candor;

[1] The Commission also has under consideration an application for Commission consent to the assignment of license for Station WILD to Dynamic Broadcasting, Inc. (File No. BAL-4815). However, final consideration of such application must await the conclusion of the hearing ordered herein. See NBC, Inc., FCC 61-530.

2. To determine whether the licensee maintained adequate supervision and/or control over the operation of its station during the period of the most recent license renewal to the present;

3. To determine whether the licensee operated its station contrary to and/or inconsistent with the provisions of section 317 of the Communications Act and §§ 1.613 (formerly 1.342), 3.111, 3.112, 3.119 and 3.122 of the Commission's rules;

4. To determine whether the licensee submitted a false or misleading financial report to the Commission;

5. To determine whether the licensee failed to comply with applicable law regarding the withholding of Federal Income Taxes and Social Security deductions from certain employees of WILD;

6. To determine whether the licensee knowingly issued or caused to be issued checks without sufficient money on deposit to cover their payment;

7. To determine whether the licensee has engaged in the practice of "double billing" subsequent to the issuance on March 9, 1962, of the Commission's Public Notice concerning "double billing";

8. To determine whether the licensee broadcast advertising concerning a lottery in violation of Section 1304 of Title 18, U.S.C.;

9. To determine whether, in light of the evidence adduced under the foregoing issues, the licensee possesses the requisite character qualifications to be a licensee of the Commission;

10. To determine whether, in light of the evidence adduced under the foregoing issues, the licensee possesses the requisite financial qualifications to be a licensee of the Commission.

11. To determine whether a grant of the above-captioned application would serve the public interest, convenience and necessity;

It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intent 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 § 1.594 of the Commission rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules and regulations.

Released: December 13, 1963.

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

[F.R. Doc. 63-13102; Filed, Dec. 17, 1963; 8:49 a.m.]

[Docket No. 14952; FCC 63M-1331]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Order

In re application of Norristown Broadcasting Company, Inc. (WNAR), Norristown, Pennsylvania, Docket No. 14952, File No. BP-12902; for construction permit.

The Hearing Examiner having under consideration the "Petition for Continuance" filed on December 10, 1963, by the applicant in the above-entitled proceeding requesting that the date for the commencement of hearing be continued from December 16, 1963, to January 6, 1964;

It appearing, that counsel for the Broadcast Bureau, the only other party to this proceeding, has consented to a grant of this continuance and to a waiver of the four-day rule; and

It further appearing, that good cause has been shown for a grant of the petition and that the issuance of an initial decision in this case will not be delayed by such a grant;

It is ordered, this 12th day of December 1963, that the "Petition for Continuance" mentioned hereinabove, be, and the same is, hereby granted; and that the hearing presently scheduled for December 16, 1963, is hereby continued to January 6, 1964.

Released: December 13, 1963.

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

[F.R. Doc. 63-13103; Filed, Dec. 17, 1963; 8:49 a.m.]

[Docket No. 15192; FCC 63M-1322]

WHITEVILLE BROADCASTING CO. (WENC)

Order Continuing Hearing

In re application of Whiteville Broadcasting Company (WENC), Whiteville, North Carolina, Docket No. 15192, File No. BP-13390; for construction permit.

The Hearing Examiner having under consideration a petition filed December 5, 1963, by the above-entitled applicant requesting that all procedural and other dates be continued for approximately 10 days; and

It appearing that the reason for the requested continuance arises from the fact that applicant's consulting engineer has encountered difficulty in making the field intensity measurements which are to be offered in evidence in this proceeding; and

It further appearing that counsel for the other parties have no objection to the immediate favorable grant of the petition and good cause for granting the same having been shown;

It is ordered, This the 11th day of December 1963, that the petition is granted and the date for preliminary exchange of exhibits is continued from December 12 to December 23, 1963; the date for the request of additional information by Broadcast Bureau or Station WALD is continued from December 20, 1963, to January 8, 1964; the date for final exchange of exhibits is continued from January 2 to January 13, 1964; the date for notification of witnesses for cross-examination is continued from January 3 to January 17, 1964; and the date of the evidentiary hearing is continued from January 8, 1964, to January 22, 1964.

Released: December 12, 1963.

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

[F.R. Doc. 63-13104; Filed, Dec. 17, 1963; 8:49 a.m.]

BROADCAST ANTENNA STRUCTURES

Interim Procedures Governing Airspace Clearances

DECEMBER 10, 1963.

As announced in previous public notices, Part 77 (formerly Part 626) of the Federal Aviation Regulations requires notice to the FAA prior to the construction or modification of any structure, including antenna towers, which might constitute a hazard to air navigation. The FAA regulations include the criteria necessary to determine first those cases which require notice, and second the cases which require aeronautical study by FAA.

Possible changes in FAA and FCC rules, application forms, and airspace clearance procedures are under study, and discussions with the FAA regarding coordination of matters affecting both agencies are in progress. In the meantime, and until further notice, the following procedures shall continue in force:

1. Applicants must comply with FAA requirements concerning notice of construction or alteration.

2. Applicants shall continue to submit five (5) copies of Section V-G of FCC Form Nos. 301 or 340, together with all necessary exhibits including a statement that Form FAA-117 notice has been given the FAA or, in the alternative, a statement that such notice is unnecessary.

3. The Commission will attempt to make an early initial examination of all applications for compliance with FAA criteria and:

(a) Where Form FAA-117 notice is not required, the Commission will routinely process the application involved;

(b) Where Form FAA-117 notice is required but does not appear to have been given, the Commission will inform the applicant of the necessity for giving notice to the FAA;

(c) applications which require Form FAA-117 notice but which appear to not require aeronautical study under Subpart C of FAA's Part 77 regulations will also be routinely processed by the Commission and, if granted prior to receipt of FAA clearance, will be conditioned

upon compliance with any applicable procedures of the FAA;

(d) applications which require Form FAA–117 notice and which appear to require aeronautical study under Subpart C of FAA's Part 77 regulations will normally be deferred pending advice from the FAA on the results of such study.

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

[F.R. Doc. 63–13097; Filed, Dec. 17, 1963; 8:49 a.m.]

[FCC 63–1142]

[List No. 50]

STANDARD BROADCAST APPLICATIONS

Ready and Available for Processing

DECEMBER 13, 1963.

Notice is hereby given, pursuant to § 1.571(c) of the Commission rules, that on January 21, 1964, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(c) of the Commission's rules an application, in order to be considered with any application appearing on the list below or with any other application on file by the close of business on January 20, 1964, which involves a conflict necessitating a hearing with an application on this list, must comply with the interim criteria governing acceptance of standard broadcast applications set forth in the note to § 1.571 of the Commission rules and be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on January 20, 1964, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: December 11, 1963.

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

Applications from the top of the processing line:

BP–15392 WITA, San Juan, P.R., Electronic Enterprises, Inc.
Has: 1140 kc, 500 kc, 500 w, U.
Req: 1140 kc, 500 w, 10 kw–LS, U.

BP–15446 WCAU, Philadelphia, Pa., Columbia Broadcasting System, Inc.
Has: 1210 kc, 50 kw, U.
Req: 1210 kc, 50 kw, DA–1, U.

BP–15994 WPRY, Perry, Fla., WPRY Radio Broadcasters, Inc.
Has: 1400 kc, 250 w, S. H.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–15997 KRMD, Shreveport, La., Radio Station KRMD.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

BP–15999 KENE, Toppenish, Wash., Radio Broadcasters, Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–16001 KVNI, Coeur d'Alene, Idaho, North Idaho Broadcasting Co.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–16002 KOSA, Odessa, Tex., Odessa Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–16003 KOTE, Fergus Falls, Minn., Northland Broadcasting Corp.
Has: 1250 kc, 500 w, 1 kw–LS, DA–N, U.
Req: 1250 kc, 1 kw, 5 kw–LS, DA–2, U.

BP–16007 New, Baker, Mont., Baker Radio Corp.
Req: 960 kc, 5 kw, Day.

BP–16009 KBIM, Roswell, N. Mex., Taylor Broadcasting Co.
Has: 910 kc, 5 kw, Day.
Req: 910 kc, 500 w, 5 kw–LS, DA–N, U.

BP–16010 WFPA, Fort Payne, Ala., Robert H. Johnson.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–16012 NEW, Plymouth, N.H., Pemigewasset Broadcasters, Inc.
Req: 1240 kc, 250 w, U.

BP–16013 WFLB, Fayetteville, N.C., OSTB, Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–16014 KGVL, Greenville, Tex., Radio Station KGVL, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–16015 KEUN, Eunice, La., Tri-Parish Broadcasting Co., Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–16017 WTBC, Tuscaloosa, Ala., Tuscaloosa Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–16018 KLVT, Levelland, Tex., Levelland Broadcasters.
Has: 1230 kc, 250 w, U.
Reg: 1230 kc, 250 w, 1 kw–LS, U.

BP–16028 KCBN, Reno, Nev., B.B.C., Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

[F.R. Doc. 63–13098; Filed, Dec. 17, 1963; 8:49 a.m.]

[Docket No. 15231; FCC 63M–1324]

CENTRAL CONNECTICUT BROADCASTING CO., AND CONNECTICUT-NEW YORK BROADCASTERS, INC.

Order Scheduling Hearing

In re applications of The Central Connecticut Broadcasting Company (Assignor), Connecticut-New York Broadcasters, Inc. (Assignee); Docket No. 15231, File Nos. BAL–4587, BALRE–901; for assignment of license of WHAY, New Britain, Connecticut (including auxiliary stations KE–9648 and KCI–469).

It is ordered, This 12th day of December 1963, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 11, 1964, in Washington, D.C.; *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., January 16, 1964.

Released: December 12, 1963.

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

[F.R. Doc. 63–13099; Filed, Dec. 17, 1963; 8:49 a.m.]

EDITORIAL REVISION OF FCC RULES

Revised rules and regulations pertaining to the Safety and Special Radio Services (Subchapter D) will be published as Part II of the FEDERAL REGISTER issue of December 21, 1963. Revised rules for the Maritime, Aviation, Public Safety, Industrial, Land Transportation, Amateur, and Citizens Radio Services, and for the Disaster Communications Service, are included in this issue.

Persons interested in the Safety and Special Radio Services are urged to place orders for this issue of the FEDERAL REGISTER with the Superintendent of Documents. This FEDERAL REGISTER issue will be the only official version of the revised rules available for several months. Orders should be placed as soon as possible and, to assure their being filled, must reach the Superintendent of Documents on or before December 19, 1963.

Orders for copies of Part II of the FEDERAL REGISTER issue of December 21, 1963, should be addressed to:

Superintendent of Documents,
U.S. Government Printing Office,
Washington, D.C. 20402.

Do not address orders to the Federal Communications Commission. The price for the issue will be 40 cents a copy. Remittance should be by check or money order made payable to the Superintendent of Documents. Currency may be sent at the sender's risk.

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

[F.R. Doc. 63–13169; Filed, Dec. 17, 1963; 11:26 a.m.]

FEDERAL MARITIME COMMISSION

AMERSPED INC. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, coopera-

tive working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

Amersped Incorporated, New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

Coastal Forwarders, Charleston, S.C ---------- FF–1290
Dolliff & Co., Boston, Mass ---------- FF–1291
Hasman & Baxt of La., Inc., New Orleans, La ---------- FF–1292
Paul Sustek Co., Philadelphia, Pa ---------- FF–1293
Morris & Co., Lake Charles, La ---------- FF–1294

The following agreements have similar terms:

Hasman & Baxt of La., Inc., New Orleans, La., and H. S. Thielen, Inc., Lake Charles, La ---------- FF–1283
Allen Forwarding Co., Philadelphia, Pa., and M. J. Corbett & Co., Inc., New York, N.Y ---------- FF–1284
Express Forwarding & Storage Co., Inc., New York, N.Y., and Albatross Shipping Co., New Orleans, La ---------- FF–1285
Lep Transport, Inc., New York, N.Y., and James Loudon & Co., Inc., Los Angeles, Calif ---------- FF–1286
Erskine Freight Forwarding Co., Inc., New York, N.Y., and Berry & McCarthy Shipping Co., Inc., San Francisco, Calif ---------- FF–1287
Hudson Shipping Co., Inc., New York, N.Y., and Seaport Shipping Co., Portland, Oreg ---------- FF–1288
Loretz & Co., Los Angeles, Calif., and branch offices at San Francisco, Calif., and Houston, Tex., and Salentine & Co., Inc., Milwaukee, Wis ---------- FF–1289
Gulf Florida Terminal Co., Tampa, Fla., and Inge & Co., Inc., New York, N.Y ---------- FF–1295

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.
Room 333 Federal Office Building, South, 600 South Street, New Orleans, La. Mail Address: P.O. Box 30550, Lafayette Station, New Orleans, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 13, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–13082; Filed, Dec. 17, 1963; 8:47 a.m.]

CITY OF PORTLAND COMMISSION OF PUBLIC DOCKS AND MATSON NAVIGATION CO.

Notice of Agreement Filed for Approval

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

Agreement No. 8965–1, between the City of Portland Commission of Public Docks (Portland) and Matson Navigation Company (Matson) modifies the basic agreement which provides for the lease of certain terminal property and a preferential assignment of pier space in Portland, Oregon. The purpose of the modification is to require Matson to pay Portland wharfage and demurrage charges for all cargo moving over the premises as shown in Portland's applicable tariffs and to require that all the cargo moving over the premises shall be subject to all applicable tariff charges as set forth in Portland's terminal tariffs, except the service and facilities charge. Agreement No. 8965–1 also amends the basic agreement to provide for the loading and unloading of containerized cargo and the furnishing of crane service in accordance with the provisions of Portland's applicable tariffs.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

DECEMBER 13, 1963.

[F.R. Doc. 63–13083; Filed, Dec. 17, 1963; 8:47 a.m.]

HOEGH LINE JOINT SERVICE AND MEMBER LINES OF THE INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE

Notice of Filing of Agreement

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

Agreement 7690–F, between the Hoegh Line, a joint service operating under approved Agreement 7593, and The India, Pakistan, Ceylon and Burma Outward Freight Conference (Agreement 7690, as amended) provides for the admission of the Hoegh Line Joint Service as an associate member of the Conference.

As an associate member, Hoegh Line Joint Service will engage in transportation services within the scope of the conference agreement; it will be obligated to abide by all rates, rules, regulations and decisions of the conference, but will have no vote in the affairs of the conference nor share any expenses of the conference except as may be specifically agreed upon by the parties thereto; and, it will be entitled to participate in contracts made by the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: December 13, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–13084; Filed, Dec. 17, 1963; 8:47 a.m.]

N.V. NEDLLOYD LIJNEN AND MEMBER LINES OF THE INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE

Notice of Filing of Agreement

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

Agreement 7690–E, between N.V. Nedlloyd Lijnen and The India, Pakistan, Ceylon and Burma Outward Freight Conference (Agreement 7690, as amended) provides for the admission of N.V. Nedlloyd Lijnen as an associate member of the Conference.

As an associate member, N.V. Nedlloyd Lijnen will engage in transportation services within the scope of the conference agreement; it will be obligated to abide by all rates, rules, regulations and decisions of the conference, but will have no vote in the affairs of the conference nor share in the expenses of the conference except as may be specifically agreed

upon between the parties thereto; and, will be entitled to participate in contracts made by the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: December 13, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-13085; Filed, Dec. 17, 1963; 8:48 a.m.]

PORT OF SEATTLE AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

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

Agreement No. T-59, between the Port of Seattle (Port) and Alaska Steamship Company (Alaska), provides for the four year lease of a certain portion of Pier 46 in Seattle, Wash., and adjacent terminal property for the loading and discharging of Alaska's vessels including rights to gantry cranes and truck scales. As rental for the leased premises Alaska guarantees the Port a minimum of $85,000, based upon dockage, wharf demurrage and storage charges as shown in the applicable tariffs of the Port, and wharfage as shown in Alaska's applicable tariff. Alaska also guarantees a minimum of $36,000 for the use of the gantry cranes based upon the Port's applicable crane rental charges and agrees to pay $3,000 annually for the use of the truck scale. Alaska further agrees that charges for all of its operations at the facility will be assessed in accordance with the rates shown in the Port's applicable tariffs, except those sections covering the service and facilities charges and wharfage charges.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

DECEMBER 13, 1963.

[F.R. Doc. 63-13086; Filed, Dec. 17, 1963; 8:48 a.m.]

SAN FRANCISCO PORT AUTHORITY AND CALIFORNIA STEVEDORE AND BALLAST CO.

Notice of Agreement Filed for Approval

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

Agreement No. T-39, between the San Francisco Port Authority and the California Stevedore and Ballast Company (Company), provides for the lease of certain terminal properties at San Francisco, Calif., to be used to perform terminal services for common carriers and for the storage, when necessary, of cocoa beans. In consideration therefor, the Company will pay a $600 monthly license fee. Cargo will be subject to full dockage and wharfage in accordance with the Port Authority's Tariff No. 3-C.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commision, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

DECEMBER 13, 1963.

[F.R. Doc. 63-13087; Filed, Dec. 17, 1963; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1620]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Notice of Filing of Application for Order of Exemption

DECEMBER 12, 1963.

Notice is hereby given that American Research and Development Corporation ("applicant"), 200 Berkeley Street, Boston, Massachusetts, a registered closed-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission granting an exemption from the provisions of section 12(d)(1) of the Act to permit applicant to purchase slightly over 10 percent of the stock of a European venture capital investment company as hereinafter described. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations therein, which are summarized below.

Applicant, which was organized in 1946, is principally engaged in investigation and research with respect to new or existing enterprises, processes or products and the furnishing of capital to or purchasing securities of companies engaged in the conduct or development of new enterprises, processes or products. Applicant proposes to invest approximately $250,000 in a European investment company named European Enterprise Development Company ("EED"), which will be organized under Luxembourg law, and which will invest and reinvest in substantially the same type of companies in which applicant invests. EED will issue only common stock and all of its stock will be owned by applicant, three other United States investors and fourteen European banks. The United States investors other than applicant are Lehman Brothers, Morgan Guaranty International Finance Corporation, a wholly-owned subsidiary of Morgan Guaranty Trust Company, and Continental International Financing Corporation, a wholly-owned subsidiary of Continental Illinois National Bank of Chicago.

EED does not presently propose to make a public offering of its securities. It will issue a total of 12,500 shares with an authorized initial capital of $2,500,000. When the organization of EED was originally considered, it was proposed to limit to 9.9 percent the permissible stock ownership of EED by any company in order that EED might qualify for the exception to the definition of an investment company contained in section 3(c)(1) of the Act. This section excepts from the definition of an investment company any issuer which is not making and does not propose to make a public offering of its securities and whose outstanding securities are beneficially owned by not more than one hundred persons and further provides that beneficial ownership by a company shall be deemed beneficial ownership by one person, with the exception that if such company owns 10 percent or more of the outstanding voting securities of the issuer, the beneficial ownership of the issuer shall be deemed to be that of the holders of such company's outstanding securities.

The Interest Equalization Tax bill introduced in Congress in July 1963 would, among other things, levy a 15 percent excise tax on investment by United States persons in securities of foreign issuers. The bill contains an exemption for direct investment in a foreign issuer

and an investment of 10 percent or more of the total combined voting stock of such issuer is considered a direct investment. In order to avoid the possible impact of the Interest Equalization Tax, it is proposed that applicant and the three other United States investors each invest in 10 percent of the stock of EED plus one additional share. In view of the fact that applicant alone has more than 6,900 stockholders, such investments would result in EED being unable to qualify for section 3(c)(1) exception.

