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

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

#### SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 849.2 Rev., Supp. 4]

#### PART 849—DETERMINATION OF PREVENTED ACREAGE CREDIT

##### Approved Local Areas for 1962 Crop of Sugarbeets

##### § 849.6 Approved local areas for the 1962 crop of sugarbeets.

For purposes of considering eligibility for prevented acreage credit, the respective Agricultural Stabilization and Conservation County Committees have determined with respect to the local producing areas listed herein that on ten percent or more of the sugarbeet farms in each area, or on ten percent or more of the total proportionate share acreage established for farms in each area, the planting of sugarbeets was prevented because of drought, flood, storm, freeze, disease or insects, or the planting or harvesting was prevented by other similar abnormal and uncontrollable conditions determined by the Deputy Administrator, State and County Operations, in accordance with § 849.2 of this chapter.

##### (a) California.

###### County and areas

Colusa: T. 13 N., R. 1 E.; T. 14 N., R. 3 W.

##### (b) Michigan.

###### County and areas

Arenac: Arenac, Whitney.  
Genesee: Gaines, Mundy.  
Gladwin: Billing, Tobacco.  
Gratiot: Arcadia, Lafayette, Wheeler.  
Huron: Bloomfield, Brookfield, Caseville, Chandler, Fairhaven, Grant, Lake, Lincoln, Oliver, Rubicon, Sand Beach, Sheridan, Sherman, Sigel.  
Lapeer: Burnside, Goodland, Mayfield, Rich.  
Macomb: Armada.  
Midland: Hope.  
Saginaw: Albee, Birch Run, Brant, Chesaning, Fremont, Kochville, Saginaw, Spaulding, St. Charles, Swan Creek, Taymouth, Thomas, Tittabawassee.  
St. Clair: Berlin, Ft. Gratiot, Mussey, Port Huron.  
Sanilac: Argyle, Bridgehampton, Buel, Custer, Delaware, Elk, Elmer, Flynn, Fremont, Lamotte, Lexington, Maple Valley, Marlon, Marlette, Minden, Moore, Sanilac, Speaker, Washington, Watertown, Wheatland, Worth.  
Shiawassee: New Haven, Owosso, Rush.  
Tuscola: Akron, Almer, Arbela, Columbia, Ekland, Elmwood, Fairgrove, Gilford, Kings-ton, Millington, Watertown, Wisner.

##### (c) Minnesota.

###### County and areas

Faribault: Barber, Blue Earth, Minnesota Lake.  
Marshall: Donnelly, Eagle Point, Sinnott, Vega.  
Martin: Waverly.  
Meeker: Cosmos.  
Nicollet: West Newton.  
Norman: Anthony, Halstad, Hegne, Hendrum, Lee, McDonaldsville, Mary, Shelly, Winchester.  
Redwood: New Avon, Three Lakes.  
Renville: Wellington.  
Sibley: Cornish, Grafton, Moltke, Severance, Sibley.  
West Polk: Andover, Fairfax, Fanny, Fisher, Hammond, Hubbard, Keystone, Lowell, Nesbit, Roome, Russia, Tynsid, Vineland.  
Wilkin: Deerhorn, Wolverton.

##### (d) Nebraska.

###### County and areas

Kearney: T. 8 N., R. 15 W.; T. 7 N., R. 16 W.

##### (e) North Dakota.

###### County and areas

Cass: Addison, Casselton, Harmony, Harwood, Leonard, Normanna, Pleasant, Stanley, Warren, Wheatland.  
Richland: Walcott.  
Traill: Caledonia, Eldorado, Ervin, Herberg, Kelso, Lindsaas.  
Walsh: Acton, Farmington, Grafton, Pulaski.

##### (f) South Dakota.

###### County and areas

Beadle: T. 112, R. 61; T. 111, R. 63; T. 110, R. 61.  
Butte: T. 8 N., R. 2 E.; T. 8 N., R. 3 E.; T. 8 N., R. 4 E.; T. 8 N., R. 5 E.; T. 8 N., R. 6 E.; T. 8 N., R. 7 E.; T. 9 N., R. 3 E.; T. 9 N., R. 4 E.  
Hand: 30-158.  
Meade: T. 7 N., R. 5 E.; T. 7 N., R. 6 E.  
Spink: 114-64.

##### (g) Utah.

###### County and areas

Millard: B, D, E, G, H.  
Salt Lake: D, F.  
Sanpete: C, D, F, J, K, L, M, N.  
Sevier: A, B, C.

##### (h) Wyoming.

###### County and areas

Goshen: T. 24 N., R. 62 W.; T. 25 N., R. 62 W.  
Washakie: T. 45 N., R. 94 W.; T. 46 N., R. 93 W.; T. 47 N., R. 92 W.; T. 47 N., R. 93 W.; T. 48 N., R. 92 W.

**Statement of bases and considerations.** One of the conditions of eligibility of a sugarbeet producer for prevented acreage credit, as provided in § 849.2 is that the farm of such producer be located in a local producing area for which the Agricultural Stabilization and Conservation County Committee determines that the planting or harvesting of sugarbeets was adversely, seriously and generally affected by certain uncontrollable natural conditions on ten percent or more of the sugarbeet farms in the area or on ten percent or more of the total proportionate share acreage established for farms in the area.

The purpose of this supplement is to give notice that specific local producing areas have qualified under the requirements of § 849.2 with respect to the 1962 crop of sugarbeets.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Sec. 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on February 19, 1964.

CHAS. M. COX,  
Acting Deputy Administrator,  
State and County Operations.

FEBRUARY 19, 1964.

[F.R. Doc. 64-1836; Filed, Feb. 25, 1964; 8:50 a.m.]

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

[Lemon Reg. 97, Amdt. 1]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

**Findings.** 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons as hereinafter provided will tend to effectuate the declared policy of the act.

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

**Order, as amended.** The provisions in paragraph (b) (1) (ii) of § 910.397 (Lemon Regulation 97; 29 F.R. 2486) are hereby amended to read as follows:

(ii) District 2: 209,250 cartons.

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

Dated: February 20, 1964.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Veg-  
etable Division, Agricultural  
Marketing Service.

[F.R. Doc. 64-1806; Filed, Feb. 25, 1964;  
8:47 a.m.]

## Chapter XIV—Commodity Credit Cor- poration, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

## PART 1421—GRAINS AND RELATED COMMODITIES

### Subpart—General Regulations Gov- erning Price Support for the 1964 and Subsequent Crops

These regulations supersede General Regulations Governing Price Support for the 1963 and Subsequent Crops (28 F.R. 2890) and amendments thereto with respect to 1964 and subsequent crops.

Sec.	
1421.50	General statement.
1421.51	Administration.
1421.52	Eligible producers.
1421.53	Eligibility requirements.
1421.54	Miscellaneous requirements.
1421.55	Program availability, disbursement and maturity of loans.
1421.56	Approved storage.
1421.57	Applicable forms.
1421.58	Warehouse receipts.
1421.59	Liens.
1421.60	Application fee and service charges.
1421.61	Interest rate.
1421.62	Transfer of producer's interest prohibited.
1421.63	Insurance on farm storage loans.
1421.64	Setoffs.
1421.65	Loss or damage to the commodity.
1421.66	Personal liability of the producer.
1421.67	Farm-storage loans.
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1421.71	Purchases from producers.
1421.72	Settlement.
1421.73	Foreclosure.
1421.74	Weed control laws.
1421.75	Handling payments and collection not exceeding \$3.00.
1421.76	Definitions.
1421.77	Death, incompetency, or disappearance.
1421.78	ASCS commodity offices and Data Processing Center.

**AUTHORITY:** The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425).

#### § 1421.50 General statement.

This subpart contains the regulations which set forth the requirements with respect to price support loans and purchases for the 1964 crop and each subsequent crop of barley, corn, dry edible beans, flaxseed (except direct purchases under the Texas Flaxseed Purchase Program), grain sorghum, oats, rice, rye, soybeans, and wheat: *Provided, however,* That price support shall be made available for a commodity of a particular

crop only if a supplement to this subpart is issued applicable to such crop. The regulations in this subpart shall also apply to other commodities to the extent specified in the regulations applicable to such commodity. Price support payment-in-kind regulations, where applicable, will be issued separately. An eligible producer is required as a condition precedent to a price support loan or purchase to obtain approval of an application filed with the county office. Farm storage loans will be evidenced by notes and secured by chattel mortgages on an eligible commodity in approved storage. Warehouse storage loans will be evidenced by note and loan agreements and secured by the pledge of warehouse receipts representing an eligible commodity in approved warehouse storage. On and after the purchase date for the commodity, the producer may sell to CCC any or all of his eligible commodity, which is not security for a price support loan, by delivering the commodity to CCC or by delivering warehouse receipts representing the commodity in approved warehouse storage. As used in these regulations, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

#### § 1421.51 Administration.

(a) *Responsibility.* The Farmer Programs Division will administer the provisions of the regulations in this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by the CCC Board and the Executive Vice President, CCC. In the field the regulations in this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees (hereinafter called State and county committees), ASCS commodity offices and the ASCS Data Processing Center.

(b) *Documents.* Any member of the county committee, the county office manager, or other employee of the county office designated by the county office manager to act in his behalf is authorized to approve documents under this program except where otherwise specified in the regulations in this subpart. Any such designation shall be in writing and a copy thereof shall be on file in the county office.

(c) *Limitation of authority.* County office managers, State and county committees, ASCS commodity offices, and the ASCS Data Processing Center do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(d) *State committee.* The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart or (2) require a county commit-

tee to withhold taking any action which is not in accordance with the regulations in this subpart.

(e) *Executive Vice President, CCC.* No delegation herein to a State or county committee, an ASCS commodity office or the ASCS Data Processing Center shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee, or an ASCS commodity office or the ASCS Data Processing Center.

#### § 1421.52 Eligible producers.

(a) *Producer.* An eligible producer of a crop of a commodity shall be an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof producing such crop as landowner, landlord, tenant, or sharecropper, and in the case of rice, an irrigation company or other legal entity furnishing water for a share of the rice crop, which meets the requirements for eligibility for price support contained in the regulations in this subpart. In the case of dry edible beans, rice and soybeans, an approved cooperative marketing association which meets the requirements of the regulations in this subpart shall be deemed an eligible producer.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person he represents. Loan or purchase documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is co-signed by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(d) *Joint loans.* Two or more eligible producers may obtain a joint loan on an eligible commodity produced by them if stored in the same farm-storage facility or, in the case of a warehouse storage loan if the warehouse receipt is issued jointly to such producers. If under a commodity supplement the price support rate is based on the county where the commodity is produced, the loan rate and

the settlement rate shall be the lowest county rate which would have been used if the commodity had been stored in the county where produced and individual loans had been made to each producer. Each producer who obtains a joint loan will be jointly and severally liable for the obligations under the loan documents and under the regulations in this subpart.

(e) *Approval by State committee.* If a producer has been convicted of a criminal act, or has made a misrepresentation in connection with any price support program or has unlawfully disposed of any loan collateral or if the county committee has had difficulty in settling a loan with the producer because of his failure to protect properly the mortgaged commodity or for other reasons, the producer may be denied price support until the State committee is satisfied that both he and the commodity offered for price support meet the eligibility requirements of the program and that CCC will be fully protected against any possible loss.

(f) *Warehouse-storage loans to warehousemen.* Warehouse-storage loans may be made to a warehouseman who in his capacity as a producer tenders to CCC warehouse receipts issued by him on a commodity produced by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law.

#### § 1421.53 Eligibility requirements.

(a) *Filing application.* A producer must file an application on a form prescribed by CCC no later than the final availability date specified in the applicable commodity supplement. Approval of an application by a representative of the county committee shall be a condition precedent to a producer's eligibility for price support through loans from and purchases by CCC.

(b) *Area of availability.* Except in the case of rice and wheat, price support shall be available to eligible producers on commodities produced in any area of the United States. Price support shall be available on wheat produced only in the commercial wheat producing area and on rice produced only in the continental United States. Commodities produced in violation of restrictive leases on federally owned land shall not be eligible for price support. Commodities produced on land which is owned by the Federal Government and which is occupied without a lease, permit, or other right of possession shall also be ineligible for price support.

(c) *Beneficial interest.* To be eligible for price support, the beneficial interest in the commodity must be in the producer tendering the commodity as security for a loan or for purchase and must always have been in him or in him and a former producer whom he succeeded before it was harvested. Commodities obtained through payment-in-kind certificates or by purchase shall not be eligible for price support. If price support is made available through an approved cooperative marketing association, the beneficial interest in the commodity must always have been in the producer-

members who delivered the commodity to the association or its member associations or must always have been in them and former producers whom they succeeded before the commodity was harvested. Commodities acquired by a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the commodity to the association or its member association do not retain the right to share proportionately in the proceeds from the marketing of the commodity as provided in the applicable supplement.

(d) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the commodity was produced shall have been substantially assumed by the person claiming succession. Mere purchase of a crop prior to harvest, without acquisition of any additional interest in the farming unit on which the crop is produced shall not constitute succession.

(e) *Doubtful cases.* Any producer in doubt as to whether his interest in the commodity complies with the requirements of this section, before applying for price support, should make available to the county committee all pertinent information which will permit a determination to be made by CCC.

#### § 1421.54 Miscellaneous requirements.

(a) *Revenue stamps.* Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, and Producer's Note and Loan Agreements, must have State and documentary revenue stamps affixed thereto where required by law.

(b) *Execution of documents—other than producer.* Any legal entity which has an interest in storing, processing or merchandising the commodity for which price support is requested and any representative of such legal entity shall not be eligible to secure price support on such commodity as an agent for a producer through the use of a power of attorney, except that this provision shall not apply when the representative of such legal entity is serving in the capacity of farm manager for such producer.

#### § 1421.55 Program availability, disbursement and maturity of loans.

(a) *Where to apply.* Application for price support should be made at the local ASCS county office. An approved cooperative marketing association must make application at the ASCS county office for the county in which the principal office of the association is located unless the State committee designates some other ASCS county office.

(b) *Disbursement of loans.* Disbursement of loans will be made to producers by ASCS county offices by means of loan drafts drawn on CCC or by credit to the producer's account. The producer shall not present the loan documents for disbursement unless the commodity covered by the mortgage or pledge is in existence. If the commodity was not in existence at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

(c) *Availability and maturity dates.* Availability and maturity dates applicable to loans or purchases will be specified in the annual commodity supplements to the regulations in this subpart, except that whenever the final date of availability or the maturity date falls on a nonwork day for ASCS county officers, the applicable final date shall be extended to include the next work day.

#### § 1421.56 Approved storage.

(a) *Loans.* Loans will be made only on commodities in approved storage as defined below:

(1) *Farm storage.* Approved farm storage shall consist of a storage structure located on or off the farm (excluding public warehouses), which is determined by a representative of the county committee to afford safe storage of the commodity.

(2) *Warehouse storage.* Approved warehouse storage shall consist of (i) a public warehouse for which a CCC storage agreement for the commodity is in effect and which is approved by CCC for price support purposes, and (ii) except in the case of dry edible beans and rice, a warehouse which is approved by CCC and operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which a custodian agreement is in effect. The term "Eastern common carrier" as used in the regulations in this subpart includes the Port of New York Authority. The warehouses described in subdivisions (i) and (ii) of this subparagraph are referred to in the regulations in this subpart as "approved warehouses". The names of approved warehouses may be obtained from ASCS commodity offices or from State and county offices.

(b) *Purchases.* Purchases will be made by CCC without regard to whether the commodity is in approved storage. However, warehouse receipts will be accepted in lieu of physical delivery of the commodity only if the warehouse receipts meet the requirements of § 1421.58 and have been issued by an approved warehouse.

#### § 1421.57 Applicable forms.

The forms for use in connection with this program shall be as prescribed by CCC.

#### § 1421.58 Warehouse receipts.

(a) *General.* Warehouse receipts tendered to CCC under this program must meet all of the requirements of this section and any other requirements contained in the regulations in this subpart and in the applicable commodity supplement.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer the receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by an approved warehouse and except in the case of dry edible beans and rice, must represent a commodity which is deemed to be stored commingled. The receipts must be negotiable, must cover the eligible commodity ac-

tually in storage in the warehouse and must be registered or recorded with appropriate State or local officials when required by State law.

(c) *Where warehouseman is also owner.* If the receipt is issued for a commodity which is owned by the warehouseman, either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. In States where the pledge of warehouse receipts issued by a warehouseman on his own commodity is not valid under State law, if the warehouseman elects to deliver the commodity to CCC for purchase, the warehouse receipt shall be issued in the name of CCC.

#### § 1421.59 Liens.

If there are any liens or encumbrances on the commodity, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds. No additional liens or encumbrances shall be placed on the commodity after the loan is approved.

#### § 1421.60 Application fee and service charges.

(a) *Application fee.* A producer shall pay a fee of \$3.00 for each application for price support. This application fee is not refundable.

(b) *Additional service charges.* A service charge, in addition to the application fee, shall be paid by producers and shall be based on the quantity of the commodity delivered to CCC. The rate will be set forth in applicable commodity supplements. In the case of farm-storage loans and purchases, such service charge will be paid at time of settlement. In the case of warehouse storage loans such service charge will be deducted from loan proceeds. The charge paid on any commodity redeemed (excluding the amount of the application fee) will be credited to the producer's account.

#### § 1421.61 Interest rate.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

#### § 1421.62 Transfer of producer's interest prohibited.

(a) *Warehouse-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse-storage loan, nor shall anyone acquire such interest or right. Warehouse receipts shall be released only to the producer or to his authorized agent as provided in § 1421.63.

(b) *Farm-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan, nor shall anyone acquire such interest or right. Subject to the provisions of § 1421.63, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county office on a form prescribed by CCC to remove a specified quantity of the commodity from storage. Any such approval shall be subject to the terms and conditions set out in the appli-

cable form, copies of which may be obtained by producers or prospective purchasers at the ASCS county office.

#### § 1421.63 Insurance on farm-storage loans.

CCC does not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

#### § 1421.64 Setoffs.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm-storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under these regulations, the amount due the producer, after deduction of service charges and amounts due prior lien holders, shall be applied to such installment(s).

(b) *Producers listed on county debt record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county debt record, amounts due the producer under the regulations in this subpart, after deduction of amounts payable on farm-storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's Setoff Regulations, Part 13 of this title (23 F.R. 3757), to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

#### § 1421.65 Loss or damage to the commodity.

The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage loans and identity-preserved warehouse-storage loan, or for any loss in quality of the commodity placed under modified-commingled warehouse-storage loan. Notwithstanding the foregoing, any such loss occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed up to a quantity not in excess of that required to secure the outstanding loan (or if the commodity is not destroyed, in an amount equivalent to the extent of the loss or damages as determined by CCC), less any insurance proceeds to which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault or negligence on the part of the producer or any other person having control of the storage structure; (b) the physical loss or damage resulted solely

from an external cause (other than insect infestation, rodents, or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood, or other act of God; (c) the producer has given the county office immediate notice of such loss or damage; and (d) the producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to the date of disbursement of the loan funds to the producer will be assumed by CCC.

#### § 1421.66 Personal liability of the producer.

(a) *Fraud relating to farm-storage and warehouse-storage loans and unlawful dispositions.* The making of any fraudulent representation by a producer in the loan documents, in obtaining a loan, or in connection with settlement or delivery under a loan, or the unlawful disposition of any portion of the commodity by him shall render the producer subject to criminal prosecution under Federal law. Any such loans shall become payable upon demand and the producer shall be personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amount paid to the producer in connection with the commodity, and for all costs which CCC would have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on such amounts. If a producer has made any such fraudulent representation or any unlawful disposition, the amount for which he will be credited will be the market value of the commodity as determined by CCC on the date of delivery to or removal by CCC in the case of farm-storage loans, or the market value of the commodity at the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the commodity is sold by CCC in order to determine its market value. If the unlawful disposition of loan collateral is determined by CCC not to have been willful conversion, the value of the commodity or part thereof delivered to CCC or removed by CCC shall be the same as the settlement value for an eligible commodity acquired by CCC as provided in the applicable commodity supplement.

(b) *Fraud relating to purchases.* If the producer has made a fraudulent representation in a price support purchase by CCC or in the purchase documents, he shall be personally liable, aside from any additional liability under criminal or civil fraud statutes, for any loss which CCC sustains upon the commodity delivered under the purchase. For the purpose of this program such loss shall be deemed to be the price paid to the producer on the commodity delivered under the purchase plus all costs sustained by CCC in connection with the commodity together with interest on such amounts, less the market value, as determined by CCC, of the commodity as of the close of the market on the date of delivery, or

the sales price if the commodity is sold in order to determine its market value.

(c) *Poisonous substances.* A producer shall be personally liable for any damages resulting from delivering to CCC a commodity containing mercurial compounds or other substances poisonous to man or animals or food commodities which are contaminated.

(d) *Overdisbursement.* If the amount disbursed under a loan or purchase exceeds the amount authorized under the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(e) *Joint loans.* In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several on the part of each producer signing the note.

#### § 1421.67 Farm-storage loans.

(a) *Quantity for loans.* Farm-storage loans shall not be made on more than a percentage, as determined by the State committee, of the estimated quantity of the eligible commodity stored in approved farm storage, and covered by the chattel mortgage. Such percentage shall not exceed 85 percent in the case of ear corn and 90 percent in the case of all other commodities. The State committee's determination shall be on a State-wide basis or for specified areas within the State. The county committee may lower such percentage on an individual basis when determined to be in the best interests of CCC. Farm-storage loans may be made on less than the maximum quantity eligible for loan at the producer's request. In any event, the mortgage shall cover all of the commodity in the bin, crib or lot in which the commodity on which the loan is made is stored.

(b) *Commingling eligible and ineligible production.* Except when stored in an approved warehouse, if a quantity of a commodity is commingled with a quantity of the commodity which is ineligible for price support, the entire quantity shall be ineligible for price support.

#### § 1421.68 Release of the commodity under loan.

(a) *Obtaining release—farm-storage loan.* A producer shall not remove collateral covered by a chattel mortgage until he has received prior approval in writing from the county committee. A producer may at any time obtain release of all or part of the commodity remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of the commodity released plus interest. CCC will permit removal of a quantity of the commodity from storage without any payment on the loan, if the principal amount outstanding on the loan does not exceed the maximum loan which may be obtained based on the quantity remaining in storage after removal of the quantity requested by the producer. When the proceeds of a sale of the commodity are needed to repay all or part of the loan see § 1421.62.

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full.

After satisfaction of a loan, the county office manager shall release the chattel mortgage.

(c) *Obtaining release, warehouse-storage loans.* The producer may arrange with the county office for release of all or part of the commodity under warehouse-storage loan on or prior to maturity by making payment of the amount of the loan with respect to the quantity of the commodity to be released plus interest. Each partial release must cover all of the commodity represented by one warehouse receipt. Warehouse receipts redeemed by repayment of a warehouse-storage loan shall be released only to the producer-borrower or to his agent. If the producer has authorized another person to act as his agent solely for the purpose of receiving the warehouse receipts, such authorization must be in writing and must be made within 30 days prior to redemption of warehouse receipts by repayment. A person other than the producer who wishes to obtain the warehouse receipts redeemed by repayment of the loan shall sign a certification that he is acting solely as agent for the producer in the redemption of the loan collateral and that he has no right, title or interest in the loan collateral or in the equity of redemption other than in the capacity as agent for the producer.

#### § 1421.69 Liquidation of farm-storage loans.

(a) *General.* In the case of farm storage loans, the producer is required to pay off his loan, reseat the commodity if a reseat program is authorized, or deliver to CCC a sufficient quantity of the eligible commodity having a price support value equal to the outstanding balance of the loan. Deliveries may be either of the identical commodity which is subject to the chattel mortgage or of other eligible commodity of the same kind and shall be made in accordance with written instructions issued by the county office which shall set forth the time and place of delivery. Any quantity delivered in excess of the quantity necessary to settle the amount due on the loan may be sold to CCC under § 1421.71.

(b) *Notice to county office.* If the producer desires to deliver the commodity to CCC he should, prior to maturity, give the county office notice in writing of his intention to do so.

(c) *Commodity going out of condition.* If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and the commodity cannot be satisfactorily conditioned by the producer and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of § 1421.65 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery,

whichever is higher, for the quantity actually delivered.

(d) *Delivery before maturity date.* If the farm is sold, there is a change of tenancy, the producer dies, or the commodity is going out of condition or is in danger of going out of condition, the commodity may be delivered before the maturity date of the loan upon prior approval by the county committee. The commodity may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made on the basis of the grade, quality and quantity delivered by the producer.

#### § 1421.70 Liquidation of warehouse-storage loans.

If the producer does not repay his warehouse storage loan by maturity, CCC shall have the right to sell or acquire title to the commodity.

#### § 1421.71 Purchases from producers.

(a) An eligible producer whose application for price support has been approved by CCC may sell to CCC any or all of the eligible commodity covered by the application, other than the quantity mortgaged to CCC under a farm storage loan or pledged to CCC under a warehouse-storage loan. The producer is not obligated, however, to sell any quantity of his commodity to CCC.

(b) A producer must advise the county office of his intention to sell within the period prescribed by the county office in a notice mailed to the producer, unless otherwise approved by a representative of the county committee.

(c) The producer must make delivery of the commodity within the period of time after the loan maturity date as specified in delivery instructions issued by the county office unless the county office determines that more time is needed for delivery. Delivery shall be made to the location specified in such instructions. In the case of eligible commodities stored in an approved warehouse, the producer must submit to the county office warehouse receipts for the quantity of the commodity he elects to sell to CCC.

#### § 1421.72 Settlement.

(a) *General.* Settlement with producers for commodities acquired by CCC under loans or purchases entered into pursuant to the regulations in this subpart will be made as provided in this section and in the applicable commodity supplement. The support rate at which settlement will be made shall be determined under the provisions of the applicable commodity supplement. In the case of rice and dry edible beans, paragraphs (b), (c), (e), (f), (g), and (h) of this section shall not apply.

(b) *Warehouse storage.* Settlement for eligible commodities, acquired by CCC and stored in an approved warehouse, shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipts or accompanying documents, as applicable, issued by such warehouse.

(c) *Other than approved warehouse storage.* Settlement for commodities de-

livered from other than approved warehouse storage shall be based on the quality and quantity as shown on warehouse receipts and accompanying documents issued by an approved warehouse, or if applicable the quality and quantity as shown on a form prescribed by CCC for this purpose.

(d) *Ineligible commodity inadvertently accepted by CCC.* If an ineligible commodity is inadvertently accepted by CCC, the settlement value shall be the market value as of the date of delivery as determined by CCC, but in no event more than the applicable support price. If CCC sells the commodity for the purpose of determining its market value, the settlement value shall be the lower of the sales price or the support price after applying applicable premiums and discounts. If a commodity is delivered to CCC which contains mercurial compounds or other substances poisonous to man or animals, any sale by CCC shall be for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals. The provisions of § 1421.66 shall not be applicable to settlement on ineligible commodities where there has been a fraudulent representation on the part of the producer.

(e) *Compensation for hauling.* When a producer is directed by the county office to haul his commodity a greater distance than would have been necessary to make delivery to his customary delivery point, he will be allowed compensation (as determined by the ASC State Committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling the eligible commodity the additional distance: *Provided, however,* That in the case of barley, flaxseed, grain sorghum, rye and wheat if the producer is directed to deliver his commodity to a terminal market for which a support rate is established, no compensation shall be allowed for hauling. The ASC State Committee, on all commodities, may in determining the rate of payment for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel (or 6 cents per hundredweight in the case of grain sorghum) shall be made to the producer on an eligible commodity delivered to CCC on track at a country point.

(g) *Storage deduction for early delivery.* A deduction for storage shall be made from the settlement value of the commodity if the producer elects to deliver a farm-stored commodity under a price support loan to CCC prior to the maturity date of the loan or if the maturity date is accelerated by CCC and delivery is made prior to the latest maturity date originally applicable to the loan, except that no such deduction shall be made for any such early delivery (1) if the maturity date of the loan is accelerated solely for the convenience of CCC, or (2) if it is determined by CCC at the time of delivery that the commodity will be sold rather than stored, or

(3) if the maturity date of the loan is accelerated under a general acceleration of producer loans in a particular area. Where applicable, the deduction for storage shall be made for the period from the date of delivery until the latest maturity date originally applicable to the loan in accordance with the schedule of deductions for warehouse charges as provided in the commodity supplement.

(h) *Warehouse-storage loans called prior to maturity.* A refund of warehouse-storage charges will be made by CCC to the producer if (1) the maturity date of a warehouse-storage loan is accelerated by CCC for reasons other than any wrongful act or omission on the part of the producer (2) storage charges have been deducted from the loan amount or prepaid by the producer for a period subsequent to the accelerated maturity date and (3) the period of the unearned storage can be determined by CCC. The amount of the storage charges to be refunded if such charges have been prepaid by the producer shall be for the period of unearned storage and shall be computed at the lower of (1) the rate prepaid or (2) the rate under the applicable CCC storage agreement or the rate applicable to the Eastern common carrier involved. The amount to be refunded if storage charges were deducted from the loan rate, shall be the amount of the storage deduction less storage charges which have accrued on the commodity as of the accelerated maturity date of the loan.

(i) *Refund of prepaid handling charges.* If a warehouseman charges the producer for the receiving or the receiving and loading out charges on an eligible commodity in an approved warehouse, the producer shall, upon delivery to CCC of warehouse receipts representing the commodity stored in such warehouse, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable CCC Storage Agreement, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid. If an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on an eligible commodity, the producer shall, upon delivery to CCC of warehouse receipts representing the commodity stored in such warehouse, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid and CCC has not previously given the producer credit for such charges.

(j) *Payment of amount due producer.* If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount shall be paid to the producer. Any payment due the producer on either a loan or purchase will be

made by sight draft drawn on CCC by the county office.

(k) *Payment of deficiency by producer.* If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon shall be paid to CCC, except as provided in § 1421.65, and may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(l) *Storage payment where CCC is unable to take delivery.* A producer may be required to retain a commodity stored in other than an approved warehouse under loan or for sale to CCC for a period of 60 days after the maturity date without any cost to CCC. If CCC is unable to take delivery of the commodity within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the commodity to CCC: *Provided,* That in the case of sales to CCC a storage payment shall be paid a producer whose commodity is stored in other than an approved warehouse only if he had properly given notice of his intention to sell the commodity to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment for grains shall be computed at the storage rates as shown in the applicable Uniform Grain Storage Agreement. The storage payment for dry edible beans or rice shall be computed at the rate for commodities stored on an identity preserved basis as shown in the schedule of rates in the applicable CCC Storage Agreement.