The applicant requests an order of the Commission pursuant to section 6(c) exempting the proposed investment by applicant in EED from the provisions of section 12(d)(1) of the Act.

Section 12(d)(1) of the Act, in pertinent part, prohibits the acquisition by a registered investment company of more than 5 percent of the total outstanding voting stock of any other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries, or more than 3 percent of such stock if the policy is not so to concentrate.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transactions from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 30, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63–13057; Filed, Dec. 17, 1963; 8:45 a.m.]

[File No. 70–4176]

CINCINNATI GAS & ELECTRIC CO.

Notice of Filing Regarding Proposal To Exchange Common Stock of Exempt Holding Company for Common Stock of Nonaffiliates

DECEMBER 12, 1963.

Notice is hereby given that Cincinnati Gas & Electric Company ("Cincinnati"), P.O. Box 960, Cincinnati, Ohio, a public-utility operating and holding company which is exempt from the provisions of the Public Utility Holding Company Act of 1935 ("Act") except section 9(a)(2) thereof pursuant to Rule 2 under the Act, has filed an application with this Commission designating sections 9(a)(2) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, on file in the office of this Commission, for a statement of the proposed transactions which are summarized as follows:

Cincinnati proposes to acquire 572 shares of $50 par value common stock of Lawrenceburg Gas Company ("Lawrenceburg Gas"); 584 shares of $100 par value common stock of Lawrenceburg Transmission Corporation ("Lawrenceburg Transmission"); and 800 shares of no par value common stock of Eastern Indiana Gas Corporation ("Eastern Indiana")—representing in each case all of the issued and outstanding capital stock of those companies and owned by A.R. Stryker of Lawrenceburg, Indiana. The companies to be acquired are located and conduct their operations in Indiana. In consideration, Cincinnati will deliver to the seller a total of 36,881 shares of its own $8.50 par value common stock, on the basis of 25,304 shares, 7,275 shares, and 4,302 shares, respectively, for the stocks of the above three companies. The 36,881 shares of common stock to be delivered were purchased by Cincinnati in the open market at an aggregate cost (including brokerage costs) of $976,719. The filing states that the exchange agreement, dated October 4, 1963, resulted from arm's length negotiations between buyer and seller. Cincinnati proposes to record its investment in each of the three companies at the cost of its shares delivered in exchange therefor.

Cincinnati, an Ohio corporation, has three public-utility subsidiary companies. At September 30, 1963, the system had consolidated assets, less valuation reserves, of $453,026,000 and its consolidated operating revenues and net income for the twelve months ended on that date amounted to about $175,156,000 and $22,000,000, respectively. Cincinnati and its subsidiary companies provide electric and/or natural gas service in the City of Cincinnati, Ohio, and adjacent areas. Lawrenceburg Gas and Eastern Indiana distribute natural gas to communities located within 8 to 14 miles of Cincinnati's gas service area. Lawrenceburg Transmission owns and operates a gas transmission pipe line used primarily for the purpose of serving Lawrenceburg Gas. At September 30, 1963, the total assets of Lawrenceburg Gas, Lawrenceburg Transmission, and Eastern Indiana, less valuation reserves, amounted to $722,412, $296,685, and $414,763, respectively. For the twelve months ended on that date the operating revenues and net income of Lawrenceburg Gas amounted to $865,440 and $36,951, respectively, and those of Lawrenceburg Transmission amounted to $195,659 and $17,144, respectively. Eastern Indiana did not commence operations until October of 1963.

It is stated that, other than the broker's commissions and a fee of $750 paid to independent accountants, no fees, commissions, or expenses have been or will be incurred in connection with the proposed transactions. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 2, 1964, request this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law, raised by the application, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the above-stated address, and proof of service (by affidavit, or in the case of an attorney at law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the application, as filed or as it may be amended, may be granted effective forthwith as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63–13058; Filed, Dec. 17, 1963; 8:45 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

DECEMBER 12, 1963.

In the matter of trading on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange In the Common Stock, 10¢ par value and trading on the American Stock Exchange in the 6 percent Convertible Subordinated Debentures due September 1, 1976 of Continental Vending Machine Corporation; File No. 1–3421.

The Common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period December 13, 1963, through December 22, 1963, both dates inclusive.

By the Commission.

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

[F.R. Doc. 63-13059; Filed, Dec. 17, 1963; 8:45 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

DECEMBER 12, 1963.

In the matter of trading on the American Stock Exchange In the Common Stock, 67 cents par value, of TASTEE FREEZ INDUSTRIES, INC.; File No. 1-4722.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period December 13, 1963 through December 22, 1963, both dates inclusive.

By the Commission.

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

[F.R. Doc. 63-13060; Filed, Dec. 17, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 284]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 13, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 8600 (Deviation No. 4), WERNER TRANSPORTATION CO., 2601 32d Avenue South, Minneapolis 6, Minn., filed November 29, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From New Haven, Ind., over U.S. Highway 24 via Defiance, Ohio, to Napoleon, Ohio, thence over U.S. Highway 6 to Fremont, Ohio, thence over U.S. Highway 20 to Norwalk, and thence over Ohio Highway 18 to Medina, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from New Haven, Ind. over U.S. Highway 30, to Delphos, Ohio, thence over U.S. Highway 30S to Marion, Ohio, thence over U.S. Highway 30S to Mansfield, thence over U.S. Highway 42 to Medina, and return over the same route.

No. MC 8600 (Deviation No. 5), WERNER TRANSPORTATION CO., 2601 32d Avenue South, Minneapolis 6, Minn., filed November 29, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highways 30 and 41 thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Interstate Highway 65 near Lebanon, Ind.; thence over Interstate Highway 65 to junction Interstate Highway 465 near Indianapolis, thence over Interstate Highway 465 to junction Interstate Highway 74 near Indianapolis, thence over Interstate Highway 74 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from junction U.S. Highways 30 and 41 over U.S. Highway 30 via Fort Wayne, Ind., to Van Wert, Ohio, thence over U.S. Highway 127 to Greenville, Ohio, thence over U.S. Highway 127 to Cincinnati, and return over the same route.

No. MC 30605 (Deviation No. 11), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 1413 Railway Exchange, 80 East Jackson Boulevard, Chicago 4, Ill., applicant's attorney: Francis J. Steinbrecher (same address as applicant), filed December 6, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 64 and Oklahoma Highway 51 (approximately 6 miles south of Tulsa, Okla.), over Oklahoma Highway 51 to junction U.S. Highway 69, near Wagoner, Okla., thence over U.S. Highway 69 to junction U.S. Highway 64, at Muskogee, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Wellington, Kans., over U.S. Highway 160 to Winfield, Kans., thence over U.S. Highway 77 to Ponca City, Okla., thence over U.S. Highway 60 to Pawhuska, Okla., thence over Oklahoma Highway 11 to Tulsa, and thence over U.S. Highway 64 to Fort Smith, Ark., and return over the same route.

No. MC 52746 (Deviation No. 3), MISSOURI CONSOLIDATED FREIGHTWAYS CORPORATION, 4207 Gardner Lane, Kansas City, Mo., filed December 2, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with exceptions, over a deviation route as follows: from Davenport, Iowa, over U.S. Highway 61 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 34, thence over U.S. Highway 34 to Osceola, Iowa, and return over the same route for operating convenience only. The notice indicates

that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Kans., over U.S. Highway 69 to Des Moines, Iowa, thence over U.S. Highway 6 to Davenport, Iowa, thence across the Mississippi River to junction Illinois Highway 2, thence over Illinois Highway 2 via Sterling, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 via Dixon, Ill., to Chicago, Ill., and return over the same route.

No. MC 76266 (Deviation No. 12), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed November 29, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highways 59 and 34, over U.S. Highway 59 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction U.S. Highway 275, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From junction U.S. Highways 59 and 34, over U.S. Highway 34 to junction U.S. Highway 275, and thence over U.S. Highway 275 to junction Iowa Highway 92, and return over the same route.

No. MC 108589 (Deviation No. 1), EAGLE EXPRESS COMPANY, P.O. Box 679, Somerset, Ky., filed November 5, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Lexington, Ky., over Interstate Highway 75 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lexington over U.S. Highway 25 to Cincinnati, and return over the same route.

No. MC 108589 (Deviation No. 2), EAGLE EXPRESS COMPANY, P.O. Box 679, Somerset, Ky., filed November 5, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 64 to Graefenburg, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville over U.S. Highway 60 to Graefenburg, and return over the same route.

No. MC 11383 Sub 5 (Deviation No. 4), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 9518, El Paso, Tex., filed December 1, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Beaumont, Calif., over U.S. Highway 60 to junction Riverside Freeway (U.S. Highway 91 and California Highway 18), thence over Riverside Freeway to junction Santa Anna Freeway (U.S. Highway 101 and Interstate Highway 5), thence over Santa Anna Freeway to Los Angeles, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Beaumont, over U.S. Highway 99 to Los Angeles, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 143), THE GREYHOUND CORPORATION (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed December 5, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: (A) From junction Interstate Highway 75 and U.S. Highway 62 immediately east of Georgetown, Ky., over Interstate Highway 75 to junction U.S. Highway 25 at Clay's Ferry Bridge (Fayette-Madison County Line), (B) from junction U.S. Highway 460 and Interstate Highway 75 over U.S. Highway 460 to Georgetown, Ky., (C) from junction Athens-Boonesboro Road and U.S. Highway 25 over Athens-Boonesboro Road to its junction with Interstate Highway 75, and (D) from junction Interstate Highway 75 and U.S. Highway 25, 6 miles north of Lexington, over U.S. Highway 25 to Lexington, thence over U.S. Highway 25 to junction Athens-Boonesboro Road south of Lexington and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 25 to Lexington (also from Cincinnati across the Ohio River to Covington, thence over Kentucky Highway 17 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lexington), and thence over U.S. Highway 27 to Chattanooga, Tenn.; and from Lexington over U.S. Highway 25 via Livingston, Oakley, and East Bernstadt, Ky., to Corbin, Ky., thence over U.S. Highway 25 to Knoxville, Tenn., and return over the same routes.

NOTE: (In No. MC–F–8531, approved October 25, 1963, California Parlor Car Tours Company (now Greyhound Lines, Inc.), Docket No. MC–1515, was authorized to purchase the operating rights and certain property of the Greyhound Corporation. In the event this transaction is consummated, the operations over the deviation route proposed herein, if accepted, will be conducted thereafter by Greyhound Lines, Inc.

No. MC 1501 (Deviation No. 144) (Cancelling Deviation No. 110) THE GREYHOUND CORPORATION (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed December 5, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: (A) From the Kentucky-West Virginia State line over Interstate Highway 64 to Charleston, W. Va., (B) from junction U.S. Highway 60 and Kentucky Highway 75 near the Kentucky-West Virginia State line over Kentucky Highway 75 to junction Interstate Highway 75, and (C) from the Hurricane, W. Va., interchange over West Virginia Highway 34 to Hurricane, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From junction U.S. Highway 60 and Kentucky Highway 75, over U.S. Highway 60 via Witcher, Reed and Charleston, W. Va., to junction unnumbered highway near Barboursville, W. Va., thence over unnumbered highway to Barboursville, thence return over said unnumbered highway to junction U.S. Highway 60, thence over U.S. Highway 60 to Huntington, W. Va. * * * Also from junction U.S. Highway 60 and West Virginia Highway 34, over West Virginia Highway 34 to Hurricane, thence over unnumbered highway to junction U.S. Highway 60 slightly southwest of Hurricane", and return over the same routes.

NOTE: In No. MC–F–8531, approved October 25, 1963, California Parlor Car Tours Company (now Greyhound Lines, Inc.), Docket No. MC 1515, was authorized to purchase the operating rights and certain property of the Greyhound Corporation. In the event this transaction is consummated, the operations over the deviation route proposed herein, if accepted, will be conducted thereafter by Greyhound Lines, Inc.

No. MC 29957 (Deviation No. 3), CONTINENTAL SOUTHERN LINES, INC., Box 4407, Alexandria, La., filed November 29, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: (A) From junction Interstate Highway 40 and U.S. Highway 64, over Interstate Highway 40 to junction Tennessee Highway 20 (approximately 4 miles northwest of Jackson), thence over Tennessee Highway 20 to Jackson, and (B) from junction Interstate Highway 40 and U.S. Highway 64, over Interstate Highway 40 to junction Tennessee Highway 20 (approximately 4 miles northwest of Jackson), thence over Tennessee Highway 20 to Jackson, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent authorized service route as follows: From Memphis over U.S. Highway 64 to Whiteville, Tenn., thence over Tennessee Highway 100 to junction Tennessee Highway 18, thence over Tennessee Highway 18 to junction U.S. Highway 45, thence over U.S. Highway 45 to Jackson, and return over the same route.

No. MC 47495 (Deviation No. 1), MOUNTAIN VIEW COACH LINES, INC., Coxsackie, N.Y., applicant's attorney: James H. Glavin, III, 54 Broad Street, Waterford, N.Y., filed December 5, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Newburgh, N.Y., over the new Newburgh-Beacon Bridge (a part of Interstate Highway 84) to Beacon, N.Y., thence over Interstate Highway 84 to junction New York Highway 52, thence over New York Highway 52 to junction U.S. Highway 9 at Fishkill, N.Y.

thence northerly over said highway to Poughkeepsie, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Kingston, N.Y., over U.S. Highway 9W to Highland, N.Y., thence over the Mid-Hudson Bridge to Poughkeepsie, thence return over the Mid-Hudson Bridge to Highland, thence over U.S. Highway 9W to Newburgh, and return over the same route.

By the Commission.

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

[F.R. Doc. 63-13071; Filed, Dec. 17, 1963; 8:46 a.m.]

[Notice No. 584]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 13, 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 pre-hearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 21170 (Sub-No. 43), filed October 30, 1963. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 3½ West Main Street, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Macon, Marshall, Carrollton, St. Joseph, Moberly, and Milan, Mo., to points in Wisconsin and the Upper Peninsula of Michigan.

HEARING: February 6, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner William J. O'Brien, Jr.

No. MC 95540 (Sub-No. 553), filed August 22, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carrollton, Macon, Marshall, Milan, Moberly, and St. Joseph, Mo., to points in Kentucky, Tennessee, Alabama, North Carolina, South Carolina, Virginia, Georgia, and Florida.

NOTE: Common control may be involved.

HEARING: February 6, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner William J. O'Brien, Jr.

No. MC 116544 (Sub-No. 47), filed October 24, 1963. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorneys: Harry Ross, Warner Building, Washington 4, D.C., and Robert R. Hendon, 4000 Tunlaw Road NW., Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Carrollton, Moberly, Milan, St. Joseph, and Sedalia, Mo., to Springfield, Joplin, Carthage, and Scott City, Mo., and points in Arkansas, Oklahoma, and Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 6, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner William J. O'Brien, Jr.

No. MC 117119 (Sub-No. 117), filed October 9, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carrollton, Macon, Marshall, Moberly, Milan, and St. Joseph, Mo., to points in Kentucky, Tennessee, Alabama, North Carolina, South Carolina, Virginia, Georgia, and Florida.

HEARING: February 6, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner William J. O'Brien, Jr.

No. MC 117119 (Sub-No. 118), filed October 9, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Carrolton, Moberly, St. Joseph, Sedalia, and Milan, Mo., to Springfield, Joplin, Carthage and Scott City, Mo., and points in Arkansas, Oklahoma, and Kansas.

HEARING: February 6, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner William J. O'Brien, Jr.

By the Commission.

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

[F.R. Doc. 63-13072; Filed, Dec. 17, 1963; 8:45 a.m.]

[Notice No. 583]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 13, 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 pre-hearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 139), filed November 4, 1963. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston 21, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except liquified petroleum gases) in bulk, in tank vehicles, from points in Jefferson and Orange Counties, Tex. (except those within 150 miles of Henderson, Tex.) to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, and *returned and rejected shipments*, on return.

HEARING: February 5, 1964, at the Texas State Hotel, Houston, Tex., before Examiner Richard A. White.

No. MC 531 (Sub-No. 140), filed November 15, 1963. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston 21, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except liquefied petroleum gasses), from Geismar, La., and points within 5 miles thereof, to points in Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee (except Kingsport), and Texas (except that no resins, paints, paint materials and products and blends thereof shall be transported to Garland, Tex.), and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: February 6, 1964, at the Texas State Hotel, Houston, Tex., before Examiner Richard A. White.

No. MC 730 (Sub-No. 234), filed October 10, 1963. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada corporation, 1417 Clay Street, Oakland, Calif. Applicant's attorney: W. S. Pilling, P.I.E. Building, 14th and Clay Streets, Post Office Box 958, Oakland 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Missoula, Mont., and Valentine, Nebr., from Missoula over U.S. Highway 10 to Billings, Mont., thence over U.S. Highway 212 to Belle Fourche, S. Dak., thence over South Dakota Highway 34 to junction U.S. Highway 14, thence over U.S. Highway 14 and Interstate Highway 90 to Wall, S. Dak., thence over U.S. Highway 16 and Interstate Highway 90 to Murdo, S. Dak., and thence over U.S. Highway 83 to Valentine, Nebr., and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points.

NOTE: Applicant states transportation will be restricted to traffic to, from or through Omaha, Nebr.

(2) *General commodities* (except those of unusual value, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Missoula, Mont., and Sioux City, Iowa, from Missoula over U.S. Highway 10 to Billings, Mont., thence over U.S. Highway 212 to Belle Fourche, S. Dak., thence over South Dakota Highway 34 to junction U.S. Highway 14, thence over U.S. Highway 14 and Interstate Highway 90 to Wall, S. Dak., thence over U.S. Highway 16 and Interstate Highway 90 to Murdo, S. Dak., thence over U.S. Highway 16 and Interstate Highway 90 to junction U.S. Highway 16, Interstate Highway 90 and U.S. Highway 81, thence over U.S. Highway 81 to Yankton, S. Dak., thence over South Dakota Highway 50 to junction South Dakota Highway 50 and Interstate Highway 29, and thence over Interstate Highway 29 to Sioux City and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points.

NOTE: Applicant states the transportation will be restricted against traffic originating at, destined to, or moving through the State of Minnesota.

HEARING: February 5, 1964, at the Federal Office Building, Seattle, Wash., before Examiner Isadore Freidson.

No. MC 936 (Sub-No. 32), filed September 23, 1963. Applicant: VALLEY MOTOR LINES, INC., 1220 West Washington Boulevard, Montebello, Calif. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix 18, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, from Montebello, Calif., to points in Kern County, Calif.

NOTE: Common control may be involved.

HEARING: February 4, 1964, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner Bernard J. Hasson, Jr.

No. MC 1124 (Sub-No. 194), filed October 2, 1963. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, commodities injurious or contaminating to other lading, livestock, household goods as defined by the Commission, and commodities requiring special equipment), between Dallas, Tex., and Shreveport, La., from Dallas over U.S. Highway 80 to Shreveport, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized operations, restricted against the transportation of traffic between points in the Shreveport Commercial Zone, on the one hand, and, on the other, points in the Dallas Commercial Zone.

HEARING: January 28, 1964, at the Baker Hotel, Dallas, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Richard A. White.

No. MC 2202 (Sub-No. 244), filed January 3, 1963. 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) serving the site of the National Aeronautics and Space Administration Manned Spacecraft Center located at or near Clear Lake, Tex., as an off-route point in connection with applicant's regular-route operations to and from Houston, Tex.

NOTE: Common control may be involved.

HEARING: February 3, 1964, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Richard A. White.

No. MC 4405 (Sub-No. 412), filed October 23, 1963. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trucks and chassis, parts and equipment*, in initial movements, in driveaway service, from Kansas City, Mo., to points in the United States (except Alabama, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin).

NOTE: Common control may be involved.

HEARING: February 4, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner William J. O'Brien, Jr.

No. MC 5267 (Sub-No. 15), filed September 17, 1963. Applicant: WILLIAM R. BRUMFIELD AND OLIVET ATWOOD BRUMFIELD, a partnership, doing business as ATWOOD TRUCK LINE, Fort Morgan, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Laramie, Wyo., and points within 10 miles thereof, to points in that part of Colorado on and north of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 24 to Grand Junction, Colo., and thence along U.S. Highway 6 to the Colorado-Utah State line.

HEARING: January 27, 1964, at the New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate before Examiner Bernard J. Hasson, Jr.

No. MC 7228 (Sub-No. 32), filed October 18, 1963. Applicant: HOME TRANSFER AND STORAGE CO., a corporation, 1906 Southeast 10th Avenue, Portland, Oreg. Applicant's attorney: Stephen Parker, 705 Yeon Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, used in shipping fruits, vegetables, and berries, fresh, frozen, and those partially processed preparatory to freezing or canning, between points in Skagit, Snohomish, King, Whatcom, Pierce, Lewis, and Walla Walla Counties, Wash., including ports of entry into British Columbia located at Blaine and Sumas, on the one hand, and, on the other, points in Multnomah, Clackamas, Marion, Linn, and Benton Counties, Oreg.

NOTE: Common control may be involved.

HEARING: February 11, 1964, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 14706 (Sub-No. 13), filed October 2, 1963. Applicant: C. W. KELLEY TRANSPORT, INC., Third and Kirby Streets, Hutchinson, Kansas. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*,

malt liquors, and malt concentrates, from Omaha, Nebr., and Golden, Colo., to points in Kansas, Oklahoma, and Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Common control may be involved.

HEARING: January 20, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Examiner Richard A. White.

No. MC 22987 (Sub-No. 3), filed October 13, 1963. Applicant: PACIFIC TRANSPORTATION AND WAREHOUSE CO., INC., 760 Warehouse Street, Los Angeles, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. 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 other than lowbed trucks and trucks equipped with winches, and those injurious or contaminating to other lading), between points in those portions of Los Angeles, San Bernardino, Riverside and Orange Counties, bounded by the following territorial description: Beginning at the southwestern intersection of the city limits of Los Angeles and the Pacific Ocean, thence northerly along the western boundary of the city limits of Los Angeles to a point near Santa Susana Pass; continuing along a line extending in a generally easterly direction from a point near Santa Susana Pass along the northern corporate limits of Los Angeles to a point where the said corporate limits intersect the Angeles National Forest Boundary; thence easterly along the Angeles and San Bernardino National Forest Boundary to Archibald Avenue; thence southerly along Archibald Avenue to Riverside Boulevard; thence westerly along Riverside Boulevard, to Euclid Avenue; thence southerly along Euclid Avenue to California Highway 71; thence southerly along California Highway 71 to U.S. Highway 91; thence westerly along U.S. Highway 91 to California Highway 55; thence southerly along California Highway 55 to MacArthur Boulevard; thence southerly along MacArthur Boulevard, and its prolongation to the Pacific Ocean; and thence northwesterly along the shore line of the Pacific Ocean to point of beginning.

HEARING: February 5, 1964, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner Bernard J. Hasson, Jr.

No. MC 23976 (Sub-No. 16), filed November 12, 1963. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 5940 N. Basin Avenue, Portland 17, Oreg. Applicant's attorney: Owen M. Panner, 1026 Bond Street, Bend, Oreg. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Classes A and B explosives* and *general commodities,* (1) between Bend, Oreg., and Sisters, Oreg., over U.S. Highway 20, and return over the same route, serving no intermediate points, and (2) between Redmond, Oreg., and Sisters, Oreg., over U.S. Highway 126, and return over the same route, serving no intermediate points.

NOTE: Applicant states it intends to tack the authorities to those authorities contained under MC 23976 and also states that this application is for renewal of existing authority which expires February 26, 1964.

HEARING: February 13, 1964, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 30657 (Sub-No. 15), filed October 24, 1963. Applicant: DIXIE HAULING COMPANY, a corporation, 959 Bankhead Avenue, Atlanta, Ga. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Garbage cans, tubs, pails, oil containers, and waste baskets* from Cincinnati, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, Alabama, Georgia, Tennessee, Mississippi, North Carolina, South Carolina, Florida, Louisiana, Oklahoma, Texas, Arkansas, and the District of Columbia, and *rejected and damaged shipments* on return.

HEARING: January 24, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 30844 (Sub-No. 128), filed October 16, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates, Packinghouse Products,* 61 M.C.C. 209 and 766, from Hawarden, Iowa, to Waterloo, Iowa, and points in Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: January 23, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 31600 (Sub-No. 557), filed December 2, 1963. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals, including but not limited to, plastic materials, plastics, soaps, fatty acids, fatty acids materials, products and blends thereof, organic ammonia compounds, resins, varnishes, lacquer, paints, and paint materials,* in bulk, in tank and hopper vehicles, from Kankakee, Ill., to points in Arkansas, Connecticut, Delaware, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, and Wisconsin.

HEARING: January 10, 1964, at the Midland Hotel, Chicago, Ill., before Examiner David Waters.

No. MC 31600 (Sub-No. 558), filed December 9, 1963. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alcoholic beverages,* in bulk, in tank vehicles, between points in Illinois and Indiana, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and Ohio.

HEARING: January 21, 1964, at the Sheraton Atlantic Hotel, New York, N.Y., before Examiner Charles J. Murphy.

No. MC 41309 (Sub-No. 22) filed April 19, 1963. Applicant: JEFFRIES-EAVES INC., 333 Osuna Road, Post Office Box 1015, Albuquerque, N. Mex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Helium,* in bulk, in government-owned and shipper-owned vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, between helium production plants and storage facilities located in Arizona, Kansas, New Mexico, Oklahoma and Texas, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii).

HEARING: January 20, 1964, at the Cole Hotel, Albuquerque, N. Mex., before Examiner Bernard J. Hasson, Jr.

No. MC 50069 (Sub-No. 284), filed December 6, 1963. Applicant: REFINERS TRANSPORT AND 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,* in bulk, in tank vehicles, from Fort Wayne, Ind., to points in Ohio (except residual fuel oil to Mansfield, Ohio).

HEARING: January 7, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60.

No. MC 51146 (Sub-No. 9), filed October 14, 1963. Applicant: SCHNEIDER TRANSPORT AND STORAGE, INC., 817 McDonald Street, Green Bay, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Built-up wood or plywood, built-up wood or plywood products, built-up wood or plywood and built-up wood or plywood products combined with veneer and plastics, doors, paneling, compressed wood, and com-*

pressed wood products, from Marshfield, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and (2) *material, equipment and supplies* used in manufacture and distribution of the above described commodities, from points within the above described destination states to Marshfield, Wis.

HEARING: January 21, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 52465 (Sub-No. 27), filed September 26, 1963. Applicant: RICE TRUCK LINES, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Sheridan and Carbon Counties, Wyo., to points in Montana, North Dakota, South Dakota, points in Nebraska on and west of U.S. Highway 183, and points in Colorado on and north of a line beginning at the Colorado-Kansas State line, thence west along U.S. Highway 24 to junction at Grand Junction, Colo., thence west along combined U.S. Highways 6 and 50 to the Colorado-Utah State border, and *rejected shipments*, of the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: January 30, 1964, at the Yellowstone County Court House, Billings, Mont., before Examiner Isadore Freidson.

No. MC 52869 (Sub-No. 72), filed August 22, 1963. Applicant: NORTHERN TANK LINE, 511 Pleasant Street, Miles City, Mont. Applicant's attorney: Michael E. Miller, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Sheridan, Wyo., and points within 15 miles thereof, to points in Montana, North Dakota, South Dakota and Wyoming.

HEARING: January 30, 1964, at the Yellowstone County Court House, Billings, Mont., before Examiner Isadore Freidson.

No. MC 55852 (Sub-No. 6), filed October 24, 1963. Applicant: SEWELL'S MOTOR EXPRESS, INCORPORATED, 218 East 24th Street, Norfolk, Va. Applicant's attorney: Jno. C. Goddin, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (except plywood and veneer), between Boston, Mass., New York, N.Y., Port of Newark, and Jersey City, N.J., Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and Norfolk and Suffolk, Va., (2) from Norfolk, Va., to points in North Carolina, and (3) from Morehead City and Wilmington, N.C. to Norfolk, Va.

HEARING: January 28, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 55852 (Sub-No. 7), filed October 25, 1963. Applicant: SEWELL'S MOTOR EXPRESS, INCORPORATED, 218 East 24th Street, Norfolk, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished bunk or bed frames*, uncrated, on flat bed equipment, from Norfolk, Va., to Baltimore, Md.

HEARING: January 27, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 112.

No. MC 59531 (Sub-No. 89), filed October 28, 1963. Applicant: AUTO CONVOY CO., a corporation, 3020 South Haskell Avenue, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehilces*, in secondary movements, in driveaway and truckaway service, (1) from points in Oklahoma, to points in New Mexico, Arkansas, Louisiana, and Mississippi, and in Kansas, and Missouri, on and south of U.S. Highway 54, and (2) from Dallas, Houston, and San Antonio, Tex., to points in New Mexico.

NOTE: Applicant states the proposed service as shown in (2) above will be restricted to vehicles having prior movement by rail and/or water carrier.

HEARING: February 10, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 60087 (Sub-No. 5), filed December 3, 1963. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast Third Street, Amarillo, Tex. Applicant's attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear and by-products materials, radioactive materials, and related equipment, component parts and associated materials, and Classes A, B, and C explosives, ammunition* (not included in Classes A, B, and C explosives), *and component parts of explosives and ammunition*, between points in California, Nevada, New Mexico, Colorado, Texas, Iowa, and Kentucky.

HEARING: January 9, 1964, at the New Mexico State Corporation Commission, Santa Fe., N. Mex., before Examiner Hugh M. Nicholson.

No. MC 61396 (Sub-No. 101), filed November 27, 1963. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Waverly, Mo., to points in Nebraska, Iowa, and Kansas, and *returned or rejected shipments*, on return.

HEARING: January 24, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner James I. Carr.

No. MC 61440 (Sub-No. 84), filed November 2, 1962. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except light or bulky articles, gold bullion, paper money, silver, articles of virtu, and commodities injurious or contaminating or other lading), between Houston, Tex., and the National Aeronautics and Space Administration Manned Spacecraft Center, and the immediate area thereof, in the vicinity of Clear Lake, Tex.

NOTE: Applicant states it has as its wholly owned subsidiary Lee Way Motor Freight of Indiana, Inc.

HEARING: February 3, 1964, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Richard A. White.

No. MC 62538 (Sub-No. 9), filed August 18, 1963. Applicant: JAMES E. ASHTON, doing business as ASHTON TRUCKING COMPANY, 1201 North Broadway, Monte Vista, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Such commodities as are manufactured, processed or sold by persons who are engaged primarily in the milling of flour, and incidentally the sale and distribution of feed and grains*, from Denver, Colo., to points in New Mexico, and those in Apache, Navajo, Conconino, and Maricopa Counties, Ariz., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

NOTE: Applicant states that the proposed service will be under a continuing contract with The Colorado Milling & Elevator Company (and that Company's branches and divisions).

HEARING: January 28, 1964, at the New Customs House, Denver, Colo., before Joint Board No. 306, or, if the Joint Board waives its right to participate, before Examiner Bernard J. Hasson, Jr.

No. MC 69877 (Sub-No. 1) (CORRECTION), filed May 22, 1963, published in FEDERAL REGISTER issue of November 20, 1963, republished as corrected, this issue. Applicant: R. F. PEMBERTON, doing business as ROSEVILLE MOTOR EXPRESS AND CROOKSVILLE TRANSFER, Roseville, Ohio. Applicant's attorney: Robert N. Krier, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. In the previous publication it was indicated that authority was sought to serve Heath, Ohio, as an off-route point in connection with applicant's existing authority between Zanesville, Ohio, and McCleary, Ohio.

This should read "between Zanesville, Ohio and *McLuney*, Ohio." This republication is for the purpose of making that correction.

HEARING: Remains as assigned January 10, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 83539 (Sub-No. 106), filed November 21, 1963. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street (Post Office Box 5976), Dallas, Tex., 75222. 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: *Wrought iron conduit and pipe*, between Gilmer, Tex., and points in Arkansas, Louisiana, Oklahoma, and Texas.

HEARING: February 12, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 83835 (Sub-No. 44), filed November 18, 1963. Applicant: WALES TRUCKING COMPANY, a corporation, 905 Meyers Road, Grand Prairie, Tex. Applicant's attorney: James W. Hightower, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks, platform and warehouse tractors and their parts and attachments*, from Danville and Peoria, Ill., and points within 5 miles thereof, to points in Kansas, New Mexico, Oklahoma, and Texas, and *damaged and rejected shipments*, on return.

HEARING: February 13, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 96025 (Sub-No. 26), filed September 27, 1963. Applicant: DEWELL WILLIAM HOSKINS, doing business as HOSKINS' TRUCK SERVICE, Post Office Box 66, Malvern, Ark. Applicant's attorney: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lumber and lumber mill products, and plywood*, (1) from points in Arkansas to points in Kansas, Missouri, Oklahoma, Tennessee, Illinois, Indiana, Iowa, Kentucky, Wisconsin, Michigan, Ohio, Texas, Nebraska, and Minnesota, and (2) from points in Louisiana to points in Kansas, Missouri, Oklahoma, Tennessee, Illinois, Indiana, Iowa, Kentucky, Wisconsin, Michigan, Ohio, Texas, Nebraska, and Minnesota, (B) *plywood*, from points in Arkansas to points in Kansas, Missouri, Oklahoma, Tennessee, Illinois, Indiana, Iowa, Kentucky, Wisconsin, Michigan, Ohio, Texas, Nebraska, and Minnesota, and (C) *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: January 27, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner W. Elliott Nefflen.

No. MC 97517 (Sub-No. 1), filed August 19, 1963. Applicant: CHARLES MELVIN ARTERBERRY, doing business as ARTERBERRY, OIL FIELD TRUCK SERVICE, Post Office Box 674, Garber, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment* and *supplies, including pipe, tanks* and *tank materials*, between points in Oklahoma.

NOTE: Applicant states proposed operations will be restricted to shipments originating in or destined to points within a sixty (60) highway mile radius of Garber, Okla. (this radius excludes Oklahoma City, Okla.).

HEARING: January 22, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Richard A. White.

No. MC 103051 (Sub-No. 160), filed November 26, 1963. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive, Northeast, Atlanta, Ga., 30324. Applicant's attorneys: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303, and William P. Tomasello, Post Office Box 216, Bartow, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock, super phosphate, triple super phosphate, phosphate products and phosphate by-products*, from points in Polk and Hillsborough Counties, Fla., to points in Hillsborough County, Fla.

HEARING: January 21, 1964, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 205.

No. MC 103993 (Sub-No. 177) (AMENDMENT), filed July 24, 1963, published in FEDERAL REGISTER issue of October 30, 1963, republished as amended this issue. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, and (2) *motel units*, from points in Arkansas to points in the United States except Hawaii.

NOTE: The purpose of this republication is to substitute the description of commodities in (2) above for those specified in (2) of the previous publication.

HEARING: January 29, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner W. Elliott Nefflen.

No. MC 105461 (Sub-No. 55), filed October 24, 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: *Building materials* (except lumber and posts), from the warehouse site of A. C. Dutton Lumber Corporation, Wilmington, Del., to points in Maryland, Delaware, Pennsylvania, Virginia, that part of New Jersey on and south of U.S. Highway 22, and the District of Columbia.

HEARING: January 24, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 105461 (Sub-No. 56), filed October 24, 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: *Furniture, play yards, cribs and walkers*, from Newburgh, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and Washington, D.C., and points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio.

HEARING: January 23, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 105678 (Sub-No. 18) (AMENDMENT), filed July 23, 1963, published FEDERAL REGISTER issue August 28, 1963, amended September 10, 1963, and republished as amended this issue. Applicant: SECO TRUCKING CO., a corporation, 219 North Jackson Avenue, Mason City, Iowa. Applicant's attorney: Thomas F. Kilroy, 1815 H Street Northwest, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Explosives, blasting agents, materials and supplies*, from Atlas, Mo., and the magazines of Atlas Chemical Industries, Inc., located at or near Baxter Springs, Kans., and Pitcher, Okla., to points in Minnesota, Wisconsin, Michigan, Kansas, Arkansas, Indiana, Ohio, Pennsylvania, Missouri, Iowa, North Dakota, South Dakota, and Nebraska, and (2) *Ingredients, materials, and supplies*, used in the manufacture and sale of explosives, blasting agents, materials, and supplies, from points in Minnesota, Wisconsin, Michigan, Kansas, Arkansas, Indiana, Ohio, Pennsylvania, Illinois, and Iowa, to Atlas, Mo., and the magazines of Atlas Chemical Industries, Inc., located or near Baxter Springs, Kans., and Pitcher, Okla.

NOTE: The purpose of republication is to add five destination states to (1).

HEARING: January 27, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner William J. O'Brien, Jr.

No. MC 106278 (Sub-No. 23), filed April 1, 1963. Applicant: E. B. LAW AND SON, INC., Post Office Box 1381, Las Cruces, N. Mex. Applicant's attorney: William J. Lippman, 1824 R Street Northwest, Washington 9, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, in government-owned and shipper-owned trailers, and *empty containers or other such incidental facilities*, between all helium production plants and storage facilities in Arizona, Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in the United States, excluding Alaska and Hawaii.

HEARING: January 20, 1964, at the Cole Hotel, Albuquerque, N. Mex., before Examiner Bernard J. Hasson, Jr.

No. MC 106398 (Sub-No. 218), filed September 23, 1963. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, Suite No. 605, 711–14th Street Northwest, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Arkansas City, Kans., to points in the United States, including Alaska but excluding Hawaii.

HEARING: February 10, 1964, at the Hotel Lassen, Wichita, Kans., before Examiner William J. O'Brien, Jr.

No. MC 107064 (Sub-No. 30) (AMENDMENT), filed February 12, 1963, published FEDERAL REGISTER issue March 20, 1963, amended March 26, 1963, further amended April 1, 1963, and republished this issue. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Avenue, Post Office Box 2998, Dallas 21, Tex. Applicant's attorney: Hugh T. Matthews, 2130 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Helium gas*, in bulk, in shipper-owned and government-owned vehicles, from points in Moore, Potter, and Randall Counties, Tex., to points in New Mexico, and (2) *empty shipper-owned and government-owned vehicles*, from points in New Mexico, to points in Moore, Potter, and Randall Counties, Tex. The purpose of this amendment is to delete "tank" in describing the vehicles under item 2.