#### § 1421.73 Foreclosure.

(a) *Removal from storage.* If the loan (i.e., the amount of the note, interest, and charges) is not satisfied upon maturity, CCC may remove the commodity from storage, and assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine, at public or private sale. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and CCC may become the purchaser of the whole or any part of the commodity.

(b) *When CCC takes title to commodity.* Upon maturity and nonpayment of the producer's note, at CCC's election, title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges.

(c) *Payments to producer.* Nothing herein shall preclude the making of the following payments to the producer, or to his personal representative only, without right of assignment to or substitution of any other party: (1) Any amount by which the settlement value of the mortgaged or pledged commodity exceeds the principal amount of the loan or (2) the amount by which the proceeds of sale exceed the loan indebtedness including interest and charges if the loan collateral is sold to third persons rather than CCC acquiring full title to such loan collateral.

(d) *Commodity sold at less than amount due on loan.* If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC plus interest on such difference. The amount of the deficiency may be setoff against any payment which would otherwise be due the producer under any other Agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

§ 1421.74 Weed Control Laws.

Where the State committee determines that State, district, or county weed control laws, as administered, affect the commodity, the price support rate shall be reduced by the discount as shown in the applicable commodity supplement. The discount will not apply, however, if the producer furnishes a certification from the appropriate weed control official that the commodity complies with the weed control laws, or the storing warehouseman in the case of approved warehouse storage, furnishes a certification that the commodity complies with the weed control laws, and that he will save CCC harmless from loss or penalty. The certificate of the warehouseman shall be in substantially the following form:

CERTIFICATION

This is to certify that the commodity evidenced by warehouse receipt No. \_\_\_\_\_ issued to \_\_\_\_\_ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that if such commodity be taken over by CCC in settlement of a loan or be purchased by CCC the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the commodity was stored under the above warehouse receipt.

\_\_\_\_\_  
(Signature)

§ 1421.75 Handling payments and collection not exceeding \$3.00.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of \$3.00 or less which are due the producer will be paid

only upon his request. Deficiencies of \$3.00 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1421.76 Definitions.

As used in these regulations, in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) *General.* The following words or phrases: "person", "State committee", "State Executive Director", "county committee", "county office manager", and "farm", respectively, shall each have the same meaning as the definitions of such term in the regulations pertaining to Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Acreages, Part 719 of this title (23 F.R. 6731) and any amendments thereto.

(b) *Settlement value.* The term "settlement value" means the value at which settlement is made with the producer on the mortgaged or pledged commodity or the commodity offered for purchase, as determined under the provisions of the regulations in this subpart.

(c) *Charges.* The term "charges" means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing the commodity and otherwise protecting the interest in the loan collateral of CCC or the producer, including foreclosure costs.

(d) *Basic price support rate.* The term "basic price support rate" means the support rate for an applicable area, county, or terminal before adjustment for premiums and discounts.

(e) *County committee.* The term "county committee" as used herein shall mean only the committee and not its representative.

(f) *Representative of the county committee and county committee representative.* The terms "representative of the county committee" and "county committee representative" as used herein shall mean a member of the county committee, the county office manager or a person designated by the county office manager to act in his behalf.

§ 1421.77 Death, incompetency, or disappearance.

In case of the death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan or a purchase, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 1472.1151 and 1472.1154 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), 27 F.R. 933, February 1, 1962), upon proper application to the office of the county committee which made the loan or purchase.

§ 1421.78 ASCS Commodity Offices and Data Processing Center.

The ASCS Commodity Offices and the area served by them are as follows:

Evanston, Ill.; 2201 Howard Street, 60202; Connecticut, Delaware, Florida (except rice),

Georgia, Illinois (except rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina (except rice), North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina (except rice), South Dakota, Tennessee (except rice), Vermont, Virginia, West Virginia, Wisconsin.

Kansas City, Mo.; 8930 Ward Parkway, Post Office Box 205, 64141; Alabama, Arizona, Arkansas, California, Colorado, Florida (rice only), Hawaii, Idaho, Illinois (rice only), Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina (rice only), Oregon, Oklahoma, South Carolina (rice only), Tennessee (rice only), Texas, Utah, Washington, Wyoming.

Accounting, recording and reporting for all States will be handled through the Data Processing Center, Kansas City, Missouri 64141, 8930 Ward Parkway, Post Office Box 205.

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 19, 1964.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 64-1807; Filed, Feb. 25, 1964; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission  
PART 213—EXCEPTED SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (f) of § 213.3112 is amended as set out below.

§ 213.3112 Department of the Interior.

(f) *National Park Service.* (1) Park Ranger positions (general, naturalist, historian, and archeologist) at salaries equivalent to GS-5 or GS-4, and not to exceed 200 such positions at salaries equivalent to grade GS-7 or GS-6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. Employment under this subparagraph is limited to persons who meet the qualifications standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous season's experience in the National Parks Service as a park ranger at a salary equivalent to the next lower grade:

- (i) For IGS-7, 2 seasons at IGS-6 level;
- (ii) For IGS-6, 2 seasons at IGS-5 level;
- (iii) For IGS-5, 1 season at IGS-4 level.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

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

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

[F.R. Doc. 64-1828; Filed, Feb. 25, 1964;  
8:49 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### SUBCHAPTER A—GENERAL PROVISIONS

[Order No. 313-64]

### PART 3—BOARD OF IMMIGRATION APPEALS

#### Withdrawal of Appeals and Time of Submission of Records to the Board of Immigration Appeals by the Immigration and Naturalization Service

By virtue of the authority vested in me by section 103 of the Immigration and Nationality Act, 66 Stat. 173 (8 U.S.C. 1103), section 161 of the Revised Statutes (5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950, §§ 3.4 and 3.5 of the regulations relating to the Board of Immigration Appeals are hereby amended to read as follows:

#### § 3.4 Withdrawal of appeal.

In any case in which an appeal has been taken, the party taking the appeal may file a written withdrawal thereof with the officer with whom the notice of appeal was filed. If the appeal has been taken by a trial attorney, such written withdrawal may be made by the district director or regional commissioner having administrative jurisdiction over the case or by the General Counsel. If the record in the case has not been forwarded to the Board on appeal in accordance with Section 3.5 the decision made in the case shall be final to the same extent as though no appeal had been taken. If the record has been forwarded on appeal, the withdrawal of the appeal shall be forwarded to the Board and, if no decision in the case has been made on the appeal, the record shall be returned, and the initial decision shall be final to the same extent as though no appeal had been taken. If a decision on the appeal shall have been made by the Board in the case, further action shall be taken in accordance therewith. Departure from the United States of a person who is the subject of deportation proceedings subsequent to the taking of an appeal but prior to a decision thereon shall constitute a withdrawal of the appeal, and the initial decision in the case shall be final to the same extent as though no appeal had been taken.

#### § 3.5 Forwarding of record on appeal.

If an appeal is taken from a decision, as provided in this chapter, the entire record of the proceeding shall be forwarded to the Board by the officer of the Service having administrative jurisdiction over the case upon timely receipt of the briefs of the parties, or upon expiration of the time allowed for the submission of such briefs.

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

The amendments made by this order are technical in nature and do not impair any substantive or procedural right of any individual. Therefore, compliance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), as to notice of proposed rule making and as to delayed effective date, is unnecessary.

Date: February 19, 1964.

ROBERT F. KENNEDY,  
*Attorney General.*

[F.R. Doc. 64-1812; Filed, Feb. 25, 1964;  
8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SO-66]

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

#### PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

#### Revocation of Federal Airway and Jet Route; Alteration of Jet Route

On October 15, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11019) stating that the Federal Aviation Agency (FAA) was considering revoking Jet Route No. 57 and a segment of VOR Federal airway V-1509 and realignment of Jet Route No. 75.

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

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 75.100 (29 F.R. 1287) Jet Route No. 57 (Raleigh-Durham to Charleston, W. Va.) is revoked.
2. In § 75.100 (29 F.R. 1287) in the text of Jet Route No. 75 "Columbia; Gordonsville, Va.;" is deleted and "Columbia; Greensboro, N.C.; Gordonsville Va.;" is substituted therefor.
3. In § 71.143 (29 F.R. 1049) in the text of Victor airway 1509 "thence Pu-

laski, Va.; Parkersburg, W. Va.;" is revoked and "thence to Pulaski, Va. From Parkersburg, W. Va., via" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

Issued in Washington, D.C., on February 18, 1964.

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

H. B. HELSTROM,  
*Acting Chief, Airspace Regulations  
and Procedures Division.*

[F.R. Doc. 64-1778; Filed, Feb. 25, 1964;  
8:45 a.m.]

[Airspace Docket No. 63-SO-70]

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

#### Revocation of Federal Airway Segment

On November 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12627) stating that the Federal Aviation Agency (FAA) proposed to amend Part 71 [New] of the Federal Aviation Regulations by revoking VOR Federal airway No. 97 west alternate segment from Knoxville, Tenn., to London, Ky.

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

In consideration of the foregoing, § 71.123 (29 F.R. 1009) is amended as follows:

In the text of V-97 "and also a W alternate via INT Knoxville 321° and London 201° radials" is deleted.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)  
Issued in Washington, D.C., on February 18, 1964.

H. B. HELSTROM,  
*Acting Chief, Airspace Regulations  
and Procedures Division.*

[F.R. Doc. 64-1779; Filed, Feb. 25, 1964;  
8:45 a.m.]

[Airspace Docket No. 64-WA-2]

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

#### Revocation of Reporting Points

The purpose of these amendments to §§ 71.203 and 71.205 of the Federal Aviation Regulations is to revoke the Barnegat, N.J., VOR, Coopersburg intersection, Millville, N.J., VOR and Thornhurst, Pa., VORTAC as reporting points.

Air traffic control requirements with regard to specific reporting points, periodically change due to modifications to operating procedures and airway configurations. Recent changes of this nature obviate the requirement for the Barnegat, N.J., Coopersburg intersec-

tion, Millville, N.J., and Thornhurst, Pa., reporting points. Therefore, action is being taken herein to effect their revocation.

As these amendments are procedural in nature and do not involve the designation of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit necessary changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

For the reasons stated above, the following actions are taken:

1. In § 71.203 (29 F.R. 1211) "Barnegat, N.J.," "Coopersburg INT: INT Allentown, Pa., 188°, East Texas, Pa., 102° radials," and "Millville, N.J." are deleted.
2. In § 71.205 (29 F.R. 1218) "Thornhurst, Pa." is deleted.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

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

Issued in Washington, D.C., on February 18, 1964.

H. B. HELSTROM,  
Acting Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 64-1780; Filed, Feb. 25, 1964;  
8:45 a.m.]

[Airspace Docket No. 63-WE-65]

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

**Revocation of Federal Airway Segment**

On November 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12627) stating that the Federal Aviation Agency proposed to revoke VOR Federal airway No. 2 north alternate from Ephrata, Wash, to Spokane, Wash.

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

In consideration of the foregoing, § 71.123 (29 F.R. 1009) is amended as follows:

In V-2 "Spokane, Wash., including an N alternate," is deleted and "Spokane, Wash.," is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

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

Issued in Washington, D.C., on February 18, 1964.

H. B. HELSTROM,  
Acting Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 64-1781; Filed, Feb. 25, 1964;  
8:45 a.m.]

[Airspace Docket No. 63-WE-74]

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

**Revocation of Federal Airway Segments**

On November 28, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12668) stating that the Federal Aviation Agency proposed to revoke the north alternate segments of VOR Federal airway No. 6 from Ogden, Utah, to Fort Bridger, Wyo., to Rock Springs, Wyo., to Cherokee, Wyo., to Medicine Bow, Wyo.

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

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (29 F.R. 1009) is amended as follows:

In V-6 "Fort Bridger, Wyo., including an N alternate via INT of Ogden 052° and Fort Bridger 278° radials; Rock Springs, Wyo., including an N alternate via INT of Fort Bridger 064° and Rock Springs 284° radials; Cherokee, Wyo., including an N alternate via INT of Rock Springs 053° and Cherokee 286° radials; Medicine Bow, Wyo., including an N alternate;" is deleted and "Fort Bridger, Wyo.; Rock Springs, Wyo.; Cherokee, Wyo.; Medicine Bow, Wyo.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

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

Issued in Washington, D.C., on February 18, 1964.

H. B. HELSTROM,  
Acting Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 64-1782; Filed, Feb. 25, 1964;  
8:46 a.m.]

[Airspace Docket No. 63-CE-98]

**PART 75—ESTABLISHMENT OF JET ROUTES [NEW]**

**Designation of Jet Route**

On November 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12102) stating that the Federal Aviation Agency proposed to designate a jet route from Atlanta, Ga., to Northbrook, Ill.

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

The substance of the proposed amendment having been published, therefor for the reasons stated in the notice, § 75.100 (29 F.R. 1287) is amended by adding the following: Jet Route No. 99 (Atlanta, Ga., to Northbrook, Ill.). From Atlanta, Ga., via Nashville, Tenn.; Lewis, Ind.; to Northbrook, Ill.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

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

Issued in Washington, D.C., on February 18, 1964.

H. B. HELSTROM,  
Acting Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 64-1783; Filed, Feb. 25, 1964;  
8:46 a.m.]

[Reg. Docket No. 4019]

[Special Federal Aviation Reg. No. 3]

**PART 91—GENERAL OPERATING AND FLIGHT RULES**

**Prohibition of Air Traffic Over and in Vicinity of Los Angeles and Bloomington, Calif.**

On February 21 and 22, 1964, President Lyndon B. Johnson will be traveling in the Los Angeles and Bloomington, California, areas. In the course of this visit, the President will appear before large numbers of persons. The interest of the public in the President will thus result in substantial assemblages on the ground and the operation of numerous aircraft along the routes and in the vicinity of the places at which he will appear. In addition, the Federal agency responsible for the security of the President has requested that we take appropriate action for his safety and the safety of other persons present.

In order to provide appropriate safeguards for aircraft operations in the area and for persons and property on the ground, I have determined that a temporary restriction must be imposed on air traffic which will prohibit the operation of civil aircraft in the vicinity below 2,000 feet above the surface unless authorized by air traffic control. This authorization may be obtained most readily by pilots of aircraft operating under the Visual Flight Rules west of Longitude 118°00' West by contacting the Los Angeles International Airport Traffic Control Tower or the Santa Monica Airport Traffic Control Tower. Pilots operating VFR east of that Longitude should contact the Ontario International Airport Traffic Control Tower.

I have determined there exists a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted:

(1) Unless otherwise authorized by air traffic control, no person may operate a civil aircraft below 2,000 feet above the surface of the following areas:

(a) During the period 0900 to 1300 P.s.t. on February 21, 1964, within one mile each side of the San Diego Freeway at Los Angeles from Century Boulevard to Sunset Boule-

ward; within two miles of the University of California at Los Angeles; and within one mile each side of a route along Wilshire Boulevard from the San Diego Freeway to Figueroa Street and then direct to the Downtown Los Angeles Freeway Interchange and then along the San Bernardino Freeway to the City of Bloomington, California.

(b) During the period 1300 to 1700 P.s.t. on February 22, 1964, within one mile each side of a route along the San Bernardino Freeway from Bloomington, California, to the Downtown Los Angeles Freeway Interchange and then direct to the Los Angeles International Airport.

(2) This regulation becomes effective immediately and expires at 1700 P.s.t., February 22, 1964.

This regulation is adopted under the authority of section 307 of the Federal Aviation Act of 1958, 49 U.S.C. 1348.

Issued in Washington, D.C., on February 19, 1964.

N. E. HALABY,  
Administrator.

[F.R. Doc. 64-1800; Filed, Feb. 25, 1964;  
8:47 a.m.]

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1506; Amdt. 71]

### PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS AND APPLIANCES

#### FLEXIBLE FUEL AND OIL CELL MATERIAL—TSO-C80

This rule establishes the minimum performance standards for flexible fuel and oil cell liner material. It is based on the requirements contained in the Civil Air Regulations that flexible fuel and oil tank liners be of an approved or acceptable type. The substance of this rule was previously published in 27 F.R. 12141, as a notice of proposed rule making and circulated as Regulations of the Administrator Draft Release No. 62-50 dated November 30, 1962.

Interested persons have participated in the making of the amendment by submitting comments in response to the draft release. A complete record of the disposition of comments is available in the docket of this TSO on file with the Federal Aviation Agency, Washington, D.C. Pertinent recommendations, none of which increased the severity of the tests or procedures set forth in the draft release, have been incorporated into the performance standards.

Among the most significant changes incorporated into the proposed TSO dated November 30, 1962, as a result of pertinent recommendations received are the following:

The requirement for marking the weight per square foot of cell material (§ 514.86(b)(5) of the proposed TSO dated November 30, 1962) has been eliminated. It is felt that at this time there is not enough significance of the weight of the material per square foot to the end product to justify this requirement.

The FAA Standard for Flexible Fuel and Oil Cell Material dated October 15, 1962, has been amended in paragraph 4.0 to show items 1 and 2 as footnotes to Table 1 and paragraph 5.0 to state that

each cell be subjected to an internal air pressure and to set out that alternate methods of checking leakage may be used if approved by the Administrator. Paragraph 7.1.4 relating to test pressure has been eliminated because it is felt that differential pressure testing is not required in this case since installation requirements provide that flexible cells will have a positive internal pressure at all times. Paragraph 7.1.5 test direction has been renumbered to 7.1.4. Paragraph 7.1.6 has been renumbered to 7.1.5 and minor editorial changes were made to improve clarity. Paragraph 8.0 relating to the stand test, has been revised to clarify intent and to be more consistent with the wording of paragraph 2.0.

It was suggested that the broad terminology "construction data" be deleted from § 514.86(c)(4) in favor of a listing of the specific data required because of the proprietary nature of some "construction data." The terminology has been accordingly amended to more clearly define the data which is required.

Other changes and additions to this TSO have been recommended. These have been carefully considered but have not been incorporated. These recommendations are discussed hereinafter.

It was suggested that in § 514.86(b) of the proposed TSO dated November 30, 1962, the words "tank liner" be inserted prior to the word "manufacturer" to more specifically define which "manufacturer" is being referred to. Subpart A § 514.0, Definition of Terms, clarifies this point by defining "manufacturer" as being the person who controls the design and quality of the article produced. It is believed that there should be no cause for confusion about this, therefore no change has been made.

Objection was raised to the data requirements in § 514.86(c) because the cell material manufacturer is required to supply recommended installation procedures and limitations. The Agency considers that this requirement is appropriate since the material manufacturer should be best qualified to make recommendations regarding the installation of his product.

It was recommended that a statement be made in the TSO to the effect that no installation requirements are intended. This is unnecessary as paragraph 1.0 clearly indicates that the TSO does not include installation requirements.

It was stated that paragraph 2.0, Scope, did not give recognition to the drape construction type of material. Drape construction type of material bears the hydrostatic loads, and is not within the scope of the proposed standard, therefore no change was made.

It was also recommended that paragraph 2.0, Scope, be reworded to emphasize that the TSO concerns itself with materials for fuel and oil cell and not end items made from these materials. Paragraph 1.0, Purpose, as indicated, clearly states the intent of the subject standard is to specify minimum requirements for material. It is not considered necessary to repeat this in paragraph 2.0.

It has been recommended that in paragraph 5.0, of the TSO on leakage, the fuel or oil cell should be fully supported

externally and filled with five percent of volume of the test fuel to be used and subjected to an internal air pressure of between ½-¾ p.s.i. Long time experience in leakage testing has proven use of air as a test medium is far superior to the use of a fluid.

It was recommended that the slosh test in paragraph 7.1.3, Fluid Temperatures, be performed at a cold temperature. The standard provides for a "Low Temperature Leakage" soak test. The Agency knows of no data or information available that would substantiate the need for a cold slosh test.

It was suggested to remove from paragraph 7.1.6, Test Procedure, the requirement for installing representative fittings in the sample test cells, as a fitting test is implied. The reason for having the fittings installed is to check the compatibility of the material with the fitting connections and the reaction of the material to this combination during the testing of the cell material.

It was suggested that paragraph 11.1.1, Preparation of Test Specimens; paragraph 14.1, Gum Inner-Liner Strength; and paragraph 14.2, Fabric Inner-Liner Strength, be eliminated by having only one test sample of actual composite cell material required in paragraph 4.1(b). The sections have been retained because the tests are considered appropriate and necessary for consistency with present practices.

It was recommended that in paragraph 11.0, Permeability, the test be modified to exclude specifying fuel cell test fluid conforming to MIL Spec. MIL-S-3136, Type III, or to relax the diffusion rate limit of 0.025 fluid ounces per square foot per 24-hour period if it was deemed necessary to retain this particular test fluid. The comments point out that the permeability values required are far more stringent than necessary and preclude the use of latest state of the art fuel cell constructions which could provide thousands of dollars of savings in the cost of fuel cells. A study of the possible fuel vapor hazard conditions in the spaces surrounding a tank shows that there is no practical method of determining what degree of diffusion could be tolerated with safety. The hazard conditions are affected by the great variations in cell enclosure construction, ventilation, and drainage provisions. The safety objective is to have the diffusion rate as low as practicable. Experience with modern fuel cell construction has shown that a diffusion rate of 0.025 fluid ounces per square foot per 24-hour period is practical and can be met. To relax this figure to allow a greater diffusion rate would likely be a compromise with safety.

It was recommended that in paragraph 17.0, Low Temperature Leakage, the test be made an installation test under the requirement of CAR's 3, 4b, 6, and 7. This is a test to determine that the properties of the cell material are adequate and will be satisfactory for most applications. It is therefore considered appropriate to have this test as part of the standard rather than an installation requirement.

It was suggested that the standard cover requirements for water/alcohol

cell material. This proposal is not within the scope of this particular standard and, therefore, was not adopted.

It was recommended that an ozone resistance test should be added to the standard. An ozone test would only apply to liner materials that would be used in aircraft intended for operation at altitudes far greater than those at which current commercial aircraft are operating. Past experience with fuel cell materials has not indicated a need for ozone test requirements in the standard.

It was suggested that a low temperature flexing test be added. This would be an unduly severe test and one which service experience does not appear to justify.

It was also recommended to add a test for substantiating liner material resistance to fungus type contamination. This test requirement would cater to a condition generally unique to aircraft using kerosene type fuels, and would penalize the manufacturer of fuel cell material intended solely for use with aviation gasoline. At the present time there is no information to justify a specific requirement on fungus resistance.

It was suggested that the proposed standard requirements should not apply to CAR, Part 3, airplanes since the service experience of such aircraft has been satisfactory. CAR, Part 3 specifies that flexible fuel and oil tank liners shall be of an acceptable type. The proposed standard prescribes a method whereby the manufacturer can demonstrate that his product is acceptable.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended by adding § 514.86 as follows:

**§ 514.86 Flexible fuel and oil cell material—TSO-C80.**

(a) *Applicability.* Minimum performance standards are hereby established for flexible fuel and oil cell liner material. New types of flexible fuel and oil cell material manufactured after the effective date of this section for use in civil aircraft of the United States shall meet the standards specified in Federal Aviation Agency Standard, "Flexible Fuel and Oil Cell Material", dated August 1, 1963.<sup>1</sup>

(b) *Marking.* In lieu of the marking requirements of § 514.3(d), flexible fuel and oil cell material shall be legibly and permanently marked with the following information:

- (1) Name and address of the manufacturer;
- (2) Type of fluid for which approved, i.e. fuel, or MIL-L-6082 oil, or MIL-L-7808 oil;
- (3) For oil cell material, the minimum and maximum temperature limit;
- (4) For oil cell material, the oil-dilution suitability;
- (5) Month and year manufactured; and

<sup>1</sup> Copies may be obtained upon request addressed to Library Services Division, HQ-620, Federal Aviation Agency, Washington, D.C., 20553.

(6) Applicable Technical Standard Order (TSO) number.

(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 end product typical assembly instructions and limitations;

(2) Six copies of the recommended installation procedures, limitations, restrictions, or other conditions pertinent to a satisfactory installation;

(3) Six copies of the instructions for the inspection, repair and storage of material and/or cells including age limits on material, i.e. shelf life and service time;

(4) Six copies of the following descriptive information:

(i) Construction number and description (ply by ply) of the construction buildup complete with weight and gage of each ply,

(ii) Support means (type of fastener and locations),

(iii) Total weight per square foot of cell constructions, and

(iv) Total thickness of cell construction; and

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

*Effective date.* May 26, 1964.

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

Issued in Washington, D.C., on February 18, 1964.

G. S. MOORE,  
Director,

Flight Standards Service.

[F.R. Doc. 64-1784; Filed, Feb. 25, 1964; 8:46 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. C-699]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Allied Stores Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards*; § 13.85-45 *Inspection.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly*; § 13.330-90 *United States Government*; § 13.330-90 (a) *Armed Services.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1215 *Government, official or other sanction.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Allied Stores Corporation (New York, N.Y.) et al., Docket C-699, Jan. 28, 1963]

*In the Matter of Allied Stores Corporation, Allied Stores of New York, Inc., Stern Brothers, Inc., Genesco, Inc., and W. L. Douglas Shoe Company, Corporations*

Consent order requiring a chain department store and its controlling corporations to cease representing falsely in newspaper advertisements that certain shoes they sold were manufactured for the United States Navy and in accordance with Navy specifications, were inspected and approved by Navy inspectors and were regulation Navy "officers shoes"; and requiring the manufacturers of said shoes to cease making the aforesaid misrepresentations by stamping on the shoes purported Navy specification and inspection numbers, the name of the purported Navy inspector and such statements as "U.S. Navy Last", and to cease making similar misrepresentations in advertising mats and proofs furnished to retailers.

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

*It is ordered,* That respondents Allied Stores Corporation, Allied Stores of New York, Inc., Stern Brothers, Inc., Genesco, Inc., and W. L. Douglas Shoe Company, corporations, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of footwear in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that said products are manufactured for the United States Navy, or for any other branch of the Armed Forces of the United States, or in accordance with the specifications of the said Navy or any other branch of the said armed forces unless said products have been manufactured for and in accordance with specifications of such branch of service.

2. Representing, directly or indirectly, that said products have been manufactured for or are in any other manner identified or connected with a designated organization or person which is not primarily engaged in commercial merchandising unless such products have been so manufactured and are in fact connected with such organization or person in the manner represented; or misrepresenting in any manner the specifications employed in the manufacture of such products so designated.

3. Representing, directly or indirectly, that such products have been inspected by United States Navy inspectors or that they have been approved as meeting United States Navy specifications when said products have not been so inspected or approved, or misrepresenting, in any manner, the kind or extent of the inspections or the approval accorded said products.

## RULES AND REGULATIONS

*It is further ordered,* That respondents Genesco, Inc., and W. L. Douglas Shoe Company, corporations, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of footwear in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from furnishing or otherwise placing in the hands of retailers of said products, or others, any means or instrumentalities by or through which they may mislead and deceive the public in the manner or as to the things hereinabove prohibited.

*It is further ordered,* That respondents Allied Stores Corporation, Allied Stores of New York, Inc., and Stern Brothers, Inc., corporations, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of footwear in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that said products are official or regulation United States Navy officers' shoes when said products have not been manufactured pursuant to and in accordance with terms of a contract with the United States Navy; or misrepresenting, in any manner the type, design or style of footwear which resembles in appearance or is identified or described as footwear manufactured for the Armed Forces of the United States.

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

Issued: January 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-1829; Filed, Feb. 25, 1964;  
8:49 a.m.]

[Docket No. 8521]

### PART 13—PROHIBITED TRADE PRACTICES

#### Windsor Pen Corp. and Morris Fink

Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin*; § 13.1325-70 *Place*; § 13.1325-(g) *Imported product or parts as domestic*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 48. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Windsor Pen Corporation et al., New York, N.Y., Docket 8521, Jan. 28, 1963]

*In the Matter of Windsor Pen Corporation, a Corporation, and Morris Fink, Individually and as an Officer of Said Corporation*

Order requiring a Brooklyn, N.Y., distributor of pen and desk sets to jobbers and distributors to cease placing the words "Made in U.S.A." and "Printed in U.S.A." on cards to which were at-

tached by individual cellophane covers (1) a "Pen and Stapler Set", the stapler and staples in which were imported from Japan and the word "Japan" in small letters on the side of the stapler was not readily apparent, and (2) a "5-Piece Desk Set and Telephone Index" including a telephone index made in Japan, the word "Japan" on the bottom of which was hidden from view.

The order to cease and desist is as follows:

*It is ordered,* That respondents, Windsor Pen Corporation, a corporation, and its officers, and Morris Fink, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of pen and desk sets, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Made in U.S.A." or "Printed in U.S.A." or any other word or words of similar import or meaning, in connection with any such set or product which contains a substantial item or part made in Japan or in any other foreign country.

2. Representing in any other manner that any such set or product which contains a substantial item or part made in Japan or any other foreign country, is made in the United States.

3. "Offering for sale, selling, or distributing any such product packaged, or mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product, or substantial part thereof, on the front or face of such packaging, container, or display card, or on the product itself, so positioned as to clearly have application to the product so packaged or mounted and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product, as so packaged and mounted, without opening the package, container or display card, as the case may be."

By "Final Order", further order requiring report of compliance is as follows:

*It is further ordered,* That respondents shall, within sixty (60) days of the service of this order upon them, file with the Commission a written report setting forth the manner and form of their compliance with this order.

Issued: January 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-1830; Filed, Feb. 25, 1964;  
8:49 a.m.]

[Docket No. C-700]

### PART 13—PROHIBITED TRADE PRACTICES

#### S. Klein Department Stores, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative

marking: § 13.512 *Fur products tags or identification*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; § 13.1185-30 *Fur Products Labeling Act*; § 13.1212 *Formal regulatory and statutory requirements*; § 13.1212-30 *Fur Products Labeling Act*; § 13.1255 *Manufacture or preparation*; § 13.1255-30 *Fur Products Labeling Act*; § 13.1325 *Source or origin*; § 13.1325-70 *Place*; § 13.1325-70(e) *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-35 *Fur Products Labeling Act*; § 13.1865 *Manufacture or preparation*; § 13.1865-40 *Fur Products Labeling Act*; § 13.1900 *Source or origin*; § 13.1900-40 *Place*; § 13.1900-40(b) *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, S. Klein Department Stores, Inc., et al., New York, N.Y., Docket C-700, Jan. 28, 1964]

*In the Matter of S. Klein Department Stores, Inc., a Corporation, S. Klein on the Square, Inc., a Corporation, S. Klein Fur Corporation, a Corporation, and Jay-Robert Fur Corporation, a Corporation*

Consent order requiring associated retailers of fur products to cease violating the Fur Products Labeling Act by labeling and invoicing which failed to show the true name of animals producing certain furs, to disclose when furs were dyed or bleached, to show the country of origin of imported furs and failed to use the term "Persian Lamb" as required; by labeling which showed the country or origin of furs falsely as the United States and showed domestic furs falsely as imported; by invoicing which falsely identified the animal producing a fur and showed artificially colored fur as natural; by substituting non-conforming labels for those originally attached to fur products and by failing in other respects to comply with requirements of the Act.

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

*It is ordered,* That respondents S. Klein Department Stores, Inc., a corporation, and its officers, S. Klein on the Square, Inc., a corporation, and its officers, S. Klein Fur Corporation, a corporation, and its officers, and Jay-Robert Fur Corporation, a corporation and its officers, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, of any fur product or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in

the Fur Products Labeling Act, do forthwith cease and desist from:

- A. Misbranding fur products by:
1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur product.
  2. Failing to affix labels to fur products showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.
  3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.
  4. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".
  5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.
  6. Representing, directly or by implication on labels that the furs contained in fur products are domestic when such furs are imported.
  7. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.
2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.
3. Representing directly or by implication on invoices that the fur contained in fur products is natural when such fur is pointed, bleached, dyed or otherwise artificially colored.
4. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.
5. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".
6. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

It is further ordered, That respondents, S. Klein Department Stores, Inc., a corporation, and its officers, S. Klein on the Square, Inc., a corporation, and its

officers, S. Klein Fur Corporation, a corporation, and its officers and Jay-Robert Fur Corporation, a corporation, and its officers and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act, labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

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

Issued: January 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-1831; Filed, Feb. 25, 1964; 8:49 a.m.]

[Docket No. C-701]

**PART 13—PROHIBITED TRADE PRACTICES**

**Timely Clothes, Inc., and John P. Keane**

Subpart—Advertising falsely or misleadingly: § 13.1325 *Source or origin*; § 13.1325-60 *Place*; § 13.1325-60(a) *Domestic products as imported*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*; § 13.1055-50 *Preticketing merchandise misleadingly*. Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin*; § 13.1325-70 *Place*; § 13.1325-70(k) *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Timely Clothes, Inc., et al., Rochester, N.Y., Docket C-701, Jan. 31, 1964]

*In the Matter of Timely Clothes, Inc., a Corporation, and John P. Keane, Individually and as an Officer of Said Corporation*

Consent order requiring Rochester, N.Y., manufacturers to cease violating the Wool Products Labeling Act and the Federal Trade Commission Act by falsely representing the fabric in men's suits to be imported from England by such statements on labels as "Imported Fabric Pound Sterling" together with a depiction of the symbol for the British pound sterling; and by making similar representations in magazine and other advertising.

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

It is ordered, That respondents Timely Clothes, Inc., a corporation, and its officers, and John P. Keane, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, sale, transportation, distribution, delivery for shipment, shipment or offering for sale in commerce of wool products, as the terms "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939 do forthwith cease and desist from:

Misbranding such wool products by:

A. Falsely or deceptively stamping, tagging, labeling or otherwise identifying any such woolen product by representing contrary to fact that such products or the fabrics contained therein are of British origin.

B. Representing on labels affixed to wool products through the use of the term "Pound Sterling" or the symbol of the British Pound Sterling or any words, terms, depictions, or symbols of similar import that the fabric contained in such products are of British origin when such fabric was not woven and manufactured in Great Britain.

It is further ordered, That respondents Timely Clothes Inc., a corporation, and its officers, and John P. Keane, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of men's suits or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

A. Representing contrary to fact that any of such products or the fabrics contained therein are of British origin.

B. Representing through the use of the term "Pound Sterling" or the symbol of the British Pound Sterling or through the use of any words, terms, depictions or symbols of similar import that the fabrics contained in its men's suits or other products are of British origin when such fabrics were not woven and manufactured in Great Britain.

C. Furnishing means and instrumentalities to others by and through which they may mislead the public in the manner or through the practices prohibited by this order.

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

Issued: January 31, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-1832; Filed, Feb. 25, 1964; 8:49 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

[Release 33-4669]

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

##### Exemptions

The Securities and Exchange Commission is publishing this release to alert the financial community, and particularly brokers and dealers, to the limitations of its Rule 154 under the Securities Act of 1933 (17 CFR 230.154).

**General applicability of the rule.** Section 4(2) of the Securities Act exempts from the registration and prospectus requirements of the Act "brokers' transactions, executed upon customers' orders \* \* \* but not the solicitation of such orders." Rule 154 (§ 230.154 of this chapter) was adopted by the Commission to interpret and define various terms used in section 4(2) and to indicate more clearly the scope of the exemption for a broker offering or selling securities on behalf of a person in a control relationship to the issuer.

Paragraph (a) of the rule states that the term "brokers' transactions" in section 4(2) of the Act shall be deemed to include transactions by a broker acting as agent for a control person provided certain specified conditions are met. In substance, these conditions are that the buy order shall not be solicited and that the broker shall perform no more than the usual broker's functions, receive no more than the usual brokerage commission, and shall not be aware of circumstances indicating that the transactions are part of a distribution. However, the broker is at least obligated to question his customer to obtain facts which may indicate whether he is engaged in a distribution or is an underwriter.

No distribution will be involved if, under all the facts and circumstances, such transactions do not involve an amount "substantial in relation to the number of shares or units of the security outstanding and the aggregate volume of trading in such security." Assuming that there is no solicitation or other unusual function performed by the broker, as specified in the rule, trading transactions may be effectuated as contemplated by section 4(2) of the Act. In order to provide a ready guide for routine cases to distinguish trading from distributions, paragraph (b) of the rule defines the term "distribution" as not including a sale or series of sales of the security which, together with all other sales of securities of the same class by or on behalf of the same person within the preceding six months, in the case of a security traded only over the counter, do not exceed 1 percent of the outstanding shares or units of the security, and in the case of a security admitted to trad-

ing on an exchange, do not exceed the lesser of either 1 percent of the outstanding securities of the class, or the largest aggregate reported volume of trading on securities exchanges during any one week (Monday through Friday) within the four calendar weeks preceding the receipt of the sell order.

It is emphasized that Rule 154 (§ 230.154) and section 4(2) do not provide an exemption for brokers' transactions on behalf of an issuer, an underwriter for an issuer, or a person in a control relationship with the issuer who is engaged in a secondary distribution. Paragraph (b) of the rule, moreover, is not a guide for defining distributions in contexts not covered by the rule.

**A broker's exemption only.** Rule 154 (§ 230.154) does not and was not intended to provide an exemption from registration for the control person; it exempts only the selling broker's transaction, and only then when all the conditions of the rule are met, including the condition that the broker has no reason to believe that he is in fact an "underwriter" for a principal engaging in a distribution. It was not intended to impinge upon or negate the registration requirements for secondary distributions applicable to control persons, or other persons, who are underwriters<sup>1</sup> within the meaning of the Act or who without the knowledge of the broker or brokers relying on section 4(2) and Rule 154 (§ 230.154) are, in fact, engaged in a distribution of securities through the broker. The control person must find his own exemption for the sale of his securities if they are not offered and sold in compliance with the registration and prospectus requirements.<sup>2</sup>

**Sales on behalf of the "same person."** As already noted, Rule 154 (§ 230.154) is intended only to provide an exemption to brokers engaged essentially in trading transactions. Consequently, while Rule 154 (§ 230.154) provides a broker's exemption for a sale or series of sales by or on behalf of the "same person," in determining whether the total amount sold exceeds the aggregate amount specified in Rule 154(b) (§ 230.154(b)), consideration must be given not only to sales by the specified control person but also the question whether such sales are, or may be, a part of a distribution being

<sup>1</sup> A person who purchases from a control person with a view to resale may be an underwriter and his broker may not rely on the rule.

<sup>2</sup> When an exemption is available to the selling stockholder, it is generally found in the first clause of section 4(1) of the Act which exempts "transactions by any person other than an issuer, underwriter, or dealer." See Skiatron Electronics and Television Corporation, 40 S.E.C. 236, 249-50 (1960). The Commission's long-standing position was set forth as early as March 13, 1934, when the Federal Trade Commission stated: "Apparently the exemption provided by section 4(2) of the Securities Act, applies only to the broker's part of a broker's transaction. It does not extend to the customer. Whether the customer is excused from complying with the requirements of section 5 depends upon his own status or upon the character of the transaction in which he himself is engaged."

effected by a group of closely related persons of which the particular individual is a member<sup>3</sup> (sometimes hereinafter referred to as "associate").<sup>4</sup> Rule 154 (§ 230.154) does not provide an exemption for portions of group distributions. If such a distribution is in progress, the offering by the group as a whole would have to be included in a single computation under Rule 154(b) (§ 230.154(b)), and if this exceeded the amount specified, it could make the exemption unavailable.

A related problem has arisen with respect to gifts of securities by control persons to charitable, scientific and educational organizations. Frequently, both the donor and donee can reasonably foresee that the purpose of such gift cannot be realized unless the securities are sold.<sup>5</sup> While Rule 154 (§ 230.154) has been interpreted to permit brokers acting for such organizations to avail themselves of the brokerage exemption under discussion, for the purpose of determining the number of shares or units which may be sold, the combined sales of the donor, his associates and the subject organization should not exceed the limitations set forth in Rule 154(b) (§ 230.154(b)). If total sales by the donor and his associates within the preceding six months have exhausted the limitations, then such exemption is not available.<sup>6</sup>

**The six months' period.** Rule 154(b) (§ 230.154(b)) by its terms requires the inclusion of all sales by the same person within the preceding six months in order to determine the amount of securities, if any, remaining which may be sold under the formula. In making this calculation, all transactions, including registered offerings and those which are exempt from registration should be included. Furthermore, a plan to effect a series of sales every six months cannot be considered in the category of routine trades but must be deemed a distribution beyond the confines of the rule.

**Pledged securities.** The decision of the Court of Appeals in the Guild Films<sup>7</sup> case makes it clear that when a lender accepts securities from a control person as collateral for a loan, the lender must

<sup>3</sup> A comparable interpretation has long been applied to the definition of "issuer" in section 2(11) of the Act, insofar as control persons are concerned. Both in determining whether a particular person is in a control relationship with the issuer, and in determining whether a distribution is being made by control persons, the relationships and activities of such persons have been consistently taken into account.

<sup>4</sup> A similar problem exists under Rule 133 and Rule 254(a) (§§ 230.133 and 230.254(a)).

<sup>5</sup> In some such cases, the eleemosynary institutions involved may be deemed to be statutory underwriters within the meaning of section 2(11) of the Securities Act. See Letter of Chief Counsel, Division of Corporation Finance of the Commission, 1 CCH Fed. Sec. L Rep. § 2165.88 (August 8, 1962).

<sup>6</sup> Conversely, sales by such charitable recipient within the preceding six months should be taken into account when calculating the number of shares or units, if any, which a broker may sell on behalf of a customer who is a control person.

<sup>7</sup> S.E.C. v. Guild Films Company, Inc., 279 F.2d 485 (2d Cir. 1960), cert. denied 364 U.S. 819 (1960).

comply with the registration and prospectus requirements of the Securities Act before he can sell the securities unless an exemption is available. The question, therefore, arises whether the broker for the pledgee, or the broker who is himself a lender, can avail himself of the exemption provided by Rule 154 (§ 230.154). Since a sale by the pledgee is for the purpose of fulfilling certain obligations of the pledgor, since the pledgee is obligated to remit to the pledgor receipts from such sale in excess of the amount of the obligation, and since the pledgee, in effect, stands in the shoes of and acts for the pledgor in selling the collateral, a broker may ordinarily effect sales as agent for both parties, if he takes into account other sales by the pledgor and his associates within the preceding six months, and otherwise complies with the rule. Prudence would dictate that a person making a loan secured by the pledge of "control" stock should also make inquiry at the time of pledge, as well as at the time of sale, as to any limitations upon the sale of such stock.

**Sales by subsidiaries.** Rule 154(a) (§ 230.154(a)) provides that "the term 'brokers' transactions' shall be deemed to include transactions by a broker acting as agent for the account of any person \* \* \* controlled by \* \* \* the issuer of the securities which are the subject of the transactions \* \* \*." As already noted, however, the exemption is not available for a broker acting for the issuer. A question has been raised whether the brokerage exemption is available with respect to a proposed sale by a subsidiary of securities of its parent company. For all practical purposes in such a situation, if form is not permitted to obscure substance, the subsidiary and the issuer must be deemed to be the same entity and the exemption is therefore not available. The beneficial interest is in the parent, and section 4(2) is not available to the broker selling for the parent.

**Solicitation of orders.** Paragraphs (c) and (d) of Rule 154 (§ 230.154) state, respectively, that "the term 'solicitation of such orders' \* \* \* shall be deemed to include the solicitation of an order to buy a security, but \* \* \* not of an order to sell \* \* \*," and that "where within the previous 60 days a dealer has made a written bid for a security or a written solicitation of an offer to sell such security, the term 'solicitation' in section 4(2) shall not be deemed to include an inquiry regarding the dealer's bid or solicitation."

Under paragraph (c) of this rule, a broker is free to solicit control persons to determine whether they wish to sell securities of the controlled company. However, if a broker-dealer is requested to act in a brokerage capacity with respect to securities owned by a control person at a time when such dealer is publishing or otherwise requesting offers to buy such security, he would, for the purpose of this rule, generally be deemed to be soliciting orders to buy and would, therefore, be ineligible to rely upon the brokerage exemption. In order to obviate the effect of any such activities, the broker-dealer would have to discontinue

his appearance in the "sheets" and other forms of solicitation for a reasonable time before such a brokerage transaction could be executed."

One problem which a broker seeking an exemption for a security traded only over the counter must consider is the extent of the market for such security. The addressing of inquiries to soliciting dealers is not deemed to be the solicitation of a prohibited buy order because of the 60-day written bid exclusion contained in paragraph (d) of the rule. Moreover, even if bids or requests for offers have appeared within the previous 60 days, a broker may not seek buyers among private investors or broker-dealers who have not appeared in the "sheets."

**General.** As has been emphasized in other releases discussing exemptions from the registration and prospectus requirements of the Securities Act, the terms of an exemption are to be strictly construed against the claimant who also has the burden of proving its availability.<sup>9</sup> In addition, persons receiving advice from the staff of the Commission that "no action" will be recommended if they proceed without registration in reliance upon the exemption should do so only with full realization that the staff's letter is based upon a represented statement of facts and that the tests so applied may not be proof against claims by purchasers of the security that registration should have been effected. Finally, the anti-fraud provisions under the various securities acts are applicable to the transactions notwithstanding the availability of an exemption from registration.

By the Commission.

FEBRUARY 17, 1964.

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 64-1785; Filed, Feb. 25, 1964;  
8:46 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

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

#### SUBCHAPTER A—GENERAL

#### PART 200—INTRODUCTION

##### Subpart D—Delegations of Basic Authority and Functions

In Part 200 in the Table of Contents a new § 200.100 is added to read as follows:

<sup>9</sup> Sales by a broker in reliance on Rule 154 (§ 230.154) could involve a distribution for purposes of Rule 10b-6 under the Securities Exchange Act of 1934 (§ 240.10b-6 of this chapter) and, unless an exemption were available under that rule, bidding and purchasing activity would be prohibited by the rule until the distributions were completed.

<sup>9</sup> S.E.C. v. Ralston Purina Co., 346 U.S. 119, 126 (1953); S.E.C. v. Culpepper, 270 F. 2d 241, 246 (2d Cir. 1959); Gilligan, Will & Co. v. S.E.C., 267 F. 2d 461, 466 (2d Cir. 1959); S.E.C. v. Sunbeam Gold Mines Co., 95 F. 2d 699, 701 (9th Cir. 1938).

Sec.  
§ 200.100 Closing clerk.

In § 200.95 paragraph (a) is amended to read as follows:

#### § 200.95 Field Office Chiefs of Operations.

(a) To execute regulatory agreements and to issue eligibility statements and commitments for insurance and to execute insurance contracts pursuant to such commitments, including mortgage insurance certificates.

Part 200 is amended by adding a new § 200.100 as follows:

#### § 200.100 Closing Clerk.

To the position of Closing Clerk and to each of them there is delegated the duty and function to execute in the name of the Commissioner, as authorized agent, mortgage insurance certificates under any home mortgage program.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; Sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., February 19, 1964.

[SEAL] PHILIP N. BROWNSTEIN,  
Federal Housing Commissioner.

[F.R. Doc. 64-1847; Filed, Feb. 25, 1964;  
8:51 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

#### PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

##### Form Prescribed for Class II Railroads

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 18th day of February A.D. 1964.

The matter of annual reports of line-haul and switching and terminal railroad companies of Class II being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.12 of the order of January 18, 1963 in the matter of Railroad Annual Report Form C, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.12, be, and it is hereby, modified and amended to read as follows:

#### § 120.12 Form prescribed for Class II railroads.

Commencing with reports for the year ended December 31, 1963, and thereafter, until further order, all line-haul and

switching and terminal railroad companies of Class II, as described in 49 CFR 126.1, viz., all carriers with average annual operating revenues of less than \$3,000,000, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form C, which is attached to and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form C shall be served on all line-haul and switching and terminal railroad companies of Class II, subject to the provisions of section 20, Part I, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 64-1818; Filed, Feb. 25, 1964;  
8:47 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 64-134]

#### PART 1—RULES OF PRACTICE AND PROCEDURE

##### Order Regarding Frequency Coordination, Canada

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of February 1964;

The Commission having under consideration § 1.955(b) and (c) of its rules and regulations concerning the coordination, prior to assignment, of certain radio frequencies with the Canadian Department of Transport; and

It appearing, that an agreement was concluded between the United States and Canada by an exchange of notes signed at Ottawa on October 24, 1962, entitled "Treaties and Other International Acts Series 5205—Telecommunication—Coordination and Use of Radio Frequencies Above 30 Megacycles per Second"; and  
It further appearing, that TIAS 5205 incorporated Arrangement A, an agree-

ment between the Department of Transport and the Commission, which revised the list of radio frequency bands, and exceptions, requiring coordination with the other country, thereby rendering obsolete the frequency data in § 1.955 (b) and (c); and

It further appearing, that § 1.955 should be amended to accurately reflect the provisions of TIAS 5205, that the necessary amendments are interpretative and editorial in nature, and hence that the notice and effective date requirements of section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, Effective March 2, 1964, that § 1.955 (b) and (c) of the rules and regulations are amended as set forth below.

Released: February 20, 1964.

#### FEDERAL COMMUNICATIONS COMMISSION<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

Section 1.955 (b) and (c) are amended to read as follows:

#### § 1.955 Frequency coordination, Canada.

\* \* \* \* \*  
(b) The frequency bands are as follows:

Mc/s	Mc/s
30.56-32.00	75.40-76.00
33.00-34.00	150.80-174.00
35.00-36.00	450.00-464.725
37.00-38.00	465.275-470.00
39.00-40.00	942.00-960.00
42.00-46.60	1850.0-2200.0
47.00-49.60	3700.0-4200.0
72.00-74.80	5925.0-7125.0

#### Gc/s

10.55-13.25

(c) Due, however, to the nature of the service, proposed assignments on the following specific frequencies are not coordinated:

Mc/s	Mc/s
156.3	156.7
156.35	156.8
156.4	156.9
156.45	156.95
156.5	157.0 and 161.6
156.55	157.05
156.6	157.1
156.65	157.15

(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)

[F.R. Doc. 64-1839; Filed, Feb. 25, 1964;  
8:50 a.m.]

[FCC 64-130]

#### PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

##### Order Providing for Authorization of Dispatch Stations to Landline Carriers in Domestic Public Land Mobile Radio Service

At a session of the Federal Communications Commission held at its offices in

<sup>1</sup> Commissioner Loevinger absent.

Washington, D.C., on the 19th day of February 1964;

The Commission having under consideration the amendment of § 21.501(b) of its rules to provide for the additional use of mobile frequencies for the purpose of establishing dispatch stations by specifically permitting common carriers engaged also in the business of affording public landline message telephone service to establish dispatch station facilities on a mobile frequency paired with an assigned base station frequency; and

It appearing, that the establishment of dispatch stations is presently authorized, without limitation as to the type of carrier, pursuant to § 21.519. The failure to specifically provide, in § 21.501(b) for the assignment of "mobile" frequencies to landline carriers for dispatch station purposes may have been inadvertent, or at least, when provisions for dispatch stations were promulgated (see 24 F.R. 8882) no justification for restricting their use to miscellaneous common carriers was stated or intended; and, to the extent that such clarification of our rules may be accomplished by this amendment of the subject section, the action herein removes an apparent limitation which prohibited landline carriers from establishing such facilities; and

It further appearing, that the rule amendment herein does not involve the reallocation or reassignment of any frequencies, and that the subject change merely clarifies the intended use of previously allocated frequencies, permitting their use by landline carriers in the same manner as heretofore permitted for miscellaneous common carriers; and

It further appearing, that notice and public procedure herein are unnecessary, and that the subject amendment is interpretative;

It is ordered, That pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, § 21.501(b) of the Commission's rules is amended, as shown below, effective the 2d day of March 1964.

Released: February 20, 1964.

#### FEDERAL COMMUNICATIONS COMMISSION<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

Section 21.501 of Part 21 of the rules is amended by changing the heading of the second column of the table of frequencies in paragraph (b) from *Mobile and auxiliary test station frequencies (Mc/s)* to *Mobile, dispatch, and auxiliary test station frequencies (Mc/s)*.

(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)

[F.R. Doc. 64-1840; Filed, Feb. 25, 1964;  
8:50 a.m.]

<sup>1</sup> Commissioners Ford and Cox dissenting; Commissioner Loevinger absent.

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 987 ]

[ Docket No. AO 269-A 3 ]

## DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

### Notice of Hearing With Respect to Proposed Amendments of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Indio Chamber of Commerce Building, 82-503 Highway 111, Indio, California, beginning at 9:30 a.m., P.s.t., March 9, 1964, with respect to proposed amendments of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

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

The Date Administrative Committee, the administrative agency established pursuant to the marketing agreement and order, as amended, for operations thereunder, has proposed the following amendments and has requested a hearing thereon:

1. In § 987.9 insert "or Imperial County" after the second occurrence of the word "production", and change the period at the end of the sentence to a colon and add "Provided, That the Committee, with the approval of the Secretary, may modify the exception as to storage only as to movement to any such storage as may be in counties (including San Bernardino County) adjoining the area of production."

2. After the first sentence of § 987.45 (a) insert the following sentence: "The withholding requirement shall not apply to dates certified for delivery directly to an excess supply removal program of the Secretary."

3. In the fourth sentence of § 987.45 (c): insert "prior to June 2 of the crop year" after the first occurrence of "certified"; delete "subsequently"; and insert "within the crop year" after "handled". In the fifth sentence of § 987.45(c) in-

sert "such" preceding "dates certified". Add at the end of § 987.45(c) the following new sentence: "Dates so certified subsequent to June 1 of any crop year and not handled within such crop year shall be subject to the withholding percentage and the assessment obligation of the subsequent crop year in which handled."

4. In the first sentence of § 987.45(f) delete the section sign preceding "987.56" and in lieu thereof insert "\$§ 987.55 and".

5. Give consideration to whether the marketing agreement and order should be amended so that dates exported to countries included in the trade demand will not be subject to withholding obligation.

6. Consider whether the marketing agreement and order should be amended so as to tend to encourage exports.

7. In § 987.55 revise the second and third sentences to read as follows: "The Committee, with the approval of the Secretary, may establish, by country or groups of countries, such special grade, size, container, or identification requirements for any variety of restricted or other dates for export as are deemed essential to the promotion of orderly marketing. Dates other than restricted dates may be disposed of in outlets prescribed pursuant to this section if they are inspected and certified as meeting the requirements for marketable dates or for export."

8. In the proviso of § 987.56 insert "or export outlets" after the first and second occurrence of the word "products". In the same proviso delete "substandard dates may be disposed of for use, or used, in such products." and substitute therefor "meeting any grade, size, container, or identification requirements which may be prescribed by the Committee with the approval of the Secretary, may be so disposed of or exported."

9. Delete the first sentence of § 987.72 (a) and substitute therefor the following: "Each handler shall pay to the Committee upon demand, on all dates he has certified as meeting the requirements for any marketable dates his pro rata share of all expenses which the Secretary finds are reasonable and are likely to be incurred by the Committee during each crop year. However, this requirement shall not include dates certified as meeting the requirements for marketable dates which a handler disposes of in outlets pursuant to § 987.56 nor those removed from assessment pursuant to § 987.45(c)."

10. In the last sentence of § 987.72(a) delete "the shipping weight" and substitute therefor "weight of such dates".

11. Consider and make such changes in the inspection and certification requirements of the marketing agreement and order as may be required by any changes which may result from the foregoing proposed amendments involving grade, size, container, or identification requirements.

12. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments which may result from this hearing.

Copies of this notice may be obtained from the Date Administrative Committee, 82-845 Miles Avenue, P.O. Box 764, Indio, California, or the Los Angeles Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Los Angeles, California, 90015.

Dated: February 20, 1964.

CLARENCE H. GIRARD,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 64-1837; Filed, Feb. 25, 1964; 8:50 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

[ 29 CFR Part 516 ]

## EQUAL PAY ACT OF 1963

### Proposed Records

In the August 24, 1963, issue of the FEDERAL REGISTER (28 F.R. 9357), there was published an invitation to submit both oral and written data, views, and argument with respect to the question of what records should be required to be kept pursuant to section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and 29 CFR Part 516, concerning the payment of wage differentials, which will be necessary or appropriate for the enforcement of the new equal pay provisions of the act when they become effective on June 11, 1964.

Having considered all relevant matter presented, I hereby propose to amend 29 CFR Part 516 as set forth below. Written data, views, and argument regarding the proposal may be filed with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D.C., 20210, on or before March 27, 1964.

1. The title, paragraph (a), and subparagraph (a) (4) of 29 CFR 516.2 would be amended to read as follows:

§ 516.2 Employees subject to minimum wage or minimum wage and overtime provisions; section 6 or sections 6 and 7(a) of the act.

(a) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom section 6 or both sections 6 and 7(a) of the act apply:

(4) Sex and occupation in which employed.

## PROPOSED RULE MAKING

2. A new 29 CFR 516.29 would be established to read as follows:

**§ 516.29 Employers of employees subject to the equal pay provisions of the act, as set forth in section 6(d).**

Every employer of employees subject to the equal pay provisions of the act shall maintain and preserve all records required by the applicable sections of these regulations, and in addition, he shall preserve any records which he makes in the regular course of his business operation which relate to the payment of wages, wage rates, job evaluations, job descriptions, merit systems, seniority systems, collective bargaining agreements, description of pay practices or other matters which describe or explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment, and which may be pertinent to a determination whether such differential is based on a factor other than sex.

3. A new paragraph (d) would be added to 29 CFR 516.6 to read as follows:

**§ 516.6 Records to be preserved two years.**

\* \* \* \* \*

(d) Each employer shall preserve for at least two years the records he makes of the kind described in § 516.29 which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment.

Signed at Washington, D.C., this 19th day of February 1964.

CLARENCE E. LUNDQUIST,  
*Administrator.*

[F.R. Doc. 64-1838; Filed, Feb. 25, 1964;  
8:50 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 24]

### EXPORT INSURANCE CO.

#### Surety Companies Acceptable on Federal Bonds

FEBRUARY 19, 1964.

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

An underwriting limitation of \$383,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

NEW YORK

Export Insurance Company, Houston, Texas.

[SEAL]

JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[F.R. Doc. 64-1826; Filed, Feb. 25, 1964; 8:49 a.m.]

[T.D. Order 167-59]

[CGFR 64-10]

## COMMANDANT, U.S. COAST GUARD

### Delegation of Functions

The Secretary of Defense, in a memorandum dated December 13th, 1963, delegated his authority under 12 U.S.C. 1748(e) with respect to the Coast Guard—concerning approval of military and civilian personnel for occupancy in housing provided by 12 U.S.C. 1748h-1—to the Secretary of the Treasury.

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 2), the aforementioned function is hereby redelegated to the Commandant, U.S. Coast Guard.

The Commandant may assign the function transferred for performance by subordinates in the Coast Guard.

[SEAL]

JAMES A. REED,  
Assistant Secretary  
of the Treasury.

FEBRUARY 13, 1964.

[F.R. Doc. 64-1827; Filed, Feb. 25, 1964; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelelegation Order 1, Amdt. 13]

### LANDS AND MINERALS

#### Redelelegation of Authority With Respect to Specifically Designated Employees

FEBRUARY 18, 1964.

Order 1, as amended, is further amended by the addition of a new heading and section under Part 3 to read as follows:

#### FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 3.16 *Oil and gas leases.* (a) The Superintendents, Blackfeet and Fort Peck Agencies, may approve oil and gas leases, on forms approved by the Commissioner of Indian Affairs, of tribal lands and of trust or restricted individually owned lands in accordance with advertisements soliciting bids therefor pursuant to 25 CFR Parts 171 and 172.

(b) The authority conferred by Sec. 3.16(a) extends to and includes the approval of other appropriate administrative action required on all assignments of oil and gas leases now or hereafter in force on tribal or restricted allotted lands, bonds, and other instruments required in connection with such leases or assignments, and the acceptance of voluntary surrender of leases by lessees.

(c) The authority delegated in Sec. 3.16 (a) and (b) does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes.

(2) Approval of leases, assignments and bonds on any forms except those approved by the Commissioner of Indian Affairs.

(3) Modification of any forms approved by the Commissioner of Indian Affairs.

(4) Approval of amendments to oil and gas leases or to assignments.

(5) Extension of time for drilling.

(6) Approval of instruments providing for the payment of overriding royalty.

(7) Approval of unit and communitization agreements.

(8) Assignment of separate horizons.

(9) Approval of the cancellation of oil and gas leases for violation of the terms thereof.

(10) Approval of well-spacing orders.

JOHN O. CROW,  
Deputy Commissioner.

FEBRUARY 19, 1964.

[F.R. Doc. 64-1793; Filed, Feb. 25, 1964; 8:46 a.m.]