HEARING: January 20, 1964, at the Cole Hotel, Albuquerque, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Bernard J. Hasson, Jr.

No. MC 107151 (Sub-No. 21), filed July 26, 1963. Applicant: H. F. JOHNSON, INC., Post Office Box 1403, Billings, Mont. Applicant's attorney: Hugh Sweeney, Billings State Bank Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the pipe line terminal to be constructed at a point nine and one-half (9½) miles south of Sheridan, Wyo., to points in North Dakota, South Dakota, and Montana, and *contaminated and other rejected shipments*, on return.

HEARING: January 30, 1964, at the Yellowstone County Court House, Billings, Mont., before Examiner Isadore Freidson.

No. MC 107496 (Sub-No. 281), filed May 13, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Helium gas*, in bulk, in shipper-owned and government-owned vehicles, between helium production plants and storage facilities in Arizona, Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii and except from points in Moore, Potter, and Randall Counties, Tex., to points in New Mexico), and (2) *empty shipper-owned and government-owned vehicles*, between points in the United States (except Alaska and Hawaii and except from points in New Mexico, to points in Moore, Potter, and Randall Counties, Tex.), on the one hand, and, on the other, helium production plants and storage facilities in Arizona, Kansas, New Mexico, Oklahoma, and Texas.

HEARING: January 20, 1964, at the Cole Hotel, Albuquerque, N. Mex., before Examiner Bernard J. Hasson, Jr.

No. MC 107496 (Sub-No. 291), filed September 19, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, 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: *Fly ash*, (1) in bulk, from La Due, Mo., to points in Arkansas and Oklahoma, and (2) in bags, from La Due, Mo., to points in Arkansas, Oklahoma, and Kansas.

NOTE: Common control may be involved.

HEARING: February 3, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner William J. O'Brien, Jr.

No. MC 107496 (Sub-No. 295), filed October 11, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk and in bags, from Tonkawa, Okla., and points within 5 miles thereof, to points in Arkansas, Kansas, and Missouri.

NOTE: Common control may be involved.

HEARING: January 29, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Richard A. White.

No. MC 107515 (Sub-No. 463), filed December 4, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Ave. Southwest, Atlanta, 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: *Frozen prepared foods*, from Texarkana, Paris, Marshall, Sherman, Longview, and Gainesville, Tex., to points in Alabama and Georgia.

NOTE: Common control may be involved.

HEARING: February 11, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 108380 (Sub-No. 62), filed August 21, 1963. Applicant: JOHNSTON'S FUEL LINERS, INC. Post Office Box 112, Newcastle, Wyo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver, Colorado, 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the pipe line terminal located in Sheridan County, Wyo., to points in North Dakota, points in South Dakota, points in Nebraska located on and west of U.S. Highway 183, and points in Montana located on, east and north of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to Billings, Mont., thence along U.S. Highway 10, through Livingston, Mont., to junction Montana Highway 287, thence along Montana 287 to Helena, Mont., thence along U.S. Highway 91 to Great Falls, Mont., and thence along U.S. Highway 89 to the International Boundary line between the United States and Canada.

HEARING: January 30, 1964, at the Yellowstone County Court House, Billings, Mont., before Examiner Isadore Freidson.

No. MC 109435 (Sub-No. 32), filed September 23, 1963. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from La Due, Mo., to points in Arkansas and Oklahoma.

HEARING: February 3, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Joint Board No. 288, or, if the Joint Board waives its right to participate, before Examiner William J. O'Brien, Jr.

No. MC 109637 (Sub-No. 239), filed July 12, 1963. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, between points in Jefferson County, Ky., and (2) *fly ash*, in bulk, having had prior movement by rail (a) between points in Illinois, (b) between points in Indiana, (c) between points in Kentucky, (d) between points in Ohio, (e) between points in Tennessee, and (f) between points in West Virginia.

HEARING: January 22, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Nefflen.

No. MC 109637 (Sub-No. 244), filed September 23, 1963. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fluorine*, in bulk, in shipper-owned tank vehicles, from Metropolis, Ill., to points in Massachusetts, and *empty company-owned trailers*, on return.

HEARING: January 24, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Nefflen.

No. MC 109637 (Sub-No. 247), filed October 10, 1963. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Liquid fluorine,* in bulk, in shipper-owned tank vehicles, from Metropolis, Ill., to points in Florida.

HEARING: January 24, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Nefflen.

No. MC 109637 (Sub-No. 253), filed December 9, 1963. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals and syrups, including sorbitol,* in bulk, in tank vehicles, from Mapleton, Ill., and points within 10 miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and West Virginia.

HEARING: January 7, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 110264 (Sub-No. 26), filed May 24, 1963. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 504 Veranda Road Northwest (Post Office Box 404), Albuquerque, N. Mex. Applicant's attorney: Paul F. Sullivan, 1903 N Street Northwest, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Helium,* in bulk, in government owned and shipper owned trailers, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, between helium production plants and storage facilities located in Arizona, Kansas, New Mexico, Oklahoma and Texas, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

HEARING: January 20, 1964, at the Cole Hotel, Albuquerque, N. Mex., before Examiner Bernard J. Hasson, Jr.

No. MC 110264 (Sub-No. 28), filed November 29, 1963. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., Post Office Box 404, Albuquerque, N. Mex. Applicant's attorney: Paul F. Sullivan, 1903 N Street Northwest, Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and by-product materials, radioactive materials, and related equipment, component parts and associated materials, and Classes A, B and C explosives, ammunition* (not included in Classes A, B and C explosives), *and component parts of explosives and ammunition,* (1) between the Iowa Ordnance Plant located near Burlington, Iowa, Seal Beach, Calif., Travis Air Force Base, Calif., Port Chicago, Calif., Sierra Ordnance Depot at or near Herlong, Calif., Pueblo Ordnance Depot, Colo., Fort Campbell, Ky., Sandia Base, N. Mex., Lake Mead Base, Nev., Pantex Ordnance Plant, Tex., and Medina Base, Tex., and (2) between the Iowa Ordnance Plant located near Burlington, Iowa, Denver, Colo., Pueblo, Colo., and Amarillo, Tex.

HEARING: January 9, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Hugh M. Nicholson.

No. MC 111231 (Sub-No. 54), filed July 8, 1963. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street Northwest, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* from Springdale, Ark., to points in Kansas, Missouri, Nebraska, and Oklahoma.

HEARING: February 5, 1964, at the Claridge Hotel, Memphis, Tenn., before Examiner Leo M. Pellerzi.

No. MC 111231 (Sub-No. 55), filed October 11, 1963. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from Springdale, Ark., to points in Arkansas, Texas, and Oklahoma, and to Memphis, Tenn.

HEARING: February 5, 1964, at the Claridge Hotel, Memphis, Tenn., before Examiner Leo M. Pellerzi.

No. MC 111397 (Sub-No. 58), filed October 16, 1963. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Suite 215 Katterjohn Building, Paducah, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fire brick, tile and refractory material,* from Fulton and Vandalia, Mo., to points in Hopkins County, Ky.

HEARING: January 21, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 298, or, if the Joint Board waives its rights to participate, before Examiner W. Elliott Nefflen.

No. MC 111397 (Sub-No. 59), filed October 28, 1963. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Suite 215, Katterjohn Building, Paducah, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Limestone and limestone products,* in bulk, from points in Livingston County, Ky., to points in Indiana, Illinois, Missouri, and Tennessee.

HEARING: January 21, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Nefflen.

No. MC 111401 (Sub-No. 134), filed March 25, 1963. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Applicant's attorney: W. D. White, 2420 Republic National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Helium gas,* in bulk, in shipper-owned or government-owned vehicles, between all helium production plants and storage facilities located at points in Arizona, Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in the United States (excluding Alaska, and Hawaii), and (2) *empty shipper-owned or government-owned vehicles,* between points in the United States (excluding Alaska, and Hawaii), on the one hand, and, on the other, all helium production plants and storage facilities, located at points in Arizona, Kansas, New Mexico, Oklahoma, and Texas.

HEARING: January 20, 1964, at the Cole Hotel, Albuquerque, N. Mex., before Examiner Bernard J. Hasson, Jr.

No. MC 111401 (Sub-No. 141), (AMENDMENT) filed July 1, 1963, published in FEDERAL REGISTER issue October 9, 1963, amended December 9, 1963, and republished as amended this issue. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, Enid, Okla. Applicant's attorney: Fred M. Standley, Petroleum Building, Santa Fe, N. Mex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals,* liquid and dry, *petroleum and petroleum products,* liquid and dry, *crude petroleum treating compounds,* liquid and dry, *fertilizers* liquid and dry, and *sugar,* liquid and dry, in bulk, in tank vehicles, and (2) *aggregate, beet pulp, cement, coal, feed and feed ingredients, gravel, gypsum, lumber,* processed and unprocessed, *potash, rock, salt, sand, sawdust and wood pulp,* in bulk, in tank or dump vehicles, between points in New Mexico and Arizona.

NOTE: Applicant has pending contract carrier application in MC 125020. The purpose of this republication is to reflect the increased commodity description, change in territorial description and indicate new hearing information.

HEARING: January 27, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129.

No. MC 111401 (Sub-No. 144), filed October 16, 1963. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. Applicant's representative: Victor R. Comstock, Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles, from Sheerin, Tex., and points within 10 miles thereof, to points in Nebraska.

NOTE: Applicant has a pending contract application MC 125020; therefore dual operations may be involved.

HEARING: January 24, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Examiner Richard A. White.

No. MC 112020 (Sub-No. 209), filed October 18, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oils, and animal fats,* in bulk, in tank vehicles,

from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Nebraska, Ohio, Oklahoma, and Texas, to Memphis, Tenn.

NOTE: Common control may be involved.

HEARING: January 30, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Richard A. White.

No. MC 112020 (Sub-No. 210), filed October 23, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, fish oils and products and blends of said commodities*, in bulk, in tank vehicles, from points in California to points in Texas.

NOTE: Common control may be involved.

HEARING: February 4, 1964, at the Texas State Hotel, Houston, Tex., before Examiner Richard A. White.

No. MC 112446 (Sub-No. 38), filed July 22, 1963. Applicant: REFINERS TRANSPORT, INC., 1300–51st Avenue North (Post Office Box 1165), Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from New Albany, Ind., to points in Kentucky, and *rejected shipments*, on return.

HEARING: January 20, 1964, at 1:00 p.m., at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board waives its rights to participate, before Examiner W. Elliott Neffien.

No. MC 112617 (Sub-No. 152), filed July 12, 1963. Applicant: LIQUID TRANSPORTERS, INC., Post Office 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: (1) *Fly ash*, in bulk, between points in Jefferson County, Ky., and (2) *fly ash*, in bulk, having had prior movements via rail or barge, (1) between points in Illinois, (2) between points in Indiana, (3) between points in Kentucky, (4) between points in Ohio, (5) between points in Tennessee, and (6) between points in West Virginia.

HEARING: January 22, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Neffien.

No. MC 112617 (Sub-No. 157), filed September 3, 1963. Applicant: LIQUID TRANSPORTERS, INC., Post Office 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: *Fluorspar*, dry, in bulk, from Crittenden County, Ky., to points in Alabama, Arkansas, Georgia, Florida, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Illinois, Indiana, Kansas, Kentucky, and Louisiana.

HEARING: January 23, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Neffien.

No. MC 112617 (Sub-No. 163), filed December 6, 1963. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: L. A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, plastics, plastic materials, soap, fatty acid materials, products and blends thereof, organic ammonia compounds, resins, varnish, lacquer, paint and paint materials*, in bulk, in tank and hopper type vehicles, from Kankakee, Ill., to points in Kentucky, Indiana, and Ohio.

HEARING: January 10, 1964, at the Midland Hotel, Chicago, Ill., before Examiner David Waters.

No. MC 112713 (Sub-No. 97), filed January 9, 1963. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., Post Office Box 8462–92d at State line, Kansas City 14, Mo. Applicant's attorney: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission and commodities in bulk), serving the site of the National Aeronautics and Space Administration Manned Spacecraft Center (N.A.S.A.) located near Clear Lake, Tex., as an off-route point in connection with applicant's authorized regular-route operations to and from Houston, Tex.

NOTE: Common control may be involved.

HEARING: February 3, 1964, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Richard A. White.

No. MC 112822 (Sub-No. 40), filed October 30, 1963. Applicant: EARL BRAY, INC., Post Office Box 910 (Linwood and North Streets), Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry, fertilizer compounds, dry, fertilizer ingredients*, dry, and *urea*, dry, in bulk, in bags and containers, from points in Oklahoma, to points in Kansas, Nebraska east of U.S. Highway 183, Missouri, and Iowa, and *used and new fertilizer containers*, on return.

HEARING: January 21, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Examiner Richard A. White.

No. MC 113271 (Sub-No. 15), filed October 28, 1963. Applicant: CHEMICAL TRANSPORT, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk and in sacks, from Rapid City, S. Dak., and points within ten (10) miles thereof, to points in Wyoming, Colorado, and Montana, and points in North Dakota, Nebraska, and Kansas on and west of U.S. Highway 281, and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: January 27, 1964, at the Yellowstone County Courthouse, Billings, Mont., before Examiner Isadore Freidson.

No. MC 113495 (Sub-No. 12), filed December 3, 1963. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiators*, air heating and cooling, iron and steel combined with other metal; *radiators*, air heating and cooling, aluminum, brass, bronze and copper; *cooling and freezing machines; condensers, equalizers, and exchangers*, gas and liquid; coolers, *heat exchangers*, and *equalizers*, for air, gas and liquids; *air coolers, heaters, humidifiers, dehumidifiers or washers and blowers or fans combined; blowers, rotary, and exhaust fans*, iron; *compressors and pumps*, gas and liquid; *electric motors, and parts; machinery parts*, iron and steel; *machinery parts*, aluminum, brass, bronze and copper; and (2) *parts, attachments, and accessories* of and for the commodities described in (1) above, from the plant site of the Trane Company, located at La Crosse, Wis., to points in Tennessee, Virginia, and North Carolina.

HEARING: January 15, 1964, at the U.S. Courtrooms, Milwaukee, Wis., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 113545 (Sub-No. 5), filed October 30, 1963. Applicant: CORMETT FORWARDING CO. INC., 260 Hudson Street, Hackensack, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, as described in Appendix XI in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to points in Hudson, Essex, Union, Bergen, Passaic, Morris, Somerset, Middlesex, Monmouth, and Mercer Counties, N.J., and Rockland, Westchester, Suffolk, and Nassau Counties, N.Y.

NOTE: Restricted to service under contract with Crown Zellerback Corp. on traffic having an immediately prior movement by rail.

HEARING: January 20, 1964, at the Sheraton Atlantic Hotel, New York, N.Y., before Examiner Charles J. Murphy.

No. MC 114004 (Sub-No. 45), filed October 10, 1963. Applicant: CHANDLER TRAILER CONVOY, INCORPORATED, 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, (1) in initial movements, in truck-away service, from South Hill, Va.,

and Jacksonville, Newport, and Camden, Ark., to points in Alaska, and (2) in secondary movements, between points in Arkansas, Missouri, and Louisiana and points in the United States, including Alaska (but excluding Hawaii).

HEARING: February 3, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner W. Elliott Nefflen.

No. MC 114091 (Sub-No. 56), filed August 6, 1963. Applicant: FLEET TRANSPORT CO. OF KY., INC., Fern Valley Road, Louisville 13, Ky. Applicant's attorney: Louis Reznek, 5009 Keokuk Street, Washington 16, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fly ash*, in bulk, between points in Jefferson County, Ky., and (B) *fly ash*, in bulk, having had prior movement by rail (1) between points in Illinois, (2) between points in Indiana, (3) between points in Kentucky, (4) between points in Ohio, (5) between points in Tennessee, and (6) between points in West Virginia.

HEARING: January 22, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Nefflen.

No. MC 114288 (Sub-No. 4), filed October 25, 1963. Applicant: R. RAY LOWRIE, doing business as LOWRIE TRUCK LINES, Grand Saline, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Institutional packages of individual servings of foodstuffs and condiments*, from Grand Saline, Tex., and points within 5 miles thereof, to points in Louisiana, Arkansas, and Oklahoma, and *damaged or rejected shipments of the above named commodities* on return.

HEARING: February 11, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 114364 (Sub-No. 81), filed November 18, 1963. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, fertilizer compounds, fertilizer ingredients, urea and urea feed compounds*, dry, in bulk, and in bags and containers, from points in Oklahoma, to points in Arizona, Colorado, Idaho, Montana, New Mexico, Utah, Wyoming, and to those in Nebraska on and west of U.S. Highway 183.

NOTE: Common control may be involved.

HEARING: January 21, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Examiner Richard A. White.

No. MC 115364 (Sub-No. 5), filed September 18, 1963. Applicant: GOODMAN MOTOR TRANSPORT CO., LTD., 5650 Kingston Road, Vancouver 8, B.C., Canada. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the International Boundary line between the United States and Canada, at or near Blaine, Sumas, and Lynden, Wash., to points in King, Pierce, Snohomish, Skagit, and Whatcom Counties, Wash.

NOTE: Applicant states the proposed operations will be for the account of MacMillan-Bloedel, Ltd., and its subsidiaries or affiliates.

HEARING: February 4, 1964, at the Federal Office Building, Seattle, Wash., before Joint Board No. 237, or if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 116273 (Sub-No. 19), filed December 9, 1963. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and syrups*, in bulk, in tank vehicles, from Mapleton, Ill. (except from the plant sites of Archer-Daniels-Midland Company and Mapleton Industries, Inc.) to Washington, D.C., and points in Illinois, Iowa, Kansas, Indiana, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Pennsylvania, Kentucky, Texas, and Wisconsin.

HEARING: January 7, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 116474 (Sub-No. 1), filed October 7, 1963. Applicant: LEAVITTS FREIGHT SERVICE, INC., Route 1, Box 170B, Springfield, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vat or pressure treated forest products, including poles, piling, and heavy construction lumber*, (1) from Eugene, Oreg., and points within a 5-mile radius thereof, to points in Del Norte, Siskiyou, Modoc, Trinity, Tehama, Plumas, Sierra, Sutter, Nevada, Yuba, Butte, Lassen, Shasta, Placer, and Humboldt Counties, Calif., and points in Storey, Ormsby, Lyon, Douglas, Churchill, Pershing, Humboldt, Elko, Lander, Eureka, White Pine, and Washoe Counties, Nev., and (2) from Weed, Calif., and points within a 5-mile radius thereof, to points in Lake, Klamath, Jackson, and Josephine Counties, Oreg.

HEARING: February 10, 1964, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 151, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 116544 (Sub-No. 46), filed October 11, 1963. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorneys: Harry Ross, Warner Building, Washington 4, D.C., and Robert R. Hendon, 4000 Tunlaw Road Northwest, Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, and articles distributed by meat packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates 61 M.C.C.* 209 and 766, from points in Sedgwick County, Kans., to points in Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Florida, and Georgia, and empty containers or other such incidental facilities (not specified), used in transporting the commodities described above on return.

HEARING: January 21, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Louis G. LaVecchia.

No. MC 117119 (Sub-No. 101), filed August 23, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark. and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Springdale, Ark., to points in Arkansas, Texas, Oklahoma, and Memphis, Tenn.