## Bureau of Land Management OUTER CONTINENTAL SHELF OFF LOUISIANA

### Oil and Gas Lease Offer

FEBRUARY 11, 1964.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Bureau of Land Management, P.O. Box 53226, New Orleans, Louisiana, 70150, will be received until 9:30 a.m., c.s.t., on April 28, 1964, for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of Louisiana. Bids will be opened at 10:00 a.m., c.s.t., April 28, 1964, in the Conference Room, T-13028 Federal Office Building, New Orleans, Louisiana. On that day bids may be delivered in person to the Office of the Manager or the Conference Room, between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. No bids received either by mail or in person after 9:30 a.m., c.s.t., will be accepted.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. Bids may not be modified or withdrawn, unless the modifications or withdrawals are received prior to the time fixed for filing of the bids. Bidders are warned against violation of section 1860, Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in sec. 2(k) of the lease agreement (Form 4-1255, Sept. 1963). Bidders must submit with each bid one-fifth of the amount bid in cash, or by cashier's check, bank draft, certified check, or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of \$10 per acre or fraction thereof. The successful bidder for each tract will be required to pay the remainder of the bid and the first year's rental of \$10 per acre or fraction thereof, and furnish an acceptable surety bond as provided in 43 CFR 201.51 prior to issuance of each lease. The leases will be subject to terms and conditions of the agreement of October 12, 1956, between the United States and the State of Louisiana.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than \$25 per acre or fraction thereof will be considered. The United States Government reserves the right to reject any and all bids even though the bid may exceed the minimum referred to previously. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered.

NOTICES

LOUISIANA—Continued  
 OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10  
 (Approved June 8, 1954; Revised July 22, 1954)

[Group 380]

ARIZONA

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

FEBRUARY 18, 1964.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., March 25, 1964:

GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 13 W.,  
 Secs. 1 to 35 inclusive.

The area described aggregates 22,266.75 acres of public land.

2. The lands described above vary from level to rolling. Most of the soil is sandy and gravelly.

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

4. The following described lands are the subject of an application for withdrawal for the Central Arizona Project, by the Bureau of Reclamation:

T. 3 N., R. 13 W.,  
 Sec. 7;  
 Secs. 13 to 20 inclusive;  
 Sec. 24;  
 Sec. 30.

Also, the lands described below are withdrawn for landing fields and air navigation by Secretary's Orders dated December 2, 1931 and April 4, 1941.

T. 3 N., R. 13 W.,  
 Sec. 21, S½SE¼;  
 Sec. 22, E½SW¼, SW¼SW¼, SW¼SE¼;  
 Sec. 25, S½;  
 Sec. 27, NW¼NE¼, N½NW¼, SE¼NW¼;  
 Sec. 28, N½NE¼.

5. The following described lands are opened to petition, application and selections, as outlined in Paragraph 6 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

T. 3 N., R. 13 W.,  
 Secs. 1 to 6 inclusive;  
 Secs. 8 to 12 inclusive;  
 Sec. 21, N½, N½S½, S½SW¼;  
 Sec. 22, N½, NW¼SW¼, N½SE¼, SE¼SE¼;  
 Sec. 23;  
 Sec. 25, N½;  
 Sec. 26;  
 Sec. 27, NE¼NE¼, S½NE¼, SW¼NW¼, S½;  
 Sec. 28, S½NE¼, NW¼, S½;  
 Sec. 29;  
 Secs. 31 to 35 inclusive.

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

a. Applications and selections under the nonmineral public land laws (except applications for Small Tracts), and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections,

A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana (insert number of tract), not to be opened until 10 a.m., c.s.t., April 28, 1964."

Official leasing maps in a set of 12, which contains the maps showing the tracts being offered for lease, can be purchased for one dollar per set from Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans, Louisiana, 70150, or Director, Bureau of Land Management, Washington, D.C., 20240. Copies of the lease agreement (Form 4-1255 (Sept. 1963)) also can be obtained from the above offices.

The tracts offered for bid are as follows:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1  
 (Approved June 8, 1954; Revised July 22, 1954)

West Cameron Area

Tract No.	Block	Description	Acreage
La-1660	17	SE¼ (portion in Zone 2). <sup>1</sup>	2,022
	48	N½ (portion in Zone 2). <sup>1</sup>	
La-1661	21	SW¼SW¼	625
	44	NW¼NW¼	
La-1662	46	E½NE¼	625
La-1663	67	W½W½NE¼; W½NW¼SE¼	468.75
La-1664	69	NE¼NE¼	312.50

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2  
 (Approved June 8, 1954)

East Cameron Area

La-1665	11	NW¼	1,250
La-1666	11	W½SW¼	625

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3  
 (Approved June 8, 1954; Revised June 25, 1954; Revised July 22, 1954)

Vermilion Area

La-1667	34	W½NW¼	625
La-1668	36	E½NE¼	625
La-1669	43	NW¼NW¼ (portion in Zone 2). <sup>1</sup>	10
La-1670	45	E½NE¼ (portion in Zone 2). <sup>1</sup>	521
La-1671	46	N½SW¼ (portion in Zone 2). <sup>1</sup>	42

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5  
 (Approved June 8, 1954)

Ship Shoal Area

La-1672	13	S½SE¼	625
La-1673	14	S½S½	1,250
La-1674	15	All (portion in Zone 2). <sup>1</sup>	1,355

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6  
 (Approved June 8, 1954; Revised July 22, 1954 and December 9, 1954)

South Timbalter Area

La-1675	26	N½NE¼	625
La-1676	28	NE¼	1,250

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8  
 (Approved June 8, 1954)

West Delta Area

La-1677	20	SE¼SW¼; S½SE¼	937.50
La-1678	22	E½ (portion in Zone 2). <sup>1</sup>	1,200

See footnotes at end of table.

Main Pass Area

Tract No.	Block	Description	Acreage
La-1679	6	SE¼SE¼ (portion in Zone 2). <sup>1</sup>	1,063
	91	SW¼ (portion in Zone 2). <sup>1</sup>	
La-1680	7	N½; N½S½ (portion in Zone 2). <sup>1</sup>	2,910.64
	92	NW¼	
La-1681	42	W½	2,497.28
La-1682	45	N½NW¼SE¼	156.08
La-1683	57	NW¼SE¼	2,497.28
La-1684	58	S½	2,497.28
La-1685	65	N½ (portion in Zone 2). <sup>1</sup>	2,447

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10  
 (Approved June 8, 1954; Revised July 22, 1954)

Breton Sound Area

La-1686	55	S½	2,497.28
La-1687	56	S½ (portion in Zone 2). <sup>1,2</sup>	2,468

<sup>1</sup> That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, October 12, 1956. Until final determination of the State boundary has been made, the acreage assigned to each tract will be considered administratively to be the acreage of that tract.

<sup>2</sup> The District Engineer, U.S. Army Engineering District, New Orleans, has advised that portions of these tracts are crossed by the Mississippi River-Gulf Outlet Fairway which must be maintained free of obstructions for shipping. However, exploration and development of areas underlying fairways may be undertaken by directional drilling from surface locations outside fairway boundaries. The District Engineer should be consulted for the location of this area and other fairways or anchorage areas, including prolongations thereof, involving tracts offered at this sale on which operational restrictions have been imposed.

Bidders are requested to submit their bids in the following form:

Manager, Bureau of Land Management  
 Department of the Interior  
 T-9003 Federal Office Building  
 New Orleans, Louisiana, 70150

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area \_\_\_\_\_  
 Official Leasing Map No \_\_\_\_\_  
 Tract No \_\_\_\_\_  
 Total Amount Bid \_\_\_\_\_  
 Amount Per Acre \_\_\_\_\_  
 Amount Submitted with Bid \_\_\_\_\_  
 \_\_\_\_\_  
 (Signature)  
 \_\_\_\_\_  
 (Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

CHARLES H. STODDARD,  
 Director,  
 Bureau of Land Management.

Approved:

JAMES K. CARR,  
 Under Secretary,  
 Department of the Interior.

[F.R. Doc. 64-1619; Filed, Feb. 25, 1964; 8:45 a.m.]

and offers will be considered as filed on the hour and respective dates shown on the various classes enumerated in the following paragraphs.

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

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 25, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

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

ROY T. HELMANDOLLAR,  
Manager.

[F.R. Doc. 64-1808; Filed, Feb. 25, 1964;  
8:47 a.m.]

[Group 379]

ARIZONA

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

FEBRUARY 18, 1964.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., March 25, 1964.

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 16 W.,  
Secs. 3 to 36 inclusive.

The areas described aggregate 21,800.54 acres of public land.

2. The lands described above vary from level to rolling hills. Most of the soil is sandy, gravelly and rocky.

3. NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 3 was classified by the former State Supervisor as unsuitable for disposal under the public land laws due to the fact that the lands have been determined to be contaminated by high explosives. Also, no use of these lands will be permitted which would require disturbance of the surface.

4. The Bureau of Reclamation made application for withdrawal for the Central Arizona Project for the following described lands which are, therefore, not open to entry:

Sec. 3,  
Sec. 4,  
Sec. 5,  
Sec. 6 E $\frac{1}{2}$ ,  
Sec. 8,  
Sec. 9.

Sec. 10,  
Sec. 11,  
Sec. 13,  
Sec. 14,  
Sec. 23 E $\frac{1}{2}$ ,  
Sec. 24,  
Sec. 25 N $\frac{1}{2}$ .

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

6. The following lands are opened to petition, application and selection, as outlined in paragraph 7 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

T. 7 N., R. 16 W.,  
Sec. 6 W $\frac{1}{2}$ ,  
Sec. 7,  
Sec. 12,  
Secs. 15 to 22 inclusive,  
Sec. 23 W $\frac{1}{2}$ ,  
Sec. 25 S $\frac{1}{2}$ ,  
Secs. 26 to 36 inclusive.

7. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 6 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

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

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

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 25, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

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

ROY T. HELMANDOLLAR,  
Manager.

[F.R. Doc. 64-1809; Filed, Feb. 25, 1964;  
8:47 a.m.]

[Group 379]

ARIZONA

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

FEBRUARY 18, 1964.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., March 25, 1964:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 13 W.,  
Secs. 1 to 4 inclusive;  
Secs. 8 to 36 inclusive.

The acres described aggregate 20,618.65 acres of public land.

2. The lands described above vary from level to rolling and mountainous. The soil is sandy, gravelly and rocky.

3. S $\frac{1}{2}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 14 were classified by the former State Supervisor, June 22, 1959, as unsuitable for disposal under the public land laws as it had been determined the lands have been contaminated by high explosives. Also, no use of the lands will be permitted which would require disturbance of the surface.

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

5. The following lands are opened to petition, application and selection, as outlined in paragraph 6 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

T. 7 N., R. 13 W.,  
Secs. 1 to 4 inclusive;  
Secs. 8 to 10 inclusive;  
Sec. 11 NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 12;  
Sec. 13;  
Sec. 14 NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Secs. 15 to 36 inclusive.

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

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

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

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 25, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

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

ROY T. HELMANDOLLAR,  
Manager.

[F.R. Doc. 64-1810; Filed, Feb. 25, 1964;  
8:47 a.m.]

[Group 338]

### ARIZONA

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

FEBRUARY 18, 1964.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., March 25, 1964:

##### GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 27 E.,  
Sec. 6, lot 4;  
Sec. 7, lots 3, 4, and 8, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, lots 1, 2, 3, 4, 5, and 6, N $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 9, lots 1, 2, 6, and 7, E $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 10;  
Sec. 11, lots 3 and 4, W $\frac{1}{2}$ SE $\frac{1}{4}$ , and W $\frac{1}{2}$ ;  
Sec. 13, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 14, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and SE $\frac{1}{4}$ ;  
Sec. 15;  
Sec. 22, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Secs. 23 and 24;  
Sec. 25, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and SW $\frac{1}{4}$ ;  
Sec. 26, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and SE $\frac{1}{4}$ .

The areas described aggregate 6,504.44 acres of public land.

2. The lands described vary from a nearly level to rolling and mountainous terrain strewn with boulders. The soil is mostly a gravelly, sandy clay lacking in humus.

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

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

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

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

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 25, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

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

ROY T. HELMANDOLLAR,  
Manager.

[F.R. Doc. 64-1811; Filed, Feb. 25, 1964;  
8:47 a.m.]

### ALASKA

#### Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

FEBRUARY 18, 1964.

1. A plat of survey for the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m. on March 25, 1964:

##### FAIRBANKS MERIDIAN

T. 5 S., R. 8 W.,  
Sec. 13, lots 1 to 4, inclusive, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ;  
Sec. 24, lots 1 to 4, inclusive, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ;  
Tract "A".

The areas described aggregate 5742.67 acres.

The lands are located approximately 96 miles southwest of Fairbanks, Alaska, and are traversed by the Nenana-McKinley Highway and the Alaska Railroad. The land is flat and nearly level, draining to the north, ranging from 375 to 425 feet in elevation. The soil is mostly poorly drained muskeg over permafrost in mixed sand and clay. Small to medium scattered spruce and tamarack cover most of the township, with large spruce and dense willow and alder along streams.

2. Subject to any existing valid rights and the requirements of applicable law,

the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

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

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

(2) All valid applications and selections under the nonmineral public land laws other than those coming under paragraph (1) above presented prior to 10:00 a.m. on June 24, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

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

4. Applications for these lands, which shall be filed in the Land Office, at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homestead laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

5. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska, 99701.

DANIEL A. JONES,  
Manager.

[F.R. Doc. 64-1795; Filed, Feb. 25, 1964;  
8:46 a.m.]

### ALASKA

#### Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

FEBRUARY 18, 1964.

1. A plat of survey for the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m. on March 25, 1964:

FAIRBANKS MERIDIAN

- T. 6 S., R. 8 W.,
- Sec. 1, lots 1 to 4, inclusive;
- Tract "A";
- Sec. 21, SW $\frac{1}{4}$ ;
- Sec. 24, lots 1 to 4, inclusive, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ;
- Sec. 25, lots 1 to 4, inclusive, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ;
- Sec. 28;
- Sec. 31, lots 1 to 4, inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Sec. 32;
- Sec. 33;
- Sec. 36, lots 1 to 4, inclusive, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ .

The areas described aggregate 18,-814.58 acres.

The lands are situated approximately 100 miles southwest of Fairbanks, Alaska, and are drained by the Seventeen-mile Slough, Lost Slough, Julius Creek and Glacier Creek. The Alaska Railroad traverses the township, and the Nenana-McKinley Highway traverses Sections 1, 25, and 36. The terrain consists of nearly level land sloping gently to the North, with elevation ranging from 425 to 500 feet. The land is generally marshy and unsuitable for agriculture. Soil is a peat-like muck overlying a mixture of silt and clay grading into coarse gravel. Timber consists of scattered small to medium spruce and tamarack.

2. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

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

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

(2) All valid applications and selections under the nonmineral public land laws other than those coming under Paragraph (1) above presented prior to 10:00 a.m. on June 24, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

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

4. Applications for these lands, which shall be filed in the Land Office, at Fairbanks, Alaska, shall be acted upon in accordance with the regulations con-

tained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

5. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska, 99701.

DANIEL A. JONES,  
Manager.

[F.R. Doc. 64-1796; Filed, Feb. 25, 1964; 8:46 a.m.]

[W-0266519]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 18, 1964.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 0266519, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands for flowage, construction, recreation, fishing and wildlife uses in connection with Yellowtail Reservoir, Yellowtail Unit, Lower Bighorn Division, Missouri River Basin Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2002 Capitol Avenue, Cheyenne, Wyoming.

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

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

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

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

- T. 55 N., R. 94 W.,
- Sec. 9, lots 2 and 3.
- T. 56 N., R. 94 W.,
- Sec. 4, lots 1, 4, 5, 6, 7, 53-A, 53-B, 53-C and 53-D;
- Sec. 9, lots 1 and 8;
- Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ ;
- Sec. 15, lot 1;
- Sec. 20, lot 4;
- Sec. 22, lots 1, 5 and 6.
- T. 57 N., R. 94 W.,
- Sec. 4, S $\frac{1}{2}$ ;
- Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 7, lots 3, 4, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 8, NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 9, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$ ;
- Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;
- Sec. 16, NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 19, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- Sec. 31, lots 1, 2 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;
- Sec. 34, lot 8 and E $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 58 N., R. 94 W.,
- Sec. 19, lots 1, 2, 7, 8, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;
- Sec. 30, E $\frac{1}{2}$ ;
- Sec. 31, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ ;
- Sec. 32, W $\frac{1}{2}$ W $\frac{1}{2}$ .
- T. 56 N., R. 95 W.,
- Sec. 2, lots 1 and 2;
- Sec. 3, lots 1 and 2.
- T. 57 N., R. 95 W.,
- Sec. 2;
- Sec. 3, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;
- Sec. 10, E $\frac{1}{2}$ ;
- Sec. 11;
- Sec. 12, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;
- Sec. 13;
- Sec. 14, E $\frac{1}{2}$  and NW $\frac{1}{4}$ ;
- Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$ .
- T. 58 N., R. 95 W.,
- Sec. 23, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 24, lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 34, NE $\frac{1}{4}$ ;
- Sec. 35, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ .

The areas described aggregate 10,792.69 acres.

BURTON W. SILCOCK,  
Acting State Director.

[F.R. Doc. 64-1797; Filed, Feb. 25, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

STATE OF UTAH DEPARTMENT OF FISH AND GAME

Notice of Filing of Petition Regarding Food Additive 2-Amino-5-Nitrothiazole

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 1328) has been filed by the State of Utah Department of Fish and Game, 1596 West North Temple, Salt Lake City 16, Utah, proposing the issuance of a regulation to provide for the safe use of 2-amino-5-nitrothiazole for the treatment of hexamitiasis in rainbow trout.

Dated: February 19, 1964.

MALCOLM R. STEPHENS,  
Assistant Commissioner  
for Regulations.

[F.R. Doc. 64-1825; Filed, Feb. 25, 1964;  
8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

### UNIVERSITY OF MICHIGAN

#### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 12, set forth below, to Facility License No. R-28. The license authorizes the Regents of the University of Michigan ("the licensee") to operate the Ford Nuclear Reactor ("the reactor") located on the University's campus at Ann Arbor, Michigan. The license amendment, as requested by the licensee's application dated January 10, 1964, authorizes the licensee to increase the maximum excess reactivity of the reactor from the present value of 0.0268 to a maximum value of 0.035 in order to permit routine operation of the reactor at the authorized power level of 2,000 kilowatts (thermal). The Commission has found that:

(1) Issuance of the amendment will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

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

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

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 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 license amendment, see (1) a copy of the application dated January 10, 1964, and

(2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, 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 item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 14th day of February 1964.

For the Atomic Energy Commission.

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

\* [License No. R-28; Amdt. No. 12]

Facility License No. R-28, as amended, which authorizes the Regents of the University of Michigan (hereinafter "the University") to operate the Ford Nuclear Reactor (hereinafter "the reactor") on the University's campus at Ann Arbor, Michigan, is hereby further amended in accordance with the license application amendment dated January 10, 1964.

Subparagraph 4.a.(6) of License No. R-28 is amended in its entirety to read as follows:

#### 4.a. Operating Restrictions

(6) The excess reactivity limitations for the reactor during operations both with and without a graphite reflector shall be as follows:

- (a) A maximum overall total of 0.035 above cold, clean critical;
- (b) A maximum total of 0.02 for all experiments; and
- (c) A maximum total of 0.012 for experiments on any one face of the reactor.

This amendment is effective as of the date of issuance.

Date of issuance: February 14, 1964.

For the Atomic Energy Commission.

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

[F.R. Doc. 64-1787; Filed, Feb. 25, 1964;  
8:46 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 14941 etc.]

### FRONTIER EXCURSION FARES CASE

#### Notice of Hearing

In the matter of excursion fares between Phoenix/Tucson and Salt Lake City proposed by Frontier Airlines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 19, 1964, at 10:00 a.m. (e.s.t.), in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report

served on February 10, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 18, 1964.

[SEAL] MILTON H. SHAPIRO,  
Hearing Examiner.

[F.R. Doc. 64-1799; Filed, Feb. 25, 1964;  
8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 64-142]

### PROCEDURE FOR CONSIDERING APPLICATIONS FOR FREQUENCY TO BE VACATED BY KRLA, PASADENA, CALIFORNIA

FEBRUARY 20, 1964.

On May 1, 1964, standard radio station KRLA, Pasadena, California, operating on 1110 kc will cease operation. The Commission will consider immediately new applications proposing to utilize the frequency of the deleted facility. Such applications, in order to receive consideration, must be accompanied either (1) by a showing of compliance with the provisions of the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 (See Note to § 1.571 of the Commission's rules), or (2) by a request for waiver of the criteria and a showing in support of such request for waiver.

Notice is hereby given that any application for this frequency, in order to be considered with any other application tendered for filing with which it involves a conflict necessitating a hearing, must be substantially complete and tendered for filing at the offices of this Commission in Washington, D.C. together with one of the showings mentioned above, by the close of business on March 31, 1964.

Any party in interest desiring to file pleadings pursuant to section 309(d) (1) of the Communications Act of 1934, concerning any applications accepted for filing under this notice is directed to § 1.589(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleading. Notwithstanding the provisions of § 1.580(i), petitions to deny may be filed no later than 30 days after issuance of a public notice of the acceptance for filing of any application or applications tendered pursuant to this notice.

Adopted: February 19, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-1843; Filed, Feb. 25, 1964;  
8:51 a.m.]

<sup>1</sup> Commissioners Lee and Cox dissenting; Commissioner Loevinger absent.

[Canadian List No. 184]

**ASSIGNMENT OF CANADIAN BROADCAST STATIONS**

**List of Changes, Proposed Changes and Corrections**

FEBRUARY 10, 1964.

Notification under the provisions of part III section 2 of the North American

Regional Broadcasting Agreement: List of changes, proposed changes and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

leged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated October 22, 1963, alleging violation of § 16.152(a) (now § 93.152 (a)) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 7, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of \$100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 18th day of February 1964, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and § 3.31(b) (8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested to licensee at his last known address of 2077 North Decatur Road, Decatur, Georgia.

Released: February 18, 1964.

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

[F.R. Doc. 64-1842; Filed, Feb. 25, 1964; 8:51 a.m.]

[Docket No. 15323-15325; FCC 64M-142]

**INTEGRATED COMMUNICATION SYSTEMS, INC., OF MASSACHUSETTS ET AL.**

**Order Continuing Prehearing Conference**

In re application of Integrated Communication Systems, Inc. of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325,

Call Letters	Location	Power	Antenna	Schedule	Class	Expected date of commencement of operation
CBT (now in operation on new frequency).	Grand Falls, Newfoundland.	540 Kc. 10 kw	ND	U	II	
CJET (now in operation with new daytime pattern).	Smiths Falls, Ontario	630 Kc. 1 kw	DA-2	U	III	
CHED (change in daytime pattern) (PO: 630 kc 10 kw DA-2).	Edmonton, Alberta	630 Kc. 10 kw	DA-2	U	III	2-15-65.
CBY (delete assignment—vide 990 kc).	Corner Brook, Newfoundland.	790 Kc. 1 kw	ND	U	III	
CIVI (change in site location) (PO: 900 kc 10 kw DA-1).	Victoria, British Columbia.	900 Kc. 10 kw	DA-1	U	II	2-15-65.
CKDH (PO: 1400 kc 0.25 kw ND).	Amherst, Nova Scotia	900 Kc. 1 kw	DA-N	U	II	2-15-65.
CBT (delete assignment—vide 540 kc).	Grand Falls, Newfoundland.	990 Kc. 1 kw	ND	U	II	
CBY (now in operation with increased power and change in frequency).	Corner Brook, Newfoundland.	1250 Kc. 10 kw	ND	U	II	
New (change in daytime pattern from that notified in List #181).	Steinbach, Manitoba	1340 Kc. 10 kw	DA-2	U	III	11-15-64.
CKOX (PO: 1340 kc 0.25 kw ND).	Woodstock, Ontario	1400 Kc. 1 kw D/0.25 kw N.	DA-D ND-N	U	IV	2-15-65.
CJFP (PO: 1400 kc 5 kw D/0.25 kw N ND).	Riviere du Loup, Province of Quebec.	1450 Kc. 10 kw D/0.25 kw N.	ND	U	IV	2-15-65.
CJBM (assignment of call letters—now in operation).	Causapsca, Province of Quebec.	1470 Kc. 1 kw D/0.25 kw N.	ND	U	IV	
CJQM (assignment of call letters—now in operation).	Winnipeg, Manitoba	1480 Kc. 5 kw	DA-1	U	III	
CBZ (assignment of call letters).	Fredericton, New Brunswick.	1600 Kc. 10 kw	DA-N	U	III	
New (change in location and mode of operation from that notified in List #181).	Duncan, British Columbia.	1 kw	DA-1	U	II	2-15-65.

FEDERAL COMMUNICATIONS COMMISSION,  
BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-1841; Filed, Feb. 25, 1964; 8:50 a.m.]

[SEAL]

[Docket No. 15340]

**DEKALB TAXICAB CO.**

**Order To Show Cause**

In the matter of John T. Fichter and John T. Fichter, Jr d/b as Dekalb Taxicab Company, Decatur, Georgia, Docket

No. 15340; order to show cause why there should not be revoked the license for Radio Station KIX-917 in the Taxicab Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain al-

File No. BPCT-3277; for construction permits for new television broadcast stations.

Various parties to this proceeding have conflicting commitments for February 26. Accordingly, it is ordered, This 18th day of February 1964, that the prehearing conference now set for February 26 is rescheduled to March 13, 1964, at 10:00 a.m.

Released: February 19, 1964.

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

[F.R. Doc. 64-1845; Filed, Feb. 25, 1964;  
8:51 a.m.]

[Docket No. 15135; FCC 64M-144]

### RAUL SANTIAGO ROMAN

#### Order After Further Prehearing Conference

In re application of Raul Santiago Roman, Vega Baja, Puerto Rico, Docket No. 15135, File No. BP-15145; for construction permit.

The Hearing Examiner having under consideration the proceedings during further prehearing conference in the above-entitled proceeding, held February 19, 1964:

It is ordered, This 19th day of February 1964, that a further hearing, limited to the issue added by Memorandum Opinion and Order of the Review Board, released February 11, 1964, (FCC 64R-70), is hereby scheduled to commence at 10 a.m., Friday, March 6, 1964, at the Commission's offices, Washington, D.C.

Released: February 19, 1964.

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

[F.R. Doc. 64-1846; Filed, Feb. 25, 1964;  
8:51 a.m.]

## FEDERAL MARITIME COMMISSION

### MEMBERS OF ADRIATIC/NORTH ATLANTIC FREIGHT POOL

#### 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 9060-1 between American Export Lines, Inc. and Jugoslavenska Linijaska Plovidba, both members of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (Agreement 2846, as amended), modifies the basic Adriatic North Atlantic Range Freight Pool Agreement 9060 to provide (1) for dollar increases in loading charges at Venice and in discharging expenses at the ports of New York, Boston, Philadelphia and Baltimore, and (2) for readjustment for the 1964 pool period of the basic pool percentages allotted to the parties.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign 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 such hearing be desired.

Dated: February 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 64-1813; Filed, Feb. 25, 1964;  
8:47 a.m.]

### COMPAGNIE GENERALE TRANS-ATLANTIQUE (FRENCH LINE) AND UNITED STATES LINES CO.

#### 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 9307 between Compagnie Generale Transatlantique (French Line) and United States Lines Company, provides for the appointment by Compagnie Generale Transatlantique (French Line) of United States Lines Company as its general passenger agent in the Province of Ontario, Canada which appointment United States Lines Company accepts with respect to the vessels designated and operated by Compagnie Generale Transatlantique (French Line) in its various services. The agreement also provides the rates of compensation to be paid by Compagnie Generale Transatlantique (French Line) to United States Lines Company for the performance of the services described in the agreement.

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 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 such hearing be desired.

Dated: February 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 64-1814; Filed, Feb. 25, 1964;  
8:47 a.m.]

### MATSON NAVIGATION COMPANY AND AMERICAN PRESIDENT LINES, LTD.

#### 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 9308 between Matson Navigation Company and American President Lines, Ltd., provides for the appointment by Matson Navigation Company of American President Lines, Ltd., as its general passenger agent in Japan, Hong Kong, The Philippines, and Malaysia, which appointment American President Lines, Ltd., accepts, with respect to the vessels designated and operated by Matson Navigation Company in its various services. The agreement also provides the rates of compensation to be paid by Matson Navigation Company to American President Lines, Ltd., for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, 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, D.C., 20573, 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: February 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 64-1815; Filed, Feb. 25, 1964;  
8:47 a.m.]

### TRIANGLE FORWARDING CORP.

#### 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, cooperative 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.

Triangle Forwarding Corp., New York, New York, is party to the following

agreements, the terms of which are identical. The other parties are:

- Pistorino & Co., Inc., Boston, Mass. FF-1331
- J. K. Eberwein, Savannah, Ga. FF-1332
- Chiarella & Grimes Forwarding Co., San Francisco, Calif. FF-1333
- Paul Sustek Co., Philadelphia, Pa. FF-1333

Paul A. Boulo, Mobile, Alabama, is party to the following agreements, the terms of which are identical. The other parties are:

- Dyson Shipping Co., Inc., New York, N.Y. FF-1334
- Meyer Shipping Co., New York, N.Y. FF-1335
- Arthur J. Fritz & Co., San Francisco, Calif. FF-1336

York Shipping Corp., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

- Samuel Shapiro & Co., Inc., Baltimore, Md. FF-1337
- Norton & Ellis, Inc., Norfolk, Va. FF-1338

Norton & Ellis of New York, Inc., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

- Norton & Ellis, Inc., Norfolk, Va. FF-1357
- B. R. Anderson & Co., Seattle, Wash. FF-1358

Inter-Maritime Forwarding Co., Inc., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

- Palmetto Shipping Co., Inc., Charleston, S.C. FF-1360
- Smith & Kelly Co., Savannah, Ga. FF-1361

Air-Sea Forwarders, Inc., Los Angeles, California, is party to the following agreements, the terms of which are identical. The other parties are:

- Skyline Shipping Corp., New York, N.Y. FF-1369
- Terra-Marine Shipping Co., San Francisco, Calif. FF-1370
- Pistorino & Co., Inc., Boston, Mass. FF-1371

Fillette, Green & Co. of Tampa, Tampa, Florida, is party to the following agreements, the terms of which are identical. The other parties are:

- Foreign Shipping Service Co., Inc., New York, N.Y. FF-1380
- Nordstrom Freightling Corp., New York, N.Y. FF-1381
- Mohegan International Corp., New York, N.Y. FF-1389

The following agreements have similar terms:

- Buchholz & Kuttruff, Inc. New Orleans, La., and Carmichael Forwarding Service, Los Angeles, Calif. FF-1307
- Wolf & Gerber, Inc., New York, N.Y., and Pistorino & Co., Inc., Boston, Mass. FF-1341
- Wolf & Gerber, Inc., New York, N.Y., and H. E. Schurig & Co., Inc., Beaumont, Tex. FF-1329
- Heensoth-Kerner Corporation, New York, N.Y., and H. E. Schurig & Co., Galveston, Tex. FF-1330
- J. Berns, New York, New York, and John J. Moylan & Co., Los Angeles, Calif. FF-1339
- Dunnington & Arnold, Inc., New York, N.Y., and W. R. Zanes & Co. of La., Inc., New Orleans, La. FF-1340

- John S. James, Savannah, Ga., and J. R. Willever, Inc., Jersey City, N.J. FF-1344
- Penson & Co., New York, N.Y., and branch offices, and James A. Green, Jr. & Co., Kansas City, Mo. FF-1346
- Daniel F. Young, Inc., New York, N.Y., and H. E. Schurig & Co. of La., New Orleans, La. FF-1348
- H. E. Schurig & Co., Inc., Houston, Tex., and Rue Forwarding Co., New York, N.Y. FF-1349
- William H. Masson, Inc., Baltimore, Md., and James A. Green, Jr. & Co., Kansas City, Mo. FF-1351
- Fred P. Gaskell Co., Inc., New York, N.Y., and B. A. McKenzie & Co., Tacoma, Wash. FF-1352
- Carson M. Simon & Co., Philadelphia, Pa., and Fred P. Gaskell Co., Inc., New York, N.Y. FF-1353
- Samuel Shapiro & Co., Inc., Baltimore, Md., and A. F. Burstrom & Son, Inc., Detroit, Mich. FF-1359
- Universal Transcontinental Corp., New York, N.Y., and Anderson Shipping Co., Savannah, Ga. FF-1362
- Gulf Florida Terminal Co., Tampa, Fla., and Nordstrom Freightling Corp., New York, N.Y. FF-1366
- Stone Forwarding Co., Inc., Galveston, Houston, and Corpus Christi, Tex., and Jay International, Inc., Philadelphia, Pa. FF-1367
- R. F. Downing & Co., Inc., New York, N.Y., and Geo. William Rueff, Inc., New Orleans, La. FF-1368
- W. J. Byrnes & Co. of New York, Inc., New York, N.Y., and E. Sidney Stockwell Co., Inc., Boston, Mass. FF-1379
- Alberto Scott & Co., Inc., San Francisco, Calif., and W. D. Wall Traffic Service, San Jose, Calif. FF-1383
- J. P. Harle Forwarding Co., Houston, Tex., and John S. Connor, Inc., Baltimore, Md. FF-1390
- Premier Shipping Co., Inc., New York, N.Y., and Coastal Forwarders, Charleston, S.C. FF-1392
- Express Forwarding & Storage Co., Inc., New York, N.Y., and Footner & Co., Inc., Baltimore, Md. FF-1394
- Nolan Shipping Co., New Orleans, La., and Westland & Co., Inc. of San Francisco, San Francisco, Calif. FF-1395
- Seaport Shipping Co. (Seattle), Seattle, Wash., and George Ager Shipping Co., New York, N.Y. FF-1397

Agreement No. FF-774 between Hudson Shipping Co., Inc., New York, New York, and Thornley & Pitt, Inc., San Francisco, California, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be retained by Hudson Shipping Co., Inc.

Agreement No. FF-1342 between C. S. Green & Co., Inc., Chicago, Illinois, and T. D. Downing Co., Boston, Massachusetts, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1343 between C. S. Greene & Co., Inc., Chicago, Illinois, and John H. Faunce, Inc., Philadelphia, Pennsylvania, is an arrangement whereunder forwarding and service fees will be \$7.50 per shipment. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1345 between Penson & Co., New York, New York, and

Palmetto Shipping Co., Inc., Charleston, South Carolina, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be retained by the originating forwarder.

Agreement No. FF-1347 between Penson & Co., New York, New York, and Smith & Kelly Company, Savannah, Georgia, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be retained by the originating forwarder.

Agreement No. FF-1350 between Rue Forwarding Co., New York, New York, and Edmond Loeliger, Inc., New Orleans, Louisiana, is an arrangement whereunder Edmond Loeliger, Inc., may complete forwarding work for Rue Forwarding Co. Forwarding and service fees are subject to agreement. Ocean freight compensation will be divided equally.

Agreement No. FF-1354 between Win-Mar, Inc., New Orleans, Louisiana, and Seaway Forwarding Co., Cleveland, Ohio, is an arrangement whereunder forwarding and service fees will be divided: 75 percent for Win-Mar, Inc. and 25 percent for Seaway Forwarding Co. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1355 between Pan American Forwarders, Inc., New York, New York, and H. P. Lambert Co., Inc., New Orleans, Louisiana, is an arrangement whereunder forwarding and service fees will be retained by the party performing the service. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1356 between Pan American Forwarders, Inc., New York, New York, and N. D. Cunningham & Co., Inc., Mobile, Alabama, is an arrangement whereunder forwarding and service fees will be retained by the party performing the service. Ocean freight compensation will be divided one-third to N. D. Cunningham & Co., Inc., and two-thirds to Pan American Forwarders, Inc.

Agreement No. FF-1363 between Coastal Forwarders, Charleston, South Carolina, and M. J. Corbett & Co., Inc., New York, New York, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be retained by the originating forwarder.

Agreement No. FF-1328 between Terramar Shipping Co., Inc., New York, New York, and Mattoon & Co., New Orleans, Louisiana, is an arrangement whereunder Mattoon & Co. will perform the forwarding function and receive \$5.50 per shipment and one-half of the ocean freight compensation. Also, Terramar Shipping Co. will reimburse Mattoon & Co. for any and all cash outlays on such shipments.

Agreement No. FF-1382 between Trio Shipping Co., New York, New York, and PAFCO Forwarders, Inc., Miami, Florida, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1396 between Lusk Shipping Co., Inc., New Orleans, Louisiana, and Robert M. McCoy, Jacksonville,

## SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1663]

### SOUTHEASTERN PENNSYLVANIA DEVELOPMENT FUND

#### Notice of Filing of Application for Order

FEBRUARY 19, 1964.

Florida, is an arrangement whereunder all forwarding work accomplished by Lusk Shipping Co., Inc. for Robert M. McCoy will be on the basis of earning 100 percent of the fee. In turn, Robert M. McCoy agrees to accomplish like services for Lusk Shipping Co., Inc. earning 100 percent of the fee. Ocean freight compensation will be divided equally (50 percent/50 percent).

Sunshine Forwarders, Inc., Jacksonville, Florida, is party to the following agreements, the terms of which are identical and provide that the ocean freight compensation will be divided equally (50 percent/50 percent). Forwarding and service fees will be as follows:

Bermuda and Nassau:	\$2.50.
All other countries:	
To pass completed export declarations	\$1.25
To pass completed bills of lading	\$1.25
To prepare or complete and pass export declarations	\$2.50
To prepare or complete and pass bills of lading	\$2.50
Preparation of Consul documents	\$5.00
Consular documents (at cost)	
Telephone calls, teletypes or telegrams (at cost)	

The other parties are:

International Shipping Corp., Miami, Fla.	FF-1364
Acco Foreign Shipping, Inc., Miami, Fla.	FF-1365
J. D. Smith Inter-Ocean, Inc., New York, N.Y.	FF-1372
Traeger Shipping Corp., Miami, Fla.	FF-1373
Export-Import Services, Inc., New York, N.Y.	FF-1374
Triangle Forwarding Corp., New York, N.Y.	FF-1375
Alliance Shipping Co., Inc., New York, N.Y.	FF-1384
Cavalier Shipping Co., Inc., Norfolk, Va.	FF-1385
Florida International Forwarders, Miami, Fla.	FF-1386
Fillette, Green & Co., Inc., Pensacola, Fla.	FF-1387
Leyden Shipping Corp., New York, N.Y.	FF-1388
A. E. Nydegger & Co., Inc., New York, N.Y.	FF-1398

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, New York, 10006.  
180 New Montgomery Street, San Francisco, California, 94105.

Federal Office Building South, 600 South Street—Room 835 (Post Office Box 30550), New Orleans, Louisiana, 70130.

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: February 20, 1964.

By the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[P.R. Doc. 64-1816; Filed, Feb. 25, 1964; 8:47 a.m.]

Notice is hereby given that Southeastern Pennsylvania Development Fund ("Development Fund"), Philadelphia, Pennsylvania, a Pennsylvania corporation organized under the Pennsylvania Business Development Credit Corporation Law has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") and requests an order that for the purpose of section 3(c)(1) of the Act beneficial ownership by a company, other than a registered investment company, owning ten per centum or more of the outstanding voting securities of Development Fund shall be deemed to be beneficial ownership by one person if and so long as the value of all securities of Development Fund owned by such company does not exceed five per centum of the value of its total assets.

Development Fund represents that the Pennsylvania Development Credit Corporation Law has as its purpose, as part of an overall program, the encouragement of the location of new business in Pennsylvania and the expansion of existing business. The primary purpose of Development Fund is to provide money and credit to new and existing businesses in the Southeastern Pennsylvania area, comprising Philadelphia, Bucks, Chester, Delaware, and Montgomery counties, by means of secured or unsecured loans or advances to, or by the purchase of equity securities of, businesses unable to obtain desired financial assistance from financial institutions in the region.

The authorized capital of Development Fund is \$1,500,000 represented by 150,000 shares of capital stock with a par value of \$10 per share, which is to be sold to business organizations in the region. Development Fund will also obtain funds through term loans from financial institutions in the region pursuant to loan commitments, as contemplated by the Pennsylvania Business Development Credit Corporation Law. The offering of capital stock and the solicitation of lending agreements will be made to not more than 100 business organizations and financial institutions in the region. Development Fund represents in its application that the business organizations and financial institutions who will purchase such securities are sophisticated in security matters and will purchase the securities for investment only. Under the provisions of the Pennsylvania Business Development Credit Corporation Law, six of the fifteen members of the Board of Directors of Development Fund are elected by the shareholders, eight members by the financial institutions who are parties to loan agreements (with each such financial institution being

given one vote for each \$1,000 of loan obligation under its lending agreement with Development Fund), and the remaining Director is ex officio the Secretary of Commerce of the Commonwealth of Pennsylvania.

Development Fund anticipates that Philadelphia Electric Company will purchase \$500,000 of Development Fund's common stock and thus would own one-third of its authorized capital stock. Development Fund also represents that it is possible that from time to time in the future other business organizations, through purchase of common stock or through loans made pursuant to lending agreements by financial institutions, would own 10% or more of its outstanding voting securities.

Section 3(c)(1) excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. Beneficial ownership by a company is deemed to be beneficial ownership by one person except that if such company owns 10 per cent or more of the outstanding voting securities of the issuer, the beneficial ownership is deemed to be that of the holders of such company's outstanding securities.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Development Fund represents it will serve a function similar to that of small business investment companies and that the exemption requested would extend to it the definition of beneficial ownership which has been made available to small business investment companies through the adoption by the Commission of Rule 3c-2.

Notice is further given that any interested person may, not later than March 5, 1964, 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 should 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. 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 said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon

the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 64-1788; Filed, Feb. 25, 1964;  
8:46 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. AR64-1 etc.]

### AREA RATE PROCEEDING ET AL.

#### Order Permitting Withdrawal of Suspended Increased Rate, Severing and Terminating Proceeding

FEBRUARY 18, 1964.

Area Rate Proceeding, Docket No. AR64-1; Richome Oil Company (operator), et al., Docket No. G-18165<sup>1</sup>.

On March 3, 1959, Richome Oil Company (Operator), et al. (Richome) tendered for filing Supplement No. 10 to its FPC Gas Rate Schedule No. 1, proposing an increased rate to 12.17 cents per Mcf for its jurisdictional sales of natural gas to Colorado Interstate Gas Company from the West Panhandle Field, Moore County, Texas (Texas Railroad District No. 10). By order issued April 1, 1959, the Commission suspended the proposed increased rate until September 3, 1959. The suspended rate has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On January 14, 1964, Richome tendered for filing a proposed renegotiated rate increase from 9.0 cents to 11.0 cents per Mcf (amounting to \$3,099 annually) for its jurisdictional sales of natural gas to Colorado Interstate Gas Company. Said filing has been designated as Supplement No. 14, to Richome's FPC Gas Rate Schedule No. 1 and accepted effective as of February 14, 1964. The 11 cents per Mcf rate supersedes the 12.17 cents per Mcf rate suspended in Docket No. G-18615. Accordingly, the proceeding in Docket No. G-18165 should be terminated.

The Commission finds: Good cause exists for considering Richome's above-designated suspended supplement to be withdrawn, for severing the proceeding in Docket No. G-18165 from the consolidated area rate proceeding in Docket No. AR64-1, and for terminating the proceeding in Docket No. G-18165.

The Commission orders:

(A) Supplement No. 10 to Richome's FPC Gas Rate Schedule No. 1 suspended in Docket No. G-18165 is considered to be withdrawn.

(B) The proceeding in Docket No. G-18165 is hereby severed from the consolidated area rate proceeding in Docket No. AR64-1.

<sup>1</sup> Docket No. G-18165 was consolidated with the Area Rate Proceeding (Hugoton-Anadarko Area) Docket No. AR64-1, by order issued on Nov. 27, 1963.

(C) The proceeding in Docket No. G-18165 is hereby terminated as moot.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-1789; Filed, Feb. 25, 1964;  
8:46 a.m.]

[Docket No. E-7090]

### ARKANSAS POWER & LIGHT CO.

#### Notice of Postponement of Hearing

FEBRUARY 18, 1964.

Upon consideration of the Motion for Postponement of Hearing filed on February 7, 1964 by Commission Staff Counsel in the above-designated matter, and the statement filed on February 13, 1964 by counsel for Arkansas Power & Light Company relating that the latter company and the Arkansas Public Service Commission have no objection to the granting thereof;

Notice is hereby given that the hearing in the above-designated matter presently scheduled to commence at 10:00 a.m. on February 20, 1964, is postponed to April 21, 1964.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-1790; Filed, Feb. 25, 1964;  
8:46 a.m.]

[Docket No. E-6515]

### DETROIT EDISON CO.

#### Notice of Application

FEBRUARY 18, 1964.

Take notice that on February 14, 1964, the Detroit Edison Company (Applicant), incorporated under the laws of the State of New York and authorized to do business in the State of Michigan, with its principal place of business at Detroit, Michigan, filed an application for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount of electric energy which Applicant is presently authorized to transmit from the United States to Canada, over overhead interconnecting transmission lines crossing the St. Clair River between Marysville, Michigan and Sarnia, Ontario.

By Commission order issued December 17, 1956, in the above docket, Applicant was authorized to transmit to the Hydro-Electric Power Commission of Ontario (Hydro) a maximum of 500,000,000 kilowatt hours of electric energy per year at a rate not to exceed 315,000 kva. Applicant presently seeks authorization to increase to 1,000,000,000 kilowatt-hours the maximum amount of electric to be exported to Hydro annually at a maximum transmission rate of not to exceed 600,000 kva. All energy to be transmitted including the additional energy requested will be surplus energy, the amount being variable depending upon the load requirements of the customers of Hydro and on the surplus available on Applicant's system.

Any person desiring to be heard or to make any protest with reference to the

application should on or before March 10, 1964 file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-1791; Filed, Feb. 25, 1964;  
8:46 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration No. 1]

### SMOKED FISH FROM GREAT LAKES AREA

#### Diseased Products Disaster

Whereas, many small business firms are engaged in catching, processing and selling fish from the Great Lakes area; and

Whereas, the Food and Drug Administration on October 25, 1963, issued a statement warning the public of botulism in smoked fish from the Great Lakes area; and this warning was followed by a drastic reduction in consumption resulting in substantial economic injury to the Great Lakes fishing industry and to processors, distributors and retailers of smoked fish from the Great Lakes area; and

Whereas, the cause of the botulism was not known;

Now, therefore, as Administrator of the Small Business Administration, I hereby declare that the foregoing circumstances constitute a disaster within the meaning of section 7(b)(4) (Pub. Law 88-264) of the Small Business Act, as amended. Applications for disaster assistance will be received from small business concerns which have suffered substantial economic injury as a result thereof. Financial assistance, if found to be necessary or appropriate, will be extended to small business concerns determined by Small Business Administration to have suffered substantial economic injury as a result of this disaster. No applications under this Declaration shall be accepted subsequent to August 31, 1964.

EUGENE P. FOLEY,  
Administrator.

FEBRUARY 6, 1964.

[F.R. Doc. 64-1788; Filed, Feb. 25, 1964;  
8:46 a.m.]

## TARIFF COMMISSION

[AA1921-37]

### VITAL WHEAT GLUTEN FROM CANADA

#### Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on February

19, 1964, ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to vital wheat gluten from Canada. Notice of the institution of this investigation was published in the FEDERAL REGISTER on February 7, 1964 (29 F.R. 1860).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., at 10 a.m., e.s.t., on March 31, 1964. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Because of the limited time available, oral presentations of interested parties and the questioning of witnesses may be limited as conditions necessitate.

Issued February 20, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,  
Secretary.

[F.R. Doc. 64-1802; Filed, Feb. 25, 1964;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 293]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 20, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

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

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

#### MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 68), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio, 44309, filed February 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 22 and Pennsylvania Highway 17 over Pennsylvania Highway 17 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. High-

way 22, 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. Highway 22 and Pennsylvania Highway 17 over U.S. Highway 22, to junction U.S. Highway 11 and return over the same route.

No. MC 29555 (Deviation No. 6) BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul 13, Minn., filed January 20, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Chicago, Ill., over Interstate Highway 80 to Omaha, Nebr., 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 Omaha over U.S. Highway 6 to junction Illinois Highway 92, thence over Illinois Highway 92 via Silvis, Ill., to junction U.S. Highway 34, thence over U.S. Highway 34, to Chicago, and return over the same route.

No. MC 29910 (Deviation No. 6), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark., filed February 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 61 and Interstate Highway 40 approximately 1 mile north of West Memphis, Ark., thence over Interstate Highway 40 to Little Rock, Ark., 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: between West Memphis, and Little Rock, Ark., over U.S. Highway 70.

No. MC 30204 (Deviation No. 7), HEMINGWAY TRANSPORT, INC., 438 Darmouth Street, New Bedford, Mass., filed February 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: from junction Delaware Memorial Bridge and U.S. Highway 40 in Delaware, over bypass connection to Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md., 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 Richmond, Va., over U.S. Highway 1 via Baltimore to New York, N.Y. (also from Baltimore, over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, also from Baltimore over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York), and return over the same route.

No. MC 59488 (Deviation No. 3), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street,

Tyler, Tex., filed February 13, 1964. Attorney: Lloyd M. Roach, same address. 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 61, 70 and Interstate Highway 55 in Arkansas over Interstate Highway 55 to junction U.S. Highway 61, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Memphis, Tenn., over U.S. Highway 61 to Blytheville, Ark., and return over the same route.

No. MC 65580 (Deviation No. 2), MUSHROOM TRANSPORTATION COMPANY, INC., 6921 Castor Avenue, Philadelphia, Pa., filed February 10, 1964. Representative: Joseph F. Cassidy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation routes as follows: from Baltimore, Md., over Interstate Highway 95 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over Pennsylvania Highway 43 (Schuylkill Expressway) to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction Pennsylvania Turnpike Northeast Extension, thence over Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 34, thence over New York Highway 34 to junction Interstate Highway 90 (New York Thruway), thence over Interstate Highway 90 to Buffalo, N.Y., 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 Baltimore over U.S. Highway 1 to Philadelphia, thence over U.S. Highway 309 to Wilkes-Barre, Pa., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 5 to Elbridge, N.Y., thence over New York Highway 31-C to Jordan, N.Y., thence over New York Highway 31 to Rochester, N.Y., thence over New York Highway 33 via Batavia, N.Y., to Buffalo (also from Syracuse over New York Highway 5 to Batavia, and thence to Buffalo as specified above), and return over the same routes.

No. MC 69116 (Deviation No. 20), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed February 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Detroit, Mich., over Interstate Highway 94 to Port Huron, Mich., 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 Detroit over U.S. Highway 25 to Port Huron, and return over the same route.

No. MC 75320 (Deviation No. 19), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Mo., filed February 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction Interstate Highway 40 and U.S. Highway 61 approximately 1 mile north of West Memphis, Ark., over Interstate Highway 40 to Little Rock, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service as follows: from Memphis over U.S. Highway 70 to Little Rock, and return over the same route.

No. MC 110191 (Deviation No. 2) TURNERS EXPRESS, INCORPORATION, 1300 Shelton Avenue, Norfolk, Va., filed January 29, 1964. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction Delaware Memorial Bridge and U.S. Highway 40 in Delaware over bypass connection to Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Baltimore, over U.S. Highway 40 to junction U.S. Highway 13, and return over the same route.

No. MC 111231 (Deviation No. 21), JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark., filed February 7, 1964. Representative: B. J. Wiseman, Springdale, Ark. 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 Interstate Highway 40 and U.S. Highway 61, approximately 1 mile north of West Memphis, Ark., over Interstate Highway 40 to Little Rock, Ark., 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: between West Memphis, and Little Rock, Ark., over U.S. Highway 70.

#### MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 160), GREYHOUND LINES, INC. (Eastern Greyhound Lines), 1400 West Third Street, Cleveland, Ohio, 44113, filed February 10, 1964. Applicant proposed to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (A) from Richmond, Va., over Interstate Highway 95 to junction U.S. Highway 1, approximately 3 miles south of Fredericksburg, Va., (B) from junction Interstate Highway 95 and Virginia Highway 54 over Virginia Highway 54 to Ashland, Va., and (C) from junction Interstate Highway 95 and Virginia Highway 207 over Virginia Highway 207 (previously authorized) to Carmel Church, Va., and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: from Washington, D.C., over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 460 to Suffolk, Va., thence over U.S. Highway 58 to Norfolk, Va.; from Lee Hall, Va., over U.S. Highway 60 to junction Virginia Highway 174, thence over Virginia Highway 174 to junction Virginia Highway 238, thence return over Virginia Highway 174 to junction U.S. Highway 60, thence over U.S. Highway 60 to Richmond, and thence over U.S. Highway 360 to Brays, Va.; from Tappahannock, Va., over U.S. Highway 17 to Fredericksburg; from Richmond over Virginia Highway 5 to junction Virginia Highway 31, thence over Virginia Highway 31 to Williamsburg, Va., thence over Colonial Highway (formerly National Highway) to Yorktown, Va., thence over U.S. Highway 17 to junction Virginia Highway 168; from Fredericksburg over Alternate U.S. Highway 1 to Four Mile Fork, Va.; and from junction U.S. Highway 1 and Virginia Highway 207 over Virginia Highway 207 to junction 301, thence over U.S. Highway 301 to junction U.S. Highway 17, at or near Port Royal, Va., and return over the same routes.

No. MC 1515 (Deviation No. 161) (cancelling Deviation Nos. 88 and 107, GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed February 7, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (A) from junction U.S. Highway 11 and Interstate Highway 59, one-half mile south of Nicholson, Miss., over Interstate Highway 59 to junction U.S. Highway 11, one-half mile north of Pearl River, La., (B) from Laurel, Miss. over Interstate Highway 59 to junction U.S. Highway 11, immediately south of Hattiesburg, Miss., (C) from junction U.S. Highway 49 and Interstate Highway 59 over U.S. Highway 49 to Hattiesburg, (D) from junction U.S. Highway 98 and Interstate Highway 59 over U.S. Highway 98 to Hattiesburg, and (E) from Meridian, Miss. over Interstate Highway 59 to junction U.S. Highway 11, near Toomsaba, Miss., 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 Birmingham, Ala. over U.S. Highway 11 via Bucksville and Box Springs, Ala., to New Orleans, La., and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 64-1820; Filed, Feb. 25, 1964;  
8:48 a.m.]

[Notice No. 603]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 20, 1964.

Section A. The following publications are governed by the new Special Rule

1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

All hearings and 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

##### SECTION A—MOTOR CARRIERS OF PROPERTY

No. MC 31600 (Sub-No. 561), filed February 7, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 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: *Liquid synthetic latex*, in bulk, in tank vehicles, from the plant site of B. F. Goodrich Chemical Co., located at Avon Lake, Ohio, to points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 117119 (Sub-No. 140), filed February 18, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: March 31, 1964, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner James O'D. Moran.

##### SECTION B—MOTOR CARRIERS OF PROPERTY

No. MC 2232 (Sub-No. 6), filed December 23, 1963. Applicant: CREGER FREIGHT LINES, INC., Union Landing Road, Riverton, N.J. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk,

commodities requiring special equipment, and those injurious or contaminating to other lading), between Philadelphia, Pa., and Bristol, Pa.: (1) from Philadelphia, over connecting bridges to Camden, N.J., thence over U.S. Highway 130 to Burlington, N.J., thence over the Burlington-Bristol Bridge to Bristol, Pa., and return over the same route serving no intermediate points, and (2) from Philadelphia, over U.S. Highway 13 to Bristol and return over the same route, serving no intermediate points.

**HEARING:** April 2, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lacy W. Hinely.

No. MC 10169 (Sub-No. 2), filed June 18, 1963. Applicant: HATCHER TRUCKING COMPANY, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, Shenandoah Building, Suite 300, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Roanoke, Va., and Kenova, W. Va., from Roanoke, over U.S. Highways 11 and 460 to Radford, Va., thence over U.S. Highway 100 to U.S. Highway 219, to the West Virginia turnpike, thence over the West Virginia turnpike to Charleston, W. Va., thence over U.S. Highway 60 to Kenova, thence over U.S. Highway 60 to U.S. Highway 23, thence over U.S. Highway 23 to Ashland, Ky., thence over U.S. Highway 52 to Ironton, Ohio, thence over U.S. Highway 52 to Portsmouth, Ohio, and return over the same routes, serving all intermediate points and off-route points within 5 miles of Roanoke, and the off-route points of Bluefield, Princeton, Madison, Iaeger, Bradshaw, Coalwood, War, Welch, Gary, Pageton, Logan, and Williamson, W. Va.

**NOTE:** Applicant states it "agrees that all irregular routes in West Virginia now held by applicant and which duplicate the regular route rights and off-route points sought herein may be canceled upon the final granting of the certificate of the foregoing regular route and off-route points."

**HEARING:** April 20, 1964, at the U.S. Courtrooms, Huntington, W. Va., before Examiner Alton R. Smith.

No. MC 10655 (Sub-No. 8), filed November 6, 1963. Applicant: ROETHLISBERGER TRANSFER COMPANY, a corporation, Mohican Street, Shelby, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between Shelby, Ohio, on the one hand, and on the other, Akron, Cincinnati, Cleveland, Columbus, Dayton, East Liverpool, Mansfield, West Richfield, Youngstown, and Zanesville, Ohio.

**HEARING:** April 10, 1964, at the New Post Office Building, Columbus, Ohio,

before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 13245 (Sub-No. 3), filed December 4, 1963. Applicant: EDWARD ZURCHER CO., INC., 707 Pitt Street, Pittsburgh 21, Pa. Applicant's attorney: Jerome Solomon, 1325 Grant Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between Pittsburgh, Pa., and points in Pennsylvania within fifty (50) miles of Pittsburgh, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 50, and those in Ohio on and east of U.S. Highway 23.

**HEARING:** April 9, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 18535 (Sub-No. 35) (REPUBLICATION), filed November 26, 1962, published in FEDERAL REGISTER issue of January 23, 1963, and republished in this issue. Applicant: O. ALEX HICKLIN, doing business as HICKLIN MOTOR LINE, St. Matthews, S.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. By application filed November 26, 1962, applicant seeks authority to operate in interstate or foreign commerce, as a common carrier by motor vehicle, transporting lumber, native wood and veneer, rough dressed or precut, from points in Orangeburg County, S.C., to points in Virginia and Georgia, and Charleston, S.C. The application was referred to Hearing Examiner Schneider for hearing, which was held on July 22, 1963. A Report and Order was served August 20, 1963. Exceptions to the examiner's report and recommended order were filed by protestants, and applicant replied. A Report of the Commission, served February 17, 1964 finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, of lumber (except veneer), native wood, rough, dressed or precut, from points in Orangeburg, S.C., to points in Georgia (except Savannah and Port Wentworth, Ga., which applicant is already authorized to serve); that applicant is fit, willing and able properly to perform such service and conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued, subject to the condition that issuance of a certificate will be withheld for a period of 30 days after republication of a corrected notice in the FEDERAL REGISTER of a description of the authority granted herein, during which time any interested party may file an appropriate pleading. As previously published in the FEDERAL REGISTER, the notice creates the impression that traffic to points in Georgia, Virginia, and to Charleston would be re-

stricted to traffic destined for export. Although the application is somewhat ambiguous in this respect, the evidence clearly shows that applicant did not intend that traffic to Georgia and Virginia would be so restricted.

No. MC 19622 (Sub-No. 4) (AMENDMENT), filed November 12, 1963, published FEDERAL REGISTER issue February 5, 1964, and republished as amended, in this issue. Applicant: ADOLPH J. FOURNIER, doing business as A. FOURNIER'S EXPRESS, West Spring Street, Windsor Locks, Conn. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between La Guardia and International Airports, New York, N.Y., Newark Airport, Newark, N.J., and Logan Airport, Boston, Mass., on the one hand, and, on the other, Bradley Field Airport, Windsor Locks, Conn., and points in Connecticut and Massachusetts within 50 miles of Windsor Locks, Conn.

**NOTE:** Applicant states that the proposed operations will be restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air. It is further noted that the purpose of this republication is to add "and points in Connecticut and Massachusetts within 50 miles of Windsor Locks, Conn."

**HEARING:** Remains as assigned March 23, 1964, at the Hotel Essex, Boston, Mass., before Examiner John B. Mealy.

No. MC 23939 (Sub-No. 151), filed December 9, 1963. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, California. Applicant's attorney: Warren N. Grossman, 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: *Liquid hydrogen*, from points in Lake County, Ohio, to Argonne, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

**HEARING:** April 10, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 29566 (Sub-No. 80), filed October 28, 1963. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's attorney: Vernon M. Masters, 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (restricted against any transportation in

bulk in tank vehicles), from Denison, Iowa, to Lincoln, Nebr., and empty containers or other such incidental facilities (not specified) used in transporting the above described commodities, and rejected shipments, on return.