HEARING: February 5, 1964, at the Claridge Hotel, Memphis, Tenn., before Examiner Leo M. Pellerzi.

No. MC 117823 (Sub-No. 19), filed August 19, 1963. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING CO., 240 West California Avenue, Salt Lake City 15, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, juice concentrates, and citrus products*, frozen and nonfrozen, (1) from Corona and Ontario, Calif., to points in Nevada, Utah, Idaho, Montana, Wyoming, and Colorado, and (2) from Salt Lake City, Utah to points in Nevada, Idaho, Montana, Wyoming, and Colorado.

HEARING: February 3, 1964, at the Federal Building, Los Angeles, Calif., before Examiner Bernard J. Hasson, Jr.

No. MC 118196 (Sub-No. 13), filed December 9, 1963. Applicant: RAYE AND COMPANY TRANSPORTS, INC., Post Office Box 613, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, powdered milk* containing animal or vegetable fats and ingredients, *milk products, dessert preparations, beverage preparations, milk and cream substitutes, flour mixes, cake mixes* and *pancake mixes*, from points in Minnesota and Wisconsin to points in Arizona, California, Nevada, New Mexico, Colorado, Kansas, Utah, Wyoming, Montana, Idaho, Washington, and Oregon.

HEARING: January 20, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119643 (Sub-No. 5), (REPUBLICATION), filed May 23, 1963. Ap-

plicant: RUSSELL BEVERLEY TRUCKING CO., INCORPORATED, Richmond, Va. Applicant's attorney: John D. Clark, Post Office Box 608, Washington 44, D.C. By application filed May 23, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of ink, in truckloads, from Richmond, Va., to points in North Carolina and South Carolina, and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodity, on return. The application was referred to Joint Board No. 196 for hearing. Hearing was held on October 15, 1963, at Richmond, Va. At the hearing applicant sought to amend the application to provide (1) for the outbound transportation of ink in tank truck loads and (2) empty tank trucks used in transporting this commodity on return. A report and order, served November 5, 1963, effective December 5, 1963, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of ink, in bulk, in tank vehicles, from Richmond, Va., to points in North Carolina and South Carolina, and further finds that applicant is fit, willing and able properly to perform such service and to conform to the Commission's rules and regulations thereunder; and that unless otherwise ordered a certificate authorizing such operations should be granted after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a statement of this application as modified by these findings.

No. MC 119702 (Sub-No. 9) (AMENDMENT), filed September 3, 1963, published FEDERAL REGISTER issue of November 28, 1963, amended December 6, 1963, and republished, as amended, this issue. Applicant: STAHLY CARTAGE CO., a corporation, 130–A Hillsboro Avenue, Edwardsville, Ill. Applicant's attorney: Mack Stephenson, 922 First National Bank Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the terminal site of Tuloma Gas Products Company located at or near Wood River, Ill., to points in Iowa, Michigan, Missouri, Ohio, Wisconsin, Indiana, and Kentucky.

NOTE: The purpose of this republication is to add Indiana as a destination state.

HEARING: Remains as assigned January 6, 1964, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner John L. York.

No. MC 119772 (Sub-No. 8), filed November 20, 1963. Applicant: BEVERAGE TRANSPORTATION, INC., 2158 Hamilton Avenue, Cleveland 14, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages of 42 proof and under, cocktail mixes* and *edible cocktail accessories* when moving in the same vehicle with wine or malt beverages, (a) from Chicago, Ill., to Cleveland, Lorain, and Youngstown, Ohio, and (b) from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Cleveland, Ohio, and (2) *malt beverages*, from Sheboygan and La Crosse, Wis., to points in Ohio.

NOTE: Applicant states it proposes to transport *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: January 14, 1964, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Walter R. Lee.

No. MC 119778 (Sub-No. 48) (AMENDMENT), filed September 23, 1963, published in FEDERAL REGISTER issue of December 4, 1963, amended December 10, 1963, and republished as amended this issue. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, and in packages, from Wilsonville, Ala., to points in Texas, Louisiana, Arkansas, and Alabama.

NOTE: Common control may be involved. The purpose of this republication is to add Texas as a destination state.

HEARING: Remains as assigned January 17, 1964, at the U.S. Courtrooms, Montgomery, Ala., before Examiner Allen W. Hagerty.

No. MC 119934 (Sub-No. 72), filed September 1, 1963. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, dry, in bulk, from points in Crittenden County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and *damaged and rejected shipments*, on return.

HEARING: January 23, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Nefflen.

No. MC 120543 (Sub-No. 16), filed September 2, 1963. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Post Office Box 1252, Dade City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, including fruit and vegetable concentrates*, in mixed shipments with *canned goods*, (2) *frozen foods, including fruit and vegetable concentrates*, in mixed shipments with commodities exempt from economic regulations pursuant to the provisions of sections 203(b)(6) of the Interstate Commerce Act, and (3) *canned goods, including fruit and vegetable concentrates*, in mixed shipments with commodities exempt from economic regulations pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, from points in Arizona and California, to points in Wyoming, Colorado, Iowa, Nebraska, Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Georgia, Florida, and Alabama.

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

HEARING: February 6, 1964, at the Federal Building, Los Angeles, Calif., before Examiner Bernard J. Hasson, Jr.

No. MC 120789 (Sub-No. 2) (AMENDMENT), filed July 10, 1963, published FEDERAL REGISTER issue of November 20, 1963, amended December 3, 1963, and republished, as amended, this issue. Applicant: UNIVERSAL TRANSPORT SYSTEM, INC., 2672 Bayshore Frontage Road, Mountain View, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, (1) from Permanente and West Sacramento, Calif., to points in Nevada north of a line drawn ten (10) miles south of U.S. Highway 6, (2) between points in Nevada north of a line drawn ten (10) miles south of U.S. Highway 6, (3) from Permanente, Sacramento, Redwood City, Kentucky House and Davenport, Calif., to points in Alpine, Mono, Modoc, Lassen, and Plumas Counties, Calif., and (4) between points in the San Francisco, Calif., Territory as follows: San Francisco Territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos City limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway

17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

NOTE: Applicant states BOR-99 "grandfather" application has been filed in Docket No. MC 120789 (Sub-No. 1). In the instant proceeding, applicant seeks a certificate from the Interstate Commerce Commission authorizing all operations described in the intrastate certificate, as well as those heretofore mentioned in (1), (2), and (3) above. Note: The purpose of this republication is to add (3) above.

HEARING: Remains as assigned January 15, 1964, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 120789 (Sub-No. 3), (AMENDMENT), filed November 4, 1963, published FEDERAL REGISTER issue of November 20, 1963, amended December 3, 1963, and republished, as amended this issue. Applicant: UNIVERSAL TRANSPORT SYSTEM, INC., 2672 Bayshore Frontage Road, Mountain View, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, (1) from points in Washoe County, Nev., to points in Alpine, Amador, Sacramento, El Dorado, Sutter, Placer, Yuba, Nevada, Sierra, Plumas, Lassen, and Modoc Counties, Calif. and (2) from points in Lyon County, Nev., to points in Arizona, Utah, Idaho, Oregon, and California.

NOTE: The purpose of this republication is to delete (1) in the application as previously published.

HEARING: Remains as assigned January 17, 1964, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Examiner F. Roy Linn.

No. MC 120994 (Sub-No. 3), filed September 25, 1963. Applicant: DALLAS TRUCKING, INC., Box 20096, 10518 Goodnight Lane, Dallas, Tex. Applicant's attorney: Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Absorbers* (scrubbers); *air or gas lift equipment; amplifiers, seismic; anodes, magnesium; armatures* (heavy) *and parts; assemblies, backside, casinghead, Christmas tree, stuffing, knock-off, screen setting, seating and set shoe; asphalt plant; asphalt or pipe line coating*, in barrels or drums; *bailers; barges; benders, pipe; blowout preventers; booms, crane, truck, dragline, derrick and tractor; brakes and parts; bridges, portable; buckets, clam shell, dragline and shovel; bugs blowers; cable tool drilling machines; cable tools; cat heads; chains, loading*, in barrels; casing *spiders; chlorine and other chemicals* in steel cylinders or tanks (not tank trucks); *gas compressors; connection racks; conveyors; core barrels; coring units; clutches* (heavy); *crown blocks; crank shafts* (heavy); *cross-arms and their hardware; cross-ties; cylinder, engine and compressor; dehydration units; derrick ramps; derrick starting leg, derrick skids; derrick steps; derrick substructure; drill bits; drill collars; drilling line; drilling hose; draw works; drilling rig machinery; elevators; elevator bails; engine substructures; empty cylinders; extensions, derrick base; engine compound; finger boards; floor skids; fronts, rig or derrick; fishing tools; fouhle* (sic) *hoards; fuel oil and gasoline* (not including movement in tank trucks or tank trailers); *garages, portable; guards, chain and belt; grief stems or kelly joints; guns, mud; gravity meters; heat exchangers; hooks; jack shafts; kelly and pipe straighteners; ladders, derrick; light plants; machinery, pipe screening, pipe screwing, pipe slotting, pipe threading or cutting, pipe wrapping; water well machinery; water well surveying machinery; milling machine; marsh buggies; magnetic field balances; magnetometers; masts; monorail systems; mud boats; mud houses; mud mixtures; mud tanks; mufflers* (heavy); *mouse holes; nipples, iron, cement; perforators; planers, power; plow; poles, gin; power transmission equipment* (towers); *pressure devices; rails, steel; railroad engines, cars and equipment; rat holes; radiators* (heavy); *reamers; reinforcing steel; retorts, iron or steel; river clamps; rods, reinforcing and sucker* (single and bundles); *recording equipment; road lumber; rig timbers; seismic shooting equipment; slips; shale shakers; screens; substitutes; speed reducers; smoke stacks; starting units; stand pipes; swivels; suctions; spears and fishing tools; takeoffs, power; tool joints; towers; treating plants; tongs; traveling blocks; tubing and tubing heads; valves; V-belt drives; utility houses; welding machines; wire line, rope or cable, on reels; lift equipment; anchors; angles* (heavy); *mud, including drilling mud and conditioners* (not including movements in tank trucks or tank trailers); *propellers or shafts; blades; including bit scraper and grader; boring machines or mills, including parts and equipment; dam and power plant machinery and equipment* (control gates); *collars, including drill or pipe; counterbalances, including counter shafts and weights; hoppers; printing machines; telephone equipment* (cables, reels, switchboards); *tools in boxes and houses; trailers, mounted units, including mounted workover units; treaters; blocks; jacks* (heavy); *joints, including expansion or kelly; core drilling machines; core drilling equipment; protectors* (attached to pipe); and *heaters*, when not moving as oil field equipment, between points in Texas.

HEARING: January 27, 1964, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Richard A. White.

No. MC 121180 (Sub-No. 1), filed August 21, 1963. Applicant: ORVILLE R. FADLER, doing business as FREDERICKTOWN DAILY EXPRESS, Fredericktown, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between St. Louis, Mo., and Fredericktown, Mo., from St. Louis, Mo., over U.S. Highway 67 to Fredericktown, Mo., and return over the same route, serving all intermediate points in Madison County, except Mine La Motte, Mo.

HEARING: January 30, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner William J. O'Brien, Jr.

No. MC 123594 (Sub-No. 3), filed August 9, 1963. Applicant: BONANZA TRUCKING COMPANY, a corporation, P.O. Box 332, Craig, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Gilsonite*, in bulk, from Bonanza, Utah, to Craig, Colo.

NOTE: The purpose of this proposed service is to permit tacking with presently held authority from Craig, Colo., to points in Wyoming, and for interline at Wyoming with other carriers for Chicago, Ill., and other eastern points.

HEARING: January 21, 1964, at the Utah Public Service Commission, State Capitol, Salt Lake City, Utah, before Joint Board No. 213, or, if the Joint Board waives its right to participate, before Examiner Hugh M. Nicholson.

No. MC 124078 (Sub-No. 75), filed August 14, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, from La Due, Mo., to points in Arkansas and Oklahoma, and (2) *fly ash*, in bags, from La Due, Mo., to points in Arkansas, Oklahoma, and Kansas.

NOTE: Common control may be involved. Applicant states that it presently has contract carrier authority in MC 113832 and subs

thereto and that an application is pending in MC 124078 (Sub-No. 38) to convert its present permits to a common carrier certificate and that, therefore, dual operations may be involved. It is also noted that common control may be involved.

HEARING: February 3, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner William J. O'Brien, Jr.

No. MC 124170 (Sub-No. 5), filed December 4, 1963. Applicant: FROSTWAYS, INC., 2450 Scotten Street, Detroit, Mich. Applicant's attorney: Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen imported meats*, from New York, N.Y., and points in New York and New Jersey in the New York, N.Y., commercial zone, and Philadelphia, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania (on and west of U.S. Highway 220), West Virginia, and Wisconsin.

HEARING: January 20, 1964, at the Hotel Roosevelt, Pittsburgh, Pa., before Examiner John L. York.

No. MC 124584 (Sub-No. 4), filed October 14, 1963. Applicant: CHEMICAL CARRIERS CORPORATION, Post Office Box 2026, Cradock Station, Portsmouth, Va. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place Northwest, Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer, and dry fertilizer materials and ingredients and dry chemicals*, in bulk, in tank and hopper vehicles, and *returned and rejected shipments*, between points in Chatham, Floyd, Fulton, and Polk Counties, Ga., Brunswick, Durham, Forsyth, Guilford, Johnston, Lenoir, Martin, Mecklenburg, New Hanover and Vance Counties, N.C., Charleston, Chester, Darlington, Greenville, Richland, and Spartanburg Counties, S.C., Greene, Hamilton, Knox, and Washington Counties, Tenn., and Amherst, Campbell, Henrico, Nansemond, Norfolk, Pittsylvania, and Prince George Counties, Va., and Chesapeake City, Va., on the one hand, and on the other, points in Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and (2) *dry fertilizer*, in bulk, in tank and hopper vehicles, and *returned and rejected shipments*, between points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: January 22, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 125006 (Sub-No. 1) (REPUBLICATION), filed March 11, 1963, published in FEDERAL REGISTER issue of July 3, 1963, and republished this issue. Applicant: KENNETH I. SAUTER, doing business as SAUTER'S TRUCK SERVICE, 1216 Southwest Shenowith Road, The Dalles, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. By application filed March 11, 1963, applicant seeks a permit authorizing operation in interstate or foreign commerce, as a contract carrier by motor vehicle of treated poles and piling, and treated lumber from The Dalles, Oreg., to points in that part of Washington east of the summit of the Cascade Range, over irregular routes for the account of J. H. Baxter and Co. The application was referred to Joint Board No. 45 for hearing and the recommendation of an appropriate order thereon. Hearing was held September 26, 1963. A report and order served November 7, 1963, effective December 9, 1963, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce in the transportation of treated poles and piling, and treated lumber, from The Dalles, Oreg., to points in that part of Washington east of the summit of the Cascade Range; and that an appropriate certificate authorizing such operation should be issued after the lapse of 30 days from the date of publication in the FEDERAL REGISTER, during which time any person or persons who may have been adversely affected may file a petition for further hearing or other relief.

NOTE: Applicant holds common carrier authority in MC 105018 (Sub-No. 1); therefore, if and when the certificate is issued, it will be given a sub number in that docket series.

No. MC 125227 (Sub-No. 1), filed August 26, 1963. Applicant: RECORD TRUCK LINE, INC., Henderson, Tenn. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood* and *lumber*, from points in Dallas County, Ark., to points in Alabama, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Mexico, North Carolina, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, (2) *plywood, flakeboard* and *lumber*, from points in Ashley County, Ark., to points in Alabama, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Mexico, North Carolina, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, (3) *lumber* from points in Bradley and Drew Counties, Ark., to points in Alabama, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Mexico, North Carolina, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin.

NOTE: Applicant proposes to transport *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities and *rejected shipments*, on return. It is further noted common control may be involved.

HEARING: February 5, 1964, at the Washington-Youree Hotel, Shreveport, La., before Examiner W. Elliott Neffien.

No. MC 125343 (Sub-No. 1), filed August 23, 1963. Applicant: IRVIN H. COOK, 2235 King Avenue, Billings, Mont. Applicant's attorney: Richard J. Carstensen, 204 Electric Building, Billings, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry line canned goods, wool bags and twine, frozen vegetables, meats, pies and fruit, egg cartons and paper products, apples, refrigerated produce, bananas and fresh meat*, all as customarily sold in the wholesale grocery business, between points in Montana, on the one hand, and, on the other, points in Washington, Oregon, Idaho, and Utah.

HEARING: January 29, 1964, at the Yellowstone County Courthouse, Billings, Mont., before Examiner Isadore Freidson.

No. MC 125458 (Sub-No. 2), filed October 14, 1963. Applicant: DWIGHT LEWIS, doing business as LEWIS GRAIN & PRODUCE, Morton, Miss. Applicant's attorney: Donald B. Morrison, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Morton, Miss., to Osceola, Ark., Peoria, Ill. and Old Hickory, Tenn., and *exempt commodities*, on return.

NOTE: Applicant states the proposed transportation will be limited to a service performed under a continuing contract with Morton Manufacturing Company, Inc., Morton, Miss.

HEARING: January 29, 1964, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Leo M. Pellerzi.

No. MC 125477 (Sub-No. 1), filed November 4, 1963. Applicant: JAMES F. BRAKE, Rural Route No. 2, Springfield, Ill. Applicant's attorney: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden kitchen cabinets, cases and components thereof*, in crates, from Kreamer, Pa., to points in Illinois, Indiana, Iowa, Missouri, and Wisconsin, and *returned shipments* of the above-specified commodities, in crates, on return.

HEARING: January 24, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Examiner William J. O'Brien, Jr.

No. MC 125491, filed June 27, 1963. Applicant: SIERRA DISTRIBUTING, LTD., 8536 Elder Creek Road, Sacramento, Calif. Applicant's attorney: Marshall G. Berol, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), between points in Sacramento and Yolo Counties, Calif., on the one hand, and on the other, points in Sacramento, Solano, Yolo, Contra Costa, Alameda, San Francisco, San Mateo, Marin, Napa, Sonoma, Mendocino, Tehama, Glenn, Lake, Colusa, Plumas, Sierra, Nevada, Yuba, Placer, Sutter, El Dorado, Amador, San Joaquin, Stanislaus, Santa Cruz, Santa Clara, Merced, Madera, Mariposa, Tuo-

lumne, Calaveras, Alpine, Butte, Fresno, Kings, Tulare, Shasta, and Siskiyou Counties, Calif.

NOTE: Common control may be involved.

HEARING: February 17, 1964, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 125534 (Sub-No. 1), filed October 4, 1963. Applicant: FELIX FRASSATO, INC., 201 Panther, Pinckneyville, Ill. Applicant's attorney: Delmar O. Koebel, 608–11 Spivey Building, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Johnson, Jackson, Perry, Union, Jefferson, Franklin, Williamson, St. Clair, Clinton, Pulaski, Alexander, and Washington Counties, Ill., to points in Lake, Laporte, Porter, Vigo, Vanderburgh, Warrick, Gibson, Pike, Daviess, and Knox Counties, Ind., points in Racine, Kenosha, and Waukesha Counties, Wis., points in Scott and Muscatine Counties, Iowa and points in St. Louis County, Mo., and St. Louis, Mo.

HEARING: January 23, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Examiner William J. O'Brien, Jr.

No. MC 125537 (AMENDMENT), filed July 16, 1963, published in FEDERAL REGISTER issue of September 25, 1963, amended October 15, 1963, and republished as amended, this issue. Applicant: MILDA K. STOCKDALE, doing business as NATIONAL DRIVE-AWAY, 2411 Western Avenue, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles i.e. automobiles and trucks, and personal posesssions of the owners of such vehicles transported in said vehicles*, in drive-away service between points in the United States.

NOTE: The purpose of this amendment is to specify that the operations will be in *drive-away* service, omitted from previous publication.

HEARING: February 7, 1964, at the Federal Office Building, Seattle, Wash., before Examiner Isadore Freidson.

No. MC 125566, filed July 29, 1963. Applicant: KENNETH R. MERZ AND PAUL D. FRIED, a partnership, doing business as CHIPPEWA D–X Service, 6327 Chippewa, St. Louis, Mo. Applicant's attorney: Edward P. McSweeney, 212 South Central, Clayton, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Damage, wrecked and disabled automobiles* by tow, between St. Louis, Mo., on the one hand, and, on the other, points in Illinois located south of a line beginning at the Indiana-Illinois State line and extending over U.S. Highway 24 to junction U.S. Highway 150, at or near Peoria, Ill., thence over U.S. Highway 150 to junction U.S. Highway 34, at or near Galesburg, Ill., thence over U.S. Highway 34 to the Illinois-Iowa State line.

HEARING: January 30, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner William J. O'Brien, Jr.

No. MC 125598, filed August 13, 1963. Applicant: CLARA M. CHAMBLESS AND STEWART H. CHAMBLESS, a partnership, doing business as CHAMBLESS TRANSFER & STORAGE COMPANY, 616 Fulton Street, Greenwood, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods, property usual to use in a household when a part of such household equipment or supply; furniture, fixtures, equipment and property usual in a store, office, museum, hospital or other establishment when a part of the stock, equipment, or supply of such store, office, museum, institution, hospital or other establishment; also works of art, furniture, musical instruments, displays, exhibits, and any articles requiring specialized handling and equipment usually employed in moving household goods*, between points on and north of U.S. Highway 80 within the State of Mississippi, and (2) *general commodities*, with shipments originating at and destined to Greenwood, Miss., except the applicant may transport *packinghouse products*, from, to and between points in the territory bound as follows: between Greenwood and points within the territory defined as follows: from Greenville over U.S. Highway 82 to Indianola, Miss., thence over U.S. Highway 49W to Yazoo City, Miss., thence over unnumbered roads to Durant, Miss., thence over U.S. Highway 51 to Oakland, Miss., thence over Mississippi Highway 32 to Sumner, Miss., thence over unnumbered roads to Shelby, Miss., thence over U.S. Highway 61 to Leland, Miss., and thence over U.S. Highway 82 to Greenville.

NOTE: Applicant states the proposed operation will be year-round on household goods, and seasonal on general commodities from September through May.

HEARING: January 27, 1964, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 125600, filed August 12, 1963. Applicant: ARNOLD PRESTBYE, Route 3, Three Mile Drive, Kalispell, Mont. Applicant's attorney: Philip Strope, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, treated poles and wooden shingles*, from points in Lincoln, Flathead, and Lake Counties, Mont., to points in North Dakota, South Dakota, and Minnesota, and (2) *asbestos and asphalt roofing and siding materials*, from Minneapolis and St. Paul, Minn., to points in Lincoln, Flathead, Lake, Sanders, Glacier, Teton, Pondera, and Toole Counties, Mont.

NOTE: Applicant states the proposed operation in (1) will be under continuing contract or contracts with Forest Products Company, Kalispell, Mont., Kalispell Pole and Timber Company, Kalispell, Mont., and Northwest Lumber Brokers, Spokane, Wash., and (2) with O'Neil Lumber Company, Kalispell, Mont.

HEARING: January 28, 1964, at the Yellowstone County Courthouse, Billings, Mont., before Examiner Isadore Freidson.

No. MC 125664, filed September 8, 1963. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Playground equipment and prefabricated buildings, and parts thereof*, from St. Louis, Mo., and Breese, Ill., to the District of Columbia and points in the United States (except the States of Hawaii and Alaska).

NOTE: Applicant has common carrier authority under MC 118959; therefore dual operations may be involved.

HEARING: January 31, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner William J. O'Brien, Jr.

No. MC 125678 (CORRECTION), filed September 15, 1963, published in FEDERAL REGISTER issue of November 20, 1963, republished as corrected, this issue. Applicant: MORTENSEN DRIVEAWAY, INC., 312 West 60th Street, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in driveaway service, between New York, N.Y., on the one hand, and, on the other, Hillside and Newark, N.J., and Great Neck, N.Y.

NOTE: The purpose of this republication is to show the applicant's name as above in lieu of as shown in previous publication.

HEARING: Remains as assigned, January 15, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Armin G. Clement.

No. MC 125752, filed October 15, 1963. Applicant: NELSON SCRIMSHIRE, doing business as NELSON'S TOWING, 1446 15th Avenue, Longview, Wash. Applicant's attorney: Ferris A. Albers, Suite 201 National Bank of Commerce Building, Longview, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles* and *motor vehicles being repossessed*, in tow-away service by use of wrecker equipment, from points in Columbia and Clatsop Counties, Oreg., to points in Grays Harbor, Pacific, Lewis, Wahkiakum, and Cowlitz Counties, Wash.

HEARING: February 14, 1964, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 125753, filed October 15, 1963. Applicant: MELVIN P. BARON, doing business as ARTRON CO., 606 Valley Brook Drive, Silver Spring, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Carpeting, rug padding, asphalt tile, glue and rug supplies*, from Baltimore, Md., to Washington, D.C.: from Baltimore over U.S.

Highway 1 to Washington, D.C., and points in its Commercial Zone, serving all intermediate points, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities and *rejected merchandise* on return.

HEARING: January 22, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 125772, filed October 24, 1963. Applicant: SEVERSON TRANSPORT, INC., Route 1, Box 163, Edgerton, Wis. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and tubing, fittings*, and *attachments and parts thereof*, from Footville, Wis., and points within 5 miles thereof, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia, and (2) *rejected, damaged, traded-in and used pipe and tubing, fittings* and *attachments, or parts thereof*, on return.

NOTE: The proposed service will be conducted under a continuing contract or contracts with Triangle Conduit & Cable Co., Inc., New Brunswick, N.J. Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 84739 and subs thereunder; therefore, dual operations may be involved.

HEARING: January 27, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 125796 (Sub-No. 1), filed November 12, 1963. Applicant: TRUCK-RITE CONTRACT CARRIERS, INC., Box 237, Silverton, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables* (other than frozen) and *rejected shipments*, (1) between San Jose, Modesto, McHenry, Stockton, and Tomspur, Calif., on the one hand, and, on the other, points in Oregon and Washington, and (2) between Silverton, Oreg., on the one hand, and, on the other, points in California and Washington.

NOTE: Applicant states the proposed operations in (1) will be performed for the account of the Tri-Valley Growers, and in (2) for the Coldstad Canneries, Inc., at Silverton, Oreg.

HEARING: February 13, 1964, at the Interstate Commerce Commission Hearing Room, 410 South West 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 125798, filed November 6, 1963. Applicant: GREENVILLE EXPRESS, INC., 1329 Rose Street, Greenville, Miss. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and products*, from Greenville, Miss., to points in Arkansas, Louisiana, and to points in Texas on and north of U.S. Highway 190 and on and east of U.S. Highway 75 (and Interstate Highway 45), and to points in Oklahoma on and east of U.S. Highway 69, and on and south of U.S. Highways 266 and 64, and only *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: January 31, 1964, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Leo M. Pellerzi.

MOTOR CARRIERS OF PASSENGERS

No. MC 109598 (Sub-No. 35), filed August 8, 1963. Applicant: CAROLINA SCENIC STAGES, a corporation, Post Office Box 1011, Spartanburg, S.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, mail, newspapers, express and baggage of passengers*, in the same vehicle with passengers, between Camden and Florence, S.C., from Camden over South Carolina Highways 15, 23, 53, 12, and 151 to Hartsville, thence over South Carolina Highways 24 and 14 to Darlington, thence over South Carolina Highway 340 to Wilson's Crossroads, thence over South Carolina Highways 19 and 13 to Florence, and return over the same route, serving all intermediate points.

HEARING: January 16, 1964, at the U.S. Courtrooms, Columbia, S.C., before Joint Board No. 177, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 123833 (Sub-No. 7), filed September 20, 1963. Applicant: THAMES VALLEY TRANSPORTATION, INC., 385 Central Avenue, Norwich, Conn. Applicant's attorney: James M. Verner, 801 National Grange Building, 1616 H Street Northwest, Washington 6, 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, and *baggage of passengers*, in a separate vehicle, between New London, Conn., and Worcester, Mass., from New London over city streets to Connecticut Highway 32, thence over Connecticut Highway 32 to Norwich, Conn., thence over city streets to Connecticut Highway 12, thence over Connecticut Highway 12 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 12 to Worcester, and return over the same route, serving all intermediate points.

HEARING: January 17, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 123833 (Sub-No. 8), filed September 27, 1963. Applicant: THAMES VALLEY TRANSPORTATION, INC., 385 Central Avenue, Norwich, Conn. Applicant's attorney: James M. Verner, 801 National Grange Building, 1616 H Street Northwest, Washington 6, 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, and *baggage of passengers* in a separate vehicle, between New London, Conn., and the U.S. Naval Submarine Base, at or near Groton, Conn., from New London, Conn., over city streets and U.S. Highway 1 to Groton, Conn., thence over city streets and Connecticut Highway 12 to the U.S. Naval Submarine Base, returning over the same route, and serving the Military Housing Developments on Connecticut Highway 12, between Walker Hill Road and Crystal Lake Road, as intermediate points.

HEARING: January 15, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate before Examiner Charles J. Murphy.

No. MC 125670, filed September 12, 1963. Applicant: JACK L. CARR, doing business as OLYMPIA CHARTER SERVICE, Post Office Box 263, Olympia, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Thurston and Lewis Counties, Wash., and extending to points in Oregon, Idaho, Nevada, and California.

HEARING: February 3, 1964, at the Federal Office Building, Seattle, Wash., before Examiner Isadore Freidson.

No. MC 125707, filed September 27, 1963. Applicant: SQUAMISH COACH LINES LTD., Squamish, B.C. (Canada). Applicant's attorney: John N. Riese, 977 Dexter Horton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in one way and round trip charter operations, from the port of entry on the International Boundary line between the United States and Canada located at Blaine, Wash., to points in California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, and Washington.

NOTE: Applicant states the proposed transportation will originate at Vancouver and Squamish, B.C., and intermediate points and also that the proposed service will be in conjunction with service authorized by the British Columbia Public Utilities Commission.

HEARING: February 6, 1964, at the Federal Office Building, Seattle, Wash., before Examiner Isadore Freidson.

PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

Notice to the parties. In accordance with Rule 68 of the Commission's general rules of practice, notice is hereby given to all parties interested that a prehearing conference in the proceedings described in the appendix attached hereto will be held on January 8, 1964, at 9:30 a.m., United States standard time, at the Offices of the Interstate Com-

merce Commission, Washington, D.C., with Examiner James C. Cheseldine presiding.

At the prehearing conference it is contemplated that the following matters will be discussed:

(1) The issues generally with a view to their simplification;

(2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements;

(3) The time and place or places of such hearing or hearings as may be agreed upon;

(4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants;

(5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to:

(a) Their present operating authority,

(b) Their corporate organizations if any, ownership and control,

(c) Their fiscal date,

(d) Their equipment, terminals and other facilities:

(6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and

(7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

The application and the authority sought (MC 32882 (Sub-No. 27) is as follows:

No. MC 32882 (Sub-No. 27), filed December 6, 1963. Applicant: MITCHELL BROS. TRUCK LINES, 2300 Northwest 30th Avenue, Portland, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment or handling and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Oregon, Washington, Idaho, those in that part of Montana on and west of a line beginning at the Wyoming-Montana State line and extending over U.S. Highway 87 to Great Falls, Mont., thence over U.S. Highway 91 to the International Boundary line between the United States and Canada, those in that part of California north of a line beginning at Half Moon Bay, Calif., and extending east through Redwood City and Miami, Calif., to the California-Nevada State line, including the points named, and those in Nevada located on and west of U.S. Highway 95.

NOTE: Applicant states he seeks no authority between points in California, on the one hand, and, on the other, points in Nevada.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 6031 (Sub-No. 36), filed November 29, 1963. Applicant: BARRY TRANSFER & STORAGE COMPANY, a corporation, 433 North Jefferson Street, Milwaukee, Wis. Applicant's attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel siding, steel shutters, steel shingles, steel corners, steel trim and their accessories*, from the plant site of Seaman-Andwall Corp., Ixonia, Wis., to points in Illinois, Indiana, Michigan, Ohio, Missouri, and Minnesota, and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Seaman-Andwall Corp. of Ixonia, Wis. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 123765.

No. MC 48958 (Sub-No. 69), filed December 5, 1963. Applicant: ILLINOIS-CALIFORNIA EXPRESS, 510 East 51st Avenue, Denver 16, 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, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Denver and Walsenburg, Colo., and Flagstaff, Ariz.; (A) from Walsenburg over U.S. Highway 160 to junction U.S. Highway 550 (approximately 5 miles west of Durango), thence over U.S. Highway 550 to Shiprock, N. Mex., thence over New Mexico Highway 504 to the New Mexico-Arizona State line, thence over unnumbered Arizona highway seven (7) miles to junction Arizona Highway 64 at (Teec Nos Pos) Carrizo, thence over Arizona Highway 64 to junction U.S. Highway 89 (approximately 14 miles north of Cameron, Ariz.), thence over U.S. Highway 89 to junction U.S. Highway 66 (approximately 4 miles east of Flagstaff), (B) from Denver over U.S. Highway 285 to junction Colorado Highway 112 (approximately 12 miles north of Monte Vista), thence over Colorado Highway 112 to junction U.S. Highway 160 at Del Norte, Colo., and (C) from junction U.S. Highway 285 and Colorado Highway 112, thence over U.S. Highway 285 to junction U.S. Highway 160 at Monte Vista, and return over the same routes, as alternate routes for operating convenience only, serving Monte Vista, Del Norte, and junction U.S. Highway 285 and Colorado Highway 112 as points of joinder only, restricted to traffic moving to or from Denver and Walsenburg, Colo., and points beyond Denver and Walsenburg on the one hand, and, on the other, to or from Flagstaff, Ariz. and points beyond Flagstaff. No duplicate authority is sought.

No. MC 52458 (Sub-No. 182), filed November 29, 1963. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue Northwest, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, fish and sea animal oil and blends thereof*, from Boonton, N.J., to points in Kentucky, Tennessee, and Michigan, and *rejected shipments*, on return. Common control may be involved.

No. MC 84739 (Sub-No. 13), filed December 2, 1963. Applicant: SEVERSON TRANSPORT, INC., Route 1, Box 163, Edgerton, Wis. 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: *Rejected, damaged, used, traded-in and defective bulk and cooling tanks, and parts thereof*, originally transported by applicant, from points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, to Madison and Hartford, Wis.

No. MC 109288 (Sub-No. 11), filed November 29, 1963. Applicant: JUNEAU TRANSIT, INC., 709 Franklin Street, Manitowoc, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, fruit drinks, flavored sour cream dips and sales premiums (such as glasses, insulated mugs, and bowls)*, in mixed shipments with *ice cream and dairy products*, from Kansasville, Wis. to Carlinville, Ill., and points in Illinois on and north of U.S. Highway 36, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states it is authorized in MC 109288 (Sub-No. 8) to transport ice cream and dairy products from the above origin point to the above destination points.

No. MC 114194 (Sub-No. 58), filed December 2, 1963. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coloring syrup, caramel coloring and blends*, in bulk, from Granite City, Ill., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts (except Boston), Delaware, New Jersey (except Newark and Camden), and Maryland, and *rejected shipments*, on return.

No. MC 119793 (Sub-No. 2), filed November 13, 1963. Applicant: DEWEY L. WILFONG, doing business as D & W TRUCK LINES, 209 First Street, Parsons, W. Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, from White Church and Luke, Md., to Parsons, W. Va.

NOTE: Applicant states that the proposed operations will be restricted to transportation to be performed under a continuing contract with Kingsford Company, Louisville, Ky.

No. MC 115162 (Sub-No. 86), filed December 5, 1963. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, Post Office Box 6202, Carolyn Station, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Dry fertilizer and fertilizer materials*, in bulk and bags, and (b) *agricultural insecticides and weedicides*, in drums and bags, when moving in the same vehicle with (a), from Harvey, La., to points in Mobile, Baldwin, Escambia, Monroe, and Washington Counties, Ala.

No. MC 115771 (Sub-No. 4), filed December 4, 1963. Applicant: PENBROOK HAULING COMPANY, INC., Route 283 and Richardson Road, Harrisburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles which because of size or weight require the use of special equipment, and related contractor's equipment, materials, and supplies*, when their transportation is incidental to the transportation of articles which because of size or weight require the use of special equipment, between points in Cumberland, Dauphin, Lebanon, and Perry Counties, Pa.

NOTE: Common control may be involved.

No. MC 124216 (Sub-No. 1), filed November 29, 1963. Applicant: MARTIN E. SCHOLL, doing business as SCHOLL TRUCKING COMPANY, Rural Free Delivery No. 1, Stoughton, Wis. Applicant's attorney: John Falk Murphy, Stoughton and Robertson Road, Madison 1, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and malt beverage containers and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between St. Paul, Minn., and Portage, Wis.

No. MC 125696 (Sub-No. 1), filed October 21, 1963. Applicant: ELMER SWEET, doing business as SWEET CONSTRUCTION COMPANY, 952 Harrison Street, Wood River, Ill. 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, transporting: *Sand*, in bulk, from Alton, Ill., to the job site of Union Electric Company, Sioux Station, at or near Portage, Mo.

NOTE: Applicant states that proposed service is to be performed under continuing contract with Mississippi Lime Co.

No. MC 125845, filed November 21, 1963. Applicant: B. B. NASH, Gladys, Va. Applicant's attorney: Robert Bolling Lambeth, 201 South Street, Bedford, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from ports in Florida, to Lynchburg, Va., and *apples*, on return.

No. MC 125854, filed November 27, 1963. Applicant: VINCENT PELLETIER, 673 Seventh Avenue, South Sherbrooke, Province of Quebec, Canada. Applicant's attorney: William R. Joyce, Jr., 1815 H Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *lumber*, from Alexandria Bay, Ogdensburg and Rooseveltown, N.Y., to points in New York and *damaged and rejected shipments* on return.

No. MC 125858, filed November 29, 1963. Applicant: LEO SPITLER, Rural Route 1, West Terre Haute, Ind. Applicant's representative: W. L. Jordan, 201–2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and ingredients, rejected merchandise, flour and ingredients and empty containers*, between Terre Haute, Ind., and points in Illinois.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 354), filed December 5, 1963. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, within Englewood, N.J., (1) from the junction of Engle Street and Hudson Avenue over Hudson Avenue to junction of North Dean Street, thence over North Dean Street and South Dean Street to the junction of Van Nostrand Avenue, thence over Van Nostrand Avenue to the junction of Grand Avenue, serving all intermediate points and (2) from the junction of Englewood Avenue and Grand Avenue over Grand Avenue and Engle Street to the junction of Demarest Avenue, serving all intermediate points.