NOTE: Common control may be involved.

HEARING: April 10, 1964, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 192, or, if the Joint Board waives its right to participate, before Examiner Wm. N. Culbertson.

No. MC 30160 (Sub-No. 3), filed December 6, 1963. Applicant: CARL W. PEER AND THEODORE E. PEER, doing business as PEER BROS. TRUCKING CO., Fairfield Avenue, Westfield, Mass. Applicant's representative: William L. Mobley, Rooms 311-315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rough emery ore*, in bulk, from points in Cortland Township, N.Y., to Chester, Mass.

HEARING: April 2, 1964, at The Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 191.

No. MC 39443 (Sub-No. 18), filed December 5, 1963. Applicant: RAY E. THOMPSON & SONS, INC., 4800 Broadway, Quincy, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* between East St. Louis and Danville, Ill., on the one hand, and, on the other, Olathe, Kans.

HEARING: March 31, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Examiner Louis G. LaVecchia.

No. MC 55236 (Sub-No. 78), filed November 8, 1963. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Green Bay, Wis. Applicant's attorney: R. H. Levy, 105 West Adams Street, Chicago, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glycerol (glycerin) crude and refined, coconut oil, coconut oil soap stock, liquid soap and inedible tallow, including fatty acids thereof*, in bulk, in tank vehicles, from the plant site of Armour & Co. Grocery Products Division plant at or near Aurora, Ill. and points within 5 miles thereof, to points in Indiana, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin, and empty containers or other such incidental facilities (not specified) used in transporting the above described commodities, on return.

HEARING: April 6, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 58396 (Sub-No. 2), filed December 26, 1963. Applicant: FRANK'S EXPRESS, INCORPORATED, 92 Nonquit Street, West Haven, Conn. Applicant's attorney: John E. Fay, 35 Lafayette Street, Hartford, Conn., 06106. Authority sought to operate as a common carrier, by motor vehicle, over irregular

routes, transporting: *General commodities*, between points in Connecticut.

HEARING: April 3, 1964, at The Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 227.

No. MC 60116 (Sub-No. 4), filed March 28, 1963. Applicant: WING'S EXPRESS, INC., 85 Railroad Avenue, Haverhill, Mass. Applicant's attorneys: Francis E. Barrett, Jr., Kenneth Johnson, 182 Forbes Building, Forbes Road (At South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Bath, Maine, as an off-route point in connection with applicant's authorized regular route operations between Boston, Mass., and Augusta, Maine.

HEARING: April 13, 1964, at The State House, Augusta, Maine, before Joint Board No. 70.

No. MC 94880 (Sub-No. 3), filed December 24, 1963. Applicant: E. J. DAVIES, INC., 600 East 132d Street, Bronx, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Foundation forms, form ties, and related accessories, column clamps, and shores*, between New York, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE: Applicant states the proposed transportation service is to be performed under a continuing contract or contracts, with present contract shipper, Conner Steel & Wire Company, Inc., 600 East 132d Street, Bronx 64, N.Y.

HEARING: April 2, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lacy W. Hinely.

No. MC 95876 (Sub-No. 25), filed November 4, 1963. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Marble, slate and stone*, from points in Washington and Orange Counties, Vt., to points in Michigan, Indiana, Kentucky, and Ohio.

HEARING: April 7, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 106657 (Sub-No. 19), filed November 14, 1963. Applicant: MACHINERY & MATERIALS CORPORATION, 3200 Gibson Transfer Road, Hammond, Ind. 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: *Fertiliz-*

ers, in bulk, in dump trucks, from Chicago Heights, Ill., to points in Wisconsin and Michigan.

HEARING: April 17, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 107403 (Sub-No. 516), filed November 27, 1963. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from points in Lawrence, Licking, and Lucas Counties, Ohio, to points in Ohio.

HEARING: April 8, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 107871 (Sub-No. 24), filed December 11, 1963. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street, West (P.O. Box 1012), Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Limestone*, (1) in bags and (2) in bulk in tank, hopper and dump type vehicles, from Dover, N.Y., to points in New York, New Jersey, Connecticut, and Pennsylvania.

HEARING: April 16, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 108329 (Sub-No. 4) (REPUBLICATION), filed May 20, 1963. Applicant: KATO THEATRE SERVICE, INC., Route No. 3, Elizabethtown, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. By application filed May 20, 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 magazines and periodicals, from Indianapolis, Ind., and Cincinnati, Ohio, to points in Fayette, Warren, and McCracken Counties, Ky. The application was referred to Joint Board No. 208 for hearing and the recommendation of an appropriate order thereon. Hearing was held on September 11, 1963, at Louisville, Ky. A Report and Order, served September 23, 1963, found that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of magazines and periodicals, from Indianapolis, Ind., and Cincinnati, Ohio, to Bowling Green, Lexington, and Paducah, Ky. Exceptions were filed to this Report and Order, and applicant replied. A corrected Decision and Order, served February 13, 1964, sets forth, in part, "that whereas the initial origin of a portion of the involved traffic is Chicago, Ill., or Dayton, Ohio, the application filed with the Commission, and the notice thereof published in the FEDERAL REGISTER reflect movement only from Indianapolis, Ind., and Cincinnati, Ohio,

which points are between Chicago and Dayton, on the one hand, and the destination territory, on the other." \* \* \* "that interested members of the public, other than the protestants herein, who relied upon the notice published in the FEDERAL REGISTER may have been misled and prejudiced by the omission of the information as to the original origins of the involved traffic, the inclusion of which would have alerted them of their interests in regard thereto." The Decision and Order also sets forth that the joint board recommended the granting to applicant of a certificate authorizing the operations described above, from Indianapolis, Ind., and Cincinnati, Ohio, to Bowling Green, Lexington and Paducah, Ky.; that the evidence considered in the light of the exceptions and reply thereto, does not warrant a result different from that reached by the joint board; that a statement of the authority granted herein together with the information as to initial origins of the involved traffic shall be published in the FEDERAL REGISTER in the form of a republication; that the issuance of a certificate shall be withheld until the lapse of 60 days from the date of such republication; and that during the first 30 days from the date of republication any proper party in interest may file an appropriate pleading.

No. MC 108392 (Sub-No. 2), filed October 14, 1963. Applicant: DISTRIBUTORS SERVICE COMPANY, INC., 30 Edgewood Park, Parkersburg, W. Va. Applicant's attorney: J. A. Bibby, Jr., Suite 504 Security Building, Charleston, W. Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Louisville, Ky., Detroit, Mich., Columbus, Ohio, and St. Louis, Mo., to New Martinsville, W. Va., (2) from Pittsburgh, Pa., and Akron, Ohio, to Sistersville, W. Va., (3) from Detroit, Mich., to Charleston, W. Va., and (4) from Milwaukee, Wis., Columbus and Akron, Ohio, Norristown, Pa., Peoria, Ill., Newark, N.J., St. Louis, Mo., Detroit, Mich., and Baltimore, Md., to Parkersburg, W. Va. and empty containers or other such incidental facilities used in transporting the commodities in (1), (2), (3), and (4) above, on return.

HEARING: April 13, 1964, in Room 3262 Third Floor, U.S. Courthouse and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Examiner Alton R. Smith.

No. MC 108449 (Sub-No. 168) (CORRECTION), filed August 29, 1963, published FEDERAL REGISTER issued of January 31, 1964, republished this issue as corrected. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. The purpose of this republication is to show that applicant's correct name is as above rather than "Indianhead Truck Lines" as previously published.

HEARING: Remains as assigned March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

No. MC 108460 (Sub-No. 10), filed December 27, 1963. Applicant: PETRO-

LEUM CARRIERS COMPANY, a corporation, 3901 West 12th Street, Sioux Falls, S. Dak. Applicant's attorney: Theodore Mead Bailey, Jr., 305 Northwest Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the sites of the terminal outlet of the Kanab Pipeline Company's pipeline, located at or near Mitchell and Wolsey, S. Dak., to points in Iowa, Minnesota, Montana, North Dakota, Nebraska, and Wyoming, and *rejected shipments of the commodities* specified above, on return.

HEARING: March 9, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Raymond V. Sar.

No. MC 108676 (Sub-No. 13) (CLARIFICATION), filed December 13, 1963, published FEDERAL REGISTER issue of February 5, 1964, and clarified this issue. Applicant: A. J. METTLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE, Knoxville 17, Tenn. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and concrete products*, the transportation of which, because of size or weight, requires the use of special equipment or special handling, from points in Davidson County, Tenn., to points in Tennessee, Kentucky, and Alabama on and north of U.S. Highway 278.

NOTE: The purpose of this republication is to show that the above transportation will require the use of special equipment or special handling, inadvertently shown as requiring the use of special equipment and special handling.

HEARING: Remains as assigned March 11, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 284.

No. MC 109672 (Sub-No. 8) (REPUBLICATION), filed August 6, 1963, published FEDERAL REGISTER, issue of August 21, 1963, and republished this issue. Applicant: BOYCE MOTOR LINES, INC., 800 South Main Street, Canandaigua, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse 2, N.Y. By application filed August 6, 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 regular routes, of general commodities, with certain exceptions, between Buffalo, N.Y., and the New York-New Jersey State line at or near Suffern, N.Y., from Buffalo over the New York State Thruway to the New York-New Jersey State line at or near Suffern, and return over the same route, serving no intermediate points, but serving Canandaigua as an off-route point, subject to the restriction that the authority granted herein and applicant's

existing authority between the involved termini shall be construed as comprising only a single nonseparable operating right between such termini. A Supplemental Order, served January 30, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Buffalo, N.Y., and New York, N.Y., from Buffalo over the New York State Thruway to Yonkers, N.Y., thence over Interstate Highway 87 to New York, N.Y., and return over the same route, serving no intermediate points on such route, but serving points in New Jersey within 30 miles of City Hall, New York, N.Y., as off-route points, and serving Canandaigua, N.Y., as an off-route point with service at the latter point restricted to the interchange of traffic only, subject to the further restriction that the authority granted herein and applicant's existing authority between the involved termini shall be construed as comprising only a single operating right not severable by sale or otherwise; and that an appropriate certificate should be issued, subject to the conditions described in the next succeeding paragraph herein. That because it is possible that other parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 110683 (Sub-No. 25), filed November 26, 1963. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VIRGINIA, Post Office Box 1000, Staunton, Va. Applicant's attorney: Francis W. McInerney, 1000 16th Street NW, Washington 36, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Charleston, W. Va., and Huntington, W. Va., (a) from Charleston, over U.S. Highway 60 to Huntington, and return over the same route, serving all intermediate points, (b) from Charleston over Interstate Highway 64 to Huntington, and return over the same route, serving all intermediate points, (2) between Charleston, and Point Pleasant, W. Va., from Charleston, over U.S. Highway 35 to Point Pleasant, and return over the same route, serving all intermediate points, (3) be-

tween Charleston, and Ravenswood, W. Va., from Charleston over U. S. Highway 21 to junction West Virginia Highway 56 (also from Charleston over U. S. Highway 21 to junction Interstate Highway 77, thence Interstate Highway 77 to Fairplain, W. Va., thence over U. S. Highway 21) to junction West Virginia Highway 56, thence over West Virginia Highway 56 to Ravenswood, and return over the same route serving all intermediate points, (4) between Huntington, and Ravenswood, W. Va., from Huntington over West Virginia Highway 2 to Ravenswood, and return over the same route, serving all intermediate points, and (5) between Point Pleasant, and Ripley, W. Va., from Point Pleasant over West Virginia Highway 62 to Mason, W. Va., thence over U. S. Highway 33 to Ripley, and return over the same route, serving all intermediate points, and at off-route points in West Virginia within (15) miles of Huntington, and at points within (5) miles of the routes named, and at Hamlin, W. Va.

Note: The applicant states (1) the proposed service is restricted to points in West Virginia, (2) the proposed service and that now held by applicant in MC-110683 authorizing the transportation of general commodities, with exceptions, between Bluefield, W. Va., on the one hand, and, on the other, points in West Virginia, to the extent the same points are indicated, shall be construed as comprising a single operating right and shall not be severable by sale or otherwise, and (3) applicant presently holds regular-route authorities extending from Charleston, W. Va., via Covington and Staunton, Harrisonburg, Winchester, Waynesboro, Charlottesville, and Arlington, Va., Washington, D.C., Baltimore, Md., Wilmington, Del., Philadelphia, Pa., Trenton, New Brunswick, and Newark, N.J., New York, N.Y., Meridan and Hartford, Conn., to Boston, Mass. The proposed service would extend its presently authorized regular route operations beyond Charleston, W. Va., to additional West Virginia points on the routes named. Applicant presently holds irregular-route operations between points on the extension routes named and, among other points, Staunton, Va., and presently conducts combination regular-route and irregular-route operations between points on the extension routes, on the one hand, and, on the other, its irregular-route points and irregular-route points served through regular-route gateways. In connection with this proposed service applicant makes some use of piggy-back substituted service to, and from Charleston, and Huntington, W. Va., and desires authority to continue service between these rail heads and the service points involved. It is further noted that common control may be involved.

HEARING: April 15, 1964, in Room 3262, Third Floor, U. S. Courthouse and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Joint Board No. 118, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 111473 (Sub-No. 3), filed December 17, 1963. Applicant: INTERSTATE TRUCK LINE, INC., 11th and State Streets, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, from Newville, Pa., to New York, N.Y., and (2) *materials and sup-*

*plies used in the manufacture of wearing apparel*, from New York, N.Y., to Newville, Pa.

HEARING: April 2, 1964, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Lyle C. Farmer.

No. MC 111812 (Sub-No. 232), filed November 18, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses* as described in Appendix I to *Descriptions Case*, 61 M.C.C. 209 and 766, from Hewarden, Iowa, to points in Wisconsin.

HEARING: April 16, 1964, at the U. S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 112750 (Sub-No. 170), filed November 20, 1963. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Checks, business papers, records and audit and accounting media of all kinds (except plant removals)* on behalf of Sealtest Foods Division of National Dairy Products Corporation, between Dubuque, Iowa, on the one hand, and, on the other, Chicago, Ill.

NOTE: Common control may be involved.

HEARING: April 15, 1964, at the U. S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 113267 (Sub-No. 113), filed November 4, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A, Appendix I, in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles mechanically temperature controlled, equipped with meat rails, from Taylorville, Ill., to points in Alabama, Arkansas, Georgia, Iowa, Louisiana, Kentucky, Mississippi, Tennessee, and Wisconsin.

NOTE: Applicant states the proposed service will be restricted against the transportation of commodities in bulk, in tank vehicles. It is further noted that common control may be involved.

HEARING: April 3, 1964, at the U. S. Courtrooms and Federal Building, Springfield, Ill., before Examiner Louis G. LaVecchia.

No. MC 114019 (Sub-No. 110), filed November 4, 1963. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, 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: (1) *Glycerine*, in bulk, in tank vehicles, from the site of the Armour Soap Manufacturing Plant at or near Aurora, Ill., to points in Michigan and Missouri, (2) *coconut oil coconut oil soap stock, liquid soap, inedible tallow*, including fatty acids thereof, in bulk, in tank vehicles, from the site of the Armour Soap Manufacturing Plant at or near Aurora, Ill., to points in Indiana, Michigan, Ohio, Missouri, Pennsylvania, and Wisconsin.

HEARING: April 6, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 114211 (Sub-No. 39), filed October 30, 1963. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Black Hawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Tank, stock and storage, sheet steel, and well casing*, from Larned, Kans., and Beatrice, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin, and (2) *agricultural implements, machinery and parts, windmills and parts, tanks, and towers*, from Beatrice, Nebr., to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, Texas, and Wisconsin, and *rejected shipments*, on return.

HEARING: April 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 114533 (Sub-No. 74), filed September 10, 1963. Applicant: B. D. C. CORPORATION, 4970 South Archer 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: *Commercial papers, audit and accounting media, business papers and records*, between Oak Brook, Ill., on the one hand, and, on the other, Milwaukee, Wis., and Muskegon and Detroit, Mich.

HEARING: April 8, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 118610 (Sub-No. 5), filed November 6, 1963. Applicant: L & B EXPRESS, INC., P.O. Box 331, Frankfort, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (as described in Appendix V of 61 M.C.C. 209), except those which because of size or weight require special equipment, between points in Pennsylvania on and west of U. S. Highway 219, points in Ohio on and north of U. S. Highway 40 and on and east of U. S. Highway 21, and points in West Virginia on and north of U. S. Highway 50, on the one hand, and on

the other, points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

**HEARING:** March 31, 1964, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner Alton R. Smith.

No. MC 118776 (Sub-No. 7), filed November 4, 1963. Applicant: C. L. CONNORS, INC., P.O. Box 712, Quincy, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, from St. Paul, Minn., to Quincy, Ill., and Hannibal, Mo. (2) *Tanks*, from Quincy, Ill., to points in Iowa, Minnesota, Wisconsin, Indiana, Michigan, Missouri, Kansas, Arkansas, Kentucky, and Nebraska.

**NOTE:** Applicant is also authorized to conduct operations as a contract carrier in Permit MC 124459; therefore dual operations may be involved.

**HEARING:** April 2, 1964, at the U.S. Courtrooms and Federal Building, before Examiner Louis G. LaVecchia.

No. MC 118899 (Sub-No. 2) (AMENDMENT), filed December 16, 1963, published FEDERAL REGISTER issue February 5, 1964, amended February 17, 1964, and republished as amended, this issue. Applicant: JOHN J. GERMENKO, GEORGE I. HALTER AND LARRY GERMENKO, doing business as BALTIMORE TANK LINES, Catonsville Junction, Catonsville 28, Md. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the outlet of the Plantation Pipe Line Company, located at or near Newington, Va., to points in Virginia, West Virginia, District of Columbia and Maryland.

**NOTE:** The purpose of this republication is to show the correct name of the origin point.

**HEARING:** Remains as assigned March 13, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 119241 (Sub-No. 3) (AMENDMENT), filed October 18, 1963, published in FEDERAL REGISTER issue of February 5, 1964, amended February 12, 1964 and republished as amended this issue. Applicant: PCP TRANSPORTATION COMPANY, a corporation, 9500 South Norwalk Boulevard, Santa Fe Springs, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, and flue lining*, from Alberhill and Santa Fe Springs, Calif., to points in Arizona, Nevada, and the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission, and (2) *sacked fire clay*, from Santa Fe Springs, Calif., to points in Arizona, Nevada, and the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission.

**NOTE:** Applicant states the proposed operation will be under a continuing contract with Pacific Clay Products. The purpose of this republication is to add Santa Fe Springs, Calif., as an origin point in (1) above.

**HEARING:** Remains as assigned March 10, 1964, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 166, or, if the Joint Board waives its right to participate, before Examiner John S. Messer.

No. MC 119320 (Sub-No. 1), filed December 9, 1963. Applicant: PILGRIM TRUCKING CORPORATION, 125 Bloomfield Avenue, Bloomfield, N.J. Applicant's representative: Fred Steigmann, 10 Park Place, Morristown, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), between points in Hudson, Bergen, Passaic, Essex, Union, Middlesex, Somerset, and Morris Counties, N.J.

**NOTE:** Applicant presently holds authority to operate between points in Essex, Hudson, Bergen, Passaic, and Union Counties, N.J. Duplicating authority will be eliminated.

**HEARING:** April 15, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 119483 (Sub-No. 1), filed November 22, 1963. Applicant: SOUTHERN TRANSPORTATION CORP., P.O. Box 536, Sulligent, Ala. Applicant's representative: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Slacks and walking shorts*, from Amory, Bruce, Caledonia, Gattman, Guntown, Hatley, and Plantersville, Miss., and Detroit, Sulligent, and Vernon, Ala., to points in Pennsylvania, Massachusetts, and the New York, N.Y., commercial zone, and New York, N.Y., Cleveland, Ohio, Eatonton and Bowden, Ga., Seneca, Williston, and Westminster, S.C., Baltimore and Hagerstown, Md., Dover, Newark, Newton, and New Brunswick, N.J., Woonsocket, R.I., and Chicago, Ill., and *empty used cartons*, from Chicago, Ill., to points of origin, (2) *finished piece goods, cloth, trimmings and other materials* such as, but not confined to, *zippers, buckles, waistbands, pocketing and thread, used in the manufacture of slacks and walking shorts*, (a) from points in North Carolina, South Carolina, Virginia, Georgia, New Jersey, Connecticut, Rhode Island, Massachusetts, and Pennsylvania and Cleveland, Ohio, Chicago, Ill., Bluefield, W. Va., Manchester, N.H., New York, N.Y., Wilmington, Del., and Baltimore and Hagerstown, Md., to points of origin in (1), (b) from Lanett, Opelika, and Pepperell, Ala., to Amory, Bruce, Caledonia, Gattman, Guntown, and Plantersville, Miss., and (c) from Sulligent, Ala., to New Bedford, Mass., (3) *pocket material*, from points of origin in (1), to points in the New York, N.Y., commercial zone, and (4) *damaged, rejected, returned or de-*

*fective merchandise* described in (1), (2) and (3), on return.

**NOTE:** Applicant states the proposed operations will be limited to a transportation service to be performed under a continuing contract or contracts with the following: All-American Sportswear, Inc., Amory, Miss., Caledonia Manufacturing Co., Inc., Caledonia, Miss., Detroit Slacks, Inc., Detroit, Ala., Gattman Sportswear, Incorporated, Gattman, Miss., Glenn Manufacturing Company, Incorporated, Amory, Miss., Glenn Sales & Service Company, Incorporated, Amory, Miss., Glenn Slacks, Inc., Bruce, Miss., Guntown Slacks, Inc., Guntown, Miss., Hatley Sportswear, Inc., Amory, Miss., McCoy Manufacturing Co., Inc., Sulligent, Ala., Plantersville Sportswear, Inc., Plantersville, Miss., Tom and Huck Togs, Incorporated, Amory, Miss., and Vernon Manufacturing Co., Inc., Vernon, Ala. It is further noted that all of the above shippers are controlled through stock ownership by applicant's president and controlling owner. If the above authority is granted applicant will consent to concurrent cancellation of Permit No. MC 119483 which is completely embraced within the authority requested.

**HEARING:** April 14, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 119714 (Sub-No. 1), filed December 10, 1963. Applicant: MARTIN S. MARKS, doing business as M. S. MARKS, 453 West 19th Street, New York, N.Y. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except malt beverages), between points in the Port of New York District as described in the Appendix: to the order of the Commission, Division 4, in Ex Parte No. 140, *Determination of The Limits of New York Harbor and Harbors Contiguous thereto*, entered on March 26, 1941, on the one hand, and, on the other, Pennington, and Trenton, N.J.

**NOTE:** Common control may be involved.

**HEARING:** April 15, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 119767 (Sub-No. 9), filed November 27, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy cream and milk solids, dessert materials, beverage preparations, confectioneries, flour pancake mixes, dry, dietary products, liquid, milk and cream substitutes, and cream and milk in hermetically sealed containers*, from Menomonie, Vesper, Astico, and Oconomowoc, Wis., to points in Michigan, Ohio, Missouri, Kansas, Nebraska, Iowa, North Dakota, and South Dakota.

**NOTE:** Common control may be involved.

**HEARING:** April 17, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 119767 (Sub-No. 10), filed November 27, 1963. Applicant: BEAVER

TRANSPORT CO., a corporation, 100 South Calument Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Minnesota and Wisconsin, to points in Ohio.

NOTE: Common control may be involved.

HEARING: April 13, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 119767 (Sub-No. 11), filed November 27, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calument Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. James and Madelia, Minn., to Xenia, Columbus, and Cleveland, Ohio, and Sharon and Pittsburgh, Pa.

HEARING: April 13, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 119777 (Sub-No. 21), filed November 12, 1963. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in Appendix V, 61 M.C.C. 209 (except those which because of size or weight require special equipment), between points in Pennsylvania on and west of U.S. Highway 219, points in Ohio on and north of U.S. Highway 40 and on and east of U.S. Highway 21, and points in West Virginia on and north of U.S. Highway 50, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

HEARING: March 31, 1964, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner Alton R. Smith.

No. MC 119793 (Sub-No. 3) (CORRECTION), filed December 2, 1963, published FEDERAL REGISTER, issue of January 29, 1964, and republished this issue. 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.

NOTE: The purpose of this republication is to correct the spelling of the origin point Parsons, W. Va., inadvertently shown as Parson in previous publication.

HEARING: Remains as assigned March 5, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 119864 (Sub-No. 1), filed October 26, 1963. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite

3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and materials and supplies, used in the manufacture, sale and distribution thereof*, (1) between Lawrenceburg, Ind., on the one hand, and, on the other, points in the lower peninsula of Michigan, and Ohio (except Cincinnati, Ohio), and (2) between Streator, Ill., on the one hand, and, on the other, Toledo, and Cleveland, Ohio.

HEARING: April 10, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 123048 (Sub-No. 30), filed November 26, 1963. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements* (other than hand), (2) *farm machinery*, (3) *tractor attachments*, (4) *automatic feeding systems, barn cleaning machinery and equipment*, and (5) *parts and accessories when moving in mixed loads with the articles described in items (1), (2), (3) and (4)* restricted against the transportation of commodities requiring the use of special equipment and handling, from Vinton, Dubuque, and Sac City, Iowa, Omaha, and Columbus, Nebr., Glencoe, and Minneapolis, Minn., Olathe, Kans., Kansas City and Independence, Mo., Bloomington and Harvard, Ill., Chattanooga, Tenn., Columbia City, Ind., and Burr Oak, Mich., to points in Wisconsin, Illinois, and the Upper Peninsula of Michigan.

NOTE: Applicant states it will transport rejected shipments, on return.

HEARING: April 14, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 124125 (Sub-No. 1), filed December 11, 1963. Applicant: A. & P. EQUIPMENT & SUPPLY CORP., Morton Boulevard, Kingston, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Ulster, Orange, and Dutchess Counties, N.Y., to points in New Jersey, New York, and Connecticut, and *empty pallets and unused brick*, on return.

HEARING: April 16, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 125501 (Sub-No. 3), filed November 29, 1963. Applicant: DRIVE AWAY AUTO TRANSPORT, INC., 1583 Jerome Avenue, New York, Bronx 52, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in driveaway service, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in New York, New Jersey,

Pennsylvania, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

HEARING: April 17, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 125749 filed October 14, 1963. Applicant: STOKES ENGINEERING & CONSTRUCTION CO., 702 West Pershing Road, Decatur, Ill. Applicant's attorney: Frank H. Byers, 614 East Pershing Road, Decatur, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brass goods; meter yokes; meter covers; valves and parts; hydrants and parts; pipe, copper, cast iron, iron conduit, cast iron fittings; fountain fixtures; and restaurant fixtures*, between Decatur and Chicago, Ill., Minneapolis, Minn., Denver, Colo., Salt Lake City, Utah, Seattle, Wash., Los Angeles, Calif., Albuquerque, N. Mex., Detroit, Mich., Miami, Fla., and Indianapolis, Ind.

HEARING: April 3, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Examiner Louis G. LaVecchia.

No. MC 125785, filed October 31, 1963. Applicant: SATURN EXPRESS, INC., 605 South 14th Street, Box 2028, Lincoln, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baler and binder twine, baling and barbed wire*, (1) from New Orleans, La., and Houston, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming, and (2) from Philadelphia, Pa., to points in Maine, New York, New Jersey, Pennsylvania, and Vermont.

NOTE: Applicant states all service will be performed under continuing contracts with Tractor Supply Co. and Dan H. Shield Cordage Co., Chicago, Ill.

HEARING: April 10, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 125789, filed November 4, 1963. Applicant: ROBERT SLATKIN, doing business as WINDSOR WAREHOUSING CO., 1453 41st Street, North Bergen, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Juvenile furniture*, from North Bergen, N.J., to points in Nassau, Suffolk, Rockland, and Westchester Counties, N.Y. and Philadelphia, Springfield, and King of Prussia, Pa., limited to deliveries to Korvette and My Baby Stores in the destination territory and further restricted to movements solely from Windsor Warehouse and railroad in North Bergen, N.J., of juvenile furniture which had hitherto been stored and processed under applicant's function as a warehouseman.

NOTE: Applicant states the proposed operation will be under continuing contracts with Hopkins Mfg. Co., Pride Products, Storkline Products and M.B. (My Baby) Jobbing Corp.

**HEARING:** April 9, 1964, at the Federal Building, Newark, N.Y., before Examiner Lyle C. Farmer.

No. MC 125836 (AMENDMENT), filed November 29, 1963, published FEDERAL REGISTER issue February 5, 1964, amended February 3, 1964, and republished as amended this issue. Applicant: WILLIAM O. EVANS, doing business as HI-WATHA TRANSFER, 207 Hickory Street, Red Wing, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, and boats up to 22 feet in length*, from points in Goodhue County, Minn., to points in Minnesota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

**NOTE:** The purpose of this republication is to eliminate commodities and service as proposed in (2) of previous publication.

**HEARING:** Remains as assigned, March 13, 1964, at Room B-29, Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 125843, filed November 26, 1963. Applicant: KENNETH B. KAAR, doing business as KAAR SERVICE, 1821 N Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked motor vehicles, and parts therefor, with or without cargo, and replacement vehicles*, between points in Nebraska, Iowa, Kansas, Missouri, Minnesota, Colorado, Wyoming, North Dakota, South Dakota, and Illinois.

**HEARING:** March 10, 1964, at the Hotel Cornhusker, Lincoln, Nebr., before Examiner Henry A. Cockrum.

No. MC 125846, filed November 22, 1963. Applicant: MCKIBBEN MOTOR SERVICE, INC., 415 John Street, Arlington Heights, Cincinnati, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C., 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Loveland, Ohio, and points in Ohio.

**NOTE:** Applicant is also authorized to conduct operations as a contract carrier in Permit MC 32702 and Subs thereunder; therefore dual operations may be involved.

**HEARING:** April 6, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 125896, filed December 16, 1963. Applicant: O'BRIEN TRUCKING CO., INC., 201 Delores Terrace South, North Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine,

Warren Parking Center, 345 South Warren Street, Syracuse, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), restricted to such commodities having an immediately prior or immediately subsequent movement by air, between Clarence E. Hancock Airport (located in Onondaga County, N.Y.), on the one hand, and, on the other, (1) points in Onondaga, Cayuga, Seneca, Wayne, Oswego, and Ontario Counties, N.Y. and (2) the following airports: New York International Airport (Nassau and Queens Counties, N.Y.); LaGuardia Airport (Queens County, N.Y.); The Greater Buffalo International Airport (Erie County, N.Y.); Rochester-Monroe County Airport (Monroe County, N.Y.); Oneida County Airport (Oneida County, N.Y.); Broome County Airport (Broome County, N.Y.); Chemung County Airport (Chemung County, N.Y.); Albany County Airport (Albany County, N.Y.); Watertown Airport (Jefferson County, N.Y.); Massena Airport (St. Lawrence County, N.Y.); Tompkins County Airport (Tompkins County, N.Y.); and Newark Airport (Essex County, N.J.).