NOTE: Applicant states it presently holds authority in Certificate No. MC 3647 (Sub-No. 2) to operate over North Dean Street and South Dean Street between Demarest Avenue and Englewood Avenue.

No. MC 35124 (Sub-No. 14), filed December 5, 1963. Applicant: HILL BUS COMPANY, a corporation, 126 North Washington Avenue, Bergenfield, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York, N.Y. 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, (1) between Teaneck and Bergenfield, N.J., from junction Roemer Avenue with River Road in Teaneck, thence over Roemer Avenue and New Bridge Road to junction Prospect Avenue in Bergenfield, and return over the same route, serving all intermediate points, and (2) between New Milford, and Teaneck, N.J., from junction Boulevard with Henley Avenue in New Milford, over Boulevard to junction New Bridge Road in Teaneck and New Milford, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 72349 (Sub-No. 18), filed September 23, 1963. Applicant: EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, a corporation, 1442 Main Street, Brockton, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, between Brockton, Mass., and Boston, Mass.; from Brockton over city streets to Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Massachusetts Highway 138, and thence over Massachusetts Highway 138 to Boston, and return over the same route, serving the intermediate points of Canton and Milton, Mass.

No. MC 112699 (Sub-No. 1), filed December 1963. Applicant: TRIANGLE TRANSPORTATION CO., INC., 319–3d Avenue South, Crookston, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, (1) between Bemidji and Duluth, Minn., from Bemidji over U.S. Highway 2 to junction Minnesota Highway 33, thence over Minnesota Highway 33 to junction Minnesota Highway 45, thence over Minnesota Highway 45 to junction U.S. Highway 61, thence over U. S. Highway 61 to Duluth, and return over the same route and (2) between Detroit Lakes, Minn., and junction of U.S. Highways 59 and 2, from Detroit Lakes over U.S. Highway 59 to junction U.S. Highway 2 near Erskine, Minn., and return over the same route.

NOTICE OF FILING OF PETITIONS

No. MC 10761 (Sub-No. 57) (PETITION FOR INTERPRETATION OF CERTIFICATE AND RELATED OPERATING AUTHORITY INSOFAR AS PERTINENT TO THE TRANSPORTATION OF FOREIGN COMMERCE BETWEEN CERTAIN POINTS IN MASSACHUSETTS, RHODE ISLAND, AND CONNECTICUT, AND THE PROVINCE OF ONTARIO, CANADA, VIA BUFFALO, N.Y.), filed October 22, 1963. Petitioner: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Petitioner's attorneys: Paul Coyle, 5631 Utah Avenue NW., Washington 15, D.C., and Howell Ellis, 616–618 Fidelity Building, Indianapolis 4, Ind. Petitioner is a motor common carrier, operating in interstate or foreign comerce, transporting commodities generally, with the usual exceptions, under the authority of certificate of public convenience and necessity No. MC 10761 and sub-numbers thereunder. Generally, petitioner holds certain irregular route authority in various sections of the country. Its authority extends from the Atlantic Seaboard on the east to Nebraska and Kansas on

the west and Texas, Oklahoma, and Arkansas on the southwest. In the eastern portion of the United States the operations are generally north of the Ohio and Potomac Rivers, although it holds authority to serve certain border points in states south thereof. Petitioner now has pending before the Ontario Highway Transport Board an application to provide direct, single-line service in the transportation of general commodities, with the usual exceptions, in foreign commerce, between all points in the United States presently authorized to be served by it under its certificate MC 10761 and sub-numbers thereunder, and certain points in Ontario, including Toronto. In performing the proposed service, petitioner's vehicles would leave and enter the United States by crossing the international boundary line at the Detroit-Windsor, and Buffalo-Niagara Falls-Fort Erie gateways. Petitioner in No. MC 10761 (Sub-No. 57) is authorized to serve points in Massachusetts, Rhode Island, and Connecticut involved in the controversy, which was obtained by purchase and has the following restriction: "Service authorized herein is restricted to transportation of shipments between authorized points on the routes herein, on the one hand, and, on the other, Pittsburgh, Pennsylvania and points west of the Pennsylvania-Ohio State line presently authorized to be served by the above-named carrier." By the instant petition, petitioner requests interpretation of its authority in the form of two questions, as follows: "1. Does transamerican Freight Lines, Inc., hold the necessary authority in its certificate of public convenience and necessity MC 10761 and sub-numbers thereunder to transport shipments of commodities generally, with the usual exceptions, moving in foreign commerce between the points in Massachusetts, Rhode Island, and Connecticut included in its certificate Sub-No. 57, and points in the Province of Ontario, Canada, crossing the international boundary line at or near Buffalo, New York?" "2. In the event the answer to question No. 1 is 'yes', then may such shipments—(a) be transported between the involved points in Massachusetts, Rhode Island, and Connecticut and the international boundary line at or near Buffalo, N.Y., over the most direct authorized routes of Transamerican? or (b) is it necessary that such shipments move through Pittsburgh, Pa., or some point west of the Ohio-Pennsylvania State line?" Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 21623 (PETITION UNDER RULE 1.102 FOR CORRECTION OR MODIFICATION OF CERTIFICATE), filed November 15, 1963. Petitioner: W. J. DILLNER TRANSFER COMPANY, a corporation, 2748 West Liberty Avenue, Pittsburgh 16, Pa. Petitioner's attorney: Ernie Adamson, Middleburg, Va. Petitioner is authorized, among other things, in Certificate No. MC 21623 to transport: Heavy machinery and such commodities which because of their weight and size, require special equipment, between points in Allegheny County, Pa., on the one hand, and, on the other, points in West Virginia, Ohio, and New York. Machinery and articles which because of their size or weight require the use of special equipment, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Anderson, Campbell, and Roane Counties, Tenn. By the instant petition, petitioner asks that the error in its "grandfather" certificate be corrected. Petitioner also requests a hearing be held for the purpose of determining whether and to what extent it was actually engaged in the transportation of packaged, bundled or palletized commodities prior to June 1, 1935, and that a clear and concise report be made as to the facts adduced. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 43038 (Sub-No. 415), PETITION FOR MODIFICATION OF EXISTING CERTIFICATE UNDER AND PURSUANT TO THE REPORT AND ORDER OF THE COMMISSION IN NO. MC–C–3024), filed December 3, 1963. Petitioner: COMMERCIAL CARRIERS, INC., Romulus, Mich. Petitioner's attorney: Louis E. Smith, 511 Fidelity Building, Indianapolis, Ind. Petitioner is authorized in Certificate No. MC 43038 (Sub-No. 415), among other things, to transport: New automobiles, by the truckaway method, in initial movement, from Detroit, Mich., to all points in Oregon and Washington, over irregular routes. In view of the Report of the Commission of October 15, 1962, in No. MC–C–3024, *National Automobile Transporters Association Petition for Declaratory Order* (wherein provision is made for modification of existing authorities under certain conditions), the holder of the above-described operating authority, by petition filed December 3, 1963, requests that the Commission modify its Sub-No. 415 certificate and grant it authority to transport: "New automobiles, by the truckaway method, in secondary movement, from Portland, Oreg., to points in Oregon and Washington, over irregular routes, restricted to automobiles that have been manufactured or assembled at plants of the Chrysler Corporation in Detroit, Mich., and further restricted to said automobiles that have had an immediately prior movement by rail." Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each) within 45 days from the date of this publication in the FEDERAL REGISTER.

No. MC 107002 (CORRECTION) PETITION FOR MODIFICATION OF CERTIFICATE UNDER AND PURSUANT TO THE REPORT AND ORDER OF THE COMMISSION IN THE SOUTHERN TANK LINES, INC., CASE, MC 109637 (Sub-No. 74), filed November 6, 1963, published FEDERAL REGISTER, issue of November 20, 1963, and corrected this issue. Petitioner: W. M. CHAMBERS TRUCK LINE, INC., Jackson, Miss. Petitioner's attorney: Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. An error appears in part (a) of the previous notice. After describing that portion of petitioner's certificate relating to transportation from Fox, Ala. to points in specified area of Texas, the notice then continues "* * * and paint thinner, solvents, and vegetable oils, in bulk, in tank vehicles, from points in a specified area of Texas to Fox, Ala.; * * *" The entire sub-paragraph (a) is prefaced with the statement that the certificate relates to the transportation of chemicals, as described in Appendix XV; therefore that portion of the certificate relating to transportation from Texas to Fox does include authority to transport chemicals as described in Appendix XV.

No. MC 114901 (Sub-No. 1), and No. MC 114901 (Sub-No. 2) (PETITION TO AMEND PERMITS), filed November 14, 1963. Petitioner: VAROLI & SON, INC., 973 Ridge Avenue, Bridgeville, Pa. Petitioner's attorneys: H. M. Lubic and Sidney Silverblatt, 517 Frick Building, Pittsburgh, Pa. Petitioner is authorized in No. MC 114901 (Sub-No. 1), to transport concrete pipe, concrete slabs and concrete cribbing, from the site of the American-Marietta Company, Concrete Products Division, Bridgeville Plant, in Collier Township, Allegheny County, Pa., to points in Hancock, Brooks, Ohio, Marshall, Wetzel, Monongalia, Preston, Marion, Harrison, Taylor, Wood, Tyler, and Pleasants Counties, W. Va., and Ashtabula, Lake, Geauga, Summit, Cuyahoga, Lorain, Medina, Wayne, Holmes, Trumbull, Portage, Mahoning, Stark, Columbiana, Noble, Monroe, Washington, Vinton, Jackson, Carroll, Jefferson, Harrison, Tuscarawas, Guernsey, Belmont, Morgan, Athens, and Meigs Counties, Ohio; and in No. MC 114901 (Sub-No. 2) to transport concrete pipe, concrete cribbing and concrete slabs, from Cleveland, Ohio, to Bridgeville, Pa., with no transportation for compensation on return except as otherwise authorized. Concrete pipe forms and prestressed concrete bridge side forms, between Bridgeville, Pa., and Cleveland, Ohio. Concrete pipe, concrete cribbing, concrete slabs, concrete pipe forms and prestressed concrete bridge side forms, between Columbus, Ohio, and Bridgeville, Pa. Sub-No. 2 is subject to the following restriction: "No transportation service shall be performed in connection with any of the above-specified commodities which, because of their size or weight, require the use of special equipment, and the operations are limited to a transportation service to be performed under a continuing contract, or contracts, with the American-Marietta Company, Concrete Products Division, of Bridgeville, Pa." By the instant petition, petitioner states that the American-Marietta Company, Concrete Products Division, of Bridgeville, Pa., was sold to the Reliance Universal, Inc., Concrete Products Division, of Bridgeville, Pa., and therefore, desires that it be allowed to continue operations for the Reliance Universal, Inc., Concrete Products Division, of Bridgeville, Pa. Any person or persons desiring to oppose the substitution of this shipper in lieu of the shipper presently

named in its permits, may within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 124748 (Sub-No. 1), (PETITION TO AMEND PERMIT TO SUBSTITUTE NEW CONTRACTING SHIPPER), filed November 29, 1963. Petitioner: ROMAN NOBBE, Batesville, Ind. Petitioner's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Petitioner is authorized by virtue of a permit dated October 8, 1963, to transport coal, in dump vehicles, from North Bend, Ohio, to points in Indiana on and south of U.S. Highway 36 extending from the Ohio-Indiana State line to Indianapolis, Ind., thence on and east of U.S. Highway 31 from Indianapolis, Ind., to the Indiana-Kentucky State line at Louisville, Ky., with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with Doepker Coal Company, Inc., of North Bend, Ohio. By the instant petition, petitioner requests the Commission amend its authority by striking Doepker Coal Company, Inc., and inserting Davison Fuel and Dock Company, Rivco Coal Company Division. Any person or persons desiring to oppose the substitution of the above-named shipper, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

MOTOR CARRIERS OF PASSENGERS

No. MC 12678 (PETITION TO MODIFY LICENSE), filed November 18, 1963. Petitioner: TRAILWAYS TRAVEL BUREAU CORPORATION, Washington, D.C. Petitioner's attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street Northwest, Washington 4, D.C. Petitioner holds a license to engage in operations as a broker at points in the United States, except points in Alaska and Hawaii, in arranging for the transportation of Passengers and their baggage, in round trip sightseeing trips, and in all expense tours, between points in the United States, except points in Alaska and Hawaii. By the instant petition, petitioner requests the Commission to remove the restriction with respect to the State of Alaska. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 53965 (Sub-No. 36), filed December 3, 1963. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. 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 Interstate Commerce Commission in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious and contaminating to other lading), (1) from Wichita, Kans., thence north over U.S. Highway 81 to Newton, Kans., thence west over U.S. Highway 50 to Hutchinson, Kans., thence northwest over U.S. Highway 96 to its intersection with Kansas Highway 14, thence north over Kansas Highway 14 to its intersection with U.S. Highway 56, thence west to Great Bend, Kans., thence east over U.S. Highway 56 to its intersection with an unnumbered county highway at or near Chase, Kans., thence north over said unnumbered highway to its intersection with Kansas Highway 4, thence west to Claflin, Kans., thence in a northeasterly direction over Kansas Highway 45 to Ellsworth, Kans., thence east over an unnumbered county highway to Kanopolis, Kans., thence west over said unnumbered county highway to Ellsworth, Kans., thence south over Kansas Highway 14 to its junction with U.S. Highway 56 at Lyons, Kans., with service to the off-route points of Lorraine, Pollard, Bushton, and points within a 5-mile radius thereof, Geneseo, Frederick, the Michigan-Wisconsin Pipeline plant at or near Alden, Kans., and return over the same route with service authorized to, from and between all points, restricted however, to provide no service between Wichita, Kans., on the one hand, and, on the other, Newton, Kans., (2) from Wichita, Kans., over Kansas Highway 96 to Hutchinson, Kans., with no service to intermediate points and return over the same route, as an alternate route for operating convenience only, (3) between Hutchinson, Kans., and the Panhandle Eastern Pipe Line site located at or near Yoder, Kans., and the Hutchinson Naval Air Station located at or near Yoder, Kans., and Yoder, Kans., and (4) between Hutchinson, Kans., and Yoder, Kans., over an unnumbered county highway at its intersection with U.S. Highway 50 near the east city limits of Hutchinson, Kans., as an alternate route for operating convenience only.

NOTE: This application is directly related to MC-F-8612, published FEDERAL REGISTER issue of December 11, 1963.

No. MC 120936 (Sub-No. 2), filed December 2, 1963. Applicant: SPEEDY TRANSPORT, INCORPORATED, 800 South Airport Way, Stockton, Calif. Applicant's attorney: Tom B. Markley, 582 Market Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, to be specified by applicant at the hearing, transporting: *General commodities* (except (1) used household goods and personal effects, (2) automobiles, trucks and buses, namely: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis, transported on specially designed truck-away equipment, (3) livestock, namely: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine, (4) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles, (5) commodities when transported in motor vehicles equipped for mechanical mixing in transit, (6) logs, and (7) fresh or green fruits or vegetables (not cold pack nor frozen), when:

(a) the point of destination is a cannery, accumulation station, cold storage plant, precooling plant or winery, (b) transported from the field or point of growth to a packing plant, or packing shed (except for the transportation of citrus in field boxes or in bulk, or avocados, the provisions of paragraph (7) will not apply when the distance between point of origin and point of destination exceeds fifty (50) constructive miles), and (c) for the transportation of sugar beets, when the point of destination is a beet sugar factory or a railroad loading dump).

(A) between San Francisco, Richmond and points in the Oakland Pickup and Delivery Zone, Calif., which "includes all of the city of Emeryville, also those parts of Albany, Alameda, Berkeley, Oakland and Piedmont bounded by the following: Beginning at San Francisco Bay and Alameda-Contra Costa County line, thence easterly along said county line to Curtis Street, southerly on Curtis Street to Solano Avenue, easterly on Solano Avenue to Tulare Avenue, southerly and westerly along city limits boundary line of Albany to Ordway Street, southerly on Ordway Street to Hopkins Street, northeasterly on Hopkins Street to Grove Street, southerly on Grove Street to Rose Street, easterly on Rose Street to Oxford Street, southerly on Oxford Street to Hearst Avenue, easterly and southerly along the city limit boundary line of Berkeley to Dwight Way, southwesterly and westerly on Dwight Way to College Avenue, southerly on College Avenue to Broadway, southwesterly on Broadway to Mather Street, easterly on Mather Street and Pleasant Valley Avenue to Rose Avenue, southwesterly on Rose Avenue to Echo Avenue, southerly on Echo Avenue to Linda Avenue, easterly on Linda Avenue to Grand Avenue, southerly on Grand Avenue to Mandana Boulevard, easterly on Mandana Boulevard to Lakeshore Avenue, westerly on Lakeshore Avenue to Excelsior Avenue, easterly on Excelsior Avenue to Hopkins Street, easterly on Hopkins Street to 55th Avenue, southwesterly on 55th Avenue to Camden Street, southeasterly on Camden Street to Seminary Avenue, northeasterly on Seminary Avenue to Outlook Avenue, southeasterly on Outlook Avenue to Parker Avenue, southerly on Parker Avenue to Foothill Boulevard, southeasterly on Foothill Boulevard to the Oakland-San Leandro boundary line, westerly along the Oakland-San Leandro boundary line and its prolongation to Edes Avenue, northwesterly on Edes Avenue to Jones Avenue, westerly on Jones Avenue to 98th Avenue, easterly on 98th Avenue to Railroad Avenue, northwesterly on Railroad Avenue and its prolongation to 50th

Avenue, southwesterly on 50th Avenue to San Leandro Bay, northwesterly along the shore line of San Leandro Bay and Oakland Inner Harbor to Oakland Middle Harbor, northerly along shore line of Oakland Middle Harbor and Oakland Outer Harbor and San Francisco to point of beginning; also, city of Alameda, beginning at High Street and Oakland Inner Harbor, thence southerly, westerly and northerly along the shore line to the mouth of the Oakland Estuary, thence easterly along the Alameda shore line of the Oakland Estuary to starting point; including Government Island," Calif. on the one hand, and, on the other, Fremont, Milpitas, Palo Alto, Redwood City, San Jose, Santa Clara and San Mateo, Calif.,

(B) between points in Contra Costa, Sacramento, San Joaquin, Stanislaus and Merced Counties, Calif.,

(C) between points on and within twenty-five (25) miles laterally of the following highways: (1) U.S. Highway 101 between Sausalito and Ukiah, Calif., (2) U.S. Highway 99, 99E and 99W between San Fernando and Redding, Calif., (3) U.S. Highway 50 between Hayward and the California-Nevada State line, (4) U.S. Highway 40 between Sacramento and the California-Nevada State line, (5) California Highway 120 between its junction with U.S. Highway 50 near Lathrop and Manteca, Calif., (6) California Highway 33 between its junction with U.S. Highway 50 near Tracy and Los Banos, Calif., (7) California Highway 152 between Los Banos and Califa, Calif., (8) California Highway 89 between its junction with U.S. Highway 40 near Truckee and Tahoe Valley, Calif., and (9) California Highway 28 between Tahoe City and the California-Nevada State line,

(D) between points in the San Francisco Territory, which includes "all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning," points in the Los Angeles Basin Territory, which "includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning", and points in (B) and (C) above.