**HEARING:** March 31, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lacy W. Hinely.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 348), filed July 31, 1963. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers, between points in Bridgewater Township, N.J., and points in Franklin Township, N.J.: from the junction of U.S. Highway 22 and Interstate Highway 287 in Bridgewater Township, over Interstate Highway 287 to the junction of Weston Canal Road in Franklin Township, and return over the same route, serving all intermediate points.

**NOTE:** Applicant seeks to join the above described route at the junction of U.S. Highway 22 and Interstate Highway 287, Bridgewater Township, N.J., with No. MC 3647 Sub 303.

**HEARING:** April 9, 1964, at the Federal Building, Newark, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 96318 (Sub-No. 6), filed December 11, 1963. Applicant: YELLOW COACH LINES, INC., 19 Center Street, Pittsfield, Mass. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, and effects* between Pittsfield, Mass., and Danbury, Conn., from Pittsfield over U.S. Highway 7 to Danbury, and return over the same route, serving all intermediate points.

**HEARING:** March 31, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 22.

No. MC 105704 (Sub-No. 6), filed December 12, 1963. Applicant: N. DALE LIGHTNER, doing business as LINCOLN BUS LINES, 10 Elm Avenue, Hanover, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, consisting of round-trip sightseeing or pleasure tours, beginning and ending at points in Adams, Cumberland, Dauphin, Franklin, and Lancaster Counties, Pa., and Carroll, Frederick, and Washington Counties, Md., and extending to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

**HEARING:** April 1, 1964, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Lyle C. Farmer.

No. MC 108570 (Sub-No. 2) (AMENDMENT), filed October 1, 1963, published FEDERAL REGISTER issue October 16, 1963, amended December 18, 1963, and republished as amended this issue. Applicant: LITTEN & LITTEN MOTOR LINES, INC., Box 128, Route 1, Knoxville, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter or special operations, beginning and ending at Brunswick, Md., and points within twenty (20) miles thereof, and extending to points in Pennsylvania, New Jersey, New York, Maryland, Virginia, West Virginia, Delaware and the District of Columbia.

**NOTE:** The purpose of this republication is to add the destination point New York to those shown in previous publication.

**HEARING:** April 1, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 118926 (Sub-No. 1), filed December 12, 1963. Applicant: ASHLAND CITY LINES, INC., 628 East Main Street, Ashland, Ohio. Applicant's attorney: Stephen E. Parker, 1050 Union Commerce Building, Cleveland 14, Ohio. 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, (a) between Cleveland, and Mansfield, Ohio, from Cleveland, over city streets and U.S. Highway 42 through Parma, Middleburg Heights, Strongsville, Brunswick, Media, Lafayette, Lodi, West Salem, Ashland, and Five Points to Mansfield, and return over the same route, serving all intermediate points, (b) between Medina, and Wooster,

Ohio, from Medina, over Ohio Highway 3 through Seville, Creston, Jackson, and Madisonburg to Wooster, and return over the same route, serving all intermediate points, (c) between Wooster and Ashland, Ohio, from Wooster, over U.S. Highway 250 through New Pittsburg and Rowsburg to Ashland, and return over the same route, serving all intermediate points.

**HEARING:** April 7, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 125875, filed December 9, 1963. Applicant: REAL TRANSIT CO., a corporation, 905 Bergen Avenue, Jersey City, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. 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, between Blairstown, N.J., and Port of New York Authority Terminal at New York, N.Y., commencing in the township of Blairstown, in Warren County, at the intersection of Carhart Street and New Jersey Highway 94, thence along New Jersey Highway 94 to Newton in Sussex County, thence east on Park Place to U.S. Highway 206, thence along U.S. Highway 206 to the borough of Andover, thence along U.S. Highway 206 to the borough of Stanhope, thence south on Main Street in the borough of Stanhope to U.S. Highway 206, thence south on U.S. Highway 206 to Interstate Highway 80, thence east on Interstate Highway 80 to U.S. Highway 46 in Denville, thence east on U.S. Highway 46 to New Jersey Highway 3 in Clifton, thence east on New Jersey Highway 3 to the Lincoln Tunnel approach, thence via Lincoln Tunnel to the Port of New York Authority Terminal in New York City, and return over the same route, serving Newton, Andover, and Stanhope, N.J., as intermediate points.

**NOTE:** Applicant states that points east of the borough of Stanhope will be a closed-door operation. Interstate Highway 80 and Interstate Highway 280 east of the borough of Stanhope will be utilized as completion of construction permits.

**HEARING:** April 8, 1964, at the Federal Building, Newark, N.J., before Joint Board No. 3, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

#### APPLICATIONS FOR BROKERAGE LICENSES

##### MOTOR CARRIERS OF PASSENGERS

No. MC 12885, filed October 18, 1963. Applicant: JOHN E. KNIPE, doing business as "KNIPE TOURS," 511 Edgemont Terrace, Martinsburg, W. Va., 25401. For a license (BMC 5) to engage in operations as a *broker* at Martinsburg, W. Va., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in groups, beginning and ending at Martinsburg, W. Va., and extending to points in the United States.

**HEARING:** April 14, 1964, in Room 3262, Third Floor, U.S. Courthouse and

Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Joint Board No. 118, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 12889, filed December 23, 1963. Applicant: TRAVELS, INC., 194 Main Street, Middletown, Conn. Applicant's attorney: John L. Collins, 49 Pearl Street, Hartford, Conn., 06103. For a license (BMC 5) to engage in operations as a *broker* at Middletown, Middlesex County, Conn., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in special and charter operations, in round-trip, all-expense tours, beginning and ending at points in Middlesex County, Conn., and extending to points in the United States (except Hawaii).

**HEARING:** April 6, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 227.

No. MC 12890, filed December 31, 1963. Applicant: SKISPREE, INC., 6 West 28th Street, New York City, N.Y. Applicant's attorney: Harry J. Ruthoser, 305 Broadway, New York City 7, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York City, N.Y., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage, skis and personal effects*, both as individuals and groups, in special and charter operations, in round-trip, all-expense tours, beginning and ending at New York City, N.Y., and extending to points in Connecticut, Massachusetts, New Hampshire, Maine, New York, New Jersey, and Delaware.

**HEARING:** April 3, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lacy W. Hinely.

#### APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

##### MOTOR CARRIERS OF PROPERTY

No. MC-F-8678. Authority sought for purchase by A-P-A TRANSPORT CORPORATION, 2110 85th Street, North Bergen, N.J., of the operating rights of MARS EXPRESS, INC., 1375 Paterson Plank Road, Secaucus, N.J., and for acquisition by ARTHUR E. IMPERATORE, also of North Bergen, N.J., of control of such rights through the purchase. Applicants' attorneys: Zely & Burstein, 160 Broadway, New York 38, N.Y., and Bowes & Millner, 1060 Broad Street, Newark 2, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Union, Hudson, Essex, and Bergen Counties, N.J., on the one hand, and, on the other, certain points in Connecticut, and New York; *waste paper*

and *materials, machinery, and equipment* used in the manufacture of paper, paperboard, and paperboard products, from points in Bergen, Essex, Hudson, Mercer, Passaic, Somerset, Union, Middlesex, Monmouth, and Morris Counties, N.J., and those in the New York, N.Y., Commercial Zone as defined by the Commission, to points in Saratoga and Washington Counties, N.Y., between Newark, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission; *paper, paperboard, paperboard products, and machinery* used in the manufacture of paper, paperboard, and paperboard products, from points in Saratoga and Washington Counties, N.Y., to points in the next above-specified New Jersey counties, and those in the New York, N.Y., commercial zone as defined by the Commission, from Newark N.J., to points in New York in the New York, N.Y., commercial zone as defined by the Commission; *paper, paperboard, and paperboard products*, from points in Saratoga and Washington Counties, N.Y., to Torrington, Conn.; *paperboard and paperboard products*, from Victory Mills and Thomson, N.Y., to Hartford and New Haven, Conn., and Philadelphia and Reading, Pa.; *materials and supplies* used in the manufacture of paperboard and paperboard products, from Hartford and New Haven, Conn., and Philadelphia and Reading, Pa., to Victory Mills and Thomson, N.Y.; *machine parts* used in the manufacture of paper products, between Victory Mills and Thomson, N.Y., on the one hand, and, on the other, Philadelphia, Pa. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-8331 (WEISS TRUCKING CO., INC.—PURCHASE (PORTION)—HIGHWAY TRANSPORTATION CORP.), published in the January 9, 1963, issue of the FEDERAL REGISTER, on page 254. CORRECTION of the operating rights sought to be transferred published in the January 30, 1963, issue of the FEDERAL REGISTER, on page 894. Application filed February 10, 1964, for temporary authority under section 210a(b).

No. MC-F-8677. Authority sought for lease by EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, 216 Tremont Street, Boston 16, Mass., of a portion of the operating rights of TRAILWAYS OF NEW ENGLAND, INC., 1200 Eye Street NW., Washington, D.C. Applicants' attorney: Morris J. Levin, 1012 14th Street NW., Washington, D.C. 20005. Operating rights sought to be leased: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, with no seasonal restrictions, as a *common carrier* over regular routes, between Boston, Mass., and Lawrence, Mass., serving all intermediate points; *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, between Boston, Mass., and Rochester, N.H., serving all intermediate points. Lessee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, and New Hampshire. Ap-

plication has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-1821; Filed, Feb. 25, 1964;  
8:48 a.m.]

[Notice No. 604]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 20, 1964.

The following publications are governed by the new special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

### 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 41404 (Sub-No. 43), filed February 17, 1964. Applicant: ARGOCOLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and commodities distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co. at or near Worthington, Minn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee.

NOTE: Applicant states the proposed operations will be restricted against (a) the transportation of such commodities in bulk or liquid form in tank vehicles, and (b) limited to shipments originating at the plant site of Armour & Co., and further restricted against tacking at point of origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 52709 (Sub-No. 234) (CORRECTION), filed December 13, 1963, published FEDERAL REGISTER, issue of February 5, 1964, and republished as corrected this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* as described in paragraphs A and C of appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 272, (1) serving the plant of Armour & Co., at or near Worthington, Minn., as an off-route point in connection with applicant's regular route operations between Fremont, Nebr., and Sioux City, Iowa; (2) from Sioux Falls, S. Dak., to points in Colorado; and (3) from Worthington, Minn., to Olympia, Seattle, and Tacoma, Wash., and Medford and Portland, Oreg.

NOTE: Common control may be involved. The purpose of this republication is to correct item (2) above.

HEARING: Remains as assigned March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 59367 (Sub-No. 14), filed February 10, 1964. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Illinois, Iowa, and Wisconsin.

NOTE: Applicant states that the proposed service is to be restricted to shipments originating at the plant site of Armour & Co., at or near Worthington, Minn., restricted against tacking or joinder at origin, and further restricted against commodities in bulk, in tank vehicles.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 102616 (Sub-No. 744), filed February 17, 1964. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the Colonial Pipe Line Company facilities and

terminals located at points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110315 (Sub-No. 9), filed February 17, 1964. Applicant: FELTS TRANSPORT CORPORATION, Railroad Avenue, Galax, Va. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from the pipeline terminals of the Plantation and Colonial Pipelines in Fairfax County, Va., and the City of Fairfax, Va., to points in Maryland, West Virginia, and the District of Columbia, and (2) from Roanoke, Va., and points within 10 miles thereof, to points in West Virginia and Tazewell and Buchanan Counties, Va.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113678 (Sub-No. 70), filed February 16, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plant site of Armour & Company at or near Worthington, Minn., to points in Colorado, Nebraska, and Cheyenne, Wyo.

NOTE: Applicant states the proposed service will be restricted against the transportation of commodities in bulk and in tank vehicles.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 115180 (Sub-No. 3), filed February 13, 1964. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plant site of Armour & Co., at or near Worthington, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Virginia, and the District of Columbia.

NOTE: Applicant states that the proposed service is to be restricted to shipments originating at the said plant site and further restricted against tacking at point of origin.

**HEARING:** March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119767 (Sub-No. 19), filed February 17, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company, located at or near Worthington, Minn., to points in Wisconsin, Illinois, Indiana, and Michigan.

**Note:** The proposed operations will be restricted to the transportation of shipments originating at the plant site of Armour and Company, located at or near Worthington, Minn., and further restricted against tacking at origin. It is further noted that common control may be involved.

**HEARING:** March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

By the Commission.

[SEAL] HAROLD D. McCox,  
Secretary.

[P.R. Doc. 64-1822; Filed, Feb. 25, 1964;  
8:48 a.m.]

[Notice No. 605]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 20, 1964.

The following applications are governed by § 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if

no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d) (4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 8948 (Sub-No. 53), filed February 10, 1964. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the intersection of U.S. Highway 63 and Arkansas Highway 14 located at or near Payneaway, Ark., and the intersection of U.S. Highway 60 and U.S. Highway 65 approximately five (5) miles south of Springfield, Mo., from the intersection of U.S. Highway 63 and Arkansas Highway 14 located at or near Payneaway, Ark., over U.S. Highway 63 to its intersection with U.S. Highway 60, thence over U.S. Highway 60 to its intersection with U.S. Highway 65, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Memphis, Tenn., and Springfield, Mo.

No. MC 11694 (Sub-No. 18), filed February 7, 1964. Applicant: WILLIAM D. BUIE, WILLIAM B. BUIE, ADMINISTRATOR, Post Office Box 482, Dillon, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., to Hammond, La., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 19416 (Sub-No. 13) (AMENDMENT), filed January 15, 1964, published in FEDERAL REGISTER issue of February 6, 1964, amended February 10, 1964 and republished, as amended, this issue. Applicant: DUNN BROS., INC., 801 Mercantile Securities Building, Post Office Box 5771, Dallas, Tex. Applicant's attorney: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, maintenance, servicing, repair, or dismantling of pipelines, between points in the United States.

**NOTE:** The purpose of this republication is to broaden the territorial scope of the application by eliminating the phrase "except California," as previously published.

No. MC 25310 (Sub-No. 2), filed February 10, 1964. Applicant: PHILIP IN-EGNERI, 245 Parkview Avenue, Bronxville, N.Y. Applicant's attorney: George Chernoff, 295 Madison Avenue, New

York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice and apple cider*, in bottles in cartons, from New Haven, Conn., to New York, N.Y.

**NOTE:** Applicant is presently authorized to transport groceries from New York, N.Y., to points in Pennsylvania, New Jersey, Massachusetts, and Connecticut. Applicant states that the proposed service is to be performed for Krasdale Foods, Inc., Bronx, N.Y.

No. MC 32474 (Sub-No. 31), filed February 11, 1964. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 3131 Douglas Road, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the plant site of Stauffer Chemical Co., located at the junction of Sutton and Green County Roads, as an off-route point in connection with applicant's authorized regular-route operations between Adrian, Mich., and Tecumseh, Mich.

No. MC 35835 (Sub-No. 17), filed February 10, 1964. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Avenue SE., Independence, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, from Cedar Rapids, Iowa, to points in Arkansas, Kansas, Kentucky, Louisiana, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas.

No. MC 52458 (Sub-No. 184), filed February 7, 1964. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Animal, vegetable and fish oil, and blends thereof*, in bulk, in tank vehicles, from Boonton, N.J., to points in North Carolina, South Carolina, and Georgia.

No. MC 55236 (Sub-No. 79) (AMENDMENT), filed January 12, 1964, published FEDERAL REGISTER issue of January 29, 1964, amended February 10, 1964, and republished, as amended, this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in bulk, between points in Wisconsin, restricted to liquid and dry commodities, in bulk having a prior or subsequent movement via rail, water, and/or highway and further restricted to exclude cement.

**NOTE:** The purpose of this republication is to clarify the commodities proposed to be transported.

<sup>1</sup> Copies of special rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 69492 (Sub-No. 23), filed February 12, 1964. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and insecticides*, between Vandalia, Ill., and Clinton, Ky.

No. MC 93393 (Sub-No. 5), filed February 10, 1964. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON doing business as NIGHTWAY TRANSPORTATION CO., 4106 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of Libby, McNeill & Libby at or near Darien, Wis., to points in Illinois and Indiana. Restriction: Applicant states that the authority sought herein is restricted to the transportation of shipments originating at the site of the plant of Libby, McNeill & Libby at or near Darien, Wis.

No. MC 94265 (Sub-No. 124), filed February 7, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Virginia, Maryland, New York, New Jersey, Pennsylvania, and the District of Columbia.

NOTE: Applicant states that no tacking or interline privileges are permitted at Darien, Wis. Common control may be involved.

No. MC 102567 (Sub-No. 93), filed February 3, 1964. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Joe E. Shaw, Betties Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphate black liquor skimmings*, in bulk, in tank vehicles, from the plant site of International Paper Company located at or near Springhill, La., to the plant site of International Paper Company located approximately three (3) miles south of Natchez, Miss.

No. MC 102885 (Sub-No. 3), filed February 6, 1964. Applicant: MATTHEW SANTANGELO, ALFONSO SANTANGELO AND CATHERINE SANTANGELO, a partnership doing business as CHARLES SANTANGELO & SONS, 725 High Street, Norristown, Pa. Applicant's attorney: Morris J. Winokur, Suit 1920, Two Penn Center, Pennsylvania Boulevard at 15th, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand, and gravel*, between Howellville, Pa., and points within twenty-five (25)

miles of Howellville, on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey.

No. MC 107064 (Sub-No. 35), filed February 7, 1964. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Avenue, Post Office Box 2998, Dallas 21, Tex. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer solutions*, in bags and packages and in bulk, from points in Texas on and west of U.S. Highway 83 to points in Oklahoma, Kansas, Colorado, Wyoming, Nebraska, Missouri, and New Mexico.

No. MC 107496 (Sub-No. 307), filed February 7, 1964. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Palmyra, Mo., and points within ten (10) miles thereof, to points in Iowa and Illinois.

NOTE: Common control may be involved.

No. MC 108207 (Sub-No. 130), filed February 11, 1964. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Plymouth, Wis., to points in Texas.

No. MC 108912 (Sub-No. 6), filed February 10, 1964. Applicant: CHICAGO PITTSBURGH EXPRESS, INC., 654 West 21st Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of Libby, McNeill & Libby at or near Darien, Wis., to points in Ohio and Pennsylvania.

No. MC 109346 (Sub-No. 8) (AMENDMENT), filed January 15, 1964 published in FEDERAL REGISTER issue of January 29, 1964, and republished as amended, this issue. Applicant: J. L. COX & SON, INC., Raytown, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials, and supplies*, used in connection with the construction, operation, maintenance, servicing, repair or dismantling of pipelines, between points in the United States.

NOTE: The purpose of this republication is to broaden the territorial scope of the application by eliminating the phrase "except California," as previously published.

No. MC 109478 (Sub-No. 74) (CORRECTION), filed January 31, 1964, published FEDERAL REGISTER issue February 12, 1964, and republished as corrected this issue. Applicant: WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery Number 1, North East,

Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa.

NOTE: The purpose of this republication is to show the origin point to be Fredonia, N.Y., in lieu of Fredonia, N.J. as shown in previous publication.

No. MC 109430 (Sub-No. 10), filed February 10, 1964. Applicant: HEAVY DUTY HAULERS, INC., 6720 Davidson Road, Columbia, S.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 403-11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machinery parts, road construction machinery, contractors equipment, structural and reinforcing steel, sheet steel and tank components, and articles which, because of weight or size, require special equipment*, between points in Richland, Lexington, Sumter, and Florence Counties, S.C., on the one hand, and, on the other, points in Ohio and West Virginia.

No. MC 110098 (Sub-No. 39), filed February 6, 1964. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Station A (Box 7249), San Antonio 7, Tex. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Arkansas, Kansas, Missouri, Oklahoma, Texas, and to New Orleans, La.

NOTE: Applicant states the proposed operations will be restricted against tacking with any authority presently held by applicant and further restricted against interlining at Darien, Wis.

No. MC 110193 (Sub-No. 60), filed February 10, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, Maine, New Hampshire, Pennsylvania, Maryland, and the District of Columbia.

NOTE: Applicant states that the proposed service is to be restricted against tacking with any authority now held by applicant and restricted further against interlining at Darien, Wis.

No. MC 112750 (Sub-No. 182), filed February 11, 1964. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude J. Jasper, 111 South Fairchild Street, Suite 301, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds (except plant removals)*, between Milwaukee, Wis., on the one hand, and, on the other, Zion, Ill., (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels,*

envelopes and packaging materials, and advertising literature moved therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Milwaukee, Wis., on the one hand, and, on the other, Des Plaines, Ill.

Note: Applicant states the proposed service in (1) and (2) above will be under contract with Statistical Tabulating Corporation, and Des Plaines Photo Service Incorporated, respectively. Common control may be involved.

No. MC 112750 (Sub-No. 183), filed February 11, 1964. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Automotive and vehicle parts and supplies*, between Melrose Park, Ill., on the one hand, and, on the other points in Wisconsin, Indiana, and Iowa.

Note: Applicant states that the proposed service is to be restricted to packages weighing 50 pounds or less and having an overall dimension no greater than 7,000 cubic inches. Common control may be involved. Applicant further states that the proposed service will be performed for the Ford Division, Ford Motor Company.

No. MC 112801 (Sub-No. 9), filed February 11, 1964. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago 50, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsions, and asphalt products*, in bulk, in tank vehicles, from Rock Falls, Ill., to points in Wisconsin.

No. MC 114389 (Sub-No. 6), filed December 23, 1963. Applicant: GALE B. ALEXANDER, Fremont, Iowa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, in shipper-owned trailers, from St. Paul, Minn., to Ottumwa, Iowa, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified above, on return.

Note: Applicant states the proposed service will be for the account of Mutt Harris Distributing Co.

No. MC 116063 (Sub-No. 38), filed February 10, 1964. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Post Office Box 7346, Ft. Worth, Tex., 76111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feather meal, poultry meal, and poultry fat*, in bulk, from Nacogdoches, Tex., to points in Arkansas, Louisiana, and Oklahoma, and damaged and rejected shipments, on return.

No. MC 117119 (Sub-No. 137), filed February 11, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from Siloam Springs and Gentry, Ark., to points in Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

No. MC 117119 (Sub-No. 138), filed February 10, 1964. 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: (1) *Frozen foods* (including fruit juices and vegetable juice and concentrates thereof), in mixed shipments with canned goods (including fruit juices and vegetable juices, and concentrates thereof, not frozen), (2) *frozen foods* (including fruit juices and vegetable juices and concentrates thereof), in mixed shipments with commodities exempt from economic regulation pursuant to the provisions of section 203(b) (6) of the Act, (3) *canned goods* (including fruit juices and vegetable juices and concentrates thereof, not frozen), in mixed shipments with commodities exempt from economic regulation pursuant to the provisions of section 203(b) (6) of the Act, (4) *canned goods*, (including fruit juices and vegetable juices and concentrates thereof, not frozen), and (5) *frozen foods* (including fruit juices and vegetable juices and concentrates), from points in California and Arizona to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming.

No. MC 117119 (Sub-No. 139), filed February 10, 1964. 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: *Foodstuffs*, from Siloam Springs and Gentry, Ark., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

No. MC 118196 (Sub-No. 15), filed February 7, 1964. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, 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*, from points in Missouri, Arkansas, Oklahoma, and Kansas, to points in North Dakota and South Dakota.

No. MC 119741 (Sub-No. 8), filed February 10, 1964. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles dis-*

*tributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company, located at or near Emporia, Kans., to points in Illinois, Iowa, Nebraska, and Missouri.

Note: Applicant states that the authority sought herein is restricted to the transportation of shipments originating at the plant site of Armour & Company, located at or near Emporia, Kans.

No. MC 119778 (Sub-No. 65), filed February 10, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-411 Bell Building, Montgomery, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (except petroleum products), from Columbus, Ga., and points within ten (10) miles of Columbus, to points in Alabama, Florida, and Georgia.

Note: Common control may be involved.

No. MC 123405 (Sub-No. 9), filed February 11, 1964. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, 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: *Canned, bottled and otherwise packaged edible foodstuffs*, from points in Louisiana and Mississippi on and south of U.S. Highway 80 to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Rhode Island, Connecticut, Massachusetts, and the District of Columbia.

No. MC 123639 (Sub-No. 17), filed February 10, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Iowa, Nebraska, Kansas and Missouri.

Note: Applicant states the above authority will be restricted to traffic originating at Darien, Wis.

No. MC 123993 (Sub-No. 1), filed February 10, 1964. Applicant: LOIS M. FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, Post Office Box 603, Crowley, La. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plant site of Cargill, Inc., located at Chalmette, La., to points in Arkansas, Alabama, Florida, Georgia, Mississippi, Louisiana, Texas, Tennessee, South Carolina, and North Carolina.

Note: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 41116 and Subs thereunder; therefore dual operations may be involved.

No. MC 124078 (Sub-No. 96), filed January 13, 1964. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611

South 28th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid commodities* (except paving asphalt from Portage, Wis., to points in Wisconsin within 200 miles of Portage), and (2) *dry commodities* (except cement having a prior movement by rail and/or water), between points in Wisconsin.

NOTE: Applicant states all traffic will be restricted to shipments having a prior or subsequent movement by rail, water, or truck. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113882; therefore dual operations may be involved.

No. MC 124154 (Sub-No. 3), filed February 10, 1964. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, Post Office Box 1372, Albany, Ga. Applicant's attorney: Ariel V. Conlin, Suite 620 Fulton National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment or handling, between points in Dougherty County, Ga., and points in South Carolina.

No. MC 125562 (Sub-No. 1), filed February 3, 1964. Applicant: EDWIN S. LEHMAN & DENNIS D. LEHMAN, doing business as LEHMAN TRUCKING CO., a partnership, Box 103, Kidron, Ohio. Applicant's attorney: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, Ohio, 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum truck body kits*, knocked down, and *cabs and fabricated parts for construction machinery*, in shipper-owned trailers, from Kidron, Ohio, to Jamestown, Rochester, Albany, and Utica, N.Y., Philadelphia and Harrisburg, Pa., Kalamazoo, Mich., Louisville, Ky., Knoxville and Chattanooga, Tenn., Miami, Jacksonville, Tampa and Sarasota, Fla., Sylvestor, Ga., Woonsocket, R. I., and the port of entry on the International Boundary line between the United States and Canada at or near Detroit, Mich., and *damaged and defective shipments* of the above described commodities, and *materials and supplies used in the manufacture of the above described commodities*, on return.

No. MC 125757 (Sub-No. 1), filed January 22, 1964. Applicant: R. S. HARVEY AND J. H. LOGSDON, a partnership, doing business as JO-JO'S GARAGE, U.S. Highway 41-A North, Clarksville, Tenn. Applicant's attorney: Robert H. Cowan, Suit 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged and disabled motor vehicles and motor vehicles to be utilized for replacement of such wrecked, damaged and disabled motor vehicles*, using wrecker equipment only, between points in Montgomery, Robertson, Stewart, Cheatham and Houston Counties, Tenn., and points in Christian, Trigg, Todd and Logan

Counties, Ky., on the one hand, and, on the other, points in Kentucky, Alabama, Illinois, Indiana, Missouri, Tennessee, Mississippi, and Georgia.

No. MC 125839 (Sub-No.1), filed February 7, 1964. Applicant: RAYMOND RAO, doing business as RAY'S TOWBAR SERVICE, 114 Fifth Avenue SW., Fargo, N. Dak. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, trucks, and truck-tractors*, in driveway service, (1) from Fargo, N. Dak., to points in North Dakota, Montana, Wyoming, Idaho, Oregon, and Washington, and (2) from points in South Dakota, Minnesota, Iowa, Wisconsin, and Illinois to Fargo, N. Dak.

No. MC 125970 (AMENDMENT), filed January 20, 1964, published FEDERAL REGISTER issue February 12, 1964, amended February 13, 1964, and republished as amended this issue. Applicant: GERODAN TRUCKING & WAREHOUSE CORP., 15 Moore Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J.

NOTE: The purpose of this republication is to show that the applicant proposes to transport artificial Christmas trees, in lieu of Christmas trees, as shown in previous publication.

No. MC 125985, filed February 7, 1964. Applicant: AUTO DRIVEAWAY COMPANY, a corporation, 343 South Dearborn Street, Chicago, Ill. Applicant's attorneys: Robert R. Hendon, 4000 Tunlaw Road NW., Washington 7, D.C. and Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks, including baggage, sporting equipment and other personal effect of the owners thereof*, by drive-away movement, between points in the United States including Alaska, but excluding Hawaii.

NOTE: Applicant states that the authority sought is subject to the following restrictions: (1) No transportation of trucks having a capacity in excess of three-fourths (¾) ton shall be performed; and (2) no transportation shall be performed for or on behalf of manufacturers of trucks or automobiles.

No. MC 125992, filed February 7, 1964. Applicant: RICHARD WATSON, Rural Free Delivery No. 2, Ovid, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, fertilizer, fertilizer ingredients, seeds, and fence posts*, from Maumee, Ohio, to Ovid, Elsie, and Carland, Mich., and *exempt commodities*, on return.

No. MC 125994, filed February 6, 1964. Applicant: LEROY J. JOHNSON, Route 2, Box 740, Marysville, Wash. Applicant's attorney: James T. Johnson, 609 Norton Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal, alfalfa meal and copra meal*, from points in California to points in Washington.

No. MC 125995, filed February 7, 1964. Applicant: ELWIN D. McCURRY, doing business as McCURRY FARM SUPPLY, Route No. 1, Fair Grove, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bags, blocks, and in bulk, from Hutchinson, Kans., to Fair Grove, Mo., and points in Dallas, Polk, Hickory, Webster, Laclede, and Christian Counties, Mo., (2) *fertilizer*, in bags and in bulk, from East St. Louis, Ill., to Fair Grove, Mo., and points in Dallas, Polk, Hickory, Webster, Laclede, and Christian Counties, Mo., and (3) *mill feed, bran, and shorts*, from Winfield, Kans., to Fair Grove, Mo., and points in Dallas, Polk, Hickory, Webster, Laclede, and Christian Counties, Mo.