NOTE: Applicant states in (C)(2) above, applicant will not transport any shipment to, from or between any of the following points: (a) Newhall, Saugus, Castaic, Weedpatch, Lamont, Arvin, and Di Giorgio, Calif., (b) any point on U.S. Highway 6 between its junction with U.S. Highway 99 and Mojave, Calif., (c) any point on U.S. Highway 466 between Bakersfield (but excluding Bakersfield) and Mojave, Calif., (d) any point on California Highway 138 between Gorman and Lancaster, Calif., and (e) any point between the northerly boundaries of Kern and San Bernardino Counties, Calif., and the northerly boundary of the Los Angeles Basin territory east of the easterly boundary of applicant's twenty-five (25) mile lateral. It is further noted that no local service will be authorized between: (1) points within the San Francisco Territory, (2) points within the Los Angeles Basin Territory, and (3) points within the San Francisco territory, on the one hand, and, on the other, points on U.S. Highway 101, between Sausalito and Ukiah, Calif. This is a matter directly related to MC-F 8609, published in FEDERAL REGISTER issue December 11, 1963.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notices 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-8614. Authority sought for purchase by NORTHERN HAULERS CORPORATION, 440 Eastern Boulevard, Watertown, N.Y., of a portion of the operating rights of S. & D. MOTOR LINES INC., 107 South Fourth Street, Fulton, N.Y., and for acquisition by JOHN C. PRENTICE, 242 Barben Avenue, Watertown, N.Y., of control of such rights through the purchase. Appli-

cants' attorneys: Richard F. Schwerzmann, Watertown National Bank Building, Watertown, N.Y., and Norman M. Pinsky & Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y., 13202. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Fulton, N.Y., and New York, N.Y., serving all intermediate points between Syracuse and Albany, N.Y., including Syracuse and Albany, and certain off-route points, between Utica, N.Y., and Herkimer, N.Y., serving all intermediate points, between Schenectady, N.Y., and Albany, N.Y., serving all intermediate points, and the off-route points of Cohoes and Waterford, N.Y., between Utica, N.Y., and junction New York Highways 365 and 5, serving all intermediate points, between Rochester, N.Y., and Fulton, N.Y., serving all intermediate and certain off-route points, one alternate route for operating convenience only; *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Essex, Morris, Hudson, Union, Middlesex, Monmouth, and Somerset Counties, N.J. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Rhode Island, Pennsylvania, Maryland, Connecticut, Massachusetts, Maine, Vermont, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8615. Authority sought for purchase by HOVE TRUCK LINE, Stanhope, Iowa, of the operating rights and property of W. DON MAURER, doing business as DON MAURER TRUCK LINE, 523 First Avenue East, Spencer, Iowa, and for acquisition by MELFORD A. HOVE, Stanhope, Iowa, of control of such rights and property through the purchase. Applicants' representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 622, Ottumwa, Iowa. Operating rights sought to be transferred: *Agricultural machinery, implements and parts,* as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, as a *common carrier* over irregular routes, from Spencer, Iowa, to points in Nebraska, and from West Bend, Wis., to points in western Iowa; *livestock,* from Spencer, Iowa, and points within 35 miles of Spencer, to certain points in Illinois, Minnesota, and South Dakota; *livestock, poultry feeds and seeds,* from Omaha, Nebr., to Spencer, Iowa; *farm machinery,* from various Illinois points to Spencer and Sioux City, Iowa, and Omaha, Nebr., from Spencer, Iowa, to Omaha, Nebr.; *wall paper,* from Joliet, Ill., to Spencer, Iowa; *binder twine,* from Chicago, Ill., to Spencer, Iowa; *emigrant movables,* between Spencer, Iowa, and points in Iowa within 35 miles of Spencer, on the one hand, and, on the other, points in Minnesota. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Nebraska, Minnesota, Missouri, South Dakota, Colorado, Wisconsin, Indiana, Wyoming, Kentucky, Michigan, North Dakota, Ohio, Pennsylvania, Kansas, New York, Texas, Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8617. Authority sought for control and merger by HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., of the operating rights and property of PIONEER TRANSPORT, INC., Post Office Box 59, Edison, N.J., and for acquisition by S. H. MITCHELL, also of Winston-Salem, N.C., of control of such rights and property through the transaction. Applicants' attorneys and representatives respectively: A. W. Flynn, Jr., York, Boyd, and Flynn, Post Office Box 127, Greensboro, N.C., J. E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C., Morten Kiel, 140 Cedar Street, New York, N.Y., Frank C. Philips, Post Office Box 612, Winston-Salem, N.C., and Chester Howe, Ely, Bartlett & Proctor, 294 Washington Street, Boston 8, Mass. Operating rights sought to be controlled and merged: *General commodities,* except those transported in bulk, as a *common carrier* over regular routes, between New York, N.Y., and Philadelphia, Pa., serving all intermediate points, and off-route points in the New York, N.Y., Commercial Zone, as defined by the Commision in 1 M.C.C. 665; and *general commodities,* except those transported in bulk, over irregular routes, between points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, and certain points in New Jersey, on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Connecticut. HENNIS FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Virginia, Michigan, Ohio, Indiana, Illinois, Maryland, New York, Pennsylvania, New Jersey, West Virginia, Massachusetts, Rhode Island, Florida, Delaware, Missouri, Wisconsin, Kentucky, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8618. Authority sought for control and merger by COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Street, Kansas City 1, Mo., of the operating rights and property of ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans., and for acquisition by SAM ZUZICH, also of Kansas City 1, Mo., of control of such rights and property through the transaction. Applicants' attorney: Clarence D. Todd, 1825 Jefferson Place Northwest, Washington, D.C., 20036. Operating rights sought to be controlled and merged: *Packinghouse products and supplies,* as a *contract carrier** over regular routes, between Kansas City, Kans., and Chicago, Ill., serving certain intermediate and off-route points, from Kansas City, Kans., to Bartlesville and Tulsa, Okla., serving certain intermediate points; *canned goods, butter, eggs, poultry and cheese,* over irregular routes, from Chicago, Ill., Sedalia and Kansas City, Mo., to certain points in Illinois, Missouri, and Kansas; *fresh meat and packinghouse products and equipment, materials and supplies,* from Kansas City, Kans., to certain points in Missouri, between Kansas City, Kans., on the one hand, and, on the other East Chicago and Gary, Ind., and points in Illinois, from Ottumwa, Iowa, to certain points in Missouri, from Peoria, Ill., to certain points in Iowa and Kansas. *ZUZICH TRUCK LINE, INC., is presently a contract carrier but the Commission has ordered it to convert to a common carrier pursuant to the provisions of section 212(c) of the Act, the carrier presently is endeavoring to comply with the necessary requirements of the Act, preceding the issuance of a certificate. COMMERCIAL FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Nebraska, Illinois, Missouri, and Iowa. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8613. Authority sought for control by DEAN HATVICK and CORRINE HATVICK, doing business as NEVILLE TRANSIT COMPANY, Plentywood, Mont., of MISSOURI VALLEY TRAILS, INCORPORATED, 506 Montana Avenue, Havre, Mont. (The Commissions records show NEVILLE TRANSIT COMPANY is composed of a partnership of P. G. NEVILLE, VICTOR FISHELL, and CORRINE HATVICK). Applicants' attorney: John W. Bonner, 303 Union Bank Building, Helena, Mont. Operating rights sought to be controlled: Authority applied for by MISSOURI VALLEY TRAILS, INCORPORATED, in pending application (Docket No. MC-119083 Sub-2) covering the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier,* over a regular route, between Havre, Mont., and Williston, N. Dak., over U.S. Highway 2, serving all intermediate points. P. G. NEVILLE, VICTOR FISHELL, and CORRINE HATVICK, doing business as NEVILLE TRANSIT COMPANY, 116 West 2d Avenue, Plentywood, Mont., are authorized to operate as a *common carrier* in Montana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8616. Authority sought for control by VALLEY TRANSIT COMPANY, INC., 219 North A Street, Harlingen, Tex., of ORANGE BALL BUS CO., INC., Mission, Tex., and for acquisition by VANCE D. RAIMOND, Post Office Box 1870, Harlingen, Tex., ROGERS KELLEY and J. C. LOONEY, both of Post Office Box 390, Edinburg, Tex., of control of ORANGE BALL BUS CO., INC., through the acquisition by VALLEY TRANSIT COMPANY, INC. Applicants' attorney and representative respectively: Warren Woods, 1111 E Street Northwest, Washington 4, D.C., and Robert G. Farris, Post Office Box 1870, Harlingen, Tex. Operating rights sought to be controlled: *Passengers and their baggage,* and *express and newspapers,* in the same vehicle with passengers, as a *common carrier* over regular routes, between McAllen, Tex., and the United States-Mexico boundary line, between Mission, Tex., and the junction

of Texas Farm-To-Market Roads 1016 and 1926, between the junction of Texas Farm-To-Market Road 1016 and unnumbered county road, located approximately two miles northwest of Granjeno, Tex., and the junction of Texas Farm-To-Market Roads 494 and 1016, located approximately two miles northeast of Granjeno, Tex., between the junction of unnumbered county roads, located approximately one mile northwest of Granjeno, Tex., and the port of entry on the United States-Mexico boundary line located at Anzalduas Dam, between McAllen, Tex., and the United States-Mexico boundary line, at the International Bridge, between McAllen, Tex., and junction U.S. Highway 281 and Texas Highway 336, located about 1 mile east of Hidalgo, Tex., between the ports of entry on the United States-Mexico boundary line located at or near Los Ebanos, Tex., and Mission, Tex., serving all intermediate points. VALLEY TRANSIT COMPANY, INC., holds no authority from this Commission. However, its controlling stockholders own all of the stock in PAN AMERICAN MOTOR COACHES, 219 North A Street, Harlingen, Tex., which is authorized to operate as a *common carrier* in Texas; and as a *contract carrier* in Arkansas, Colorado, Georgia, Illinois, Iowa, Indiana, Kentucky, Kansas, Michigan, Minnesota, Missouri, New Mexico, Ohio, Tennessee, Texas, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 63–13073; Filed, Dec. 17, 1963; 8:41 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 13, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 4107 (Sub-No. 1), filed November 21, 1963. Applicant: SHULL TRUCK LINE COMPANY, INC., Post Office Box 356, Waynesboro, Tenn. Applicant's attorney: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville 3, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, serving all points in Hardin and McNairy Counties, Tenn., as off-route points in conjunction with applicant's existing regular-route authority between Nashville, Tenn., and specified points in said counties.

NOTE: Applicant states no duplicating authority is sought.

HEARING: January 8, 1964, at 9:30 a.m., in the Commission's Courtroom, C–1–110 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. MC 4145 (Sub-No. 1), filed November 12, 1963. Applicant: HAYES THORNE, doing business as THORNE TRUCK LINE, 124 East Virginia Avenue, Memphis, Tenn. Applicant's attorney: Harold Seligman, Life & Casualty Tower, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Selmer, Tenn., and Bethel Springs, Tenn., on U.S. Highway 45.

NOTE: Applicant states proposed authority will be used in conjunction with his existing authority.

HEARING: January 7, 1964, in C-1–110 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. E–12896, filed November 22, 1963. Applicant: POULSBO-SEATTLE AUTO FREIGHT, INC., 2100 Alaskan Way, Seattle, Wash. Applicant's attorney: George H. Hart, 640 Central Building, Seattle, Wash. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those of unusual value, high explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) over irregular routes between Seattle, Wash., on the one hand, and, on the other, points in Kitsap County (excluding Bainbridge Island), Wash., and between points in Kitsap County (excluding Bainbridge Island), Wash.

NOTE: Applicant states the above proposed operations will involve shipments moving in interstate and foreign commerce, in addition to intrastate commerce.

HEARING: Date, time and place assigned for hearing application, not known at this time.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., and should *not* be addressed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 63–13074; Filed, Dec. 17, 1963; 8:45 a.m.]

[Notice No. 913]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 13, 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 66115. By order of December 12, 1963, the Transfer Board approved upon reconsideration the transfer to Brunswick Transportation Company, Inc., Brunswick, Maine, of the operating rights set forth in Certificate in No. MC 99784 (Sub-No. 1), issued August 19, 1959, to Maine Transit Corporation, Portland, Maine, authorizing the transportation, over regular routes, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Biddeford, Maine, and Portland, Maine, between Portland, Maine, and Berlin, N.H., and between Lewiston, Maine, and Welchville, Maine. Kenneth Baird, 477 Congress Street, Portland, Maine, attorney for transferor. Kenneth B. Williams, 111 State Street, Boston, Mass., attorney for transferee.

No. MC–FC 66123. By order of December 12, 1963, the Transfer Board approved upon reconsideration the transfer to Contractors Transportation Corp., Texarkana, Texas, of the operating rights set forth in Certificate in No. 123642, issued by the Commission January 21, 1963, to John R. Caver, H. V. Caver, and Milton Caver, executors, Atlanta, Tex., authorizing the transportation, over irregular routes, of bulk aggregates, including sand, gravel, crushed slag, and crushed stone, in dump vehicles, between points in eighteen specified counties in Texas, seven specified parishes in Louisiana, 10 specified counties in Arkansas, and McCurtain County, Okla. Frank C. Brooks, 630 Fidelity Union Tower, Dallas 1, Texas, attorney for applicants.

No. MC–FC 66163. By order of December 10, 1963, the Transfer Board approved the transfer to Robina Ewing, doing business as Ewing's Transfer,

Chester, Pa., of a portion of Certificate in No. MC 89940, issued April 14, 1960, to John J. Bisceglie, doing business as Bisco Trucking Service, Philadelphia, Pa., authorizing the transportation of: New furniture, from Philadelphia, Pa., to points in New Jersey, New York, Delaware and Maryland. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., attorney for transferor and Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia 3, Pa., attorney for transferee.

No. MC–FC 66458. By order of December 11, 1963, the Transfer Board approved the transfer to Gordon W. Anderson, Clam Falls, Wis., of the operating rights in Certificate in No. MC 94062, issued by the Commission July 7, 1960, to Calvin E. Anderson, Shell Lake, Wis., authorizing the transportation, over irregular routes, of livestock, from points in Roosevelt and LaFollette Townships, Burnett County, Wis., and Clam Falls, Loraine, and McKinley Townships, Polk County, Wis., to South St. Paul, Minn., and farm implements, hardware, seed, feed, grain, groceries, canned goods, dry goods, oil, and oil products, from Minneapolis, St. Paul, and South St. Paul, Minn., to points in Roosevelt and LaFollette Townships, Burnett County, Wis., and Clam Falls, Loraine, and McKinley Townships, Polk County, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, Minnesota, representative for applicants.

No. MC–FC 66463. By order of December 12, 1963, the Transfer Board approved the transfer to Craig E. Bueltel and D. E. Bueltel, a partnership, doing business as Carroll Transfer Co., 1509 North Crawford Street, Carroll, Iowa, of the operating rights in Certificates in Nos. MC 2774 and MC 2774 (Sub-No. 3), issued April 26, 1951, and August 2, 1960, to Edward H. Bueltel, doing business as B Line Transfer, Carroll, Iowa, authorizing the transportation, over irregular routes, from Glidden, Iowa, and points within 20 miles thereof, to Omaha, Nebr., oil, lumber, feed, flour, hardware, feeder stock, and agricultural implements and machinery, from Omaha, Nebr., to Glidden, Iowa, and points within 20 miles thereof, livestock, between Lohrville, Iowa, and points within 40 miles of Lohrville on the one hand, and, on the other, Chicago, Ill., and points in Nebraska, and farm machinery and implements, from Chicago, Canton, Moline, and Rock Island, Ill., to Lohrville.

No. MC–FC 66469. By order of December 10, 1963, the Transfer Board approved the transfer to Kingsdale, Inc., Kingston, N.Y., of Permit in No. MC 108673 issued January 19, 1948, to John M. Rapp, Kingston, N.Y., authorizing the transportation of new furniture, uncrated, over irregular routes, from Kingston, N.Y., to points in New Hampshire, Vermont, Maine, Massachusets, Rhode Island, Connecticut, Indiana, New York, New Jersey, Pennsylvania, Ohio, North Carolina, Virginia, West Virginia, Illinois, Michigan, Maryland, Delaware, and the District of Columbia, and damaged or rejected shipments of new furniture on return. John J. Brady, Jr., 75 State Street, Albany, N.Y., representative for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 63–13075; Filed, Dec. 17, 1963; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 13, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 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 38703: *Anhydrous ammonia to points in Wyoming.* Filed by Southwestern Freight Bureau, agent (No. B–8486), for interested rail carriers. Rates on anhydrous ammonia, in tank car loads from points in Southwestern territory to specified points in Wyoming.

Grounds for relief: Modified short-line distance scale and grouping.

Tariff: Supplement 73 to Southwestern Freight Bureau, agent, tariff I.C.C. 4422.

FSA 38704: *Sulphuric acid to points in Alabama, Florida and Tennessee.* Filed by O. W. South, Jr., agent (No. A4416) for interested rail carriers. Rates on sulphuric acid, in tank car loads from Agricola, Fla., and Wilmington, N.C., to specified points in Alabama, Florida and Tennessee.

Grounds for relief: Market competition.

Tariff: Supplement 74 to Southern Freight Association, agent, tariff I.C.C. S–162.

FSA 38705: *Sulphuric acid to Tenco, Tenn.* Filed by O. W. South, Jr., agent (No. A4417), for and on behalf of The Alabama Great Southern Railroad Company, Illinois Central Railroad Company, and Southern Railway Company. Rates on sulphuric acid, in tank car loads, from Baton Rouge and North Baton Rouge, La., to Tenco, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 74 to Southern Freight Association, agent, tariff I.C.C. S–162.

FSA 38706: *Sulphuric acid to Mount Pleasant, Tenn.* Filed by O. W. South, Jr., agent (No. A4418), for and on behalf of Louisville and Nashville Railroad Company and Southern Railway Company. Rates on sulphuric acid, in tank car loads, from LeMoyne, Ala., to Mount Pleasant, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 74 to Southern Freight Association, agent, tariff I.C.C. S–162.

FSA 38707: *Liquid caustic soda to Etowah, Tenn.* Filed by O. W. South, Jr., agent (No. A4419), for and on behalf of Louisville and Nashville Railroad Company, and Southern Railway Company. Rates on liquid caustic soda, in tank car loads, from Brunswick, Ga., to Etowah, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 107 to Southern Freight Association, agent, tariff I.C.C. S–194.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 63–13070; Filed, Dec. 17, 1963; 8:45 a.m]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

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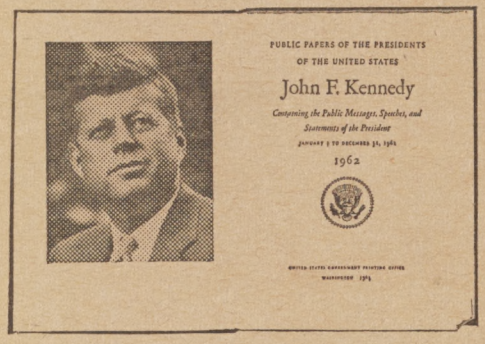

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