NOTE: Applicant states that it will transport exempt commodities, on return.

No. MC 126000, filed February 10, 1964. Applicant: CHARLES SOJOURNER, doing business as SOJOURNER TRUCKING COMPANY, Crystal Springs, Miss. Applicant's attorney: Donald B. Morrison, Post Office Box 961, Jackson, Miss., 39204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furnishings, fixtures, and equipment used in school laboratories*, from the plant site of General Equipment Manufacturers, located in Crystal Springs, Miss., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Louisiana, Oklahoma, Tennessee, and Texas.

NOTE: Applicant states the proposed operations will be limited to a transportation service performed under a continuing contract with General Equipment Manufacturers, Crystal Springs, Miss.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 116612 (Sub-No. 8), filed February 12, 1964. Applicant: BRACERO TRANSPORTATION COMPANY, INC., Post Office Box 476, Edinburg, Tex. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers*, as defined in Section 203 (a) (23) of the Interstate Commerce Act, and *their baggage*, in the same vehicle, between points in the United States (except Alaska and Hawaii).

NOTE: Duplication with present authority will be eliminated.

No. MC 125972, filed February 5, 1964. Applicant: FLEETWOOD AERO COACH COMPANY, a corporation, 18 Old Jug Court, Harrington Park, N.J. Applicant's attorney: Michael J. Marzano, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express*, in the same vehicle with passengers, (1) between Suffern, N.Y., and La Guardia Airport and John F. Kennedy International Airport, New York City, N.Y., beginning at junction of Orange Avenue and Railroad Avenue, in Suffern, N.Y., over

Orange Avenue to New York-New Jersey State line where it becomes Franklin Turnpike, thence continuing over Franklin Turnpike to Mahwah-Ramsey boundary line where it becomes North Franklin Turnpike, thence continuing over North Franklin Turnpike to junction New Jersey Highway 17, in Ramsey, N.J., thence over New Jersey Highway 17 to junction Sheridan Avenue, in Waldwick, N.J.,

Thence over Sheridan Avenue to junction North Maple Avenue, in Hohokus, N.J., thence over North Maple Avenue to junction Franklin Avenue, in Ridge-wood, N.J., thence over Franklin Avenue to junction Oak Street, thence over Oak Street to junction Van Neste Square, thence over Van Neste Square to junction Prospect Street, thence over Prospect Street to junction South Maple Avenue, thence over South Maple Avenue to the point where it becomes Maple Avenue, thence continuing over Maple Avenue to junction Rock Road, in Glen Rock, N.J., thence over Rock Road to junction Harding Plaza, thence over Harding Plaza to junction Rock Road, thence over Rock Road to junction Hamilton Avenue, thence over Hamilton Avenue to junction Harristown Road, thence over Harristown Road to junction Radburn Road,

Thence over Radburn Road to junction Plaza Road, thence over Plaza Road to the point where it becomes North Plaza Road in Fair Lawn, N.J., thence continuing over North Plaza Road to the point where it becomes South Plaza Road, thence continuing over South Plaza Road to junction access roads to New Jersey Highway 208, thence over access roads to New Jersey Highway 208, thence over New Jersey Highway 208 to junction New Jersey Highway 4, in Fair Lawn, N.J., thence over New Jersey Highway 4 to junction access roads to Teaneck Road in Teaneck, N.J., thence over access roads to Teaneck Road, thence over Teaneck Road to junction Cedar Lane, thence around Cedar Lane-Teaneck Road Circle over Teaneck Road to junction access roads to New Jersey Highway 4, thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to junction access roads to South Marginal Road, in Fort Lee, N.J.,

Thence over South Marginal Road to junction Center Avenue, thence over Center Avenue to junction Cross Street, thence over Center Avenue to junction access roads to the George Washington Bridge Plaza, thence over access roads to George Washington Bridge Plaza, thence over George Washington Bridge Plaza to the George Washington Bridge, thence over George Washington Bridge to New York City, N.Y., thence over city streets and highways to La Guardia Airport and John F. Kennedy International Airport in New York City, N.Y.; and return from John F. Kennedy International Airport and La Guardia Airport, New York City, N.Y., over city streets and highways to the George Washington Bridge, thence over the George Washington Bridge to George Washington Bridge Plaza, in Fort Lee, N.J.,

Thence over George Washington Bridge Plaza to access roads to Center Avenue, in Fort Lee, N.J., thence over access roads to Center Avenue, thence over Center Avenue to junction Cross Street, thence over Cross Street to junction access roads to George Washington Bridge Plaza, thence over access roads to George Washington Bridge Plaza, thence over George Washington Bridge Plaza to New Jersey Highway 4, thence over New Jersey Highway 4 to junction with access roads to Teaneck Road, in Teaneck, N.J., thence over access roads to Teaneck Road, thence over Teaneck Road to junction with Cedar Lane, thence around the Cedar Lane-Teaneck Road Circle and over Teaneck Road to junction access roads to New Jersey Highway 4, in Teaneck, N.J.,

Thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to junction access roads to Forest Avenue, in Paramus, N.J., thence over access roads to Forest Avenue, thence over Forest Avenue to Paramus-Maywood boundary line where it becomes Maywood Avenue, thence continuing over Maywood Avenue to junction Spring Valley Avenue, in Maywood, N.J., thence over Spring Valley Avenue to the Bergen Mall Shopping Center, thence from Bergen Mall Shopping Center over Spring Valley Road to junction access roads to New Jersey Highway 4, in Paramus, N.J., thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to junction New Jersey Highway 208, in Fair Lawn, N.J.,

Thence over New Jersey Highway 208 to junction access roads to Berdan Avenue in Fair Lawn, N.J., thence over access roads to Berdan Avenue, thence over Berdan Avenue to junction South Plaza Road, thence over South Plaza Road to the point where it becomes North Plaza Road, in Fair Lawn, N.J., thence continuing from said point to junction of Orange Avenue and Railroad Avenue, in Suffern, N.Y., as described above, serving all intermediate points; and,

(2) Between town of Clarkstown, N.Y., and La Guardia Airport and John F. Kennedy International Airport, New York City, N.Y., beginning at junction of New York Highway 59 and exit road from the New York State Thruway (Spring Valley Interchange No. 14), in the town of Clarkstown, N.Y., over New York Highway 59 to junction access roads to Old Nyack Turnpike, thence over access roads to Old Nyack Turnpike, thence over Old Nyack Turnpike to access roads to New York State Thruway (Spring Valley Interchange No. 14) thence over to New York State Thruway to exit roads to New York Highway 303 (West Nyack Interchange No. 12), thence over exit roads to New York Highway 303, thence over New York Highway 303 to junction Oak Tree Avenue, in Tappan, N.Y.,

Thence over Oak Tree Avenue to junction Main Street, thence over Main Street to New York-New Jersey State line where it becomes Tappan Road, thence continuing over Tappan Road to junction Schraalenburgh Road in Harrington Park, N.J., thence over Schraal-

enburgh Road to junction La Roche Avenue, thence over La Roche Avenue to junction Elm Street, thence over Elm Street to junction Schraalenburgh Road, thence over Schraalenburgh Road to junction Closter Road, thence over Closter Road to the point where it becomes Harrington Avenue, thence continuing over Harrington Avenue to junction Old Closter Dock Road, in Closter, N.J., thence over Old Closter Dock Road to junction Vervalen Street,

Thence over Vervalen Street to junction Piermont Road, thence over Piermont Road to junction Central Avenue, in Tenafly, N.J., thence over Central Avenue to junction West Railroad Avenue, thence over West Railroad Avenue to junction Jay Street, thence over Jay Street to junction Piermont Road, thence over Piermont Road to junction East Clinton Avenue, thence over East Clinton Avenue to junction Dean Drive, thence over Dean Drive to Tenafly-Englewood boundary line where it becomes Dean Street, thence continuing over Dean Street to junction Palisades Avenue, in Englewood, N.J., thence over Palisades Avenue to junction U.S. Highway 9W, in Englewood Cliffs, N.J., thence over U.S. Highway 9W to junction Cross Street, in Fort Lee, N.J., thence over Cross Street to junction Center Avenue, thence over Center Avenue to junction access roads to George Washington Bridge Plaza,

Thence over access roads to George Washington Bridge Plaza, thence over George Washington Bridge Plaza to the George Washington Bridge, thence over the George Washington Bridge to New York City, N.Y., thence over city streets and highways to La Guardia Airport and John F. Kennedy International Airport in New York City, N.Y., and return from John F. Kennedy International Airport and La Guardia Airport, New York City, N.Y., over city streets and highways to the George Washington Bridge, thence over the George Washington Bridge to George Washington Bridge Plaza, in Fort Lee, N.J., thence over George Washington Bridge Plaza to access roads to Center Avenue, in Fort Lee, N.J., thence over access roads to Center Avenue, thence over Center Avenue to junction Cross Street, thence over Cross Street to junction U.S. Highway 9W, thence over U.S. Highway 9W to junction Palisades Avenue, in Englewood Cliffs, N.J.,

Thence over Palisades Avenue to junction Engle Street, in Englewood, N.J., thence over Engle Street to junction Westervelt Avenue, in Tenafly, N.J., thence over Westervelt Avenue to junction Huyler Avenue, thence over Huyler Avenue to junction Dean Drive, thence over Dean Drive to junction East Clinton Avenue, thence over East Clinton Avenue to junction Piermont Road, thence over Piermont Road to junction Hillside Avenue, thence over Hillside Avenue to junction Jay Street, thence over Jay Street to junction Piermont Road, thence over Piermont Road to junction Vervalen Street in Closter, N.J., thence over Vervalen Street to junction Old Closter Dock Road, thence over Old Closter Dock Road to junction Harrington Avenue,

Thence over Harrington Avenue to the point where it becomes Closter Road, thence continuing over Closter Road to junction Schraalenburgh Road, in Harrington Park, N.J., thence over Schraalenburgh Road to junction La Roche Avenue, thence over La Roche Avenue to junction Elm Street, thence over Elm Street to junction Schraalenburgh Road, thence over Schraalenburgh Road to junction Tappan Road, thence over Tappan Road to New Jersey-New York State line where it becomes Main Street, thence over Main Street to junction Oak Tree Avenue, in Tappan, N.Y.

Thence over Oak Tree Avenue to junction New York Highway 303, thence over New York Highway 303 to junction access roads to New York State Thruway (West Nyack Interchange No. 12), thence over access roads to New York State Thruway, thence over New York State Thruway to junction exit roads to New York Highway 59 (Spring Valley Interchange No. 14), thence over exit roads to New York Highway 59, in the Town of Clarkstown, N.Y., serving all intermediate points.

NOTE: Applicant states the above proposed operations will be subject to the following restrictions: (1) Limited to the transportation of not more than eleven (11) passengers in any one vehicle, not including the driver thereof; (2) no passengers shall be transported over the above described routes whose trip begins in Rockland County, N.Y., and ends in Bergen County, N.J., or whose trip begins in Bergen County, N.J., and ends in Rockland County, N.Y.; and (3) no passengers shall be picked up or discharged in New York City, N.Y., except at La Guardia Airport and John F. Kennedy International Airport.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

##### MOTOR CARRIERS OF PROPERTY

No. MC 7576 (Sub-No. 5), filed February 4, 1964. Applicant: E. B. HARTER, doing business as C. L. WRIGHT TRUCKING, South Charleston, W. Va. Applicant's attorney: J. A. Bibby, Jr., Suite 504 Security Building, Charleston, W. Va. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Chlorine compressed gas* in one-ton cylinders, (1) from South Charleston, W. Va., to Louisa, Ky.; from South Charleston over U.S. Highway 60 to Catlettsburg, Ky., thence over U.S. Highway 23 to Big Sandy and Louisa, Ky., to the plant of the Kentucky Power Company and return over the same route serving no intermediate points, (2) from South Charleston, W. Va. to Beverly, Ohio; from South Charleston over U.S. Highway 21 to Parkersburg, W. Va., thence over U.S. Highway 21 to Marietta, Ohio, thence over U.S. Highway 60 to Beverly, Ohio, to the plant of the Interlake Iron Corp. and return over the same route serving no intermediate points and (3) *empty containers or other incidental facilities* used in transporting the above described commodities on return in (1) and (2) above.

No. MC 37926 (Sub-No. 14), filed February 10, 1964. Applicant: R. H. WRIGHT, INC., Main Street, Greens-

boro, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Milk, milk products and ice cream mix*, in containers, from Greensboro, Md., to Eastville, Exmore, Fairfax, Cape Charles, Cedar Grove, Chincoteague, Manassas, and Tasley, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 119670 (Sub-No. 6), filed February 7, 1964. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's attorney: Robert H. Kinker, 7th Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk in containers, from Ludington and Midland, Mich., to points in Washington County, Va., Walker County, Ga., and Tennessee and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

No. MC 120584 (Sub-No. 2), filed February 6, 1964. Applicant: SHEPHERD TRUCK LINE, INC., Post Office Box 481, Irvine, Ky. Applicant's attorney: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (1) between junction Kentucky Highways 52 and 977, at or near Waco, Ky., and the site of the Richmond Water and Gas Company pumping station, from junction Kentucky Highway 52 and 977 over Kentucky Highway 977 and access road to the site of the Richmond Water and Gas Company pumping station, and return over the same route, serving all intermediate points, and (2) between junction Kentucky Highways 52 and 977, at or near Waco, Ky., and Irvine and Ravenna, Ky., over Kentucky Highway 52, serving all intermediate points.

No. MC 125996, filed February 9, 1964. Applicant: JENSEN TRUCKING CO., INC., 807 Washington Street, Gothenburg, Nebr. Applicant's attorney: Duane W. Aekle, Box 2028, Lincoln, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bags and bulk, between points in Idaho, and Ontario, Oreg., on the one hand, and, on the other, points in Iowa, Minnesota, Missouri, Nebraska, Wisconsin, and Ontario, Oreg.

##### MOTOR CARRIERS OF PASSENGERS

No. MC 84728 (Sub-No. 43), filed February 11, 1964. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, 1012 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in

the same vehicle with passengers, (1) between Newark, Del., and junction of Interstate Highway 95 and Maryland Highway 279; from Newark over Delaware Highway 2 to the Maryland-Delaware State line, thence over Maryland Highway 279 to junction Interstate Highway 95, and return over the same route, serving all intermediate points, (2) between Newark, Del., and junction Interstate Highway 95 and Delaware Highway 896, over Delaware Highway 896, serving all intermediate points, and (3) between Newark, Del., and junction Interstate Highway 95 and Delaware Highway 273, over Delaware Highway 273, serving all intermediate points.

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 64-1823; Filed, Feb. 25, 1964; 8:48 a.m.]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 20, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 32239, filed February 11, 1964. Applicant: HOWARD SEWELL, JR., doing business as SWELL MOTOR EXPRESS, 164 South Mulberry Street, Wilmington, Ohio. Applicant's attorney: Joe F. Asher, 50 West Broad Street, Columbus, Ohio. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, over regular routes, between Miami, Ohio, and Loveland, Ohio; from Miami over U.S. Highway 50 Bypass to junction Loveland Road, thence over Loveland Road to Loveland, and return over the same route.

HEARING: March 17, 1964, at 10:00 a.m., in the offices of the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Ohio Public Utilities Commission, 111 North High Street, Columbus, Ohio, and should not be di-

ected to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 64-1824; Filed, Feb. 25, 1964;  
8:49 a.m.]

**FOURTH SECTION APPLICATIONS  
FOR RELIEF**

FEBRUARY 20, 1964.

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 No. 38829: *Liquid caustic soda from Geismar, La.* Filed by O. W. South, Jr., agent (No. A4449), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Geismar, La., to Phelps and Rome, Ga., and Etowah, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 5 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 38830: *Pulpwood to Doctortown, Ga.* Filed by O. W. South, Jr., agent (No. A4450), for interested rail carriers. Rates on pulpwood, in carloads, from Covington and Madison, Ga., to Doctortown, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 115 to Southern Freight Association, agent, tariff I.C.C. S-86.

By the Commission

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 64-1819; Filed, Feb. 25, 1964;  
8:47 a.m.]

**DEPARTMENT OF LABOR**

**Wage and Hour Division**

**CERTIFICATES AUTHORIZING EM-  
PLOYMENT OF LEARNERS AT SPE-  
CIAL MINIMUM RATES**

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal prod-

uct manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ball Bra Manufacturing Co., Inc., 2445 Bedford St., Johnstown, Pa.; effective 2-4-64 to 2-3-65 (ladies' brassieres).

Michael Berkowitz Co., Inc., Rural Delivery No. 2, Waynesburg, Pa.; effective 2-10-64 to 2-9-65 (ladies' pajamas).

Carwood Manufacturing Co., Baldwin, Ga.; effective 2-19-64 to 2-18-65 (men's work pants).

Carwood Manufacturing Co., Plant No. 1, Cornelia, Ga.; effective 2-19-64 to 2-18-65 (men's work and sport shirts).

Carwood Manufacturing Co., Lavonia, Ga.; effective 2-19-64 to 2-18-65 (men's and boys' pants).

Carwood Manufacturing Co., Plant No. 1, Monroe, Ga.; effective 2-19-64 to 2-18-65 (men's and boys' dungarees, pants, and work coats).

Columbia Manufacturing Co., P.O. Box 3823, Park Place Station, 124 Henry Street, Greenville, S.C.; effective 2-7-64 to 2-6-65 (men's and boys' pajamas).

Dublin Garment Co., Inc., Troup Street, Dublin, Ga.; effective 2-13-64 to 2-12-65 (men's sport shirts).

Elder Manufacturing Co., McLeansboro, Ill.; effective 2-7-64 to 2-6-65 (men's and boys' shirts).

Fairfield Manufacturing Co., Winnesboro, S.C.; effective 2-20-64 to 2-19-65 (ladies' cotton dresses).

F. Jacobson & Sons, Inc., Jay and River Streets, Troy, N.Y.; effective 2-8-64 to 2-7-65 (men's dress shirts).

F. Jacobson & Sons, Inc., E St. and Pennsylvania Avenue, York, Pa.; effective 2-3-64 to 2-2-65 (men's sport shirts).

W. Koury Co., 633 Chatham Street, Sanford, N.C.; effective 2-6-64 to 2-5-65 (men's and boys' pants and work and sport shirts).

Monleigh Garment Co., Yackinville Road, Mocksville, N.C.; effective 2-6-64 to 2-5-65 (ladies' blouses and men's shirts).

Morgan Sportswear Co., Madison, Ga.; effective 2-13-64 to 2-12-65 (men's and boys' sport shirts).

Saluda Shirt Co., Inc., Saluda, S.C.; effective 2-8-64 to 2-7-65 (ladies' blouses).

Samsons Manufacturing Corp., Wilson, N.C.; effective 2-9-64 to 2-8-65 (men's dress shirts).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va.; effective 2-19-64 to 2-18-65 (ladies' woven underwear).

The Van Wert Manufacturing Co., Northeast Corner Main and Market Streets, Van Wert, Ohio; effective 2-4-64 to 2-3-65 (men's and boys' work and dress pants, utility jackets, and work shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., LeMars, Iowa; effective 2-13-64 to 2-12-65; 10 learners (men's denim dungarees).

Sportee Corp. of North Carolina, Tabor City, N.C.; effective 2-5-64 to 2-4-65; 10 learners. Learners may not be used at special minimum wages in the manufacture of skirts (ladies' and girls' shorts, pedal pushers, and blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Buckle Overall Co., Marshall, Tex.; effective 2-6-64 to 8-5-64; 50 learners (men's and women's denim jeans, leisure and work pants).

Bre-Co., Inc., Pittman's Corner, Irvington, Va.; effective 2-6-64 to 8-5-64; 25 learners (ladies' blouses).

The H. D. Lee Co., Inc., Boaz, Ala.; effective 2-7-64 to 8-6-64; 45 learners (men's work clothing).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Barber Hosiery Mills, Inc., 1078 South Main Street, Mount Airy, N.C.; effective 2-11-64 to 2-10-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Concord Seamless Knitting and Concord Hosiery Finishing Division, Concord, N.C.; effective 2-12-64 to 8-11-64; 40 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Eagle Knitting Mills, 507 South Second Street, Milwaukee, Wis.; effective 2-7-64 to 2-6-65; 5 percent of the total number of factory production workers for normal labor turnover (children's knit headwear and sweaters).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mt. Carmel, Pa.; effective 2-7-64 to 2-6-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Warner-Slimwear Lingerie, P.O. Box 457, Hemingway, S.C.; effective 2-15-64 to 8-14-64; 45 learners for plant expansion purposes (women's lingerie).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 14th day of February 1964.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 64-1794; Filed, Feb. 25, 1964;  
8:46 a.m.]

## NOTICES

**CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES**

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below \$1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below \$1.00 an hour in the base period.

## REGION III

R. Guinan & Co., 117 South Oak Street, Mount Carmel, Pa.; effective 1-28-64 to 9-2-64 (department store; 41 employees).

The New York Store, 238-244 High Street, Pottstown, Pa.; effective 1-23-64 to 9-2-64 (department store; 104 employees).

## REGION IV

Allens Market, 302 East Main, Siloam Springs, Ark.; effective 1-29-64 to 9-2-64 (food store; 10 employees).

## REGION V

G. C. Murphy Co., No. 434, 107-109 Main Street, Toledo, Ohio; effective 1-29-64 to 9-2-64 (variety store; 46 employees).

The Strouss-Hirshberg Co., 20 West Federal Street, Youngstown, Ohio; effective 1-28-64 to 9-2-64 (department store; 1,672 employees).

## REGION VIII

Whittaker Grocery, No. 1, 5720 Northwest 39th Street, Oklahoma City, Okla.; effective 2-5-64 to 9-3-64 (food store; 62 employees).

## REGION XI

Raylass Department Store, 835-841 Broad Street, Augusta, Ga.; effective 4-1-64 to 9-2-64 (department store; 34 employees).

Raylass Department Store, 112 Pendleton Street, Easley, S.C.; effective 1-16-64 to 9-2-64 (department store; 15 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below \$1.00 an hour to total hours of employment of all employees. The percentage limitations

vary from month to month between the minimum and maximum figures indicated.

Ball's Super Market, Inc., No. 3, 2848 West 47th Street, Kansas City, Kans.; effective 1-8-64 to 9-2-64; shag boys; between 7.1 percent and 10 percent (food store; new store).

S. S. Kresge Co., No. 186, Manor Shopping Center, 1262 Millersville Pike, Lancaster, Pa.; effective 1-17-64 to 9-2-64; part-time salesladies; 10 percent for each month (variety store; 30 employees).

G. C. Murphy Co., No. 173, Hancock Shopping Center, East 41st Street at Interregional Highway, Austin, Tex.; effective 2-1-64 to 9-2-64; sales clerk, stock clerk, office clerk, janitor; 10 percent for each month (variety store; new store).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 14th day of February 1964.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 64-1759; Filed, Feb. 24, 1964; 8:46 a.m.]

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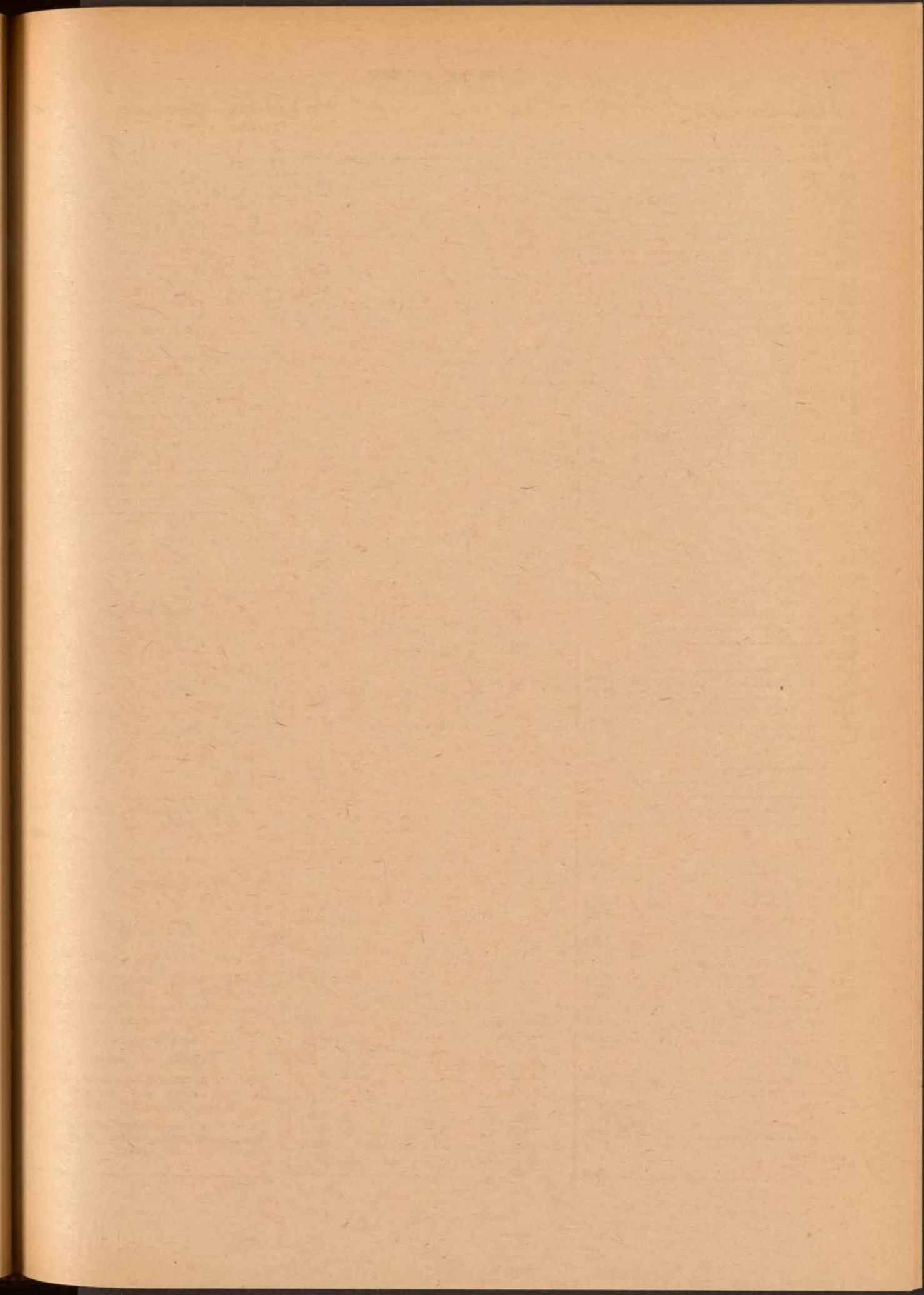
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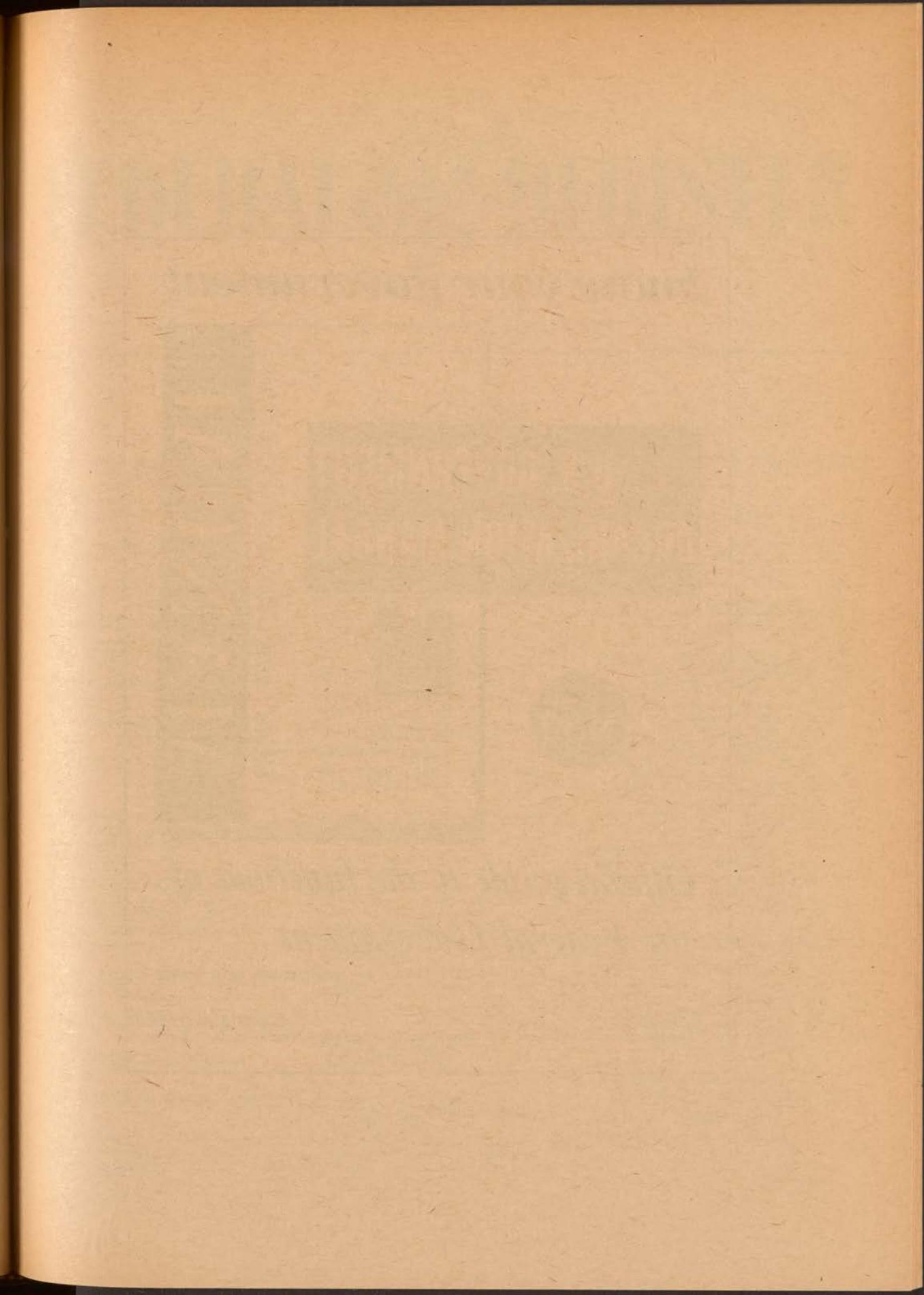
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